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Chair: Ms. Rachael Harder



Standing Committee on Access to Information, Privacy and Ethics

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• (1535)

[English]

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

I will acknowledge hands momentarily here. I'll just welcome you to the committee.

The purpose of today, according to the committee business that is in front of you—yes?

Mrs. Brenda Shanahan (Châteauguay—Lacolle, Lib.): I have a point of order. As we just had a chance to discuss briefly, I want to put it on the record that the chair made a decision for this meeting to be taped, to be audible, where we had thought it would be in camera. I just want to have it on the record that it's a decision that the committee can make interchangeably, depending on the topic, for the whole meeting or part of the meeting. It's something we can decide together, whether the proceedings will be in camera or recorded, but it's audible, taped.

The Chair: It's in public.

Mrs. Brenda Shanahan: Yes.

The Chair: Go ahead, Mr. Barrett.

Mr. Michael Barrett (Leeds—Grenville—Thousand Islands and Rideau Lakes, CPC): Madam Chair, I'd like to move a motion.

The Chair: Okay.

Mr. Michael Levitt (York Centre, Lib.): I have a point of order.

The Chair: Yes.

Mr. Michael Levitt: Further to our discussion in the last meeting, I think we said that the first thing we were going to do was address the issue of the vice-chair. I think that was the spirit of what we concluded, that it was going to be the first thing on our agenda in this meeting, so if the committee is okay with that, before we get.... I know there are lots of motions to discuss, but could we do that first? I had sort of raised the issue and it was hanging there, but we did say we were going to deal with it first.

The Chair: Mr. Levitt, thank you. I appreciate your bringing that to my attention. The issue was brought forward to PROC and it has not come to any sort of conclusion. During our last meeting, you'll recall that I said I was waiting for that decision to come forward from PROC before we discuss that further here. However, I am at the will of this committee.

Mr. Michael Levitt: No, it's my recollection that what we actually said was that we were going to wait but if it hadn't been dealt

with by the time we came back for the first meeting, we were going to elect a vice-chair with the knowledge that, should it happen later on in the week, there is always the ability to add a third chair. I think what we said was, if it had been sorted in PROC by the time we sat today, fine; if not, we would still proceed with electing a vice-chair, again knowing we will be adding an additional one if it gets passed. I think we said we weren't going to hold off, even if it hadn't been heard. That was my recollection.

The Chair: Mr. Levitt, would you like to move a motion?

Mr. Michael Levitt: Sure. I'd like to move that we deal with the election of a second vice-chair at this time.

The Chair: Mr. Angus.

Mr. Charlie Angus (Timmins—James Bay, NDP): I thought we were waiting for PROC, but if we're not.... Since I have no friends on the committee, I'll nominate myself, having spent eight years on this committee. I would hope that PROC decides on two second vice-chairs. I think it's only respectful.

If they want to make a motion now, I'll put my name forward.

The Chair: I apologize, Mr. Levitt. I have acted out of order here. Mr. Levitt, you drew a point of order and, within that, you actually cannot move a motion, so I will have to return to Mr. Barrett to finish his motion.

Mr. Michael Barrett: Thanks, Madam Chair.

Having initiated the moving of my motion, following that I would be amenable to whatever else the committee desires.

My motion is:

That the Committee commence a study on the Trudeau II Report. That the Conflict of Interest and Ethics Commissioner be invited to the first meeting of the study to brief the Committee on his Report and that he be given 30 minutes for a prepared statement; and that the Committee invite a Law Clerk of the House of Commons to provide a brief on the principle of the Cabinet Confidences and that he be given 20 minutes for a prepared statement. Also, that the Committee invite other witnesses as required and that the Committee table a report in the House of Commons.

[Translation]

Ms. Marie-Hélène Gaudreau (Laurentides—Labelle, BQ): Excuse me. I didn't really understand what Mr. Angus said. We're making progress, and I don't understand what we've been talking about for the last two minutes.

Could you—

[*English*]

The Chair: Sorry, but I just have to interrupt there for a moment.

Until I acknowledge you, could you please refrain from speaking until you are acknowledged by the chair? That would be really helpful, and then I could be sure that I understand what you're saying and that this committee meeting is run efficiently.

Just give me one moment, please.

At this point in time, Mr. Barrett has moved a motion. I have a speakers list started here. We have a motion on the floor, and I do have a speakers list here, but I'm uncertain as to whether or not the speakers want to speak on the motion that has been put forward.

Out of respect for the list that I have in front of me, the first person here is Mr. Kurek.

Do you want to speak to the motion on the floor?

Mr. Damien Kurek (Battle River—Crowfoot, CPC): Yes.

The Chair: Okay, then you may proceed.

Mr. Damien Kurek: Thank you very much, Madam Chair.

Certainly, with regard to the motion that my colleague has moved, I believe it is incredibly important that this committee look fully at the Trudeau II Report, as it is the responsibility of this committee to study the findings and report of one of the officers of Parliament, who is responsible for reporting to this committee.

I took the liberty of reviewing the Trudeau II Report prior to this meeting, and there are many aspects of it that lead to unanswered questions. I believe that having the commissioner address specific aspects of the report and engaging this entire committee through that process would be incredibly helpful for what our mandate is and to ensure that Canadians have answers to the very serious questions that have been asked over approximately the past 12 months with regard to this matter.

Thanks.

● (1540)

The Chair: Thank you.

The next person on my speakers list is Mr. Angus.

Mr. Charlie Angus: Thank you. I don't want to complicate things overly, but I'd like to start with almost a point of clarification and then I'll go into the motion.

There are two points. I'm certainly willing to hold off the discussion of the second vice-chair, out of respect for my colleague, until PROC comes back. I had no intention of jumping ahead of anything. If we did that, I think it would be more respectful. So we didn't get that concluded, but I'm asking that.

Second, in terms of how the motions are going to be brought forward, I always thought that at committee, they were brought forward in the order in which they were delivered, because otherwise we'd have people jumping in and pushing their motions to the front. We have so many motions that I would prefer, Madam Chair, if you

would call the motions in the order in which they came in. That would prevent us from jumping on each other.

So, to the motion, can I do that?

The Chair: You can move it, but it can't be discussed. You have to deal with one motion at a time.

Mr. Charlie Angus: No, I want to discuss this motion.

I certainly agree that this is important to have, because it was very concerning, in Mr. Dion's testimony, that he said he was interfered with in his work as an officer of Parliament. It is up to us as this committee to ensure that the officers of Parliament have all the tools they need. So I certainly support having him come.

I'm a little uncomfortable saying that he has to speak for 30 minutes. I don't know why that's necessary. Also, with the law clerk, traditionally, I've been very wary of putting the law clerk in a position to be on the record of taking a political position. The law clerk tends to advise our committee and sometimes we have brought the law clerk in camera to give us advice. I think the law clerk would be very wary about getting caught out on this, so I think we should hear from Mr. Dion, and then if Mr. Dion's testimony raised other concerns, we would consider bringing in other witnesses.

So, I would say that we don't need 30 minutes for Mr. Dion. I would give him more than 10 minutes because of the complexity. I would ask my colleague to consider maybe 20 minutes. That allows us more time to question. As for the law clerk, I'd be more comfortable if we invited the law clerk to give us advice but not necessarily in this format of public testimony, so that we can hear if the law clerk thinks there's something that we need to look at.

The Chair: Madam Gaudreau.

[*Translation*]

Ms. Marie-Hélène Gaudreau: Can we take the time to even know the steps and catch our breath? We've just run, we need to settle down. I didn't catch the first five minutes of the conversation.

I'd like to jump in, but... I could speak very quickly in French, and you'd find that the interpretation would be difficult. Have a little respect, please.

So, where are we, Madam Chair?

[*English*]

The Chair: Here's what I would suggest, if the committee will indulge me. We have 12 motions that have been presented and put on notice. None of these motions have been moved at this point, with the exception of Mr. Barrett's. I understand that all these motions have been put forward and that they are all fair game for discussion.

What I might suggest, for the sake of efficiency as well as to honour the spirit of collegiality, which we have committed ourselves to based on our first meeting, is that we perhaps do the following. I can suspend the meeting for five minutes, which then would allow you, in your parties, to converse with one another and decide on a motion that you feel is your top priority. It would also allow you to talk across party lines and discuss what we as a committee might see as our priorities.

There are also some places where the different motions that have been presented are similar, so there may even be an opportunity for some collaboration to take place.

That said, if I were to suspend the meeting for five minutes and allow you to discuss among yourselves, then bring the meeting back and allow each party representative at this table to bring forward their top motion, that would give us the opportunity to discuss four motions in detail today and to vote on whether we accept them. My suspicion is that you will find everyone around this table to be quite collegial and quite collaborative.

We would proceed from there in determining the order in which we study these and the length of study granted. That said, that decision could be made also at the subcommittee, which of course has been set up through our routine motions. That may be the best use of time. That subcommittee, then, would determine the length and the order of study and then bring back a proposal.

A proposal always comes back to this committee, and you ultimately are given the final vote on that proposal. If you find it favourable, then of course you would vote yes, and if you felt that some changes needed to be made, at that point of course you would have the opportunity to make changes.

If it's agreed that this could perhaps work well at this committee and help us get the maximum amount of work done today, then I would move to suspend this meeting.

Yes, Mr. Barrett.

• (1545)

Mr. Michael Barrett: Madam Chair, on a point of personal privilege, if I may, I'd like to acknowledge Madame Gaudreau's comment, and I'd like to apologize. My thinking was that because the motion was in front of us it was translated. In reading it quickly, my intent wasn't to be disrespectful of anyone else at the table. I was just looking to get the reading of it into the record out of the way and was not trying to out-talk anybody.

I expect that I'm at a greater disadvantage when hearing my colleagues speak in the official language of their choice if it's not English. I'd have a challenge if you spoke as quickly as I did, so my apologies for placing you at that disadvantage. I just wanted to recognize that.

[Translation]

Ms. Marie-Hélène Gaudreau: Thank you.

[English]

The Chair: Mr. Fergus.

[Translation]

Mr. Greg Fergus (Hull—Aylmer, Lib.): Thank you very much for your intervention, Madam Chair. I think it's a good idea to take a five-minute break, so I commend you for that.

Going back to the point Mr. Levitt raised and the commitment we made at the last meeting of this committee, we will have the opportunity today to determine or discuss whether there will be a second vice-chair. At the end of this discussion, I'll advise you that I would like to raise the issue of a third vice-chair, which would be discussed at our next meeting.

[English]

The Chair: Thank you, Mr. Fergus.

If I may, because we have a motion on the floor that must be dealt with before moving any further motion, my suggestion to the committee again would be that we proceed with moving to suspend for five, come back and discuss motions with regard to study.

I believe we can move through that process fairly efficiently, and then, at the end of that process, we will have dealt with all the motions on the table, so another motion could come forward to work on the second vice-chair and the third vice-chair, should you wish to move that motion.

Would that suffice?

[Translation]

Mr. Greg Fergus: I understand you very well. I don't want to seem uncooperative, but we made a commitment at the end of the last meeting, which was the first meeting of the committee, that we would discuss and respond to this issue.

My only concern is that, if we take the time to discuss motions, there may not be enough time at the end to come back to the issue of the second vice-chair. That's my only concern.

Can I make a slight change to what you just presented?

Perhaps we could talk about Mr. Barrett's motion, because that's the one on the floor. Then we could come back to the matter of the second vice-chair and then move on to the other motions after the break.

• (1550)

[English]

The Chair: I am at the will of this committee. We do have a motion on the floor. That motion does have to be voted on before moving forward to any other motion.

At this point, I am going to move to suspend this meeting for the next five minutes. When we come back, we are going to discuss Mr. Barrett's motion, and then it is the will of this committee how we proceed from there.

The meeting is suspended.

• (1550)

(Pause)

• (1555)

The Chair: I call the meeting back to order.

Mr. Angus.

Mr. Charlie Angus: Thank you.

In the interest of speed, I'd like to make a friendly amendment to Mr. Barrett's motion. I would say, "that he be given 20 minutes for a prepared statement." I would drop "and that the Committee invite a Law Clerk of the House of Commons to provide a brief on the principle of the Cabinet Confidences and that he be given 20 minutes for a prepared statement."

Or, we ask the law clerk to give us a separate briefing, so it's clear that it's not part of the normal record. I'm worried the law clerk will be constrained in what he can or cannot tell us. We could say, "and that the Committee invite a Law Clerk of the House of Commons to provide a separate briefing on the principle of the Cabinet Confidences." Is that clear enough?

The rest of it is fine.

The Chair: I'm not sure what the words "separate briefing" are in reference to.

Mr. Charlie Angus: If we have to be more specific, we could say, "that we invite a Law Clerk of the House to provide an in camera briefing".

What I'm wary of from past practice is that the law clerk is very... If we bring the law clerk before us, where we can ask a whole bunch of partisan questions, we may not get the answers we want, because the law clerk will be very constrained. If we invite the law clerk to provide us with a briefing on the roles of cabinet confidences, to give us a separate briefing, which would be in camera, he or she may feel more inclined to provide us with perspective, and we're not putting the law clerk on the spot.

The Chair: Mr. Barrett.

Mr. Michael Barrett: In the spirit of collaboration that you referenced, Madam Chair, I'll support Mr. Angus's amendment.

The Chair: Is there any further discussion on the amendment?

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

• (1600)

The Chair: We will now deal with the main motion as amended.

Mr. Michael Barrett: Can I get a recorded vote, Madam Chair?

The Chair: Yes.

[*Translation*]

Ms. Marie-Hélène Gaudreau: I had some questions to ask, so I'm not in a position to answer.

[*English*]

The Chair: You're going to have to ask your specific question, then.

[*Translation*]

Ms. Marie-Hélène Gaudreau: I simply want to know what impact this will have, given that other motions may take precedence. I think we absolutely must study them one at a time, and not as a whole, so that we can get an idea of the work we'll need to do, which will be quite significant.

We'll need to prioritize because there are several motions. I'm uncomfortable right now. I could say it all makes sense, but we have to make a choice, and I'm not able to do that right now.

[*English*]

The Chair: Thank you, Ms. Gaudreau.

Are you calling a point of order, or do you wish to speak?

Mrs. Élisabeth Brière (Sherbrooke, Lib.): I would like to answer her.

The Chair: I will answer that question in just a moment, thank you.

According to the Standing Orders by which this committee is governed, only one motion can be put on the floor at a time. That motion then must be voted on before we can hear another motion.

Given that, this is the motion before this committee, and I can receive another motion after this one has been voted on.

We will have an opportunity to hear all motions that this committee wishes to bring forward. In hearing these motions, we are not necessarily determining the order in which they will be studied. That will be determined after.

At this point, I believe what you are being asked to determine is whether or not you would agree to this motion being studied. It's not to the exclusion of other motions. They can all be studied if this committee so chooses. You're simply voting on whether or not you believe that the material of this motion is worthy of study.

(Motion as amended negatived: nays 6; yeas 4)

• (1605)

The Chair: Ms. Shanahan.

[*Translation*]

Mrs. Brenda Shanahan: I would like to nominate Ms. Gaudreau as vice-chair of this committee.

[*English*]

The Chair: Mr. Angus.

Mr. Charlie Angus: Thank you.

As I said earlier, not coming with my friends, I'm not ashamed to nominate myself, having spent eight years on this committee, leading most of the reports and most of the studies. I'm hoping that, in a non-partisan manner, I will see some support for the work that I've done in this community and the work that I can continue to do.

So I nominate myself.

The Chair: Having two nominations on the floor for the second vice-chair, we would have to move to a vote by secret ballot at this point, so I will allow the clerk to lead us through that process.

I'm going to suspend for a moment and give her a chance to organize.

• (1605)

(Pause)

• (1611)

The Chair: Ladies and gentlemen, thank you for going through that process.

The outcome of the vote is that Ms. Gaudreau is now the second vice-chair.

Some hon. members: Hear, hear!

The Chair: We have Mr. Levitt, and then Mr. Angus.

Mr. Michael Levitt: This is not to belabour the point around these vice-chairs, because we seem to be spending quite a bit of time on them, which has some procedural consequences from what's going on in PROC. But, understanding that PROC is going to be meeting on this in the next day or so, maybe tomorrow, can I ask that, if this issue has been resolved at PROC, we get an opportunity first thing on Wednesday to please deal with the appointment of a third vice-chair? Can I ask that we please seek agreement to do that as a first act of business?

I know we're going to have a busy docket, but this thing has been dragging on. It would have been better if all parties had come to this outside of this committee, whatever the machinations have been. Can we deal with this first thing on Wednesday, please, if it's okay with colleagues?

The Chair: Are you moving a motion, Mr. Levitt?

Mr. Michael Levitt: No. I'm discussing something and asking, I suppose, to bring this to the attention of the chair so that she may govern to the will of the committee, if the committee feels this is something we can deal with on Wednesday as a first item.

The Chair: Sure. Mr. Levitt, assuming that something of urgency does not come up between now and then, I would be more than happy to accommodate that request.

Mr. Michael Levitt: Fair enough. Thank you very much.

The Chair: Mr. Angus.

Mr. Charlie Angus: Thank you.

I want to congratulate my great colleague, my neighbour.

I want to put forward a motion, so we can get back to work here. I move:

That pursuant to Standing Order 108(3)(h)(vii), the Standing Committee on Access to Information, Privacy and Ethics, in light of recent media reports of inappropriate partisan consultations over judicial appointments, invite key actors named in those reports, including, but not limited to PMO senior advisor Mathieu Bouchard, to testify before this committee to account for these serious allegations.

[Translation]

This motion is very similar to the one put forward by my colleague from the Bloc Québécois on this issue. It is very important that this committee study the possibility of partisan interference in judicial appointments. It's unacceptable.

[English]

I was very shocked, Madam Chair, when I saw this.

The question is this. Is this within the purview of the ethics committee? Well, when you're dealing with partisan issues and potential partisan interference, that becomes the role of the ethics committee, because our role is to ensure that public office holders reach a certain standard of serving the public and not just partisan interest.

This is very much within the purview of our committee, because we are not looking generally at how judges are nominated, and we're not looking at other issues of the judiciary. We're looking only at whether or not a partisan lens was used on the nomination of

judges, and whether people who had no right to participate or to give advice because of their partisan role were part of this process.

I would move this forward for debate.

• (1615)

The Chair: Mrs. Shanahan.

Mrs. Brenda Shanahan: Are we speaking to the motion now?

The Chair: Yes.

Mrs. Brenda Shanahan: I very much like the idea of studying the process regarding judicial appointments.

[Translation]

I very much like the way our colleague Ms. Gaudreau worded her motion. As Mr. Angus just said, the motions are quite similar. I'm going to give the floor to my colleague Mr. Fergus. I think he has an amendment to propose.

[English]

The Chair: Mr. Fergus.

[Translation]

Mr. Greg Fergus: Thank you very much, Madam Chair.

I would like to make the following change to the wording that Ms. Gaudreau suggested, "That, pursuant to Standing Order 108(3)(h), the Standing Committee on Access to Information, Privacy and Ethics study the current selection process for judicial appointments, and how it compares to the previous system and allegations of partisan interference in their selection".

Ms. Marie-Hélène Gaudreau: I want to make it clear that the amendment is included in your remarks.

Mr. Greg Fergus: Indeed.

[English]

The Chair: Mr. Gourde.

[Translation]

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

Before accepting such a proposal, checks would have to be made with the Department of Justice. I have been involved in such a process before, and I know that there are confidentiality agreements in place. It's worse than a marriage contract. I don't think we're going to get a lot of information about that process. Even though we're a parliamentary committee, it's an extremely airtight process. Departmental employees are bound by secrecy. There is nothing more secretive than the judicial appointment process. It will be very difficult.

I don't know if we should go ahead and say no. You can check with the Department of Justice to see how far we can go in this kind of study. It would be shocking if the committee were simply to be told no.

Those who could talk sign agreements with a very high degree of confidentiality. This could embarrass people who would come to testify here. In fact, they would not speak because if they did, they would lose their jobs.

• (1620)

[*English*]

The Chair: Mr. Angus.

Mr. Charlie Angus: Thank you.

I really appreciate that amendment. My colleagues should have written their own motion, though, because they've rewritten my motion entirely. I don't think that's very helpful.

I'm more than willing to add some of the language from my colleague from the Bloc, if I could make my own friendly amendment. In light of what Mr. Gourde said, we have to be very careful. We are focused here. We do not have the authority in this committee to look at the overall issue of judicial appointments, but we can look into whether or not there are partisan decisions being made. That is why I think Mathieu Bouchard should be brought forward. He is the key person named in this.

I would add to it in terms of how the current selection process compares with previous systems regarding allegations of political interference. We're not looking at the overall process, but we do know that in the previous government there were allegations of partisanship. The Liberals made a big issue of it. We thought it was cleaned up. Apparently it's not, so we have to stay focused.

I would add, if they're willing, that in light of recent media reports on partisan consultations over judicial appointments, we would invite key actors named in those reports, but not limited to PMO senior adviser Mathieu Bouchard, and look at the current selection process and how it compares with the previous system regarding allegations of partisan interference in the selection. I would drop "for appointing judges" there, just so that we're comparing apples to apples here.

[*Translation*]

Is that clear?

A voice: It's clear.

[*English*]

The Chair: Mr. Levitt.

Mr. Michael Levitt: No, I'll pass.

The Chair: At this point, then, we have two amendments on the floor. If there is agreement at the table in terms of how to proceed, and if what Mr. Angus has proposed is agreed to as the amendment that we should move forward with voting on, then we will. However, if we need to vote first on the one proposed by Mr. Fergus, then we will vote on that first.

Mr. Greg Fergus: Madam Chair, I thank Mr. Angus for his proposition.

[*Translation*]

If it's possible, I would withdraw my motion in favour of his amended motion, provided there is no specific name. It could read,

"while the Committee is free to choose the witnesses it would like to invite".

[*English*]

The Chair: Mr. Angus.

Mr. Charlie Angus: Thank you.

I'm not a hard guy. I get along with everybody. I was an altar boy. I was a heckler then, too. I don't know how many we would have, but I think Mr. Bouchard is a good person to start with. I don't know how long this study will go, and maybe Mr. Bouchard will answer our questions, so I prefer to keep his name in.

The Chair: Mr. Levitt.

Mr. Michael Levitt: We've already talked about going to the subcommittee after this to deal with the timing of motions and the witness list and submitting witnesses. I really do think it's premature to be naming witnesses as part of motions before there's been an opportunity to do that. It could be a long witness list. It may include various people, but to be naming people in a motion seems to be premature.

The Chair: I'm going to go ahead, then, and—

Mr. Fergus.

Mr. Greg Fergus: I've been an altar server myself.

Some hon. members: Oh, oh!

• (1625)

Mr. Charlie Angus: You were probably better at it than I was.

[*Translation*]

Mr. Greg Fergus: No, I wasn't really, Mr. Angus.

[*English*]

I've also been a heckler, too.

[*Translation*]

I think we're very close to a probably unanimous agreement, but we're getting bogged down in the mention of a specific person.

Please, Mr. Angus, please, I would ask you to reconsider your decision, because the person you want to appear before the committee will definitely be included on the witness list.

We're very close to an agreement, so I'm appealing to his Catholic conscience, one altar boy to another.

Mr. Charlie Angus: As a Catholic, that poses a major problem for me.

[*English*]

He said "please" and then he said "please" a second time. We always say things in threes. I didn't hear the third "please".

Some hon. members: Oh, oh!

[*Translation*]

Mr. Greg Fergus: No, it's true.

[*English*]

Mr. Charlie Angus: Okay. Just this once—put it in your books—we will just go with “witnesses”.

Mr. Michael Levitt: Madam Chair, can I ask for this motion to be read out again?

The Chair: Give us one moment.

Mr. Michael Levitt: Thank you very much. I'm a little lost. All that altar stuff is lost on a good Jew.

An hon. member: It's a mystery.

Some hon. members: Oh, oh!

The Chair: We'll give the clerk one moment to confirm.

• (1630)

Mr. Charlie Angus: I'm deeply sorry to cause you so much chaos, Madame Chair, in your second meeting.

The Chair: I will have the clerk read the motion as it is stated right now with the amendments. Bear in mind that when I take a vote, we are voting on the amendments first, and then we are voting on the motion as amended. I will let the clerk proceed.

The Clerk: The motion is this: “That pursuant to Standing Order 108(3)(h)(vii), the Standing Committee on Access to Information, Privacy and Ethics, in light of recent media reports of inappropriate partisan consultations over judicial appointments, invite key actors named in those reports to testify before this committee and to study the current selection process and how it compares to previous allegations of partisan interference.”

[*Translation*]

Mr. Greg Fergus: Madam Clerk, could you repeat that please?

[*English*]

The Chair: Mr. Fergus, do you wish to comment?

[*Translation*]

Mr. Greg Fergus: I was asking the clerk to repeat the motion. I was taking notes, and I wasn't able to read all of the text she just read. I'm sorry.

[*English*]

The Chair: Do you mind repeating it?

The Clerk: The motion is this: “That pursuant to Standing Order 108(3)(h)(vii), the Standing Committee on Access to Information, Privacy and Ethics, in light of recent media reports of inappropriate partisan consultations over judicial appointments, invite key actors named in those reports to testify before this committee and to study the current selection process and how it compares to previous allegations of partisan interference.”

[*Translation*]

Ms. Marie-Hélène Gaudreau: Could we also have it in French?

[*English*]

The Chair: Sorry, what was your question?

[*Translation*]

Ms. Marie-Hélène Gaudreau: I was asking if it could also be read in French before we adopt it.

The Clerk: In the French version of the motion, it is proposed that, “en accord avec le règlement 108(3)(h)(v), le Comité permanent de l'accès à l'information, de la protection des renseignements personnels et de l'éthique, à la lumière des récents rapports de consultations partisans inappropriées sur la nomination des juges, invite des acteurs clés nommés dans ce rapport, et que le processus de sélection actuel soit comparé avec les anciennes allégations d'interférence partisane”.

[*English*]

The Chair: Mr. Gourde.

[*Translation*]

Mr. Jacques Gourde: Thank you, Madam Chair.

Before going any further, I must say that I don't know if I can stay. Given that I have been involved in this kind or process before, either I withdraw, or I ask the House of Commons' legal office what I should do in such a situation. I'm in a real conflict of interest.

I have participated in this process, I have signed confidentiality documents, I have voted, and I have participated in this kind of study. Maybe I should withdraw from the committee. I have no idea, legally speaking, what I can do with the documents I signed several years ago. There were a lot of documents, I may have signed 22 of them. I don't remember exactly how far I can go and what I can do about it.

I may even be called as a witness in this study. Participating in it really bothers me. Either I ask the committee to postpone its decision so that I check with the lawyers of the House of Commons, or I withdraw from the committee. I will not be able to participate in this kind of study if I don't have more information about my conflict of interest, given my personal involvement in the process of appointing judges to the court.

• (1635)

[*English*]

The Chair: Thank you, Mr. Gourde.

I'm going to continue with Mr. Angus.

Mr. Charlie Angus: Thank you.

I think it's well possible for us to vote on this. Mr. Gourde has very specific issues that he may or may not be able to participate in, but I would certainly suggest, in light of Mr. Gourde's advice, that probably before we begin, we want to get the law clerk to advise us, so that, when we do questions in public, we know where we're at. I would feel very comfortable inviting the law clerk to advise us.

This is not uncommon at our committee. We take on some very sensitive political issues and we have to be careful, so Mr. Gourde may or may not be able to participate. There would be someone who would stand in if he's signed documents. I don't know what he's signed, but I would certainly prefer to invite the law clerk. I don't think it needs to be in the motion. This is something we can simply ask for his advice on prior to our beginning.

Again, as I said, on the issue of the overall judicial appointments, we have to be careful. We can't step into other areas that are not ours, but we have a very specific window, so what would that window be? The office of the law clerk could advise us.

The Chair: Mr. Levitt.

Mr. Michael Levitt: I'm new to this committee, but given that there seems to be some uncertainty and that one of our colleagues across the way has raised an issue of concern and has asked if he can take the time to seek legal advice, I'm inclined to say that I support taking that extra time so that he can do that and so that every member at this table can get a vote. Otherwise, it's going to be incomplete and he's not going to have an opportunity to be heard on this.

Again, I'm new to this, but it seems to me that a colleague has asked for some time, and I would suggest that we grant him such. I don't think that's going to change anything in a material way.

The Chair: Mrs. Shanahan.

Mrs. Brenda Shanahan: I certainly agree with that, because I would like to move a motion that I think is of a broader interest to everyone here, if we're ready to move forward with a motion. I think there are other topics that the different groups have expressed interest in, and I think it would be more worthwhile to move forward. I certainly would be in agreement to a delay.

The Chair: Thank you.

Mr. Angus.

Mr. Charlie Angus: While I was very interested in Mr. Levitt's comments, Mrs. Shanahan is saying that she has things she's more interested in studying. I don't think that's a relevant reason to suspend a motion. That's not a credible way. That's not how we can operate. We can't say, "Well, I'd rather do something else." If we're on a vote, we're on a vote, and we have to respect that.

If we're asking to step down from this for Mr. Gourde, that's very specific. In fact, I've never actually dealt with that in all my years in all the committees. If Mr. Gourde is not ready to vote now, then we can't proceed, but I don't think saying "I'd rather do something more interesting" is a credible way of deferring a vote on something of this magnitude.

I'd ask Mr. Gourde whether he's ready to vote on this, and then we can get a legal decision, or whether he's not ready to vote.

The Chair: Monsieur Gourde, do you care to respond?

[*Translation*]

Mr. Jacques Gourde: If there is a vote today on the motion, I won't vote. I'll abstain, given the points I explained earlier. I don't remember by heart what I can and can't do under the 90-page agreement I have with the Department of Justice. I won't take any chances. I don't want to become a traitor to the country.

Thank you.

● (1640)

[*English*]

The Chair: Understood. Thank you, Mr. Gourde.

Mr. Charlie Angus: I withdraw my motion. I will withdraw for now. If Mr. Gourde's not ready to vote, then why are we voting on an amendment?

The Chair: Mr. Angus, if I may, in order to withdraw your motion, you would need unanimous consent from this committee to do so. Before I ask whether or not I have that, I will tell you that there is an alternative course of action. You can determine what you wish to do, Mr. Angus, with it being your original motion.

If you choose to withdraw your motion today.... As chair, ultimately, I have a responsibility to determine whether or not things fit within the mandate of this committee. This motion is, I would say, on the edge, so as chair, I would like to seek counsel as to whether or not this motion fits. At the same time, I believe it's appropriate for Mr. Gourde to have opportunity to seek counsel as to whether he would be able to participate in a study of this type or whether he would have to recuse himself.

Once answers have been found to these questions, which I believe are very important questions, then this committee could reconvene, and this motion could be further discussed and voted on.

We have Mr. Angus and then Mr. Barrett.

Mr. Charlie Angus: Well, I will put on the record that I think that if we've allowed a motion to go forward, we can't then go and say that we think it's not within the purview. I'm uncomfortable with your coming back and saying so after having allowed it. I think we're in an exceptional circumstance. I don't ever remember hearing of this coming to a vote.

However, out of respect to Mr. Gourde, I'd rather just withdraw the motion for now, and then we can decide.

The Chair: Okay.

So, you're asking to withdraw at this time.

Mr. Charlie Angus: Yes.

The Chair: Then I would look to the committee for unanimous consent.

Some hon. members: Agreed.

(Motion withdrawn)

The Chair: Mr. Barrett.

Mr. Michael Barrett: Thanks, Madam Chair.

Just on the subject of your comment about this motion and the committee's mandate.... I know that Mrs. Shanahan has said that she'd like to discuss one of the motions that she has on notice. I would raise the same question about some of those motions as well and their relevance to this committee. I'm not sure what the mechanism is before you receive the motions in committee, because there are identifiable issues with each of the three, so right now we're batting zero for two.

Mr. Charlie Angus: We're on a roll.

Mr. Michael Barrett: We're on a roll, and we were just about to vote on a motion that everyone at the table agreed to, and we didn't vote on it, so now we don't know if everyone, in fact, agreed to it, but we had a motion amended by the government in support of the NDP member's motion. It was an accepted amendment, and on and on, and we didn't even get that done.

I guess my concern is that, perhaps, we just identify what the mechanism is. You mentioned that you would seek counsel on the relevance of the motions to the committee. Perhaps you could sidebar on that, or get that determination before we get too far down the road again with another motion and—lots of religious references here—before we get all the way to the altar and find out that we're standing there alone.

The Chair: Madame Gaudreau.

[*Translation*]

Ms. Marie-Hélène Gaudreau: So it's been withdrawn?

May I put forward a motion that we will all agree on?

[*English*]

The Chair: The floor is yours.

[*Translation*]

Ms. Marie-Hélène Gaudreau:

That, in accordance with Standing Order 108(3)(h), the Standing Committee on Access to Information, Privacy and Ethics also study the possibility of reforming the identity system and decoupling the SIN from identity by recommending the deployment of a new solution and that the Committee study the solutions deployed in other countries such as in Europe with smart identity cards (eID).

• (1645)

[*English*]

The Chair: According to the speakers list, I have Mr. Angus next.

Is that with regard to this motion?

Mr. Charlie Angus: Yes.

The Chair: Perfect.

Go ahead.

Mr. Charlie Angus: I really like this motion. My problem, though, is that we did a big study in the last Parliament. The study included updating privacy. We looked at the Estonian model. If anybody is interested, I feel that the committee did extensive work on the overall issue.

Again, there was a question of whether or not it was government operations, because we're not there to change how government uses services, but it was on the privacy rights. That's what we had to focus on.

I feel that it is a good motion, but the committee has just done a big study of it, and much of it would be in the same vein.

The Chair: Mr. Fergus.

[*Translation*]

Mr. Greg Fergus: Madam Chair, my comments were not on this motion, but rather on what we were discussing before Ms. Gaudreau moved a third motion.

May I continue my comments on that?

[*English*]

The Chair: Mr. Fergus, if you feel that it would be beneficial at this time, you're welcome to make those comments.

[*Translation*]

Mr. Greg Fergus: Madam Chair, I just want to correct the situation because our remarks are recorded, and Canadians are listening to us.

Mr. Barrett's comments were absolutely correct, except that he forgot to mention one thing. There was goodwill around the table to satisfy Mr. Gourde, his colleague, who may be in a conflict of interest. It was goodwill on everyone's part, but especially on the part of Mr. Angus, who withdrew his motion to help our colleague Mr. Gourde.

It was important to mention, instead of giving the impression that there had been a partisan game going on here. There wasn't. We really wanted to help our colleague Mr. Gourde.

[*English*]

The Chair: Thank you.

Madame Gaudreau.

[*Translation*]

Ms. Marie-Hélène Gaudreau: If I've understood correctly what Mr. Angus said, there would be studies on this.

I'm wondering about the deployment of new solutions.

Certainly, at this point in time, in order to provide solutions to identity issues, we're going to have to review the studies, which I haven't seen, to see what we can deploy. What was done a year or a year and a half ago is different from what is being done now, in 2020.

That's my question.

Mr. Charlie Angus: It may take six months.

Ms. Marie-Hélène Gaudreau: Many things can happen in that time.

Mrs. Brenda Shanahan: Madam Chair, I would like to comment on Ms. Gaudreau's motion because, even though there have been previous studies, I think there have been so many changes in this area that we have to struggle to stay up to date.

I know my constituents are very concerned about protecting their identity, and this motion responds to that concern. In fact, one of my constituents, who is an expert in this field, described the whole system to me in detail.

I think that's where we're at and, if I'm not mistaken, it's even in the mandate letter of our Minister of Digital Government.

It's something concrete that can be added to this whole process.

• (1650)

[*English*]

The Chair: Mr. Angus.

Mr. Charlie Angus: As I'm really going out of my way to be reasonable, which I'm not normally, is it possible to have our analysts present what we just did?

I know we're moving very fast, but we just did this study. If we get a review of this study, then we can ask questions and then we can decide whether there are areas that were overlooked. If Madame Gaudreau has other preoccupations that have not been considered, then we can say, okay, we could bring in some other witnesses or enlarge....

I don't feel that, within a year, it's worth repeating and starting from scratch. We should get a review of what was done and find out if there is a shortfall.

I'd be willing to support the motion based on looking at what we've done, whether there are shortfalls that we need to move on. How big that study is would be based on what we come up with after we get a briefing.

The Chair: Madame Gaudreau.

[*Translation*]

Ms. Marie-Hélène Gaudreau: In fact, I want to draw your attention to the terms: “reforming”; “system”; “identity”; and “SIN”. We've talked a lot about it, and there have been studies on it. It's called “deploying a new solution”. Right now, there is a scandal, and if there is a solution, we must act now.

I think that this wording prompts us to revise the studies, to add or update information and, for the time being, to concern ourselves with the identity of our fellow citizens.

[*English*]

Mr. Greg Fergus: Sure.

The Chair: Is there any further comment?

Seeing none, I will call the vote.

Mr. Michael Barrett: Sorry, Madam Chair, was the scope of the motion changed with Mr. Angus's suggestion, or was that just...?

The Chair: My understanding is that it was simply a comment, that there was no suggestion for amendment made.

Mr. Michael Barrett: Okay.

The Chair: Now we'll vote on the motion.

(Motion agreed to)

The Chair: Mr. Angus.

Mr. Charlie Angus: Thank you.

Since I had a motion pulled, I would move:

That pursuant to Standing Order 108(3)(h)(vii), the Committee study the use or possible use of facial recognition technology by various levels of government in Canada, law enforcement agencies, private corporations and individuals; that the committee investigates how this technology will impact the privacy, security and safety of children; that the committee study includes how this technology may be used nefariously, such as a tool for criminal harassment or for other unlawful surveillance purposes; that the committee investigate any possible link, formal or informal, between Canadian law-enforcement agencies and private technology corporations or start-ups including, but not limited to Clearview AI and Palantir; that the committee examines the impacts of facial recognition technology and the growing power of artificial intelligence.

• (1655)

The Chair: Mr. Levitt.

Mr. Michael Levitt: In the spirit of co-operation that seems to be flying around the table, I think this is a most important study and an area that is moving so rapidly. The member across the way has raised the issue of the work done in the previous session of Parliament by this committee. That was groundbreaking, especially the work they did with other chambers internationally on a number of issues.

This issue is a defining issue of our time, and one that we should be taking up in this committee. I'm strongly supportive of the motion as laid out by my honourable colleague.

The Chair: Mr. Fergus.

[Translation]

Mr. Greg Fergus: I would like to point out that I also agree with this proposal. I will go even further, and this is a little personal, Madam Chair.

There are some questions that could be proposed by Mr. Angus.

There are some very negative implications for racialized people with regard to facial recognition. The algorithm used doesn't recognize the distinct faces of racialized people. So it would be important to add another part to our study, since there could be very serious consequences for racialized people because of these technologies.

I hope Mr. Angus will agree to a friendly amendment.

Mr. Charlie Angus: Yes, I agree.

[English]

The Chair: Mr. Fergus, just to be clear, is there a specific motion you would suggest in terms of wording?

Mr. Greg Fergus: We would say, “security and safety of minor children and racialized communities”.

The Chair: Thank you.

Madam Gaudreau.

[Translation]

Ms. Marie-Hélène Gaudreau: I agree and—you read the other motion—I won't make any changes, but it goes in much the same direction. However, I do see that facial recognition is really an issue.

I'd still like to talk to you about my motion, and then maybe we can find something in common. So I'm in complete agreement.

[English]

The Chair: Mr. Angus.

Mr. Charlie Angus: Thank you.

I want to thank my colleague for his comments on the work our previous committee did. I think the work of this committee has been recognized internationally. I was just in Washington at a meeting where people were talking about what this committee did. Facial recognition technology was the one next step, and many of the other jurisdictions around the world are still dealing with disinformation. They're still dealing with stuff that I think our committee has really gotten a handle on.

I think this is a major study, and I think we have to do it right. We may have to do it in sections, if that's needed, because we all have to be brought up to speed on AI and all that. I would suggest that we take a bit of time just to come up with a witness list that we're comfortable with and that we think would advise us and lay out the groundwork.

Then we may consider adding more witnesses. I don't think that in a study like this we should say that it's going to have eight meetings and then come up with our witness list by Tuesday. This is something that is going to really open up a lot for us. I would suggest having an initial series of meetings based on some key people to come, and maybe then we could reconsider as to whether we've heard enough or we want to add.

Certainly, on the amendment, I'll say to my colleague that I'm sorry that I hadn't even put that in there, but this is fundamental in terms of how.... Also, on the biases, that's why I wanted to say “and the growing power of artificial intelligence”. It was the other element that our committee began to look at. The biases in AI are having huge civil rights impacts, because we have no ability to actually see inside the black boxes. To be able to look at this, I think, would be a very good study.

I don't think I need to add to the motion. I have said previously that I'm hoping we will invite all the officers of Parliament. I would like to invite Mr. Therrien very soon because he has already started an investigation. We don't want to be stepping on his toes. We want, I think, to respect what he's going to do and to hear from him. He may give us some advice on something that the committee could look at, because we will probably be looking in some comparable but different directions.

• (1700)

The Chair: Thank you.

Mr. Barrett.

Mr. Michael Barrett: How is it structured? Perhaps this is a question for later, once the motion is adopted. How do we structure it to achieve Mr. Angus's suggestion—likely very necessary—to parcel it out or to do it over a longer period of time? It's a large study, as he described. It is a big issue and we have the capacity to move the needle on this. What's the precedent for addressing that? I guess that question is for you, Madam Chair, or for the clerk.

In my limited committee experience, we usually did one study at a time, with six meetings, and then the next study with four meetings and so on. We didn't do things concurrently or flex in and out. I'm just looking for a little information for my understanding, if you could indulge me.

The Chair: After making a decision with regard to the studies that this committee will undertake, we will convene a meeting with the subcommittee members. At the subcommittee level, we will come to a decision with regard to.... Of course, every party is represented at the subcommittee, so that will be a collaborative process in order to determine the order of the studies, as well as the length of the studies.

Of course, if it is determined that the study should require more time down the road, Mr. Angus or another member of this committee could then make that request. If it is the will of the committee to do so, of course that study could be further extended at that time.

Mr. Angus.

Mr. Charlie Angus: I would like to suggest for going forward that we give ourselves until maybe coming back off the break, say, to have our initial witness list. That would allow all of us to do research and come back with a witness list. The witness list might be incredibly long, and we might decide to bring it down a bit, but in terms of having a big study, we have Madame Gaudreau's study and Madame Shanahan has some motions—whether or not we move forward—and we need to have the commissioners.

I would say that if we're going to have a block of time, let's come back in a week and have our witness lists. It's going to take a bit of time to get some of them in place, so we want to have some other things to keep the committee moving. Then we can decide, after six initial meetings or something, whether we're moving forward. I think we just keep looking. We will know if we've heard enough. I would say to give us till that first Monday back, and that's when our witness list has to be in.

The Chair: Mr. Fergus.

Mr. Greg Fergus: I would like to concede my point to Mr. Levitt, please, if that's possible.

The Chair: Sure. Mr. Levitt.

Mr. Michael Levitt: There are a couple of things. I absolutely agree with my honourable colleague's point regarding witnesses and that it may develop over time. There might be new angles that we find, and new witnesses. Certainly, keeping witness lists open is something we've done in Foreign Affairs on some of the larger studies. It means that there is the opportunity, if we discover a new area of interest, to continue to raise witnesses.

I also think that, given the complexity of this issue, it might benefit someone like me—and maybe other members too who aren't as familiar—to have the analysts do a broad scope document for us on some of the key issues as we are getting into this in the next week or so, if that experience is there. That would certainly be helpful to me, and probably to some other members too, to be able to get our bearings on this.

I just have one final point, which relates to the work done by the previous committee. I can think of no issue before us in Parliament that has more of a dynamic across jurisdictions than this one. It may be that this once again aligns with the idea of a super committee with colleagues in other jurisdictions. I'm not trying to overstep. I know we're getting this rolling, but I was just at the Munich Security Conference, and these sorts of issues are coming up all over the place. It may well be that in working with some of our like-minded allies in other jurisdictions—this is the Foreign Affairs voice in me coming out—this could have a very significant impact.

I leave it as a possibility and maybe something that we can think about as a committee as we're moving forward.

• (1705)

The Chair: At this point, I will take a vote on the amendment that was made. I will get the clerk to read out the motion with the amendment.

The Clerk: Moved by Mr. Angus:

That pursuant to Standing Order 108(3)(h)(vii), the Standing Committee on Access to Information, Privacy and Ethics study the use or possible use of facial recognition technology by various levels of government in Canada, law enforcement agencies, private corporations and individuals; that the committee investi-

gates how this technology will impact the privacy, security and safety of minor children and racialized communities; that the committee study includes how this technology may be used nefariously, such as a tool for criminal harassment or for other unlawful surveillance purposes; that the committee investigate any possible link, formal or informal, between Canadian law-enforcement agencies and private technology corporations or start-ups including, but not limited to Clearview AI and Palantir; and that the committee examines the impacts of facial recognition technology and the growing power of artificial intelligence.

The Chair: Do you want it read in French?

[*Translation*]

Mrs. Brenda Shanahan: As for the translation, I would like to suggest “des communautés racisées” in French.

Ms. Marie-Hélène Gaudreau: Yes, that's good in French.

Mrs. Brenda Shanahan: So this should be “des communautés racisées”.

[*English*]

The Chair: We'll vote on the amendment.

(Amendment agreed to)

The Chair: The motion as amended, then....

Mr. Angus.

Mr. Charlie Angus: Can I amend my own motion?

Some hon. members: Oh, oh!

Mr. Charlie Angus: I haven't read the French, but I don't know if I need to say “minor children”. I don't think that children can be anything else but minor, so I think we should just.... One word is sufficient.

Ms. Marie-Hélène Gaudreau: Your children are your children for all your life.

Mr. Charlie Angus: My mother tells me that, but....

The Chair: Mr. Angus, I don't believe that's a substantive amendment, so we can just accept that.

Mr. Kurek.

Mr. Damien Kurek: Thank you very much, Madam Chair.

Mr. Angus, I appreciate your bringing this forward in the spirit of collaboration.

One of the articles I read last summer had to do specifically with this, and seniors as well.

Mr. Fergus, I appreciate the comment about racialized communities. However, I think that especially with vulnerable populations in general, there would be an opportunity....

Being new to this committee and to committee work in general, it seems to me that a motion like this has the opportunity to ensure it is on the cutting edge of understanding the impacts of this sort of technology, and implications to society in general and the relationship to government. You do a good job of outlining the various ways of doing this.

I guess this is maybe a point of discussion to open it up. We've now mentioned children or minors—or “minor children”, whichever way it goes—and “racialized communities”. Would it be inappropriate to add “vulnerable populations” or something to that effect? We mentioned “law enforcement agencies”, but I think there are implications to this regarding immigration and border services, the security associated with it, and the interactions between governments in that regard.

I think that it's about finding the right balance, to ensure that a motion applies to a clear mandate for this committee to move forward while also acknowledging that there is the opportunity to see it expanded in a way that ensures we don't miss out on some of the very serious things we wouldn't want to miss. I'm sure that each person around this table will learn a lot as we start diving into this.

It's a point of discussion first, before moving an amendment, but certainly I might be willing to move an amendment after that.

• (1710)

The Chair: Mr. Angus.

Mr. Charlie Angus: As I always say, the camel was the racehorse that was designed by the committee. I don't mind if we have one or two humps on this camel.

In thinking about an amendment, I would suggest “children, seniors, vulnerable populations”. I think it's important that we're not just saying that racialized communities are part of seniors and children; they're separate. They're a separate issue.

I would say “children, seniors, vulnerable populations; and that the committee examine the potential impacts of AI and facial recognition technology on racialized communities.” It's a stand-alone thing, because it's a different factor from what's happening with seniors and children. Rather than lumping them all together, I think we have to....

I appreciate your thinking on it. Would that be clear enough?

There are other things that are going to come out in the study. This gives us an overall framework. We can find other things. We can add other things. However, I think what you've added puts us in a very clear mode.

Was the language clear?

The Chair: To be clear, then, you're saying that it would read “security and safety of children, seniors and vulnerable populations”—

Mr. Charlie Angus: Comma or semicolon....

The Chair: Yes.

Mr. Charlie Angus: And then we have “and that the committee examine the negative impacts of AI and facial recognition technology on racialized communities.” Or, it could be just “the negative impacts on racialized communities.” That would be simple.

Mr. Greg Fergus: I like the first one better.

Mr. Charlie Angus: What was the first one?

Mr. Greg Fergus: It was “its effect on racialized communities.”

Mr. Charlie Angus: Okay. We don't have to add anything other than that.

I think it's a very specific thing in how it's being used and misapplied.

The Chair: Mr. Angus, are you making a further amendment?

Mr. Charlie Angus: I'm just shortening it up: “and that the committee examine its impacts on racialized communities.” It's a stand-alone point, as opposed to being lumped in with the others.

The Chair: Okay.

Mr. Kurek.

Mr. Damien Kurek: Sorry, are we adding “seniors”?

Mr. Charlie Angus: Yes. It has “children, seniors and vulnerable populations; and that the committee examine the impacts on racialized communities.”

Then we carry on from there.

Mr. Greg Fergus: Not to be a language maven, but it would be “examines the impacts of facial recognition technology on racialized communities.”

Mr. Charlie Angus: Didn't I just say that?

Mr. Greg Fergus: No, you switched it around. That's okay. I think that's what you meant.

Mr. Charlie Angus: I didn't know what I meant.

Okay, so it's “that the committee examine...on children, seniors, vulnerable populations; and that the committee examine the impacts on racialized communities.”

Is that what you had?

Mr. Greg Fergus: I would have had “impacts of facial recognition technology”. You're at the second-to-last line.

Mr. Charlie Angus: Yes.

Mr. Greg Fergus: It reads, “impacts of facial recognition technology on racialized communities and the growing power of artificial intelligence.”

Mr. Charlie Angus: Okay.

The Chair: If I may, just to clarify, about halfway down, fourth line, we have “security and safety of children, seniors, vulnerable populations; that the committee study”, etc. Then we move on to the second-to-last line: “that the committee examines the impacts of facial recognition technology on racialized communities and the growing power of artificial intelligence.”

Mr. Angus.

• (1715)

Mr. Charlie Angus: Sorry, I misunderstood him. I would have had it further up, because I think we then go into law enforcement. So we're identifying who's affected; we're identifying who's using it; we're identifying, then, the need to compare facial recognition technology and AI.

I would have put it further up: “children, seniors, vulnerable populations; that the committee examine the impacts of facial recognition technology on racialized communities”. We can say “facial recognition technology and AI” or just “facial recognition technology”. It’s a stand-alone bullet point, but it’s not down at the end, because it just seems as though that becomes the focus, whereas we’re saying this is one of the objectives we’re going to look at.

Mr. Greg Fergus: I stand corrected.

The Chair: Okay. Are we clear on that amendment? Excellent.

We now move to a vote on accepting that amendment.

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

The Chair: Excellent. Thank you.

Mr. Charlie Angus: This is where we always get into trouble, right at this moment.

The Chair: Mr. Fergus.

[*Translation*]

Mr. Greg Fergus: I would like to come back to the constructive suggestion of my colleague Mr. Levitt. We could ask the analysts to give us a summary of these files. I don’t know what deadline we should set, but I’d like it to be reasonable. I know that the analysts are not necessarily experts in all areas and that they have to do research. We could give them until the end of the first week’s break.

Should it be shorter?

I’m married to a former analyst. She left her position when I was elected. I’m familiar with the work they do, and we ask a lot of them. If we want a summary that makes sense, we have to give them some time.

[*English*]

The Chair: Sure.

[*Translation*]

Mr. Greg Fergus: I would like to know if we are leaving it in your hands to give instructions to the analysts. Is there a consensus, or do we have to move a motion, Madam Chair?

[*English*]

The Chair: I believe that a request can be made to the analysts.

The motion has not been moved. We have to bear that in mind.

Mr. Charlie Angus: I’m the only anarchist in the world who follows all the rules. Come on—we haven’t gotten to the motion yet.

The Chair: I do apologize. The motion has, in fact, been moved, but the motion has not been accepted. I will need to do that, and then, of course, we can discuss with the analysts what is possible in terms of further research and preparing this committee for that study.

Mr. Angus.

Mr. Charlie Angus: I move my motion.

The Chair: I just wanted to make sure that you didn’t have anything else that you wished to add.

Mr. Charlie Angus: I realize there are a lot of other things I think are really important, but I just want to get it voted on.

The Chair: Perfect. Thank you so much.

We now move to a vote on accepting the study as amended.

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

The Chair: Excellent. Thank you.

At this point, I’ll pause for one moment here and discuss with the analysts what they think would be an appropriate time frame, so just give me one minute to suspend.

• (1715) _____ (Pause) _____

• (1720)

The Chair: We’re back. My apologies.

Come on back, Angus.

We do have a motion in front of us. We still need to vote on that motion.

No, sorry, we voted on that motion. It has been accepted for study. We have a suggestion, I should say, put forward by Mr. Fergus that the analysts do some research for us in order to prepare for this study.

I apologize. Thank you for bearing with me. Mr. Levitt has suggested that we ask the analysts to do some research for us.

The analysts have agreed. This is part of their mandate to help equip us as the committee.

I would suggest that we want the analysts to prioritize their time according to our priorities. I would suggest that we actually wait to direct the analysts until we know the order of study. Once we’ve determined how we are going to prioritize our list, then we can easily ask the analysts to do research for us and present us with reports accordingly. This would help them make the best use of their time, and it would ensure that we are prepared for studies accordingly, if you guys agree to that.

Mrs. Shanahan.

Mrs. Brenda Shanahan: Just as a point of information, would this be the subcommittee? Would it meet during a meeting?

The Chair: This is where we would go from here. At our next meeting, we will spend half the time coming back to committee business. Then we’ll move forward from there. From there, the subcommittee will meet and order the studies. They will order them according to which one will be studied first, second, third, etc., as well as giving a time allocation.

The committee is going to need to assist the subcommittee with that by offering some insight in terms of witness lists. I would ask this committee, between now and our next meeting, to just start considering witnesses that you would bring forward for the studies that are already on the table. I’m not asking for a formal list at this point in time, but I am asking you to start considering the witnesses you might bring forward.

At the next meeting, I will be able to give you a timeline in terms of when those witnesses would be desired, to help equip the sub-committee going forward.

Seeing that it's 5:30, I will call this meeting adjourned.

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