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Chair

Mr. Bob Zimmer

Standing Committee on Access to Information, Privacy and Ethics

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• (1300)

[English]

The Chair (Mr. Bob Zimmer (Prince George—Peace River—Northern Rockies, CPC)): I'd just like to welcome everybody here to the Standing Committee on Access to Information, Privacy and Ethics, meeting number 160. We are dealing with committee business and two motions: the first from Mr. Kent and the second from Mr. Angus.

I would like, first of all, to welcome some members with us today who aren't usual members of the ethics committee. Ms. May was supposed to be here but I don't see her yet. We're going to welcome her here today, as well as Ms. Raitt, Mr. Poilievre, Ms. Ramsey and Mr. Weir. I think that's everybody. While the extra members are not members of this committee, as a courtesy we typically give guests the right to speak.

Having said that, I'll turn the floor over to Mr. Kent.

Hon. Peter Kent (Thornhill, CPC): Thank you, Chair.

Good afternoon, colleagues. You'll recall that on January 10, 2018, this committee met in a special session with the former Ethics Commissioner Mary Dawson, enabling her to brief us on "The Trudeau Report", which turned out to be Trudeau report number one, the results of her investigation into the Prime Minister's illegal vacation.

Ms. Dawson spent two hours with us, providing important relevant details on how she came to find the Prime Minister guilty of four violations of the Conflict of Interest Act. The findings of "The Trudeau Report" number one detailed unacceptable ethical lapses by the Prime Minister. However, Trudeau report number two, the scathing report released just last week by current Ethics Commissioner Mario Dion, details many more serious violations of the Conflict of Interest Act, up to and including, by any reasonable measure, attempted obstruction of justice or as Commissioner Dion concludes, actions "contrary to the constitutional principles of prosecutorial independence and the rule of law."

This is why, colleagues, Mr. Gourde and I wrote the following letter to the chair of our committee, Mr. Zimmer:

Yesterday, the Conflict of Interest and Ethics Commissioner released the "Trudeau II Report". The report found "The Prime Minister, directly and through his senior officials, used various means to exert influence over Ms. Wilson-Raybould. The authority of the Prime Minister and his office was used to circumvent, undermine and ultimately attempt to discredit the decision of the Director of Public Prosecutions as well as the authority of Ms. Wilson-Raybould as the Crown's chief law officer."

This is incredibly concerning. These findings show that Justin Trudeau used the power of his office to reward his friends and to punish his critics.

This is a grave situation. Not only is Mr. Trudeau the first Prime Minister to have been found guilty of breaking the law, he is a repeat offender.

Canadians deserve fulsome answers to the many remaining questions. We ask that you urgently convene a meeting of the Standing Committee on Access to Information, Privacy and Ethics for the purposes of receiving a briefing from the Conflict of Interest and Ethics Commissioner.

We would be prepared to move the following motion:

That, given the unprecedented nature of the Trudeau II Report, the Committee invite the Conflict of Interest and Ethics Commissioner to brief the Committee on his report, and that the Committee invite any further witnesses as required based on the testimony of the Commissioner.

Colleagues, in this committee's previous consideration of opposition motions regarding the SNC-Lavalin scandal, Mr. Erskine-Smith, speaking for all Liberal members of this committee, characterized those motions as premature until the justice committee completed its study and the Ethics Commissioner completed his investigation. The Liberal majority voted against all opposition motions.

Now we know the chair and Liberal members of the justice committee shut down their study prematurely, and a week ago, the Ethics Commissioner published the "Trudeau II Report", reporting to parliamentarians and to all Canadians that their Prime Minister broke the law by improperly attempting to influence the Attorney General in "many ways". It confirmed Canadians' decisions and suspicions and much more.

It is a weighty report, even though the commissioner states that his investigation is incomplete and even though he reports he was prevented by the Clerk of the Privy Council from accessing relevant witness testimony under a blanket confidentiality shield, thus blocking him from looking at the entire body of evidence. Despite all of those challenges, the Ethics Commissioner declares he gathered sufficient factual information to properly determine the matter on its merits. He has itemized those facts in great detail.

Again, as the commissioner writes in his conclusion, the Prime Minister's actions were "improper" and "contrary to the constitutional principles of prosecutorial independence and the rule of law."

Colleagues, these detailed findings of fact on a Prime Minister's actions are unprecedented in Canadian history. I hope that you will agree that a debriefing session with the Ethics Commissioner as soon as possible is as appropriate now as was the debriefing session on "The Trudeau Report" number one with the previous commissioner last year.

•(1305)

Thank you, Chair.

The Chair: Thank you, Mr. Kent.

We have a speaking order: Ms. Raitt, Mr. Angus and Mr. Poilievre.

Ms. Raitt.

Hon. Lisa Raitt (Milton, CPC): Thank you very much, Mr. Chair. I echo the comments made by Mr. Kent with respect to the desire for this committee to move forward by hearing from the Ethics Commissioner.

I am here today because I was a member of the justice committee that was shut down in March of this year in favour of the Ethics Commissioner's conducting his study. A letter was sent by the Liberal members of the committee on March 18 to the chair of the justice committee. Those members were Randy Boissonnault, Iqra Khalid, Ali Ehsassi, Ron McKinnon and Colin Fraser.

They said their conclusion, after the testimony heard at the justice committee, was that all of the rules and laws were followed. They also said they believed that the ongoing study of the Ethics Commissioner was the appropriate way forward and that they had faith in the Ethics Commissioner. They also noted that the opposition parties rushed to judgment before hearing all of the relevant information.

Following the shutting down of the justice committee, the ethics committee then tried to raise the issue for discussion. On March 26, the matter was again blocked. As a result, we were left with the office of the Ethics Commissioner being the only venue where an investigation was taking place. Indeed, if you look at Hansard for April and May of 2019, when asked questions by members of the opposition, the Prime Minister said and then reiterated continuously that he had faith in the Ethics Commissioner conducting his study.

However, most recently the Prime Minister, in commenting on the "Trudeau II Report" issued last week, said two things that caught my attention. The first was "We fully cooperated with the Commissioner" and the second was "I disagree with that conclusion". These two statements carry great weight. They're by the Prime Minister of Canada and they are the only statements regarding the Ethics Commissioner's report on record by the Prime Minister on this matter. It is unfair that the Ethics Commissioner has no voice and no venue to be able to respond to these two assertions made by the Prime Minister.

There is a provision in the Conflict of Interest Act to allow somebody who is being investigated to appeal a ruling of the Ethics Commissioner. We find ourselves in some uncharted territory because what the Prime Minister seems to seek to do is to change the report of the Ethics Commissioner by saying that he doesn't agree with it and that he fully co-operated.

The evidence of the Ethics Commissioner in his report is that, to the contrary of the Prime Minister's statement, they did not fully co-operate with the commissioner at all. Indeed, the commissioner went to great lengths to note his concerns with respect to the appropriateness of the way in which the Prime Minister sought to produce documents, be interviewed and, at the end of the day,

determine whether or not a waiver would be extended to allow the Ethics Commissioner to have access to all of the information he deemed appropriate for the study.

Where we find ourselves in uncharted territory is this: The Conflict of Interest Act does not allow for the Ethics Commissioner's report to be changed. No committee of Parliament, no vote in the House of Commons can change the contents of a report by, or the decision of, the Ethics Commissioner. The report is what it is and stands as it is, yet the Prime Minister is now trying to say the report is wrong.

The good news for him is that if he chooses to in fact go ahead and appeal the ruling of the Ethics Commissioner, he has the ability to do so. He can do that by launching a judicial review at the Federal Court of Appeal. That is the appropriate venue for the Prime Minister to challenge the Ethics Commissioner, not in the court of public opinion, which he is seeking to do right now.

Why does this all pertain to a visit by the Ethics Commissioner to committee? Well, I do believe, as a lawyer, that there are rules regarding procedural fairness. Clearly, the Prime Minister is not going to be seeking judicial review of this ruling. He hasn't said he is going to do that, and in fact it doesn't seem as if he has any plans to even address that question.

That being said, it is still fair for the Ethics Commissioner to be able to respond in some way, shape or form to questions by the committee, by members of Parliament who seek to understand the discrepancy between what the Ethics Commissioner found and what the Prime Minister is attempting to assert to the Canadian public.

•(1310)

That is the issue of public interest that is so important in having the Ethics Commissioner come to testify. It is the foundation of our rule of law that accusations are allowed to be responded to and rebutted. That, I believe, is something, as parliamentarians, we owe to the Ethics Commissioner, who does his work at the request of all parliamentarians and indeed is voted on by all parliamentarians to sit as an officer of Parliament.

In summary, Mr. Chair, I would say that, after months and months of the Liberal members of Parliament on the justice committee, on the ethics committee, the Prime Minister himself and every minister who answered a question in the House of Commons answering with the refrain that they trust and believe in the independence of parliamentary officers and will listen to them and will co-operate fully, it is owed to the Ethics Commissioner, due to all of these comments, to have the ability to come in and respond to the two things the Prime Minister has said about this report, which are, first, that he fully co-operated with the commissioner, which the commissioner says is not the case, and second, that he disagrees with the conclusion, without telling us which conclusion he disagrees with.

With that, Mr. Chair, I pass the floor to the next individual, and I hope that my colleagues on the other side will, in fact, allow for the Ethics Commissioner to appear today, in fairness, in justice and to uphold the administration of our procedure.

The Chair: The speaking order is Mr. Angus, Mr. Poilievre, Ms. May, Mr. Weir and Ms. Ramsey.

Go ahead, Mr. Angus.

[Translation]

Mr. Charlie Angus (Timmins—James Bay, NDP): Thank you, Mr. Chair.

It's simple: no one is above the law. It's a fundamental principle in Canada. The obligation to ensure ethical standards for all parliamentarians is the role of this committee. Mr. Dion's report is clear: Mr. Trudeau broke Canadian law. He set up a plan to undermine the role of the former attorney general of Canada to help his friends at SNC-Lavalin. It's not acceptable in Canada for the Prime Minister's Office to be an open bar for lobbyists. We have an obligation to abide by the codes and ethics of the Parliament of Canada.

[English]

Mr. Chair, it is my understanding that Mr. Dion is ready to speak. Is that correct?

The Chair: Just to be clear, he said he'd make himself available on short notice. Based on some questions from all parties here, he has made himself available today by video conference so he is standing by if a motion is passed.

Mr. Charlie Angus: He reports to our committee. He's an officer of Parliament and, as an officer of Parliament, his job is to ensure that every parliamentarian meets the highest ethical code. When you are the Prime Minister of this country you are expected to meet the highest ethical code. We have the commissioner ready to speak and to respond to the report, as his normal function is to come to our committee and present that report.

We need to hear from Mr. Dion because to have the Prime Minister of the country found guilty of breaking the law to aid very powerful people by writing a piece of legislation that existed only for that company—it was written for one purpose, to give them a “get out of jail” card—and then by having a campaign involving so many key people in the Liberal government to put pressure on the Attorney General and the independent prosecutor, this is not acceptable.

Either we have the rule of law in this country or we don't. That is the fundamental question. For the Prime Minister to invoke the Mark Zuckerberg defence, which is “Hey, thanks a lot for finding me guilty. I'm just going to blow you off....” Mark Zuckerberg may get away with that because he lives in another jurisdiction and he is a gazillionaire, but Justin Trudeau cannot blow off the Ethics Commissioner of Canada. If he wants to do that, then he needs to come back and bring in a law that says he's no longer bound by any laws. However, right now he is bound by the Conflict of Interest Act and he's been found guilty.

We see there is a pattern of interference by his office and the Privy Council, which prevented nine potential witnesses from giving testimony. We need to know who those nine witnesses were. We need to know how extensive the interference in and the obstruction of the work of the Ethics Commissioner was, because the Ethics Commissioner reports to us. It is our job to go back to Parliament whenever there is a problem with lobbying, with the work of the Privacy Commissioner, the work of the Information Commissioner or the work of the Ethics Commissioner. When their work is being interfered with for political purposes, it is our job to put our

partisanship aside and say that we have to have a standard that all parliamentarians meet and the Prime Minister has failed to meet this.

Mr. Chair, you have the power to ask the commissioner to report to us. I'd like to see you exercise that. He has to report to us. This is his job. Any attempt by the Liberals to stop that will be continuing a pattern of interference in and obstruction of the fundamental principles of the parliamentary system.

• (1315)

The Chair: Thank you, Mr. Angus.

Next is Mr. Poilievre.

Hon. Pierre Poilievre (Carleton, CPC): Mr. Chairman, you've told us that the Ethics Commissioner is standing by ready to testify about the guilty verdict he rendered against the Prime Minister last week. Now, the Prime Minister's MPs across the way will decide whether, after silencing Jody Wilson-Raybould, they will silence the Ethics Commissioner as well by voting to ban the Ethics Commissioner from appearing at the ethics committee. If so, what does that indicate about the ethics of this government?

It's important to recap why we're here.

SNC-Lavalin is accused of over \$100 million in fraud and bribery. It's accused of stealing over \$100 million from among the poorest people in the world. Instead of going to trial, the company convinced the Prime Minister to change the Criminal Code to allow alleged corporate criminals to get off of a trial by signing a deal to apologize and promise never to do what they did again. The Prime Minister passed that in an omnibus bill and then demanded that his Attorney General extend such a deal, against the earlier decision of the top prosecutor not to. She refused, so he fired her. She spoke out, so he kicked her out and shut down numerous parliamentary inquiries into the matter.

Since then he has told us to wait for the Ethics Commissioner to issue his verdict. We all waited, assuming that when that verdict came we'd all be able to hear about it right here in the ethics committee. Here today, we will decide if in fact that will happen. We know there's a lot more to this story that the Ethics Commissioner has not been able to tell. At least nine witnesses were prevented by the Trudeau government from telling their full story because of a government-imposed gag order under the guise of cabinet confidentiality.

There are many mysteries that we need to unravel in this matter and only by hearing witnesses can we do so. One of them is the famous 9,000 jobs claim. Most of SNC-Lavalin's jobs are for construction work done in this country. They're going to be building a north-south transit project here in Ottawa. Well, they can't build that in Hong Kong or Munich and then drop it out of a helicopter on the nation's capital; that work will have to be done here. The headquarters must stay in Montreal until the year 2024 according to a loan agreement with the Québec pension plan. The CEO of the company has said that the company is not moving anywhere, and we know that leaving Canada would not exempt the company from prosecution or conviction.

We tried to ask the government where this claim about jobs had come from. In fact, Ms. May asked some of the best questions on this matter. She asked Mr. Wernick:

In the public interest then, Mr. Wernick, in preparing advice to cabinet, what work did you do to assess the threat to jobs? Did you look at the commitments made to the Government of Quebec not to move headquarters, as mentioned? Did you look at the current financial status of SNC-Lavalin? Did you in fact have an independent assessment of whether there would be any impact on jobs from a decision to proceed as the director of public prosecutions had decided to proceed?

His response was:

No, because the file was entirely in the carriage of the then minister of justice.

Apparently, the justice department now does job assessments.

Gerald Butts had a different story when Ms. May asked the same questions. She asked:

Is there any evidence that jobs were actually going to be at stake by letting this go through the courts and letting the independent director of public prosecutions and the Attorney General do their jobs?

Gerald Butts responded:

I can't recall anything specific.

He said, regarding the jobs claim:

That's my understanding from Department of Finance briefings, but I have to say it's been a long time.

Now they're claiming that the Department of Finance has proof of this 9,000 jobs claim. Therefore, let's turn it over to the finance minister.

In the Ethics Commissioner's report, the commissioner states:

When asked if he, or his office, had undertaken a study or analysis of the economic impacts of the Director of Public Prosecutions' decision, Mr. Morneau testified that none had been conducted.

● (1320)

Then a reporter, on March 7, asked the Prime Minister, "Both Mr. Wernick and Mr. Butts testified they had no direct, empirical evidence of this 9,000 potential job loss.... Did you have any evidence of 9,000 jobs potentially being lost?"

The response was "We had heard representations from various sources, including the company itself, that this was an issue of deep concern to them and that it would potentially have consequences as dire as the company having to leave Canada altogether". You'll notice he didn't provide any evidence, but he did claim that the company might leave the country altogether.

Let's turn to the Ethics Commissioner's report on that. It says that top Trudeau adviser "Mr. Bouchard's notes from the same October 23, 2018 meeting with senior officials of the Privy Council Office show that they also discussed SNC-Lavalin's board of directors' potential plan to move the corporate headquarters but the Caisse de dépôt et placement du Québec...would not let that happen." In other words, Mr. Trudeau's office knew in October, months before he made the claim that the headquarters would leave, that the eventuality was impossible.

Given that this was not about jobs, the most important question I want to ask is this: What motivated this? What on God's green earth would compel a Prime Minister to pass a law, at the request of one company, exempting corporate criminals from prosecution, put

pressure on his Attorney General to overturn his top prosecutor and then fire her when she refused to do so?

We know that SNC-Lavalin gave \$100,000 in illegal donations to the Liberal Party. We know they swarmed Parliament Hill and the PMO with lobbyists. There was a revolving door between the government and SNC-Lavalin. We need to know the real motive for helping protect this company.

[Translation]

We are here at a meeting of the Standing Committee on Access to Information, Privacy and Ethics to hear the testimony of the Conflict of Interest and Ethics Commissioner.

The current government tried to silence the former attorney general. Are Justin Trudeau's Liberals going to use their majority to do the same? Are they going to stop the Conflict of Interest and Ethics Commissioner from appearing before the ethics committee? Are they going to attempt another cover-up so that Canadians don't find out the truth before the election? Such is the decision before us.

Thank you very much.

● (1325)

[English]

The Chair: Thank you, Mr. Poilievre.

Next up we have Ms. May.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Thank you, Mr. Chair, and thanks to the committee for the opportunity to speak.

Thanks to Mr. Poilievre's intervention, I don't have to recite the jobs questions I asked at the justice committee.

I'm deeply troubled by what faces us. All of you around the table I regard as friends, and I try to approach things in a very non-partisan way, which is very hard on the eve of an election. Everybody goes into hyper-partisan mode then, and this is, in a lot of ways, red meat right before an election. I know that, but something is really wrong here. Something is deeply wrong here, and I beg my friends around the table to allow Mr. Dion to speak to us.

I thought I knew what had transpired in the SNC-Lavalin mess based on the testimony of our former justice minister and former attorney general. Her chronology, her notes, I thought covered everything that had occurred, and I believed her every syllable, but Mr. Dion's report has shaken me far more than our former attorney general's testimony, and I'll tell you why.

We now know there were meetings that took place on the edge of other international gatherings, like in Davos, including the Minister of Finance, Bill Morneau and the CEO of SNC-Lavalin, and that the idea of changing our law to insert a deferred prosecution agreement into the Criminal Code came from SNC-Lavalin for their use specifically.

No wonder the machinery of government began to panic when the plan wasn't working out. There was a hiccup because the justice minister and attorney general at the time respected the principle of prosecutorial independence and wouldn't intervene against the section 13 report of the director of public prosecutions.

This is a critical point: There were other ministers involved. I thought and still think, because I bend over backward to be fair to everyone concerned, that part of the reason the Prime Minister doesn't realize what he did was wrong is that he didn't receive a decent legal briefing from his Clerk of the Privy Council. None was provided to him by the clerk or by his staff, but he did receive a decent legal briefing from Jody Wilson-Raybould, the former minister of justice and attorney general, who told him, "Watch what you're doing. You're interfering in prosecutorial independence". I know she didn't sit him down and get out a chalkboard and explain it. She didn't think she had to.

What I find really troubling about what Mr. Dion uncovered is the idea that in any government governed by the rule of law a minister of justice and attorney general's position would be so deeply undermined by her colleagues.

I know that a lot of Liberals have said it was wrong of her to tape Michael Wernick. I understood why, under the circumstances, she felt it necessary, but the deeper distrust is to imagine that a report from a former Supreme Court judge, a very respected jurist, John Major, peddled by SNC-Lavalin's lawyer, also a former Supreme Court judge, Frank Iacobucci, blinded people around the cabinet table—because of the power of those justices' titles and the previous work they have done on the Supreme Court—to the reality that the only legal advice they should have been taking was from their own lawyer, the attorney general.

However, what is really shocking to me is that they peddled this report undermining the judgment of their cabinet colleague, the minister of justice and attorney general. They peddled it without even sharing it with her. I ask my Liberal friends to imagine for one minute a scenario in which Jean Chrétien allowed his cabinet colleagues to circulate a memo undermining Irwin Cotler. Can you imagine Pierre Trudeau allowing his cabinet colleagues to circulate a memo undermining the judgment of John Turner?

This is really scandalous. The Prime Minister is guilty here of the kind of offence for which resignation is appropriate. I leave it to him. I'm not calling for his resignation, but it does strike me as beyond belief that this kind of thing could go on. It's not a small matter. It shouldn't be covered up. We really do need to ask Mr. Dion what he uncovered. We need to hear his opinion on the nature of further remedies and how many steps we should take to ensure that cabinet confidentiality is removed so that those nine additional witnesses can be heard.

I also want to say very clearly that I don't think this is a partisan issue. I think it is systemic. It is shocking that the senior civil service of this country could be manipulated by a transnational corporation in this fashion, and I think lots of other transnational corporations may have the same kind of access. This is systemic regardless of who is in the PMO. Regardless if it's a Conservative or a Liberal government, we have to ensure that the machinery of government,

our civil service, is not at the disposal of transnational corporations to do their bidding.

● (1330)

I don't think it's about the Prime Minister and making this a political football in the election campaign. I think it's a much larger issue and I think it is systemic. I'd like to hear from the Conflict of Interest and Ethics Commissioner.

[Translation]

I think we now have a moral obligation to protect our democracy against the power of large global firms.

[English]

Right now our democracy looks weakened by this. We need to get to the bottom of it.

Thank you, Mr. Chair.

The Chair: Thank you, Ms. May.

Next up is Mr. Weir.

Mr. Erin Weir (Regina—Lewvan, CCF): Thank you, Mr. Chair.

I'd like to thank you and all members of this committee for giving independent MPs an opportunity to participate in today's meeting.

One of the things I've really appreciated about being an independent MP is the opportunity to take a more dispassionate look at the issues. That's what I've tried to do in all the committee hearings on SNC-Lavalin.

I'd like to say a few words about my reading of the Ethics Commissioner's report and some of the topics that I think might be worth pursuing if this committee decides to hear from the Ethics Commissioner and perhaps other witnesses.

The commissioner's key conclusion is that there was a violation of section 9 of the Conflict of Interest Act, which says that public office holders should not:

seek to influence a decision of another person so as to further the public office holder's private interests or those of the public office holder's relatives or friends or to improperly further another person's private interests.

I don't think anyone is alleging that the Prime Minister sought to further the private interests of his family, his friends or himself. I also don't think there's any doubt that many, if not most, public policy decisions will either further or detract from the private interests of various companies and individuals. The key conclusion from the Ethics Commissioner is that the Prime Minister improperly tried to further another person's private interests.

That finding hinges critically on an interpretation of what is "improper". I think it would be well worth this committee's time to dig into that with the Ethics Commissioner. We've heard a lot about findings of fact but really this conclusion comes down to an interpretation of one word in the Conflict of Interest Act, which is something that I think could be open to challenge and certainly could be open to further exploration.

It's a little bit unclear to me whether the Ethics Commissioner believes the Prime Minister is guilty of any kind of conflict of interest in the classic definition of that term. It does seem clear that the Ethics Commissioner believes that the Prime Minister is guilty of improperly furthering another person's private interests but there's already been some debate about how that language should be interpreted and what's improper. I would suggest that as an appropriate focus for this committee's work.

The Chair: Thank you, Mr. Weir.

Next we will go to Ms. Ramsey.

Ms. Tracey Ramsey (Essex, NDP): Thank you, Mr. Chair.

Thank you to the committee members for having me at the committee today.

I am having some serious déjà vu. Having sat on the justice committee along with some of my other colleagues here on the other side, this experience right now feels very familiar to me, with silence from the Liberal members and opposition members laying out the reasons why we'd like to hear the truth.

I am certainly appreciative of Mr. Dion's report, but it leaves many questions. There are still questions to be answered that are incredibly important to democracy in our country, as my colleague mentioned.

My son is 18 and will be voting for the first time this year. I can't imagine a country where the Prime Minister can break the law and not admit it and not apologize for it, but thinks that, quite frankly, somehow Canadians are going to accept it. Is this Canada's future now? Is this the bar we're setting, that the individual in the highest office in the land can break the law and nothing happens in response? He doesn't have any accountability for that. The players who are involved have no accountability for that. Mr. Morneau has been mentioned at this table. There are many questions surrounding his involvement, which he now in some way tries to say he can't recall, which seems incredibly unbelievable to Canadians.

This matters. This is about the Prime Minister trying to corrupt the Attorney General's office. This report is incredibly important to Canadians. I think it's a mistake if there are those sitting around this table who think this does not matter to Canadians, that they don't understand enough about it, and there are members who want to get stuck talking about the McLellan report, or different things, such as the DPA, that surround this.

The Prime Minister of Canada has broken the law. We have questions for the Conflict of Interest and Ethics Commissioner that need to be answered and that Canadians deserve the truth about. The pursuit of the truth and getting answers to questions that people have in this entire thing has constantly been blocked by the Liberals.

All of us walked in through the press today and were asked questions because this report leaves things hanging, and we can't leave those questions hanging because this is an incredibly serious thing, regardless of who will be Prime Minister of Canada come this fall. We need to know who was involved and to have other people come forward, and we can't accept that it is now okay for the Prime Minister to break the law in Canada.

I implore the Liberal members of this ethics committee, as I have done many, many times at the justice committee, to allow the Conflict of Interest and Ethics Commissioner to speak before us.

I understand, Mr. Chair, that he is waiting, so I move that we go to a vote so we can allow his testimony to begin and ask questions of him. I move for a vote, please.

● (1335)

The Chair: I still have two others to speak to this. We have to go through the list. If the people on the speakers list want to give up their time to go to a vote, then that's a possibility. I don't see them willing to do that right now.

I have Mr. Gourde next to speak, and then Ms. Raitt again.

Go ahead, Mr. Gourde.

[*Translation*]

Mr. Jacques Gourde (Lévis—Lotbinière, CPC): Thank you, Mr. Chair.

I, too, would like to talk about the report, and I will keep it short. The title of the report alone gives me the chills: the "Trudeau II Report". The number II means it's the second report in the same session about the fact that the Prime Minister broke the law. In the case at hand, he violated section 9 of the Conflict of Interest Act. Here is what that section stipulates:

No public office holder shall use his or her position as a public office holder to seek to influence a decision of another person so as to further the public office holder's private interests or those of the public office holder's relatives or friends or to improperly [I repeat, improperly] further another person's private interests.

In paragraph 282 of this very detailed report, Commissioner Mario Dion specifies that "the authority of the Prime Minister and his office was used to circumvent, undermine and ultimately attempt to discredit the decision of the Director of Public Prosecutions as well as the authority of Ms. Wilson-Raybould as the Crown's chief law officer."

That is a scandal in itself. One has to wonder, with an election around the corner, whether Canadians deserve a prime minister who breaks the laws of his own country. This is scathing.

I hope that in the next few minutes, my colleagues across the way will have the moral conscience to permit us to invite the commissioner to come testify. He's willing to do it. We have other questions to ask, and there is more to come on this story. We'd like to shed some light on that and learn the whole truth. Canadians deserve to know the truth before the election on October 21.

In the democracy in which we live, it's very troubling for all Canadians to see that an individual in a high-level position like the Prime Minister's doesn't seem to understand the separation of executive, legislative and judiciary powers.

Thank you, Mr. Chair.

● (1340)

[*English*]

The Chair: Thank you, Mr. Gourde.

Next up, we have Ms. Raitt.

Hon. Lisa Raitt: Thank you very much, Mr. Chair.

The reality is that the Ethics Commissioner found that the Prime Minister improperly used political considerations in attempting to have the Attorney General essentially overrule the director of public prosecutions.

The Prime Minister is saying that it was not the case, that in fact it wasn't political considerations but had to do with something else, namely jobs. My colleague, Mr. Poilievre, I think has completely debunked that notion. I know that my colleague, Ms. May, would do the same thing in a heartbeat if she had an opportunity to do so.

We are at this impasse where we would like to know what were the political considerations noted in Mr. Dion's report and alluded to in some recent interviews of Jody Wilson-Raybould and Jane Philpott.

After the report was made public on August 15, Jody Wilson-Raybould was interviewed by CBC. It was a lengthy interview by Vassy Kapelos. She was asked a number of times about what had happened and for her comments with respect to the report of the Ethics Commissioner.

In response to one of the questions, she made the following very clear: "I would not change the actions that I took. I believe that Canadians want to see, in their public officials, particularly ones that hold offices like the Attorney General of Canada, that they will be making decisions not based on political considerations but based on a fundamental understanding of the law and based on a fundamental understanding about how we maintain the fundamental tenets of our democracy and are constantly vigilante on that."

She would not make changes to any of her actions because she would not make decisions that were not based on the principles or values she had always embraced. She went on to say later that upholding independence and the rule of law was what she was doing in her role as the Attorney General. A number of times she indicated in other parts of her interview that she had questions with respect to political considerations.

After Ms. Wilson-Raybould's interview, Jane Philpott was interviewed further by Vassy Kapelos and she got more to the point. She talked very specifically about considerations that should and should not be taken into account when decisions are being made.

Kapelos asked her whether there was a conflict for the purposes of benefiting a private corporation: "...the Ethics Commissioner determined but the Prime Minister often speaks about his motivation. If you say that you don't know for sure that it wasn't, what do you think he was motivated by?"

Ms. Philpott responded, "I don't think it's motivations that concern people so much as whether or not we hold and regard what is in the best interests of the country and that we hold and regard the very pillars of what our democracy is founded upon. One of those pillars is that our justice system needs to be independent and"—with my own emphasis, Mr. Chair—"politicians who have the desire to further their political career, to ensure that they will win an election, to potentially support those who may have supported them financially or in other ways, those are not the kinds of motivations that should be on politicians' minds when it comes to a criminal matter. It's extremely clear that politicians, the executive and

legislative branch, should not interfere with the judicial branch of government."

Those were Jane Philpott's words, which caused me to wonder what information she has that causes her to have such a strong point of view on what political considerations may or may not have been taken into consideration when decisions were being made.

Mr. Chair, that brings me to the issue of this waiver.

The reason the Ethics Commissioner was unable to get further in terms of the political considerations, other than the four times he clearly noted he believed the Prime Minister, himself or through his staff, was politically interfering, is this. The reason he can't get any more granularity on it is that, as he noted, he was unable to get the relevant information that he wanted.

• (1345)

I'm going to read from his report on page 5, paragraph 14. Actually, I'm going to start with paragraph 13. It says:

In order to gain access to as much relevant information as possible, on March 29, 2019, I instructed legal counsel in our Office to engage with counterparts in the Privy Council Office to request that witnesses be enabled to provide all of their evidence to our Office. Despite several weeks of discussions, the offices remained at an impasse over access to Cabinet confidences.

On May 3, 2019, I raised the matter directly with the Prime Minister during his interview. Through legal counsel, Mr. Trudeau stated that he would consult with the Privy Council Office to see whether the Order in Council could be amended.

Now, the order in council that we're speaking of, of course, is the order in council that was passed by cabinet in order to allow Jody Wilson-Raybould and Jane Philpott to speak up to a certain point in time, and after that point in time was reached, they could not speak to matters that had cabinet confidence around them.

On May 28, 2019, with the issue of access to Cabinet confidences unresolved, I wrote to the newly appointed Clerk of the Privy Council, Mr. Ian Shugart. I set out the concerns expressed by witnesses, noted above, and explained what I believe to be the legislative framework that, at least implicitly, authorizes our Office to access such information. I cited provisions of both the Conflict of Interest Act and the Parliament of Canada Act that prohibit me from revealing confidences of the Queen's Privy Council in the context of public declarations of recusal and our annual reports, respectively. I explained that I understood these prohibitions to mean that our Office would have prima facie access to this information. I then drew the analogy between these prohibitions and the restrictions on the disclosure of confidential information placed on me in the course of examinations, and why I would have similar access to and a similar prohibition on publishing Cabinet confidences in that context.

That was the Ethics Commissioner's pitch on May 28 to the Clerk of the Privy Council, explaining why he should be able to receive the information that the Prime Minister said was being held back due to cabinet confidence.

In a letter dated June 13, 2019, the Clerk of the Privy Council declined my request for access to all Cabinet confidences in respect of this examination.

Mr. Trudeau's legal counsel indicated that the decision on whether to expand the waiver was made by the Privy Council Office without the involvement of the Prime Minister or his office.

But as we all know from this long and sordid, drawn-out affair that we've been witnessing since January, there is always somebody who can overrule a bureaucrat, and that's exactly what Mr. Trudeau wanted Jody Wilson-Raybould to do. So for him to say that he wasn't part of the decision actually is completely irrelevant because he always has the power to tell the Clerk of the Privy Council what to do.

However, I continue reading:

Because of the decisions to deny our Office further access to Cabinet confidences, witnesses were constrained in their ability to provide all evidence. I was, therefore, prevented from looking over the entire body of evidence to determine its relevance to my examination. Decisions that affect my jurisdiction under the Act, by setting parameters on my ability to receive evidence, should be made transparently and democratically by Parliament [emphasis here], not by the very same public office holders who are subject to the regime I administer.

I am convinced that if our Office is to remain truly independent and fulfill its purpose, I must have unfettered access to all information that could be relevant to the exercise of my mandate. I must be satisfied that decisions made by the most senior public office holders, including those discussed at Cabinet, are free from any conflicts of interest.

In the present examination, I have gathered sufficient factual information to properly determine the matter on its merits. Because of my inability to access all Cabinet confidences related to the matter I must, however, report that I was unable to fully discharge the investigatory duties conferred upon me by the Act.

Now, why is this important? This is important because the Ethics Commissioner is detailing very clearly that he sought to get information on cabinet confidences that were outside the waiver the Prime Minister already had given.

Jane Philpott, as well, in her interview said it very clearly, when she was asked by Vassy Kapelos whether or not there was any further information that she thought was relevant that was covered by the waiver. She was asked, "Are you in possession of any information that you think the Ethics Commissioner should have had access to?" Her answer was that "There are pieces of information that I am aware of that I am not at liberty to speak about."

• (1350)

Jane Philpott further goes on to say, "So what I would point to for Canadians is what the Ethics Commissioner said, which is that he was able to get enough information to make a determination in terms of whether or not there was a breach of the Conflict of Interest Act or not. So it didn't, in a sense, hold him back from being able to make a determination on this, but I would say that I can affirm that there are pieces of information that I am aware of but that, because of the oath that I made to Queen and country to keep in secret that which shall be kept secret, according to the oath that I made as a cabinet minister, unless I am released from that obligation, I am not at liberty to share those pieces of information either with you or with the Conflict of Interest and Ethics Commissioner."

We know there is more information out there. Jody Wilson-Raybould has said that, as has Jane Philpott, and indeed the Ethics Commissioner attempted to get it. He was unable to get it by virtue of the decision of the Prime Minister. That is not fully co-operating with the Ethics Commissioner, and again, as I said before, that deserves to be reviewed.

More importantly, and most recently, there has been the publication of a book. The book is written by a CBC reporter by the name of Aaron Wherry, and in it, Aaron Wherry had unprecedented access to the Prime Minister on this topic.

If you recall, I said that there were certain things that the former attorney general couldn't discuss, that the former president of the Treasury Board could not discuss, that were not given to the Ethics Commissioner and that the witnesses were not allowed to talk about. One of those things was what happened after the resignation of Jody Wilson-Raybould and what happened in the meetings between the

Prime Minister and the former attorney general, because that waiver was cut off when the former attorney general left her time as Attorney General and moved to Veterans Affairs, and as you know, she resigned from Veterans Affairs after that.

Miraculously, it would appear that the concept of cabinet confidence doesn't apply to the Prime Minister—much like every other rule seems not to apply to the Prime Minister, quite frankly—because he gave complete access to this writer, Aaron Wherry, to detail the meeting he had with Jody Wilson-Raybould post her time becoming the Minister of Veterans Affairs. He is waiving cabinet confidence to a reporter in order to get his side out in a novel, yet the Ethics Commissioner cannot receive this information. Jody Wilson-Raybould says there is information and Jane Philpott says there is information that is of interest to Canadians.

I would like to ask the Ethics Commissioner whether or not he has taken any legal advice as to whether or not there has been a waiver of this cabinet confidence by the Prime Minister to cover the period of time that is currently not covered and extend it over that period of time. I think that would be of great interest to Canadians, and I also believe it is something that goes to the heart of ensuring that we get to the bottom of the matter.

Picking up on what Elizabeth May said just a few minutes ago, this is the kind of scandal and the kinds of actions that warrant the highest level of punishment. We can't force that, but it can be at the discretion.... Clearly, as she said, it's not going to happen, but we still owe it to Canadians to understand and give them the truthful information on what has happened and not just take the word of the Prime Minister, because we have seen over and over again that the Prime Minister simply does not keep his word.

Thank you.

The Chair: Thank you, Ms. Raitt.

Next up is Mr. MacKinnon.

[*Translation*]

Mr. Steven MacKinnon (Gatineau, Lib.): Thank you, Mr. Chair.

We all appreciate the efforts of the Conflict of Interest and Ethics Commissioner and his office, as well as their support to members and Parliament. As far as this report is concerned, the Prime Minister has thanked the commissioner and accepted his report. This matter has been thoroughly studied. As we all heard, the justice committee heard from 10 witnesses for a total of 13 hours of testimony over five weeks.

In addition, we now have this detailed report from the commissioner. It represents months of work for him, and it's 63 pages long. The Prime Minister has stated unequivocally that he was only trying to protect the jobs of thousands of Canadian workers the whole time. I would think all workers and all Canadians would expect that if their jobs were in jeopardy.

We also have a guide by the Honourable Anne McLellan. She spoke with all the former attorneys general. Her guide helps clarify the relationships between—

• (1355)

[English]

Mr. Charlie Angus: Mr. Chair, I have a point of order.

The justice committee shut down their study. If the Liberal members want to have Anne McLellan, they can go back to the justice committee. This is about the ethics committee. To bring in the report of Anne McLellan, a former Liberal, go back to the justice committee that you shut down. This is about the ethics committee and Mr. Dion's report.

The Chair: Thank you, Mr. Angus.

It's not really a point of order.

Mr. MacKinnon, proceed.

[Translation]

Mr. Steven MacKinnon: I will start over. We also have a guide by the Honourable Anne McLellan. She spoke with all the former attorneys general. Her guide helps clarify the relationships between attorneys general and their colleagues in cabinet. The Prime Minister has already pledged to all Canadians that he will act on Ms. McLellan's recommendations.

The combined processes of the justice committee and the commissioner, which took many hours, months and pages to complete, were detailed and thorough. It's obvious to me, after hearing my honourable colleagues speak, that the opposition's real objective is simply to play politics.

[English]

We're all thankful for the work of the commissioner's office in support of all members of the House at all times. The commissioner's report is quite detailed and Canadians have had a good opportunity to familiarize themselves with the content. The Prime Minister has thanked the commissioner and accepted the report.

Some hon. members: Oh, oh!

Mr. Steve MacKinnon: Though he disagrees with the conclusions, especially when so many jobs were at stake—which is no laughing matter—he has already announced that steps will be taken to ensure that no government goes through a similar situation in the future.

This government, as any government, should take seriously the responsibility of standing up for jobs and growing the economy. It's the responsibility of any Prime Minister to stand up for people's jobs. In fact, it's the responsibility of all members of Parliament. People whose jobs are on the line should expect no less of their elected representatives.

Hon. Pierre Poilievre: On a point of order, Mr. Chair, it is customary for a member who quotes a document in the committee to table it so that all members can see it. The member across the way claims to have an analysis from the government showing that 9,000 jobs were at stake. Can he just table that so we can all have a look at that analysis?

Thanks.

The Chair: Mr. MacKinnon, are you able to table that for the committee today?

Mr. Steven MacKinnon: No.

Some hon. members: Oh, oh!

Mr. Steven MacKinnon: Nor is that a point of order, Mr. Chair.

The Chair: We'll continue with Mr. MacKinnon.

Mr. Steven MacKinnon: That member, with his rich experience in Canada's private sector, we'll have to look at his views with some skepticism too.

It's the responsibility of any Prime Minister to stand up for people's jobs and livelihoods across the country, and that should also be the job of all members of Parliament while upholding, of course, at all times, the rule of law.

Mr. Charlie Angus: I have a point of order, Mr. Chair.

This is all fine, but we're talking about a specific report. The only job that is referenced as being at risk in the report is where the Prime Minister said he was speaking as the MP for Papineau.

Since Mr. Morneau had no evidence of job losses, I would ask my colleague why he's making up facts now when we're talking about a factual finding of guilt against a Prime Minister who improperly used his position to further the interests of a very powerful corporation. That is the issue before us, not this spin and falsehood about jobs that has been proven to be false by the Ethics Commissioner.

If the member has evidence that wasn't supplied to the Ethics Commissioner—perhaps from one of the nine witnesses who were not allowed to testify, who might know all about these jobs—I'd ask him to put it on the table, or spare us these Liberal talking points that have been proven to be false and that continue the falsehoods of the Prime Minister.

• (1400)

The Chair: Thank you, Mr. Angus. That's debate.

We'll go back to Mr. MacKinnon to finish his statement.

Mr. Steven MacKinnon: Mr. Chairman, where I come from, we listen to folks and then get to speak and have a healthy exchange.

I've now been interrupted three times by things that were not points of order. I hope the committee will indulge in hearing the rest of our statement.

The Chair: Mr. MacKinnon, to be clear, the chair has the discretion to hear points of order and debate—

Mr. Steven MacKinnon: Of course he does.

The Chair: —and has a responsibility to keep things in order.

Mr. Steven MacKinnon: I'm just expressing it through you, Mr. Chair—

The Chair: I hope the committee will acknowledge the chair and his role in keeping things in order.

Mr. Steven MacKinnon: Thank you.

I appreciate your chairmanship today, Mr. Chair.

The Prime Minister's objective throughout, as he stated, was to protect thousands of jobs in Canada, all the while ensuring the integrity and independence of the justice system. As has been confirmed on multiple occasions, no direction was ever given to the former attorney general.

Also, former attorney general Anne McLellan has authored a report after speaking with all former attorneys general, as well as constitutional scholars, and has offered recommendations, including a process and a set of principles to guide the relationship between the Attorney General and the government. Both the Prime Minister and the Attorney General have already stated that they will be looking at how to best implement those recommendations, such as the protocol on interactions with the Attorney General and better education for all parliamentarians on defining the role.

The matter before us today has been studied quite extensively. The justice committee heard over 13 hours of comprehensive testimony from 10 different witnesses over a five-week span, and we now have a very thorough 63-page report by the commissioner.

The opposition's claim to simply want the facts is contradicted by the fact that what they seek is found in the commissioner's report. It is already public, on top of the 13 hours of testimony that I just referenced, so the only conclusion that I and members of this committee can come to is that the opposition seeks to prolong this process for political reasons and partisan games.

It is for that reason, Mr. Chair, that we will be opposing this motion.

The Chair: We'll go next to Mr. Erskine-Smith.

Go ahead.

Mr. Nathaniel Erskine-Smith (Beaches—East York, Lib.): When I was first made vice-chair of this committee I don't think anyone realized how popular we'd be. Welcome, everyone.

I have two points of clarification. First, when Ms. Raitt talks about procedural fairness, of course, a decision-maker owes procedural fairness to the subject of an investigation. It's not the other way around. Second, to the point about silencing Ms. Wilson-Raybould, I watched hours of testimony before the justice committee. I read 43 pages of testimony, at the very end of which she said she had nothing more to add to the process. Those are my two points of clarification.

I am not supporting this motion because of any.... Mr. Scheer was in my riding yesterday, and I want to be clear that I'm not supporting this motion because of any purported grassroots Conservative campaign. I got 10 emails from my riding. That's not what motivated me. I will be supporting this motion, though, to invite the commissioner to discuss his report, one, in the interests of transparency and accountability and, two, because in my own considered view, I think the Ethics Commissioner's conclusions are legally flawed in many respects and I'd like to ask him some questions about his legal mistakes.

I've given a lot of thought to what happened. I've read what feels like a never-ending set of materials and coverage, and in the interest of making probably nobody happy, I want to share a few of my own conclusions, a number of which I've shared publicly before.

First and generally, it is both true that the then-attorney general did not exercise sufficient due diligence on the file and that the PMO, at the same time, exerted pressure that should not have been exerted.

The Shawcross doctrine states that an Attorney General may, but is not obliged to, consult with colleagues in the government, and indeed, it would be a mistake in some cases not to consult. A 2014 general directive states that "it is quite appropriate for the Attorney General to consult with Cabinet colleagues before exercising his or her powers under the DPP Act in respect of criminal proceedings. Indeed, sometimes it will be important to do so in order to be cognisant of pan-government perspectives." Moreover, in examining the evidence, McLellan's report is also clear that the Attorney General could have engaged in conversations with the DPP. She suggested that she could have asked for more information and solicited a second opinion.

Now to understand all public policy considerations here—and I take Ms. May's point that there was not a sufficient economic impact analysis—I'll tell you that if Ms. May or I or perhaps Mr. Kent were the Attorney General, the right course of action would have been to request an economic impact analysis from the finance minister or a third party when you have a section 13 public interest notice from your DPP. While Commissioner Dion was right that these considerations should not bear on his strict analysis under the act, they do colour the overall situation, and the deputy minister's comments in testimony to Dion raised the same concerns for me.

At the same time, Dion's report in its factual findings made clear that the PMO exerted pressure that should not have been exerted. The Shawcross doctrine is clear that the government is not to pressure the Attorney General at all for any reason, and McLellan's recommendations to establish new protocols for existing standards are themselves an acknowledgement that what took place should not have happened.

It is important that the Prime Minister has acknowledged that mistakes were made, and I trust that McLellan's recommendations will be implemented.

Third, I know that my Conservative colleagues, and perhaps all colleagues on the other side, will disagree with me, but personally, having thought about this a lot, I think the reaction and outrage about this situation have been disproportionate to these original mistakes of improper pressure, and I'll give three reasons.

First, in my view, a DPA should have been considered more seriously. Organizations are made up of good and bad people. When bad people do bad things in those organizations, they should be held criminally responsible to the fullest extent of the law, but the good people in those organizations, the innocent employees, so long as the organization has reformed its practices, should not suffer as a result.

Second, given that this was a new law and the Attorney General had never intervened under the DPP Act, getting a second opinion from former chief justice McLachlin made sense to me. I disagree with Dion's finding that there was any tantamount direction, but from what I read in his report, I can see that there were repeated efforts to ask for a second opinion—and proper repeated efforts to ask for a second opinion. Where I disagreed in reading his report was that I could see no evidence that the analysis or advice of Chief Justice McLachlin was in any way predetermined. He made that factual finding, which I think is an incorrect one. A second opinion from a respected jurist would have been reasonable.

Last, in the end there would always have been a great deal of transparency even if the Attorney General had succumbed to that improper pressure and changed her mind. McLellan notes that with the creation of the DPP in 2006—one of the very few things I will say that the former Conservative government did well—the federal justice system has undergone the most significant organizational change in the last half-century and that any decision by the Attorney General to intervene must be in writing and public. Again, McLellan notes that its use would bring a high degree of public and political scrutiny.

• (1405)

Last and related, I do not accept Dion's findings that there was a conflict of interest. In my view, that conclusion is legally incorrect.

Mr. Weir, you have highlighted some of the reasons why. The Prime Minister and his staff, and you can read it in Dion's report, on multiple occasions were referencing jobs. We can question the evidentiary foundations of their intentions, but their intentions.... In the conversations with Gerry Butts, the conversations with the staffers, or Mr. Trudeau himself, they are saying, “We care about protecting jobs”, and Dion documents multiple instances of this. So they were standing up for jobs, albeit with mistakes in doing so, but in my opinion, having read the evidence, they were standing up in the public interest. At no time were they improperly furthering a private interest under the act. There was a breach of Shawcross but not a conflict of interest.

A conflict would occur if, as a public office holder, I further a family member's interest, a friend's interest, my own interest—or, in any basic statutory interpretation where we read the act consistently with reference to other parts of the act and the purpose of the act, we would find that basket clause that one ought not to improperly further a similar interest.

Conflicts are inherent. They demand recusal. They are unchanged actually by proper or improper pressure. Making mistakes to stand up for the public interest is not a conflict, though it was a breach of the Shawcross doctrine. The commissioner's analysis and conclusions are, in my own view, legally wrong on this point.

To the extent that partisan considerations, because those are mentioned on four occasions in the report, were brought to bear, first, no one should have brought these concerns, and in fact McLellan's protocol would prevent any politically exempt staff from participating in any conversations going forward.

Of course, Mr. Trudeau said, “I'm the member for Papineau.” His own evidence to the commissioner was anchored in his experience

with his constituents and his understanding of the negative consequences of layoffs for communities. I'll tell you, if Andrew Scheer is elected and stands up for dairy farmers, or if I continue to stand up for animals, or if the member for Oshawa had said, “You know what, I'm the member for Oshawa and I'm concerned about the GM plant closing”, or if I say to Bill Blair, “I'm the member for Beaches—East York, and you're damn right, we have to do something about gun violence”, it's not so clear that these are always partisan considerations.

As McLellan cites one respected scholar, and I think we can all, as partisan politicians, acknowledge this, in many instances the approach that is taken may benefit the public while also serving partisan interests. Lastly, public opinion will be the final arbiter of whether the primary motivation is non-partisan—and yes, motivations do matter.

In my view, the primary motivation in this instance was to protect the public interest in jobs. The public interest was pursued improperly but at no time did the Prime Minister improperly further a private interest. The commissioner is legally wrong, and I would like him to sit right there so he could answer questions about how he got this analysis so completely wrong.

• (1410)

The Chair: Thank you, Mr. Erskine-Smith.

Go ahead, quickly, Mr. Angus.

Mr. Charlie Angus: I have a point of clarification. I have great respect for my honourable colleague. I worked with him for four years. He's very complex. I just need to hear whether he is voting against or voting for having Mr. Dion speak to our committee. I just need to clarify that.

Mr. Nathaniel Erskine-Smith: I'm voting for bringing Mr. Dion to this committee.

Mr. Charlie Angus: Thank you, my friend.

The Chair: Thank you for the clarification.

We do have a speakers list again, and we have Mr. Poilievre.

Go ahead.

Hon. Pierre Poilievre: I thank Mr. Erskine-Smith for his intervention.

He claims that the Prime Minister was acting in the public and not the private interest. Of course, the Ethics Commissioner finds exactly the opposite. He finds that the Prime Minister was acting in the private interest of SNC-Lavalin, and improperly so, thus the guilty finding under section 9 of the Conflict of Interest Act. Yet Mr. Erskine-Smith goes on repeating what he admits he has no proof to state, which is that this was about jobs.

I reiterate that the top four players on the Prime Minister's team who tried to get a special deal for SNC-Lavalin admit they have no evidence that jobs would be lost. The Prime Minister admitted it during a press conference. His top bureaucrat admitted it before committee. His top adviser, Gerald Butts, admitted it before committee, and his finance minister admitted it right to the Ethics Commissioner's face.

Again, I will read the quote, from paragraph 126:

When asked if he, or his office, had undertaken a study or analysis of the economic impacts of the Director of Public Prosecutions' decision, Mr. Morneau testified that none had been conducted.

We know why. It's because they would not have gotten the answer they were looking for.

SNC-Lavalin's work is rooted in construction, which typically has to be done on site, and therefore the jobs associated with that construction could not simply vanish into thin air. The headquarters is bound to stay here until 2024, and the company just signed a multi-decade lease on that headquarters in the city of Montreal.

As for the excuse that SNC would be banned from federal contracts and therefore all kinds of jobs would be lost, one, obviously those contracts would go to companies that also employ Canadians, but two, that ban on bidding for federal contracts is a cabinet policy. If the Prime Minister simply wanted to preserve SNC's ability to bid on federal work after conviction, he could have allowed them to do so. He could simply have changed that policy to give the company an exemption and allow it to continue to bid on federal work.

Mr. MacKinnon and Mr. Erskine-Smith both admit that they have no evidence whatsoever to substantiate the jobs claim. The jobs claim is Mr. Erskine-Smith's purported public interest, but if there is no evidence to support that this public interest actually existed, then there must have been a private interest at work.

What motivated it? Let me quote a recent story from *The Globe and Mail* on this subject:

Mario Dion, the federal ethics watchdog, laid bare the all-too-cozy underside of Corporate Canada in finding the Prime Minister and his team violated the Conflict of Interest Act by relentlessly pushing former attorney general Jody Wilson-Raybould to drop a criminal case against SNC-Lavalin. By naming names and detailing exactly what played out behind closed doors last fall, Mr. Dion showed how top executives at one of the country's largest banks came to feature prominently in this political drama.

Mr. Dion's report details the role that Bank of Montreal board chairman Robert Prichard and BMO vice-chair Kevin Lynch played in lobbying the Trudeau Liberals on behalf of SNC-Lavalin, including multiple pitches the pair made to former president of the Treasury Board Scott Brison last October and November.

Here's where things get far too cute: Mr. Brison stepped down as cabinet minister early this year to become vice-chair of the investment banking arm of, you guessed it, Bank of Montreal.

The article continues:

According to Mr. Dion, Mr. Prichard and Mr. Lynch first reached out to Mr. Brison in mid-October "on an unrelated matter," then used the conversation to persuade the politician to give SNC-Lavalin a "remediation agreement."

Mr. Brison later told the Ethics Commissioner that "the company's concerns appeared sensible," and he contacted Ms. Wilson-Raybould the same day "to bring the company's concerns to her attention."

And Ms. Wilson-Raybould said something to the effect of the lady's not for turning, explaining she could not interfere in the prosecution of SNC-Lavalin.

• (1415)

Here we have just one instance. The chairman and the vice-chairman of one of Canada's most powerful banks, who also happen to be linked to SNC-Lavalin, ask the Treasury Board president to help the company get a deal. The same day he called the Attorney General and carried out their request, and what do you know? A few months later, he's all of a sudden a vice-chairman at that same bank.

The members across expect us to believe blindly that the Prime Minister was just waging a war in favour of the public interest when he relentlessly hounded his Attorney General to interrupt the prosecution of the company.

This is just one example of where there were clearly private interests at stake, clearly cozy relationships between extremely powerful people, and reciprocal back-scratching. We want to know, given that this whole jobs excuse has been debunked and the government, including Mr. MacKinnon, admits there is no evidence for it, what was the real motivation here? Why did the Prime Minister go to such lengths to protect this company? If there are more stories like this one where top bankers go to a cabinet minister who then jumps as soon as they ask him to and then gets a job at that bank four or five months later, then this government has a lot more to answer for, and if it's not afraid of the truth, all the members on the other side will vote to let us see that truth.

The Chair: Thank you again, Mr. Poilievre.

Next up is Mr. Angus.

Mr. Charlie Angus: Thank you, Mr. Chair.

I left home at 5 a.m. yesterday morning to catch my flight here. Ms. May comes from a little farther west than Thunder Bay. I know you come from some place out in the far west.

This has been a fascinating discussion, but it has taken 81 minutes of our meeting. I am here to hear from Mr. Dion and we have good arguments. If Mr. Erskine-Smith puts his arguments, I'd rather they be put to Mr. Dion than to me, and I'd rather that Mr. Poilievre put his questions to Mr. Dion than to the Liberals, so I would ask that we get down to the business at hand and have Mr. Dion speak because we're running out of time.

The Chair: Okay, Mr. Angus.

We have two more speakers. We have Mr. Kent and then Ms. Raitt.

Hon. Peter Kent: Thank you, Chair.

I agree fully with my colleague Mr. Angus, and I thank all of the guests here today, with the exception of Mr. MacKinnon, who comes to us as a stranger to this committee, unaware of the practices and precedents of this committee and the fact that officers of Parliament report to this committee and have regularly reported to committee after filing their reports.

I appreciate Mr. Erskine-Smith's defiance of the direction, I'm sure, from the PMO asking for lockstep support for Mr. MacKinnon, and the principled point that he has made several times this year. Mr. Erskine-Smith has said, for example, that the real question is the nature of the intervention made with the former attorney general. Mr. Erskine-Smith said on the record that this is impossible to answer without giving the former attorney general an opportunity to speak. She has asked for that opportunity, and it should be provided to her without limitation.

That has been denied. That is a key part of the Ethics Commissioner's report, and I would suggest to the other three regular members of this committee that they ignore the direction Mr. MacKinnon is trying to lead them in, or to at least speak to this committee and tell us how you could possibly support his defiance of the precedent of hearing from the commissioner, as we did following the equally unacceptable report regarding the Prime Minister's acceptance of the illegal vacation last January 10.

• (1420)

The Chair: Thank you, Mr. Kent.

I have just been signalled that the other speaker who was going to speak will not, so we can go to the vote on the motion.

Hon. Peter Kent: I'd like a recorded vote, please.

The Chair: It will be a recorded vote. The motion is as follows:

That, given the unprecedented nature of the Trudeau II Report, the Committee invite the Conflict of Interest and Ethics Commissioner to brief the Committee on his report, and that the Committee invite any further witnesses as required based on the testimony of the commissioner.

Hon. Pierre Poilievre: On a point of order, Mr. Chair, can you just indicate who has the right to vote in this particular proceeding? I know there are a lot of members here—

The Chair: Thank you for bringing that up, Mr. Poilievre.

We'll list the names here. Go ahead, Mr. Clerk, if you want to list them for Mr. Poilievre's question just for clarity's sake.

The Clerk of the Committee (Mr. Michael MacPherson): We have Ms. Raitt, Mr. Kent, Mr. Angus, Mr. Baylis, Ms. McCrimmon, Ms. Vandenbeld, Madame Fortier, Mr. MacKinnon, Mr. Erskine-Smith....

The Chair: And me if there is a tie.

Is that clear, Mr. Poilievre?

Hon. Pierre Poilievre: Yes.

The Chair: We are good to proceed with the vote.

(Motion negatived: nays 5, yeas 4)

The Chair: Mr. Kent's motion is defeated.

That said, we have a motion from Mr. Angus still to discuss.

Go ahead, Mr. Angus.

Mr. Charlie Angus: Thank you.

I just wanted to get it on the record so we could stop beating around the bush, because we knew with the appearance of our friend, the former head of the Liberal Party, at our committee for the first time in four years, this was going to be a whipped vote, and they were going to let our friend Erskine-Smith off the hook because he's from Beaches and he's a nice guy. They did the math. He had to explain why he was more than willing to shadow box with the Ethics Commissioner. I'm glad that at least we have it clear now.

I'd like to bring my motion forward because there are a lot of witnesses that I think need to be heard.

Do you want me to read out the motion?

The Chair: Go ahead, Mr. Angus, please.

Mr. Charlie Angus: It reads, first, that the committee invite the Conflict of Interest and Ethics Commissioner Mario Dion to present his findings of the "Trudeau II Report", which I think has been cancelled out by the committee vote.

Therefore, I move:

That the Committee invite Prime Minister Justin Trudeau, Minister of Finance Bill Morneau, and senior adviser to the Prime Minister and former Chief of Staff to the Minister of Finance, Ben Chin, on account of their intimate connection to the matters at the heart of the report; And that the Committee invite the Clerk of the Privy Council to appear to explain his decision to not share critical Cabinet confidences with the Commissioner, who felt that his investigation was hampered by the refusal.

Why is this important? It's because we saw throughout this whole scandal the Liberals shut down the justice committee and not hear from other witnesses. They shut down the ethics committee and the Prime Minister stood in the House day after day and stated that they were going to work with and trust the Ethics Commissioner. What we've learned from this report is very disturbing because we actually now know that this plan to tailor-make a law.... Now, Mr. Erskine-Smith is a lawyer and I didn't go to law school, but from watching all of my law shows on TV, can you write your own laws if you're the defendant? Well, apparently if you're really powerful, yes, you can.

Who fixes it for you? According to the evidence Mr. Dion has brought forward, very early on in the new government the Prime Minister met with the CEO of SNC-Lavalin and they discussed writing a law to get them a get-out-of-jail card. It was the Prime Minister who began the direction. That's one of the reasons we need to hear from Prime Minister Trudeau. Why is that important? It is because the Liberal line out there is, "Hey, it hasn't hurt us in the polls, so who cares?" Well, I hear from people all the time about this, people who are appalled that the Prime Minister could break his word so easily to Canadians.

The Prime Minister said he was going to be open and transparent. I think of the promise the Prime Minister made to the people of Grassy Narrows. I've been in Grassy Narrows. I've seen children suffering from Minamata disease and I saw the Prime Minister say that his government would clean that up once and for all—and he did squat. Actually, he did something else. He made fun of Grassy Narrows at a gathering of his rich, elite friends. Now if only Grassy Narrows had lobbyists, they could say, "We want this fixed". How much would fixing the health centre at Grassy Narrows cost a government that is this powerful? It's chump change, it's peanuts, yet in four years he couldn't move to help children suffering from mercury contamination.

However, after the CEO of SNC-Lavalin said, "Hey, we want a get-out-of-jail card", the Liberals over there now have the gall to tell us that he only ever cared about the public interest, that he only cared about jobs, that there were 9,000 jobs at stake. When we look at the report, we would think that it was the responsibility of the finance minister of this country, Bill Morneau from the famous Morneau Shepell. If they cared about jobs, they would have cared about Sears workers, but no, the Sears workers are now being looked after by the family company Morneau Shepell.

If it were 9,000 jobs, you would have thought they would have done due diligence. This is what shocked me. With Bill Morneau, I thought, “Okay, the guy wears very expensive suits and surely to God he knows how to run a business if he’s really concerned about 9,000 jobs.” They wouldn’t pull that number out of thin air, and yet the report shows that they had done nothing to prove this. My Liberal colleagues say it is actually the role of the justice department, that it should have been Jody Wilson-Raybould who undertook an assessment of the impacts.

Again, I didn’t go to law school so I ask, when you’re the defendant, do you expect the prosecutor to have the responsibility of figuring out what it’s going to cost if you get charged and convicted? What’s the cost to the economy? Say you’re a businessman and you’re a corrupt businessman, is it the responsibility of the Attorney General to do a cost analysis? Well, I guess it only is if you’re powerful enough to have the law written for you.

Let’s just go through some of the questions that were really concerning.

• (1425)

Why do we need Bill Morneau here? I know I’ve been sort of picking on Bill, but what really shocks me is that Bill Morneau flies to Davos, Switzerland to meet with the head of SNC-Lavalin—a week after the so-called public consultation period on the SNC deferred prosecution agreement, a specific get out of jail card is given—and Bill Morneau tells the Ethics Commissioner he doesn’t remember what they talked about. He doesn’t remember that he flew to Davos, Switzerland to see the head of SNC-Lavalin and doesn’t remember what they talked about. That’s a month before this get out of jail card was slipped into an omnibus piece of legislation, and Bill Morneau doesn’t remember that. This is what we’re talking about here—the fact that they were able to write a law, a specific law, to help SNC in a specific case to get off its charges.

Now, we learn from this report that once this law was put in, Ms. Wilson-Raybould was very concerned as the Attorney General that this law had been rushed because it was a law for one company for one case. She tried to distance herself from it. Why? She felt it would compromise her. I would love to have heard from Mr. Dion about this, but obviously we’re not going to be allowed. The fact is that the Attorney General had raised concerns that a law was being implemented without proper due regard for the fact that a law must represent the interests of all Canadians. It cannot be written tailor-made for the defendant.

Mr. Morneau again appears to interfere in this process when Ben Chin starts calling the Attorney General’s office. Ben Chin says that the company’s perception is that the process of negotiating a remediation agreement is taking too long. Oh my God, it must be really hard to be so powerful as to be able to write your own laws and then say, hey, how come we’re not off the hook yet? So they phone the Attorney General’s office to say, speed it up. Jessica Prince responds to Ben Chin that he is really close to being far over the line on the improper interference in the independence of the judiciary. That report is made available to Bill Morneau, and Bill Morneau tells the Ethics Commissioner that he doesn’t remember seeing it. I mean, poor Bill. How could you have such a dodgy memory if you have to have so many facts and numbers and jobs? You can’t remember that

you’ve been told by your chief of staff that you are improperly interfering in an independent prosecution investigation. You know, when you speak to the Ethics Commissioner, you are under oath.

Is Bill Morneau truthful that he doesn’t remember the key meeting in Davos, Switzerland, that he doesn’t remember what they talked about, that he doesn’t remember receiving that email from his chief of staff that he was improperly advising? I can’t believe that Bill Morneau didn’t know that this concern had been raised. I would like to ask Bill Morneau why he told the Ethics Commissioner he never read it. It says one of two things: either Mr. Morneau is incompetent, or Mr. Morneau is not telling the truth to the Ethics Commissioner. Each of those is very troubling.

We know the Liberals have told us that they got a report from Anne McLellan and everything would be rosy if we just followed that. Well, everything would be rosy as is, because you don’t have to change the rules to stop interference in the independent prosecution; you just have to respect the rules. That’s what the Liberals don’t understand. Justin Trudeau doesn’t believe the law of the land applies to him. We don’t need a new report to say anything about the independence of the prosecutorial system in our country. It is established. It is based on a principle, and that principle is that you don’t cross that line.

I’m amazed at how many people were involved in this. This is where Ben Chin needs to talk. Why in God’s name was Ben Chin calling the Attorney General’s office demanding that they start to move more quickly on getting their pals at SNC-Lavalin off the hook? Who gave him that authority? They were discussing this agreement with industry, the Treasury Board, procurement, and not once with the Attorney General’s office, so when Ms. Wilson-Raybould read the report, she said she was very surprised at the extent of the interference. There was a whole pattern, of everybody. It was all hands on deck in the Liberal Party. They all knew. They were all involved, and they were all breaking the law of Canada because Justin Trudeau told them to break the law, because Justin Trudeau said, “Hey, I’m the MP for Papineau and there’s going to be an election soon.” Bouchard said, “Yeah, laws are great, but we have to get re-elected.”

• (1430)

We have my Liberal colleagues putting the falsehood out that he was concerned about jobs. I think Mr. Erskine-Smith, whom I have great respect for—I don’t like his shoes, but everything else I have great respect for—just told us that it was perfectly okay for the MP for Papineau to stand up for his region, just like Mr. Erskine-Smith would stand up for issues in his region and just like I stand up for jobs in my region. The difference is that I am a single member of Parliament, a backbencher. I am not the Prime Minister of this country, so I can stand up and say, hey, I need to help jobs in my riding. That’s part of my job. That’s part of Mr. Erskine-Smith’s job, but the Prime Minister can’t say, “I have an election up ahead. I have to get re-elected, and you have to rewrite me a law.”

Correct me if I'm wrong, but when Jim Flaherty was the finance minister, I think I was the one who went after him over the fact that he had written a letter in support of a business while he was finance minister. Mr. Flaherty said he was acting as a local MP and that was his job. They ruled that you cannot do that as a finance minister, because you have so much extra power, a power that Mr. Erskine-Smith or Madame Fortier or I don't have. That's the difference.

That's what the Conflict of Interest Act is based on. The higher up you are in terms of political power, the more responsibilities you have. So when Justin Trudeau says that he is the MP for Papineau and has to defend his patch, he is already breaking the Conflict of Interest Act and furthering someone else's interest.

Having been on this committee for a number of years, I note Mr. Erskine-Smith's belief that you can only claim that financial interest is a personal financial interest—that if someone gives you money, you are advancing their interest. This has been a long-standing debate in terms of the role of the Conflict of Interest and Ethics Commissioner—what defines interest. Mary Dawson, our previous one, was much more vague about this, and certainly when there were issues of people paying money into a riding association, she was saying, is that direct or indirect?

Mr. Dion has given us a ruling, and that ruling is that the Prime Minister was furthering the financial interest of SNC-Lavalin, not furthering the interest of thousands of jobs and not furthering the interest of the Canadian people. If the Liberals believed he was wrong, they would have let him speak, but they're not letting him speak. They have shut him down. They have shut down our committee. They've obstructed the work of our committee, so we have to go to other witnesses, which is another reason why Mr. Trudeau is very essential to this.

One of the most staggering statements I found in Mr. Dion's report is that we have an SNC lawyer, Mr. Prichard, talking to the former president of the Treasury Board about the case that Ms. Wilson-Raybould was overseeing. Mr. Prichard states:

We are also considering other ways to make it easier for the Minister to engage and reverse the [Director of Public Prosecutions'] decision. In the end, however, it will take a deliberate decision from the center...

That there, my friends, is collusion. That there is conspiracy, and that there is the lawyer for SNC-Lavalin phoning the head of the Treasury Board and saying they are going to corrupt the decision of the Attorney General and “make it easier” for them to overturn this, but it's going to come from the centre. Who is the centre? The centre is the Prime Minister of this country, Justin Trudeau, who in that moment is involved in the collusion and conspiracy to undermine the rule of law in this country. That's why the Liberals voted against Mr. Dion presenting his report, because once that's on the record, all other questions become much less important.

Then out of this is that Ms. Wilson-Raybould seems to have done her job. She was told that it would be extraordinary, unprecedented for her to bring other people in. The idea that Beverley McLachlin should be brought in was cooked up by SNC's lawyer, who is a former Supreme Court justice, who then reached out to another former Supreme Court justice to get an opinion.

●(1435)

In Canada, we trust the independence of the Supreme Court. We believe these people are representing our interests, but when you're SNC-Lavalin, you can hire someone from the Supreme Court and they'll get you a tailor-made opinion, and then they'll go to Beverley McLachlin. Did anyone tell Beverley McLachlin, “Listen, Jody Wilson's not playing ball here. We need you to give us something so that we can put pressure on her”? As I said, this lady was not for turning. She did not give into it because, knowing that the law had been written specifically for SNC, she was concerned that if she acted, it would have compromised her role as the Attorney General of this country. That was what she said, which leads me to the other reason we need to hear from Justin Trudeau.

Mr. Dion's report states that when Mr. Trudeau's attempt was thwarted, he set out to professionally discredit the Attorney General of Canada. We know this from seeing how, when this became public, one story after another was leaked by the Liberal war machine painting Ms. Wilson-Raybould as troublesome and as taking orders from her father. What a diminution of the role of a woman attorney general. There was one attack after another. They actually lined up a whole bunch of the Liberal caucus to go out to the cameras and trash Jody Wilson's reputation, to blame her, to say that she was a troublemaker, that she didn't play well with others, that she wasn't good enough because she wouldn't go along.

The Prime Minister has said it's really important to be open and to be feminist, but you have to play ball. She didn't play ball, and it says here in the report that Prime Minister Justin Trudeau attempted to discredit her. I think it's staggering that if you're standing up for the rule of law in this country, they will orchestrate a campaign to trash your reputation. That needs accountability.

I would have preferred to ask Mr. Dion about this directly, because Mr. Dion is not making these statements out of thin air. He's making them on the evidence he found, and we don't have access to him to hear him speak because the Liberals are obstructing this, just as they obstructed everything else. That is what got them into trouble, but we could ask Mr. Trudeau.

Finally, Mr. Chair, I just want to end on the issue of obstruction, which we've seen today and which has been the pattern, as everybody in the media has been saying would happen because you can see the pattern of obstruction. What's very shocking is that nine witnesses were blocked from giving testimony, nine witnesses were denied having access to speak to the Ethics Commissioner. The Ethics Commissioner should have been allowed to come to our committee because it is our job to be the oversight committee for the Ethics Commissioner, and if someone is interfering with the work of an ethics investigation, that needs to be reported to Parliament. The problem is that it's the Prime Minister of the country who is being investigated. As I said earlier, the principle of the Conflict of Interest Act and the code and the lobbying code is that the more powerful you are, the higher your standard of ethical accountability must be.

You can be a newbie MP and make a mistake and you can get into trouble, but there's a difference when you're the Prime Minister of this country. Why did they interfere? They claim cabinet confidence. Well, obviously cabinet confidence didn't mean all that much when Jody Wilson-Raybould was meeting Gerry Butts and SNC was pretty much sitting under the table and listening in. They didn't seem to think cabinet confidence meant diddly-squat then. They silenced Ms. Wilson-Raybould. They silenced Jane Philpott's ability to speak. They've attempted to use cabinet confidence to interfere with the work of the Ethics Commissioner. If this stands, then what the Prime Minister's Office is saying is that he is above the law of the land because the only law that applies to the Prime Minister is the Conflict of Interest Act. If you're going to use the power of the Prime Minister's Office to forbid the Ethics Commissioner from gathering evidence, then he can't do his job.

We need to find out. I would like to ask Justin Trudeau what he meant when he said, well, we don't want to create any “troublesome” precedents. Well, yeah, I bet. When you're under investigation, it's troublesome. It's the same when you're the defendant—and my colleague Mr. Erskine-Smith can correct me if I'm wrong because I did not go to law school—because my understanding is that generally the defendant doesn't get to write the law. The defendant doesn't get to call the prosecutor's office and say, “Hey, speed it up and get me off the hook. I'm important”. That's not how it works.

• (1440)

SNC, as the defendant, should not be allowed to write its own laws. And the Prime Minister, as the person under investigation, does not and should not have the right to obstruct the investigation because he finds it troublesome.

Since they're so concerned about Mr. Dion being able to testify about what he found, I would say that if we are not allowed to hear from the commissioner who reports to our committee and we're being obstructed on this, then the reasonable thing would be to have Mr. Chin come, because he got promoted, didn't he? For all his interference with the independence of the prosecution, he got promoted.

Gerry Butts is back on the campaign bus, so obviously they're all laughing and slapping each other on the back, because breaking laws is what Liberals are doing and they're getting away with it.

The Prime Minister needs to come because he's the one who said, “Yes, thanks for the report finding me guilty, but whatever, I'm carrying on”, as should Bill Morneau, the man with the amazing disappearing memory. On that, I do remember that Bill Morneau forgot he owned a villa in the south of France, so I guess it's possible. Who among us has not forgotten that we own a villa in the south of France?

Frank, I know, a couple of times you just dropped it and never even mentioned it, and then it was like, “Oh yes, geez, I can't remember where I put my keys.” So maybe he flew to Davos to meet with the head of SNC-Lavalin just prior to this omnibus legislation and maybe he forgot. But maybe he didn't, and that's why Mr. Morneau needs to testify before our committee.

• (1445)

The Chair: Thank you, Mr. Angus, as always.

Next up is Mr. Erskine-Smith.

Mr. Nathaniel Erskine-Smith: This is not a comment, Charlie, that I think Peter Kent is more reasonable than you all the time, but in this instance, while his motion—

Mr. Charlie Angus: On a point of clarification, he just attacked me. Tell him to stop.

Mr. Nathaniel Erskine-Smith: Mr. Kent's motion was, I think, a reasonable one. I think this particular motion is an overreach. It's inconsistent with the past practice of this committee and it is effectively.... I am repeating myself from previous occasions, but we are not an investigatory body and it is treating us as one, so I will be voting against the motion. I was happy to support Mr. Kent's motion to invite Mr. Dion, but inviting an endless stream of witnesses is not something I can support.

The Chair: Thank you, Mr. Erskine-Smith.

Next up is Ms. May.

Ms. Elizabeth May: Thank you, Mr. Chair.

I just want to make a couple of quick points in response to some of the points put forward by my colleagues. I am not a voting member at this table, of course.

First of all, it's a really hard issue for all of us here around the table, but I have to say that—following somewhat from your point, Mr. Erskine-Smith—I found it unhelpful to describe this case as the Prime Minister telling people that he wanted them to break the law. For what it's worth, I maintain that, to this day, I don't think the Prime Minister understands that what he did was wrong, which is maybe equally troubling or more troubling. I think he's maintained that view because the people around him were overwhelmed by the fact that former Supreme Court judges were telling them what to do and were undermining their Attorney General, who happened to be a younger woman and indigenous, and this part of the story bothers me.

What should the former attorney general have done? I want to remind my friend Mr. Erskine-Smith of her testimony to the justice committee. She said to those lobbying her on behalf of SNC-Lavalin that if they have additional evidence, that goes to the decision-maker, who in this case is Kathleen Rousset, director of public prosecutions. Our former attorney general said, on the evidence, that she had told those lobbying for SNC-Lavalin that if they had a representation on a threat to jobs and they send it to her, she would ensure that it is put before the director of public prosecutions so she can take it into consideration. Such a letter was never sent.

It's also disturbing to me that so many people—and I would like to have before the ethics committee many of them who were mentioned in the testimony of former attorney general Jody Wilson-Raybould—were given access by our former attorney general to the section 13 report, which is highly confidential, of the former director of public prosecutions. They declined to read it and seem to have lost it, including a number of political staff in the PMO, the deputy minister of the Department of Justice herself and the former clerk of the Privy Council.

To Mr. Erskine-Smith's point that a corporation can have good people and bad people, that's all true, but this corporation is charged in its corporate state; it is charged as a corporate person. There are no individual officers charged. The corporation must face full trial, which is why I go to one last point, Mr. Chair.

If we're looking for a real motive, we don't have to look far. Some of the most celebrated corporate giants in this country are businessmen with good reputations, people like Gwyn Morgan, former chair of Encana and a major fossil fuel lobbyist against climate action, who was chair of the board throughout the time the alleged bribery took place, and chair of the governance committee. There were a lot of people on the board of directors—whom I won't list—whose reputations could be hurt if what I suspect might be heard in the evidence in open court is actually heard, because these are not just bribery charges of a small nature. This is about working hand in glove with the Gadhafi regime and paying millions of dollars.

By the way, as to the whole idea that SNC-Lavalin has been washed pure as snow, they haven't changed their auditor. Deloitte was their auditor then and Deloitte is their auditor now, and somehow never noticed that \$50 million went missing in bribes in Libya.

I think what we're looking at is corporate Canada exerting its influence to not have to face a full trial because reputations would be harmed. I think that's enough of a motive to start leaning on the Prime Minister, the finance minister, the President of Treasury Board and all their friends.

We need to ensure that Canadians understand that this isn't about small things and the Shawcross principle. That's a bridge too far for most Canadians to care about, and I accept that; I get that. But it's really important that Canadians know that no future government, no future prime minister, should ever allow pressure to be brought to bear to stop a full and open trial of the alleged criminal activities of this corporation.

Under the principles of deferred prosecution agreements, as understood in international law, economic disadvantage to the corporation is not a relevant factor. We need to understand that we should protect workers always, but we must not protect criminality because the people whose reputations could be hurt are powerful. You bet they're powerful: They've blocked climate action for quite a while.

I am afraid that this corporation needs to face a trial on the evidence that Kathleen Roussel, as director of public prosecutions, decided under a section 13 report disqualifies them from a deferred prosecution agreement by law.

• (1450)

That's what our former attorney general looked at. That's why she exercised her due diligence to ensure the decision by the director of public prosecutions. I agree with Mr. Nathaniel Erskine-Smith once again. It was a very good move that the former Conservative government brought in the director of public prosecutions and insulated that office from political interference. That's all quite right and good. Canadians need to know that this is about a corporation charged with crimes we don't know, up to and including killing

people—we don't know. Evidence is under the section 13 report. We need to have it come before an open court.

That's why I think the pressure was brought to bear. Powerful men have powerful friends. I still think that our Prime Minister needs to understand—and I don't think he does—that what he did was wrong, and he needs to apologize to Jane Philpott, Jody Wilson-Raybould and the people of Canada.

The Chair: Thank you, Ms. May.

I have two more speakers, Mr. Kent and Ms. Ramsey. If anybody else wishes to speak, we have about an hour and seven minutes left.

Mr. Kent, go ahead.

Hon. Peter Kent: Thank you, Chair.

Very briefly, I would like to thank Mr. Erskine-Smith for his vote in support of my motion earlier today. I say that even as I intend to enthusiastically support Mr. Angus in his motion when it comes to a vote. I must say again that this is a second chance for the other four Liberal members of this committee to stand up and do the job that they sit on this committee for, which is to defend the practices and protocols of this committee as we have practised in the past, the precedents. It seems obvious that they are taking direction this afternoon, Mr. Erskine-Smith aside, from the PMO, from a stranger to this committee who obviously thinks that the sorts of practices that are accepted in committees on which he has participated are acceptable here. They are not. I would suggest again that this is a second chance for the four Liberals opposite to stand up, to comment, to justify the no vote they cast in the first motion and the no vote that I understand they are going to cast in this motion.

Thank you.

The Chair: Thank you, Mr. Kent.

Ms. Ramsey, go ahead.

Ms. Tracey Ramsey: I just want to pick up on a lot of things said by my colleagues here, many of which I agree with.

I would like to talk a little bit about the importance of having Minister Morneau and Ben Chin appear before the committee. This is something that we attempted to do at the justice committee. Of course, we were unable to, and I really reject Mr. MacKinnon's characterization of those meetings as being comprehensive or that we had enough testimony at the justice committee. Nothing could be further from the truth. There were multiple attempts made to have many other people come before the committee, because, quite frankly, we still have only a part of the story. I believe I even heard a reference made on the other side today to Ms. Wilson-Raybould saying she didn't have anything else to say. That was because what she had said was within the scope of what she was allowed to say. She certainly has more to say, and I think we all accept that now.

I would also like to echo my colleague and say that the Prime Minister owes an apology to Ms. Wilson-Raybould, to Ms. Philpott and to Canadians. The Prime Minister has repeatedly stood up and said he's never understood this as being some type of political interference, yet when we look at the report by the Ethics Commissioner, we see that starting back in mid-August 2018. Ben Chin was going to Jessica Prince, and right away she was saying to him that it could be perceived as improper political interference. Therefore, at the very beginning of this, someone was laying out that this could be perceived as political interference.

Now, I don't believe that Mr. Chin was operating on his own behalf, that he just decided to go over to speak to the Attorney General's staff. I believe he was under the direction of the minister he works for, Mr. Morneau. If we could hear from Mr. Chin, I anticipate that being one of the questions. What was the direction given to him in those conversations that happened with Jessica Prince? In mid-August 2018, we already have two staff people having a conversation about potential political interference. Then we move on and as we go through the story, we see that on September 19 Jody Wilson-Raybould went to Mr. Morneau in the House and told him quite clearly that his staff needed to stop contacting her office on the matter because they were undermining the fundamental tenets of democracy and prosecutorial independence.

Here's Minister Morneau again involved in the story, who, again, was being told directly about political interference. Are you telling me that the Minister of Finance, when being told by the Attorney General and Minister of Justice that he is potentially even touching that line, does not go to talk to the Prime Minister? This is what we need to know. We need to know and understand what was said at that cabinet table, because clearly there are a lot of players, and potentially they did notify the Prime Minister and say, "Listen, you're getting very close to something dangerous here; you have to stop what you're doing." Are you telling me that no one at that cabinet table, including Mr. Morneau, whose fingerprints and those of his staff are all over this report, notified the Prime Minister that what he was doing was wrong? I cannot comprehend that happening.

For the Prime Minister to repeatedly stand up and say that he doesn't believe he did this, that he doesn't know what this would be interpreted as, whatever it is he's trying to say, is incomprehensible. Quite frankly, it is incomprehensible for him to say that he accepts the report and some kind of responsibility but doesn't understand this, when clearly there were many people within the circle who were aware of this and had an obligation and responsibility to go to the Prime Minister and tell him.

Then we get to November 2018. On November 20, the PCO sent a memo telling him not to meet with Mr. Bruce or any representative from SNC to discuss the case in order to avoid public perception of political interference. Again, he's notified, this time by the PCO. It appears as though there were people trying to inform him. I hope they were, because it's their obligation and they should be doing that, and yet he's ignoring that. There's another reference to it on November 22. Again, PMO staffers were involved—Bouchard and Marques. Are you telling me they were all just out there operating independently and not reporting back to the Prime Minister, not reporting back to the minister, and that the Minister of Finance isn't

reporting back to the Prime Minister of Canada? These are some serious systemic problems.

• (1455)

I know we don't have the answer, because now we're not going to be able to have the Ethics Commissioner come before us. I would implore us to listen to and hear from all of these players. We need to hear from Minister Morneau.

I'll leave my comments at that.

I think there's such a strong argument. I don't understand how the Minister of Finance in our country is pretending that he doesn't remember. He's directing his staff to do things that they're apparently not telling him about or having conversations with him about. There are many questions.

One of the questions we have for the Ethics Commissioner is whether or not he thinks Mr. Morneau acted improperly. Canadians have a right to know, and this committee should pursue that effort.

I'll leave my comments at that.

• (1500)

The Chair: Thank you, Ms. Ramsey.

Next up we have Mr. Angus.

Mr. Charlie Angus: Thank you.

I want to address a few things. First, I want to remind my colleague Mr. Erskine-Smith that actually we are an investigative body here. We have subpoenaed evidence, we've issued summonses, and we've seized documents. We have been more than willing at this committee to use the force we have, but the fundamental job we have is to have the officers of Parliament report to us, and today the Liberals voted not to allow the Ethics Commissioner to present his report.

One of the other officers of Parliament who report to us is the lobbying commissioner. We've had very little relationship with Madame Bélanger, the new commissioner, but the previous commissioner, Karen Shepherd, was an extraordinary force for accountability, and I'm hoping Madame Bélanger will do the same thing. I have written to her because I am very concerned.

Something we've raised numerous times as the New Democratic Party is the problem with the difference between the conflict of interest obligations and the Lobbying Act. How is it possible that the Prime Minister can be found to be privately furthering the interests of a corporation, yet that corporation is not found to have been improperly lobbying or vice versa? We've had situations where the Lobbying Act has been ruled against individual lobbyists but not against the public office holder.

I really think it's important for Madame Bélanger to investigate, given that we have not been able to get answers from Mr. Dion because the Liberals have obstructed his speaking. However, the pattern of intense lobbying that involved writing an actual law while they were the defendant is very concerning. The Lobbying Act is clear. You cannot put a public office holder in a conflict of interest or in a compromised position, and that's what was being done, right down to the statement that they needed the power "from the center" to put that pressure on to force Ms. Wilson-Raybould to change her mind. The issue of lobbying is something that we really need to deal with.

I want to go to Ms. May's point about the international implications. I think this is very important, and I'm really glad that she framed it in this manner. The idea that this was about Canadian jobs and Canadian pensions is ridiculous when we see the pattern of corruption and bribery charges that have been brought against SNC-Lavalin in jurisdiction after jurisdiction. To be barred by the World Bank, you have to be pretty bad. We're dealing with a lot of jurisdictions where the rule of law is very tepid, to say the least. The allegations that have come out of Libya are shocking, and Canada has to have international credibility that we believe in the rule of law. To that end, we now know that the OECD anti-bribery unit is putting the Trudeau government on watch because they've seen how this government has attempted to shut down the SNC-Lavalin investigation.

I agree with Ms. May that what we're looking at here is not about the jobs of individual Canadians, because the construction work has to be done. They are bidding on projects that many companies are bidding on in Canada. This is certainly going to be about some very powerful people, going back 20 years at least, who are very tied to both the Liberals and the previous Conservative government.

Do I mention Arthur Porter here? Here was a man who ended his days in a Panamanian jail. He was given a position by former prime minister Harper to oversee CSIS. That's the power of these people. In terms of Arthur Porter's involvement with the McGill hospital scandal, those court cases still have to come, but the international implications of Canada's shutting down an investigation into one of their own companies, which has been found to be involved in corruption and bribery internationally, make Canada a country that is not credible on the international rule of law. That is what the OECD anti-bribery unit has announced. It's why they are investigating.

What we are witnessing today is the obstruction of a committee, forbidding an officer of Parliament from doing his job, which is to report to a committee on a finding of guilt against a prime minister of Canada for furthering the interests of a corporation facing corruption and bribery charges. This is a company that has been barred around the world because of its repeated violations. This is very serious, and we can see the power they have.

• (1505)

It is the corrosive power of the one per cent to be able to call the Prime Minister's Office to say, "We want you to write us a law." It is the corrosive power of the one per cent to get a former Supreme Court justice as their lawyer, and then to have him call another Supreme Court justice to say, "We need your help. Give us legal

advice." They were undermining the Attorney General of this country.

I don't know if I need to point it out, but Mr. Iacobucci, of whom I think Mr. Wernick said that he was no shrinking violet.... They wanted to please him. They wanted to keep him happy, yet he is representing a defendant against the Government of Canada and he has also been chosen by the Liberal government to be the key point person on the Trans Mountain consultations.

How can you be so incestuous with the powerful and the rich that you could have someone who is fighting Canada in court also calling the Prime Minister's Office saying, "Hey, I want you to change the law so I don't have to go to court, and by the way, I will be your voice in negotiations with one of the most important factors", which is the first nation consultations on the pipeline expansion.

Clearly, if this goes to court, a lot of very politically powerful people are implicated. That's what the Prime Minister was concerned about, because if the Prime Minister was concerned about people's jobs, he would have done something for the Sears workers. He did nothing. He would have done something for the auto workers in Oshawa. He did nothing. However, when it came to the rich and powerful who were connected to SNC, who have been found in many jurisdictions to be involved in some reprehensible behaviour.... Building torture prisons for Gadhafi and making money out of that is not acceptable. There are international implications.

This is why I want the Prime Minister to come to explain why he was so appressed, from the get-go, of passing this law. It is not just something that's going to get shut down in the short term because the Liberals have to get to an election. This is going to be a stench that hangs over Canada's international reputation if SNC is allowed to have that much power to interfere in the independence of the prosecution system of this country.

We have to have the rule of law. We have to be able to show it because we are a country that is involved around the world and we cannot be seen, in any manner, to be favouring our own corporations over the rule of law and their obligations to meet the highest standards of ethics and legality around the world, whether it's in Montreal at the McGill hospital, in Bangladesh or in Libya. All corporations must have respect for the rule of law, and the Prime Minister must have respect for the rule of law.

What we've seen here, and what we are seeing today, is that they don't have respect for the rule of law. To them, it's about helping the rich and powerful. That is the corrosive power of the one per cent, and that's what has to be called out.

The Chair: Thank you, Mr. Angus.

We have Ms. Raitt, and then Mr. Weir.

Ms. Raitt, go ahead.

Hon. Lisa Raitt: Thank you, Mr. Chair.

Very briefly, I wanted to follow up on a point from Mr. Erskine-Smith in his very first intervention, regarding improperly furthering private interests. I do so because we're not going to hear from the Ethics Commissioner to defend his report, so I thought I'd step into his shoes for a quick two minutes.

The Ethics Commissioner, on page 45, for those who care, does go into a deep understanding and a deep dive on what is improperly furthering private interests. What may be of interest to the committee is that the former ethics commissioner Mary Dawson in fact wrote a paper and gave a number of speeches with respect to whether or not there had been improper furthering of private interests. I would just like to read this into the record, because this is the important part.

It is agreed by the Ethics Commissioner, and I think by a number of people around the table, that indeed the conduct of the Prime Minister was improper in the way he tried to further the interest. I do believe it's also agreed in plain that the private interest of SNC-Lavalin is very evident as well. They stood to receive a huge gain should they be successful in getting the criminal charges diverted in another direction. That's why they put so much effort into it.

Therefore, we know that it was improper. We know that there was a private interest involved. The question comes down to how we can do anything as politicians if we're not allowed to stand up for the public interest. I would just read this to the committee, because I think Mary Dawson did it well when she talked about this fact:

We have had several cases focussing on the general prohibition, found in both the Act and the Members' Code, against improperly furthering the private interests of someone who may not be a friend or relative. The qualifier "improperly" reflects that fact that Members and public office holders routinely and legitimately further the private interests of particular groups or individuals through the formulation and implementation of public policy. Politicians, in particular, should be able to voice their support for fellow politicians and particular political agendas, and should not be restricted from doing so on the grounds that it may incidentally result in furthering particular private interests.

However, this is a very different situation because the focus of the action in question was really only ever on the private interests of SNC-Lavalin. The improper steps that the Prime Minister took in four different instances, which the Ethics Commissioner enunciates in his report, and the number of times political considerations came into the motivation for seeking to make the Attorney General change her mind clearly show that it was improper. It fails the test of improper. It is clearly within the realm of private interest, and the Ethics Commissioner I'm sure would be able to explain, as I have, that it is not about whether or not a politician can lobby on behalf of their company, or a situation. What it comes down to is whether or not you do it in a proper manner, and this clearly was improper.

That is the crux and the nub of the entire report. The Ethics Commissioner found that the Prime Minister broke the law because he improperly furthered the private interests of SNC-Lavalin and attempted to get them diverted from a criminal case into a different stream that would be more beneficial for them financially and, I would expect, reputationally too.

Thank you for that.

• (1510)

The Chair: Thank you, Ms. Raitt.

Mr. Weir.

Mr. Erin Weir: Thanks very much.

Since we seem to have entered a bit of a broader discussion of the SNC-Lavalin case, I just want to make the point that I think it would have been far preferable had there been a more robust investigation and prosecution of the specific executives involved in alleged

wrongdoing, rather than being left in this scenario of prosecuting the company as a whole, which inevitably will have negative consequences for people who had no involvement at all in the wrongdoing.

Whether or not members of the committee believe the figure of 9,000 jobs, I don't think anyone would dispute that going after the company as a whole is going to have negative consequences for a lot of people who are totally blameless in this thing. I do think one of the key take-aways from the SNC-Lavalin controversy is that we should have much more effective prosecution of the individual corporate executives who are involved in wrongdoing, rather than relying on the legal fiction of corporate personhood to prosecute whole enterprises.

Thank you.

The Chair: Thank you, Mr. Weir, for that.

I have no other people on the speakers list.

Are we ready—

Hon. Peter Kent: A recorded vote, please.

The Chair: We'll have a recorded vote.

(Motion negated: nays 6; yeas 3)

The Chair: Ms. Raitt, do you have a comment?

Hon. Lisa Raitt: I have a quick motion, Mr. Chair, if I may.

I assume it will be disposed of very quickly, but I thought I'd give it a shot nonetheless.

Given the fact that we're not going to hear from the Ethics Commissioner, and given the fact that we do have this book that is out there from Aaron Wherry called *Promise and Peril* that seems to indicate the Prime Minister has breached cabinet confidentiality, I move:

That the Committee request Aaron Wherry, author of "Promise and Peril", a biography of Justin Trudeau, table all recordings, notes and other materials that he collected during his interviews of the Prime Minister that relate to materials that fall outside of the Order in Council—

• (1515)

Mr. Steven MacKinnon: Point of order.

The Chair: Ms. Raitt, there's a point of order.

Mr. Steven MacKinnon: Do we have notice of this motion?

Hon. Lisa Raitt: We don't need it.

The Chair: Mr. MacKinnon, it's one of those things in committee. It's nice to do, but it's not required that she give notice of her motion.

The motion has come up on the floor today. She is therefore in order to present that motion.

[Translation]

Mr. Steven MacKinnon: Is it in French too?

[English]

The Chair: Ms. Raitt, do you have it in French?

Hon. Lisa Raitt: I do not.

I ask the indulgence of the committee to still introduce it.

[*Translation*]

Mr. Steven MacKinnon: No, they—

[*English*]

Hon. Peter Kent: It's always accepted. Well, you're a stranger.

Hon. Lisa Raitt: It will be translated simultaneously as I read it.

The Chair: To be in order as well it's not required that it be in French. She is completely in order to present her motion as she is stating.

Continue on.

Is this a point of order, Mr. Angus?

Mr. Charlie Angus: No.

The Chair: Ms. Raitt, please finish, if you would.

Hon. Lisa Raitt: I'll start from the beginning.

I move:

That the Committee request Aaron Wherry, author of "Promise and Peril", a biography of Justin Trudeau, table all recordings, notes and other materials that he collected during his interviews of the Prime Minister that relate to materials that fall outside of the Order in Council waiving Cabinet confidence in the SNC Lavalin matter so that the Committee can determine whether the Prime Minister breached Cabinet confidence.

The Chair: Ms. Raitt, can you say that one more time for the record?

Hon. Lisa Raitt: More slowly? I will.

The Chair: Exactly.

Hon. Lisa Raitt: I move:

That the Committee request Aaron Wherry, author of "Promise and Peril", a biography of Justin Trudeau, table all recordings, notes and other materials that he collected during his interviews of the Prime Minister that relate to materials that fall outside of the Order in Council waiving Cabinet confidence in the SNC Lavalin matter so that the Committee can determine whether the Prime Minister breached Cabinet confidence.

The Chair: Thank you, Ms. Raitt.

I have Mr. Angus to speak to the motion.

Mr. Charlie Angus: Thank you, Mr. Chair. You've been an excellent chair these past four years. I want to thank you for being non-partisan and keeping everybody on the straight and narrow. I have enormous respect for your work.

I have enormous respect for Ms. Raitt, but I have to vote against this in the strongest terms.

We cannot use our power as parliamentarians to target journalists. We cannot demand that journalists turn over evidence. We cannot demand that journalists testify before us. That is not the role of our

committee. The role of our committee is to hold parliamentarians to account, not journalists. Sometimes they don't write the nicest things about me. I can't bring them forward and ask them why; that's their role. There has to be a strong separation between the role of journalism and the role of parliamentarians, and that's our committee's role.

The Chair: Thank you, Mr. Angus.

I'll go to Mr. Erskine-Smith.

Mr. Nathaniel Erskine-Smith: Mr. Angus made a point that I was going to make as well.

I think it's improper for any number of reasons. It is a standing practice for our committee that there be notice. I would have expected some conversation in advance if there wasn't to be notice. Regardless, forget process, on substance it's not something I can support. I completely agree with Mr. Angus.

The Chair: Thank you, Mr. Erskine-Smith.

We'll go back to Ms. Raitt.

Hon. Lisa Raitt: Thank you.

I appreciate the commentary of the two members.

If it is about whether that becomes public, I understand the concerns. My concern is that the Ethics Commissioner should have all the information that he was not allowed to have with respect to cabinet confidence. That is being freely given to other people and digested in a way that is more, I would say, sympathetic to the Prime Minister.

I'll withdraw the motion, because I believe that the members don't agree with me that it's important to move ahead.

The Chair: The committee would have to agree to have that motion withdrawn. Is it the will of the committee to do that?

You'd like to vote on it.

Is there any further discussion on the motion?

Mr. Steven MacKinnon: A recorded vote.

The Chair: It's a recorded vote.

(Motion negated: nays 7; yeas 2)

The Chair: Is there any further discussion today?

I believe we've exhausted the motions and are ready to head home. Thank you, again, for coming to Ottawa.

We're adjourned.

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