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Chair: Mr. David Sweet



Standing Committee on Access to Information, Privacy and Ethics

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• (1100)

[English]

The Chair (Mr. David Sweet (Flamborough—Glanbrook, CPC)): Colleagues, I call the meeting to order. Good morning.

We have a very short period of time today because we have votes in an hour. I have three live bodies in the room, as well as lots of live bodies outside of the room.

Madame Gaudreau, Mr. Angus and Mr. Barrett have already made their intentions known by their hands.

Go ahead, Madame Gaudreau.

[Translation]

Ms. Marie-Hélène Gaudreau (Laurentides—Labelle, BQ): Good morning. I hope that you're doing well in this chilly weather.

Mr. Chair, I first want us to negative the vote that took place at the previous meeting. Is that possible? How should we proceed?

[English]

The Chair: I've consulted with the clerk extensively on this point. This was not the first time I've heard of this. There would be a process, but it's quite sophisticated.

There would have to be a motion that would have to be voted on in regard to negating the previous vote. It would be possible, but let's put it this way: We'd prefer not to set a precedent in that regard. It's a slippery slope once you negative one vote; it then calls into question the consistency of our voting regimen.

That's where I would rule, Madame Gaudreau.

[Translation]

Ms. Marie-Hélène Gaudreau: I believe that, since I have the floor, I can move a motion. Is that right, Mr. Chair?

The Chair: Yes, certainly.

Ms. Marie-Hélène Gaudreau: You received this motion in the digital file. I'll read it in French as slowly as possible. I move:

That, pursuant to Standing Order 108(3)(h):

(a) the Committee examine the measures in place to avoid and prevent conflicts of interest in the federal government policies with regard to contracts and grants or contributions and other expenses;

(b) that in carrying out this study, the Committee study mainly, but not limited to, contracts with regards to speeches of Justin Trudeau and Sophie Grégoire Trudeau within the framework of activities organized by Speakers' Spotlight since October 14, 2008;

(c) that the Committee invite Speakers' Spotlight representatives to testify about all files related to speeches organized since October 14, 2008, for Justin Trudeau and Sophie Grégoire Trudeau;

(d) that an Order be issued to Speakers' Spotlight to obtain a copy of all records related to speeches organized since October 14, 2008, for Justin Trudeau and Sophie Grégoire Trudeau—including, for each speech, the amounts paid, any expenses reimbursed and the name of the company, organization, person or entity that organized it;

(e) that the documents listed in (d) be delivered to the Clerk of the Committee within 7 days of the adoption of this motion and that their consideration be in camera;

(f) that, for the consideration of documents studied during closed meetings:

i. only Committee members be allowed to participate;

ii. no mobile or electronic device be allowed in the room during these meetings;

iii. numbered hard copies of documents be given to Committee members by the Clerk at the beginning of each meeting scheduled for that purpose and that these copies be given to the Clerk at the end of each meeting;

iv. copies of documents be kept in the Clerk's office and that outside of meetings Committee members can only view them by going to the Clerk's office, and no mobile or electronic device be in the room during the consultation of documents.

• (1105)

[English]

The Chair: I assume that all members have a copy, so I won't need to redistribute it. I know I had a copy of this motion on my P9 account.

With the motion being moved, we will move forward with debate on this motion. Madam Shanahan is online. I want to let you know that our speaking order is as follows: Mr. Angus, Mr. Barrett, Mr. Warkentin, Madam Shanahan, Mr. Fergus and Mr. Sorbara.

Go ahead, Mr. Angus.

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

I was surprised at your opening statement about how it is possible to change a motion. We are sent here representing our parties. Each of us is appointed because our party sends us, and so we are representing our party.

If a party votes one way on a motion, and then gets political heat from that vote, they don't get to come back and then insist that we redo it. I say that, Mr. Chair, with great respect. I have been 16 years in Parliament, and I have never seen a motion voted down by a party that they get to bring back at the next meeting and say, "Let's do another one." This is the same motion that the Bloc voted down.

Regardless of its merits, to me this is completely out of order with standing practice of the House.

The Chair: Mr. Angus, on your first point, I want to commend the clerk for the hours and hours of work that she did.

I reviewed some options over the past three days because we had heard from members about some concerns. We combed through literally.... I think if I remember, the earliest ruling was about 30 years old. I might be off by 10 years, but there have been precedents set.

However, I agree with you, Mr. Angus, and that's why I said that although a vote has been negated in the past, I don't think it's a good practice of the committee.

As far as the motion on the floor today goes, again, after studying a number of precedents, I see enough variance in this motion that it is in order. It does call on a study rather than just a submission of documents, and there are several other points in it that are substantially different, so it is in order, and now we're debating that motion.

We will move on to Mr. Barrett.

Mr. Michael Barrett (Leeds—Grenville—Thousand Islands and Rideau Lakes, CPC): Thanks very much, Chair.

Having had the opportunity this morning to review the motion from Madame Gaudreau, I'm pleased that we're considering a study of the safeguards that are in place with respect to preventing conflicts of interest in the government.

I think in our examination, should this motion pass, we'd look very closely at the safeguards in and around the Prime Minister's Office, specifically as we have seen with respect to the awarding of the Canada student service grant contribution agreement.

I was very disappointed with the outcome of our vote a week ago. Like many others, I reviewed the footage after the fact on that question. Of course, I was eager today to hear if there would be a request for the motion to be reconsidered and how the chair would rule, but I see that while the issue was raised, the committee was not asked to reconsider that specific motion.

While there are elements of the motion in front of us today that would effect some of the same ends that I sought with the motion that we spent 17 hours debating in this session of Parliament, there are many more elements of it that the committee will have to consider, and specifically, as you rightly point out, Chair, that we undertake a study.

Members of the committee will recall that this summer, when we undertook a study similar to this, the demand for witnesses placed on the committee was substantial from all parties, particularly from the government. I think there has since then been more information made available through the document released to members of the finance committee, but we also—

I'm getting an echo. I can imagine that it's tough for other folks to listen to me. I don't like to hear myself either.

• (1110)

The Chair: We have it dealt with now.

Mr. Michael Barrett: Thank you very much.

We do have more information, and perhaps that would narrow the scope and shorten the length of time required to address some

of these issues. It's the second of November, and the House adjourns the second week of December, I believe, and so we really have a limited amount of time, and then the House resumes in the last week of January.

We don't have a tremendous amount of time. The 17 hours is water under the bridge at this point, but we do have information that we received that we can build on.

The intent and the public interest with respect to this matter, I think, are very high. I will note also that with regard to the motion I presented at our first meeting with respect to documents, government members and other opposition members who advocated safeguards or enhanced measures will see that this type of language is included here. I hope that it will hasten the debate, so that while everyone has the opportunity to have their say, we don't venture into the multiple-meeting, multiple-week scenario we did with the other motion.

That said, Chair, I'm pleased to say that I will be supporting the motion introduced by Madame Gaudreau and look forward to having the opportunity to vote on the question.

The Chair: Thank you very much.

The speakers list hasn't changed, so we'll go to Mr. Warkentin.

Mr. Chris Warkentin (Grande Prairie—Mackenzie, CPC): Thank you, Mr. Chair. Hopefully you can hear me here. I'm having a little bit of delay on my Internet connection.

I just would like to amplify that this motion is a compromise. It is a compromise that addresses the concerns that have been brought forward by the Liberals after hours and hours of filibuster. I think that this includes all of the provisions to secure the documents, to ensure that they aren't distributed and to ensure that only members see them only without electronic devices. I think it also addresses some of the concerns that have been brought forward about the inclusion of other family members.

This is a compromise. I believe that it is far and away.... It makes significant concessions to the Liberals, so I'm hoping that in the effort to provide and ensure transparency and accountability for every Canadian, we can expeditiously move on this motion and ensure that it passes today.

The Chair: Thank you, Mr. Warkentin.

Just to review, Madam Shanahan, you're coming up next, and then we have Mr. Ferguson, Mr. Sorbara and then Madame Gaudreau.

Go ahead, Ms. Shanahan.

Mrs. Brenda Shanahan (Châteauguay—Lacolle, Lib.): Thank you, Chair.

Chair, I would like to call the vote.

• (1115)

The Chair: Okay, is everybody prepared to vote on the motion?

Some hon. members: Agreed.

Mr. Michael Barrett: Could I request a recorded vote, Chair?

The Chair: Yes, the vote will be recorded by our very capable clerk, and it looks like there's consensus to go ahead.

The Clerk of the Committee (Ms. Miriam Burke): On the motion of Madame Gaudreau, please say “yea” when your name is called if you are for the motion or “nay” when your name is called if you oppose the motion.

(Motion negatived: nays 5; yeas 4 [*See Minutes of Proceedings*])

The Chair: The motion is defeated.

Go ahead, Mr. Angus.

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

On October 22, I brought forward a motion for study. It reads as follows:

That pursuant to Standing Order 108(3)(h), this Committee undertake a study into issues of conflict of interest and the Lobbying Act in relation to pandemic spending;

that this study continue our work relating to the Canada Student Service Grant, including this committee's work to review the safeguards to prevent conflicts of interest in federal government expenditures; government spending, WE Charity and the Canada Student Service Grant; and the administration of the Canada Student Service Grant and WE Charity;

and, that this study include:

(a) an examination into MCAP and Rob Silver's involvement with the Canada Emergency Wage Subsidy and the Canada Emergency Commercial Rent Assistance program;

(b) the consideration of all aspects of the government's involvement with Baylis Medical Company Inc., as well as former Liberal Member of Parliament Frank Baylis, including the awarding of a procurement contract for medical devices;

(c) an examination into Palantir Canada's relationship with the government including the breach of the Conflict of Interest Act by its president and former Canadian ambassador to the U.S. David MacNaughton;

(d) an examination of the use of partisan resources and processes in the appointment of federal judges that may have constituted violations of the privacy rights of nominees; and

that the Committee, report its findings to the House with recommendations to better permit the government to conduct the business of government with public confidence in its integrity.

I hope I get the support of my colleagues for this motion. We have been over a month debating how we're going to get to work and we haven't actually gotten to work. I think that we need to clear up a number of outstanding issues. Particularly, we had begun the WE Charity study; and we never finished it, and we have an obligation. I'm a stickler that when we put resources into a study, we finish that study and report it to Parliament.

We had talked with the government about a committee to address pandemic spending issues, and that had not come forward. I believe if my colleagues are willing to work with me, we can get this motion passed and get down to business and get a report to Parliament as soon as we can get this report finished.

I'm hoping to get support for this motion.

The Chair: Mr. Angus, is this a motion you've tabled before? Is it on notice, I mean?

Mr. Charlie Angus: This has been on notice, yes.

The Chair: Okay. We're going to suspend for a few minutes so that the motion can be distributed to members of the committee.

• (1115)

(Pause)

• (1120)

The Chair: Colleagues, we're back in order.

Before we get into debate on the existing motion right now, I wanted to make sure that everybody has a copy.

Mrs. Brenda Shanahan: Very good, and Chair, could you clarify the speaking order?

The Chair: What I had previously on the debate for the motion before was you, Madam Shanahan, and then Mr. Fergus, Mr. Sorbara and Madame Gaudreau.

Do all those folks want to remain on the list for the debate on this motion?

Mrs. Brenda Shanahan: I yield to Mr. Fergus.

The Chair: Okay, that's why I asked. Fantastic.

Then it will be Mr. Fergus, Mr. Sorbara, Madame Gaudreau and Mr. Barrett.

Madam Lattanzio, did you just put up your hand?

• (1125)

Ms. Patricia Lattanzio (Saint-Léonard—Saint-Michel, Lib.): I did.

The Chair: All right.

Go ahead, Mr. Fergus.

Mr. Greg Fergus (Hull—Aylmer, Lib.): Mr. Chair, before we begin, I think you should mark down for the minutes that Ms. Shanahan yielded to me. This is historic, and we should—

The Chair: It's—

Mr. Charlie Angus: Can we get a plaque?

The Chair: It's even better. It's on video, so you can play it over and over again.

Mr. Greg Fergus: I will, to my heart's content. She is one tough customer.

Aside from that, Mr. Chair, I think Mr. Angus laid out some really important points on the committee and the work we've been asked to do. I know that over a good bit of time we've disagreed and we haven't been able to move forward on the committee's agenda as much as possible. I think we have an opportunity here to move forward on particular issues. I think we have an opportunity here, with Mr. Angus's motion, to look at some key aspects that I know are of concern to this committee and to Canadians. There are some elements that I think have also been covered off.

If you'll forgive me, Mr. Chair, I'm working with one screen. I have to change screens to see the motion.

With regard to the introduction to the motion, I think Mr. Angus raises a fair point.

On part (a), I think this issue has largely been dealt with by our Ethics Commissioner. He ruled a couple of weeks ago that indeed Mr. Silver and the ethical screen that was set up by the chief of staff to the Prime Minister was correct. He didn't see that there was an issue there to be investigated. Again, our role in terms of the ethics committee is help support the Ethics Commissioner. If the Ethics Commissioner is telling us that there isn't an issue there, I would suggest that's one element that I would like to see removed. At the very least, that's not the issue we should be studying at this time.

Regarding elements (b) and (c), I think they are fair game. The Ethics Commissioner has not investigated them. If we wanted to turn our attention to those elements, I certainly wouldn't stand in the way of that happening.

As for the final element, (d), regarding the appointment of federal judges, I would respectfully suggest that this element should be pushed to the justice committee. It would fall more squarely within their bailiwick than it would fall into ours.

To that end, Mr. Chair, I'd like to propose an amendment to Mr. Angus's motion—namely, that we remove articles (a) and (d) from this motion. That would allow us to quickly move on and get to work on the other elements that are included in Mr. Angus's motion. I think we can show Canadians, and show ourselves, that we can come to a reasonable agreement, move on and get to work.

With that, Mr. Chair, I'd like to make that amendment to Mr. Angus's motion.

The Chair: Do you have it already typed out, Mr. Fergus, to send over to the clerk?

Mr. Greg Fergus: Is that necessary, Mr. Chair? I'm just looking to remove two parts, (a) and (d).

The Chair: It's simple enough. The very competent clerk has said that's fine. We can deal with that, since it's just the removal of (a) and (d). No worries.

Mr. Greg Fergus: Perfect. Thank you, sir.

The Chair: I will review the speakers list right now.

Madam Shanahan, did you put your hand up once more?

• (1130)

Mrs. Brenda Shanahan: Yes. I'm after Madam Lattanzio, I think.

The Chair: Yes.

Because we have people in the room, we're doing this high-tech and low-tech. On our list right now are the following: Mr. Sorbara, Madame Gaudreau, Mr. Barrett, Madam Lattanzio, Mrs. Shanahan and Mr. Angus.

We are now debating the amendment.

Mr. Michael Barrett: Chair, is there any willingness to vote on the amendment?

The Chair: Do I see some consensus to vote on the amendment?

Yes, there is consensus.

[*Translation*]

Ms. Marie-Hélène Gaudreau: Mr. Chair, I'd like to have the amendment in writing.

[*English*]

The Chair: Just a moment, colleagues.

[*Translation*]

Ms. Marie-Hélène Gaudreau: I'm talking about the amendment.

The Clerk: Yes, the amendment seeks only to remove parts (a) and (d).

[*English*]

The Chair: We are voting on the amendment to remove parts (a) and (d).

I'll leave it to the clerk for a recorded vote.

The Clerk: Thank you.

On Mr. Fergus's amendment, please say “yea” if you are for the motion and “nay” if you are against it when your name is called.

(Amendment agreed to: yeas 6; nays 4) [*See Minutes of Proceedings*]

The Chair: We'll now move on to debate of the amended motion.

Mr. Sorbara, do you want to remain on the speakers list for the debate on the amended motion?

Mr. Francesco Sorbara (Vaughan—Woodbridge, Lib.): Yes, I do, Mr. Chair. Thank you.

It's great to see everyone this morning.

Thank you to my colleague MP Fergus, whom I've known for many years, for the great work in putting forward the amendment to Mr. Angus's motion.

I'm not going to speak too long, as I know there are others on the list and we're working within the confines of time.

In looking over the amendment, I don't have many grave concerns with the amended motion. We've removed some elements of the motion. Obviously the Ethics Commissioner ruled on the refusal, on point (a), and there was some feedback that nothing wrong was done. It was great to see the Ethics Commissioner early Friday and over the weekend also provide commentary to the former finance minister, and that's proceeding.

I had significant concerns with (d), so I'm very happy to see that removal.

I have slight concerns on part (c) of Mr. Angus's motion. The former Canadian ambassador to the United States, David MacNaughton, has done a phenomenal job representing Canadians abroad and our interests in the United States for many years, particularly during a time when NAFTA was being renegotiated into the USMCA. His record speaks for itself.

I'm going to stop there, as I know there are others who want to speak, and we're at 11:35. I will yield the floor to my colleagues here.

That was great work by my colleague Mr. Ferguson, and thanks to MP Angus for putting forward his original motion.

[*Translation*]

The Chair: Thank you.

Ms. Gaudreau, the floor is yours.

● (1135)

Ms. Marie-Hélène Gaudreau: I'll summarize what we've been going through over the past 17 and almost 18 hours.

We've had plenty of time to discuss where we stand on Mr. Barrett's original motion. After a great deal of deliberation, we encountered a communication issue.

Something is bothering me right now. I was in the House for good reasons, because my file was being discussed. The communication didn't work properly, and we immediately pointed out that an error had been made. I encourage you to listen to the interpretation again. Even Mr. Warkentin, just 20 minutes ago, had issues with the delay in communication.

We must take into account the fact that we're sitting virtually. We've never in history experienced a situation like this. It's difficult to change things. We did our research, and you knew that I was in favour of this. We moved a motion that's in order, but somewhat different. From what I can see, either people changed their minds over the weekend, or this isn't coming from them.

I'm asking you again about the role of the ethics committee. Is it to obtain results? Is it to increase the confidence of the people who elected us? If the answer is yes, I want to see that we can achieve our shared goals. My goal wasn't to move a motion, but rather to capture what was written in the stars. You knew how I intended to vote.

Given all this, the motion under consideration, from which parts (a) and (d) have been removed, is in order. I want to move an amendment to achieve our goals in the time that we have left.

I want to amend this notice of motion to include parts (b), (c), (d), (e) and (f), which I could reread for discussion purposes. I believe that we can reach a consensus and adopt it.

Would you like me to read it, Mr. Chair?

The Chair: Yes, go ahead.

Ms. Marie-Hélène Gaudreau: It's very simple. Look at the motion that I moved this morning. Part (b) says:

... the Committee study mainly ... contracts with regards to speeches ...

This continues until the end. My amendment seeks to add an additional paragraph to Mr. Angus' notice of motion. Should I read the entire thing, or do you have it in front of you?

[*English*]

The Chair: Your amendment is....

[*Translation*]

Ms. Marie-Hélène Gaudreau: I'm talking about the amendment that I'm proposing to add to the motion tabled.

[*English*]

The Chair: Please go ahead and read it.

[*Translation*]

Ms. Marie-Hélène Gaudreau: Perfect.

The letter that should technically be (c) has been added to the amendment:

... the Committee study mainly ... contracts with regards to speeches of Justin Trudeau and Sophie Grégoire Trudeau within the framework of activities organized by Speakers' Spotlight since October 14, 2008;

(c) that the Committee invite Speakers' Spotlight representatives ...

[*English*]

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

The Chair: Go ahead on a point of order, Mr. Angus.

Mr. Charlie Angus: We just voted on this motion. If it's voted down twice, we can't bring it back a third time.

The Chair: Let her complete, Mr. Angus. This is an amendment to a motion we're debating right now. I will certainly confer with the clerk in that regard. Let's hear the entire thing, and then we'll suspend for a moment.

● (1140)

[*Translation*]

Ms. Marie-Hélène Gaudreau: I'll continue:

(c) that the Committee invite Speakers' Spotlight representatives to testify about all files related to speeches organized since October 14, 2008, for Justin Trudeau and Sophie Grégoire Trudeau;

(d) that an Order be issued to Speakers' Spotlight to obtain a copy of all records related to speeches organized since October 14, 2008, for Justin Trudeau and Sophie Grégoire Trudeau—including, for each speech, the amounts paid, any expenses reimbursed and the name of the company, organization, person or entity that organized it;

(e) that the documents ... be delivered to the Clerk of the Committee within 7 days of the adoption of this motion and that their consideration be in camera;

(f) that, for the consideration of documents studied during closed meetings:

- i. only Committee members be allowed to participate;
- ii. no mobile or electronic device be allowed in the room during these meetings;
- iii. numbered hard copies of documents be given to Committee members by the Clerk at the beginning of each meeting scheduled for that purpose and that these copies be given to the Clerk at the end of each meeting;
- iv. copies of documents be kept in the Clerk's office and that outside of meetings Committee members can only view them by going to the Clerk's office, and no mobile or electronic device be in the room during the consultation of documents.

The words could be changed again, Mr. Chair. The motion was amended at the start of our committee. After almost 18 hours of discussion, I believe that we could come up with a solution in order to meet our obligations and shed light on what we've been studying over the past few months.

Since time is flying by, we could go around the table and vote. We've already heard from our colleagues over the past few hours. We've already made a great deal of progress, so I'm moving this amendment.

[English]

The Chair: Thank you very much, Madame Gaudreau.

We're just going to suspend for a few moments so I can confer with our clerk.

• (1140) _____ (Pause) _____

• (1140)

The Chair: Okay, I was encouraged by the fact that this was a unique circumstance for even our clerk as well as for me.

In the precedents that we looked at in regard to the previous aspects that we were dealing with, there's a measure of what's called "means and variance". Although we've heard this in an independent motion, because it's embedded within an entirely different motion, an amendment to a motion outstanding on the floor right now, the means is different from the previous motion, so I will rule this amendment in order. I think it's always better for the chair, whenever there's a question in regard to a ruling, to take the broader latitude rather than the narrower latitude, so I would always argue for more freedom for members, rather than less. I will rule that this amendment is in order.

We will now be debating the amendment from Madame Gaudreau to our existing amended motion.

• (1145)

Ms. Patricia Lattanzio: Mr. Chair—

The Chair: Yes, do you have a point of order?

Ms. Patricia Lattanzio: Yes, it's a point of order. I'd like to challenge your decision.

The Chair: You're certainly allowed to do that.

We'll go to the clerk for a recorded vote in that regard.

Mr. Han Dong (Don Valley North, Lib.): Just to clarify, Chair—

The Chair: Yes, Mr. Dong.

Mr. Han Dong: For the recorded vote, can you repeat the question?

The Chair: Madam Lattanzio has challenged my ruling in regard to the amendment from Madame Gaudreau being in order. She has the right to do that as a member of the committee, and so you'll be voting now to either sustain my decision or not. The question is, do you sustain the decision of the chair?

Mr. Han Dong: Thank you.

The Chair: Is that clear?

Mr. Han Dong: Yes, it is.

The Clerk: On the question "Shall the chair's ruling be sustained?", please vote "yea" if you're in favour and "nay" if you are against.

(Ruling of the chair sustained)

The Chair: In the event of a tie, the chair does not need to vote. It's not just any tie; whenever there's a tie in regard to the sustaining of the decision of the chair, the chair does not need to vote, and the decision is sustained.

We'll move to a debate on Madame Gaudreau's amendment. Unless someone wants to be removed from the speaker's list, I will continue on with the one that I have.

By the way, I should let you know what I have, which is Mr. Barrett, Madam Lattanzio, Madam Shanahan, Mr. Angus and Mr. Dong.

Mr. Greg Fergus: Mr. Chair, is it possible you could sound out the members to see if we could just proceed to a vote?

The Chair: Sure. I was just checking to see if there's a consensus to move to a vote.

Ms. Patricia Lattanzio: Mr. Chair, would it be possible to receive Madame Gaudreau's amended motion? Can we all receive it? I know she read it out, but I would like to have it.

The Chair: We can make sure that you have that sent to you. We'll suspend for several minutes to make that happen.

• (1145) _____ (Pause) _____

• (1155)

Mr. Francesco Sorbara: Mr. Chair, we've received Madame Gaudreau's motion. The documents have arrived.

The Chair: Thank you very much. I just want to check with Madam Lattanzio if that is the case.

Ms. Patricia Lattanzio: Yes, thank you.

The Chair: Go ahead, Mr. Barrett.

Mr. Michael Barrett: Thanks, Chair.

I appreciate the amendment and the discussion that followed. I want to make a few notes. I know we're going to encounter bells before 12:30.

Chair, what happens in this committee is not in a vacuum, nor is the work of other committees. We've seen play out at other committees the hasty decisions by chairs, and though I have strong opinions, of course, on how I would like each vote to go, I get one vote, but the chair makes his rulings and, while I haven't been in the room for the other meetings, I know, based on your comments, that you consult extensively with the clerk.

In the room, for this ruling, I don't have a stake in the decision by the chair. I wasn't voted as chair by colleagues on this committee. That responsibility was given to you for what I would say would have been a pretty easy decision. I think it could have been adjudicated quite quickly. The meeting was suspended, and you consulted with the clerk on the question before rendering your decision.

I'd like to contrast that for my colleagues on the committee against what we've seen at other meetings when we know chairs have, during this session of this Parliament, during heated discussions, adjourned meetings without a vote while members withheld consent to do so. We've seen a number of procedural irregularities at best, if not violations of the rules of this place.

We hear an awful lot about “with respect” and “with reservation on the vote”—

Mr. Francesco Sorbara: I have a point of order, Chair.

The Chair: Go ahead on a point of order.

Mr. Francesco Sorbara: Thank you, Mr. Chair.

Thank you, MP Barrett, for those comments.

Mr. Michael Barrett: I'm not done.

Mr. Francesco Sorbara: Well, there's a point of relevance here. What you're speaking about has nothing to do with what's currently being looked at on the floor, in terms of the amendment that's been put forward by Madame Gaudreau.

The Chair: Thank you for the point of order, Mr. Sorbara.

I think all of my colleagues here from every party know that I give folks quite a bit of latitude in regard to the topic at hand. I've trusted for all of you that even though you broaden your scope, you generally come to the point, so I appreciate the point of order and will just encourage Mr. Barrett to move to the topic at hand as quickly as he can.

Mr. Michael Barrett: Thanks, Chair.

We've heard comments from the members, including that member, about respect, hesitation and reservation, but respect and reservation and thoughtfulness are what we've seen from the chair. I think it speaks to the motives and intentions of those who voted to overturn his ruling when we've seen the contrast. There's a fairness at play in this room. It doesn't always break the way I'd like it to, of course, but that's how an impartial chair works. We have not seen that at other committees dealing with this issue. While the chair's actions speak for themselves, so do the actions of those who voted to overturn that ruling.

Chair, on the amendment to the motion, we heard from Mr. Angus, and I look down the table to see a colleague who has logged nearly two decades in Parliament. He talks about the resources that have been expended and devoted at this committee to some of the issues that we're dealing with. I don't want to squander the resources and the efforts that have gone into bringing us to where we are today.

We know that the amendment has been ruled in order. We know that the consideration in Ms. Gaudreau's amendment reflects the will of the committee. Again, though I personally disagree with some of the points in the amendment, I know them to be the will of the committee in its current composition. Thus, while not striking the exact effect that I would look to achieve, the amendment does affect the outcome that the majority of the members on this committee have publicly stated they're seeking.

With respect to the main motion and the committee reviewing the safeguards to prevent a conflict of interest in the federal government, including the CSSG and the awarding of it to the WE organization, it's certainly germane. I think that having an individual from the organization speak to those documents and to have these documents in hand with the safeguards preferred by members of this committee would go a long way to being judicious in the future use of this committee's resources and time, because in a subcommittee or a full committee, in terms of deciding how to govern ourselves

during the the development and progress of that study, we'll have resolved the question that is surely to be asked. It will be done with the main motion, the main motion that has now been shortened. It's been narrowed in scope and will affect what I have expressed previously in terms of getting some work done by substantially looking at issues that are in the public interest and looking at them in the limited time that we have.

We have a few days before the House will rise for Christmas, and it's unfortunate to be talking about Christmas now. The year is slipping away. We haven't even had Remembrance Day yet, and people are putting up their Christmas trees.

With that in mind, we need to get to the business that we've been sent here to do. These issues were of great public interest and of developing public interest over the course of the summer, through prorogation and into the new fall session. I appreciate that the main motion as amended is supportable, and I hope the committee can undertake to do that.

● (1200)

Chair, I will conclude, but if possible, with the resources of the House and in consultation with the parties, if the committee, which generally meets twice a week—and this committee was identified as a priority committee by the Standing Committee on Procedure and House Affairs at the start of the session—can have a second meeting scheduled this week, I think that would be prudent in furthering the business of the committee, knowing the limited opportunity even for an extension today with votes after question period and votes before question period boxing us in, and then we are losing next week to a break week. Hopefully, we will get that work done this week and we won't have to come back during a constituency week.

With those thoughts, I will yield the floor.

● (1205)

The Chair: Thank you for your comments, Mr. Barrett. I appreciate it. I will do what I can. I will confer with the clerk after the meeting to see what House resources we might possibly be able to shoehorn out of what we have left here right now.

I'm going to review the speakers' list.

It is Madam Lattanzio, Madam Shanahan, Mr. Dong, Mr. Angus, and I see Mr. Warkentin has removed his hand.

I apologize. I inverted. It was Madam Lattanzio, Madam Shanahan, Mr. Angus and Mr. Dong.

Go ahead, Madam Lattanzio.

Ms. Patricia Lattanzio: Thank you, Mr. Chair. I will now yield the floor to the next speaker.

The Chair: Go ahead, Madam Shanahan.

Mrs. Brenda Shanahan: I too will yield the floor.

The Chair: Right now the bells are ringing. I will need unanimous consent—

Mr. Michael Barrett: Mr. Chair, if there's consent to vote on the amendment and then to let everyone go for bells, could you poll the committee to see if we could do that?

The Chair: I will assume that if the committee wants to vote on the amendment, then you are also giving me unanimous consent to continue for a few minutes into the bells. It's my obligation to adjourn unless there's unanimous consent—or suspend, I should say.

Colleagues, would you like to move to vote on the amendment? I see consensus. I will call on the clerk to record that vote.

The Clerk: On the amendment of Madame Gaudreau, please say “yea” if you are in favour and “nay” if you are against.

The Chair: We have a tie.

Colleagues, there are lots of precedents in regard to how the chair should vote in a case of a tie. In this case, I think it's rather easy for me, because the mover of the motion just voted in favour of the amendment, so in that regard I am going to vote along with the yeas, and the amendment will pass.

(Amendment agreed to: yeas 6; nays 5 [*See Minutes of Proceedings*])

Mr. Charlie Angus: Do we vote on the main motion now?

The Chair: We will go to the main motion now. I will rely on the clerk again for another recorded vote.

Mr. Han Dong: I have a point of order, Chair.

The Chair: Go ahead, Mr. Dong.

Mr. Han Dong: I thought the unanimous consent was given to voting on the amendment, but not on the main motion. I still have a couple of things to say about the main motion.

The Chair: First, the bells are ringing. We would need unanimous consent to continue to debate the main motion. Is there unanimous consent to do that?

No, consent is withdrawn.

Colleagues, we are going to suspend for votes.

• (1205) _____ (Pause) _____

• (1335)

The Chair: Okay, colleagues, thanks for the quick response in coming back.

Colleagues, right now, from the previous list, I have Mr. Angus, Mr. Dong and Mr. Warkentin.

I see Madam Shanahan's hand up as well.

Unless there are some issues, I'm going to continue on.

You have the floor, Mr. Angus.

Mr. Charlie Angus: Chair, we have now been weeks into this. I think it is ridiculous that I had to hear the Bloc claiming that they didn't hear a vote that we had debated for 17 hours, but that's water under the bridge.

We need to move to the vote and carry on so we can get to work. We are here to work for the people of Canada. We have to get to work, so I would say let's just put it to a vote.

The Chair: Colleagues, is there consensus to move to a vote?

I have a signal that there's no consensus.

Go ahead, Mr. Dong.

Mr. Han Dong: Thank you, Chair.

With respect, I want to share my thoughts with the committee members on why I thought this was pretty bizarre and why I supported my government colleague's challenge.

We've been at this for a long time. Every member on the committee has participated in the debate and has spoken their thoughts on Mr. Barrett's motion last week, and we came to a vote. The majority of the committee have spoken. To my understanding, that was the end of that motion. For the Bloc member to move a motion that's substantively similar to Mr Barrett's motion....

You made a decision confirming the voting record last week, and for the member to basically take the core, the central points, of Mr. Barrett's motion—which was deemed out of order and which we voted on—back as an amendment to Mr. Angus's motion, I think, as you said, sets a bad precedent for moving forward.

Members on this committee are acting on behalf of their constituents and making sure that there's accountability in the government's actions. Our decision stands, especially after we all agreed to move to a vote. We stand by that decision.

Using tactics and coming up with creative ways to try to get our way sets a bad precedent going forward. Every member on this committee from this point on is.... What I've seen so far, in accepting this amendment and then debating this amendment, is that members can basically move motions to revive previous debates.

To me, that is not productive. I'd rather we moved into something that looks at facial recognition. I'd rather we talked about something that addresses the immediate concerns of Canadians, given COVID. I think this kind of gaming with technicalities back and forth is not doing good service to our constituents.

That's why I disagreed with accepting the honourable member's amendment. Their party was well represented last week. They debated. They voted on an amendment and they voted on the main motion, and that was the outcome.

To revive Mr. Barrett's motion, to take the central part, the core part, of that motion and try to reintroduce it in the form of an amendment into Mr. Angus's motion sets a bad precedent. I want all members of this committee to consider that and to make sure that our committee going forward can be productive and, quite honestly, that all party members can practise good faith.

Thank you, Chair.

• (1340)

The Chair: Thank you, Mr. Dong.

To review the list, we have Mr. Warkentin, Madam Shanahan, Mr. Fergus, Mr. Sorbara, Madam Lattanzio and Madame Gaudreau.

We will go on to Mr. Warkentin.

Mr. Chris Warkentin: Thank you, Mr. Chair.

It seems as though the Liberals are now moving into another lengthy filibuster in their attempts to ensure that Canadians and this committee don't find out what's included in these documents.

At one point earlier, they said that they would support it if in fact the family members were taken out. The family members are not included in the amendment, and it seems as though the Liberals have decided that these documents are so dangerous to them, that they have such a bombshell included in them, that they would rather filibuster this committee than allow for transparency and accountability.

Mr. Chair, I believe that we do need to move to a vote. I will cede the floor in the hope that we can move expeditiously to a vote.

The Chair: Thank you, Mr. Warkentin, but immediately I could see that there was no consensus.

We'll move on to Madam Shanahan.

Mrs. Brenda Shanahan: Thank you very much, Chair.

It is important that every member of this committee have their voice, and I commend the chair on his patience in ensuring that this is the case.

That said, I will yield my time again to Mr. Fergus, so I hope he takes due note of that.

The Chair: Mr. Fergus, I usually don't comment on anything, but you have two good videos now, so at least that's a good take-away from this committee.

Mr. Greg Fergus: I'm sorry, Mr. Chair...?

The Chair: It will lose something now in the delay. It's okay. You have the floor.

Mrs. Brenda Shanahan: I'm yielding the floor to you, Greg.

Mr. Greg Fergus: I'm terribly sorry, Mr. Chair. Once in a session would have been enough, but twice is completely unexpected.

Mr. Chair, let me start by saying that I seem to have missed some of the fireworks, as I had to leave the committee to give a speech to a digital conference. To my surprise, I see that once again the elements of a motion that had been defeated twice seem to have made their way back onto an amendment I had moved prior to (*Technical difficulty—Editor*) receive the support of a majority of the colleagues to go down that road. I'm a little disappointed that we now find ourselves—

• (1345)

The Chair: Mr. Fergus, I'm sorry, but your Internet is cutting in and out, so maybe you could go back a couple of sentences to make sure we capture that. Your audio dropped out entirely for a couple of sentences.

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

Is my connection okay now?

The Chair: It appears to be good now, Mr. Fergus.

Mr. Greg Fergus: Are you hearing me now?

The Chair: Yes, we are. We are hearing you now, Mr. Fergus.

Mr. Greg Fergus: All right.

Thank you, Mr. Chair. I do appreciate your patience, and I beg the patience of all my colleagues around the table.

I'll get straight to the point. I would like to make an amendment to the motion as it currently stands, Mr. Chair, and I do so with the intention of trying to move us into action, to not go down the same avenues we have gone down before, which have led us effectively to a stalemate, and to try to move us into making sure we can at least move on the issues on which I believe we all agree.

To that end, Mr. Chair, I would like to move that we delete the amendments that were proposed by my honourable colleague from the Bloc Québécois and replace them with the five points that follow.

Mr. Chair, let me just pull up the document that I was working on before Ms. Shanahan yielded the floor to me. I would like to add new clauses and renumber them accordingly, but I will use the numbering that I have in front of me.

My amendments are as follows: “(a) That 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; (b) that the committee investigate how this technology will impact the privacy, security and safety of children, seniors and vulnerable populations; (c) that the committee examine the impact of facial recognition technology on racialized communities; (d) that the study include how this technology may be used nefariously, such as a tool for criminal harassment or for other unlawful surveillance purposes; (e) that the committee investigate any possible link, formal or informal, between Canadian law enforcement agencies and private technology corporations and startups, including, but not limited to, Cleaview AI and Palantir; and (g) that the committee examine the impacts of facial recognition technology and the growing power of artificial intelligence.”

Those, Mr. Chair, would be my amendments to replace the amendments that were proposed by Madame Gaudreau.

Thank you, sir.

I will send this also to the clerk.

The Chair: Thank you, Mr. Fergus.

Mr. Charlie Angus: Can we suspend while we see that motion?

The Chair: We'll suspend for three minutes.

I do want to say to you, Mr. Fergus, that I did not recognize any aspect of it that's germane to the motion that's on the floor, but send it over and we will take a look at it. I will make a firm ruling on it in three minutes.

Mr. Greg Fergus: Mr. Chair, the reason I think it is germane is that one of the two elements of Mr. Angus's motion deals with facial recognition technology. I just want to take this further in that investigation, sir.

The Chair: Yes. That's why I said to send it over and we'll take a look at it.

Mr. Greg Fergus: I will.

• (1345) _____ (Pause) _____

• (1350)

The Chair: Colleagues, we're back in session. Those who have turned off their video, etc., may want to reconnect.

The motion we have on the floor right now has to do with pandemic spending. That's the overall framework. There's really nothing here that would relate to the amendment at hand, so I will rule that amendment out of order right now.

We will return to debate on the motion.

Mr. Sorbara is next.

Mr. Francesco Sorbara: Thank you, Mr. Chair. I do find it disappointing that the committee is not able to return and focus the diligence and judiciousness of all members here in studying the matters that are impacting all Canadians.

I will go back to the amendment at hand that we're discussing, but there was a story over the weekend with regard to an entity collecting five million images of Canadians. I'm a big believer in privacy. I'm a big believer in transparency. I feel it is the duty of this committee, in the day we live in, to begin to study these issues that all Canadians face. They are very serious issues. They are very pertinent issues in terms of the day we live in and in terms of the technology that's being used. Canadians have a right to know that their privacy is being protected. I pleaded to the committee members to stop this fishing expedition, to stop wasting the time of the committee's resources, and to clearly get back on track in the mandate of the committee to look at privacy.

Mr. Chair, perhaps I could get a clarification from you and ask if someone could read the amendment that we're dealing with now. It may have been emailed, and I need to check my inbox. We did adjourn for the vote. Now we are back. I just want to make sure I am on the right page in terms of what debate we are referring to. Are we referencing debate on Madame Gaudreau's amendment or are we referencing debate on the amended motion?

Can you clarify that, please, sir? Then I would like to continue after you give that clarification.

• (1355)

The Chair: We are on the main motion as amended, Mr. Sorbara.

Mr. Francesco Sorbara: Okay.

Mr. Chair, I have grave concerns on the amended motion, if I'm using the proper language. Again, I believe we have gone back full circle. If I can use a golfing analogy, I think we had a mulligan today. That is the only way I can reference it. I think it's not a good thing for this committee to have done in accepting Madame Gaudreau's amendment to Mr. Angus's motion. We had a mulligan today. Let's call a fact a fact. That's what occurred today. I wish to express that disappointment: We had a do-over.

I have great concerns on the privacy implications of the amended motion. I have to go back and look at this. I have to read it over again to see where I stand. I am not in favour of it currently and will most likely continue to be so. I will yield the floor to one of my colleagues so that I can look at this amended motion and come back with some more wisdom on why and where the committee should proceed, in my humble view, in terms of what we should be doing.

It's really disappointing, Chair.

I will stop there and yield to the next speaker.

The Chair: I will recap the speakers list. We have Madam Lattanzio, Madame Gaudreau, Mr. Barrett and Mr. Angus.

I think I've captured everybody, unless Madam Shanahan... That's a new hand up, and Mr. Fergus, I see your hand up as well. Okay.

Go ahead, Madam Lattanzio.

Ms. Patricia Lattanzio: Thank you, Mr. Chair. Thank you for giving me the opportunity to come back on the decision that was rendered with regard to the amendments from Madame Gaudreau being reinstated into the main motion.

I think that to be patronized as a member of this committee about where this is all going and to have it suggested that challenging the chair wasn't the way to go.... Mr. Chair, I have respect for you. I accept the process, but I think that it is within my right to be able to challenge if I feel that a decision is not based on what is being presented. I think it is incumbent on all the members, not just me, to challenge if a decision is rendered that goes against what a member believes to be the right decision to be made.

I will tell you that this is not the first committee where this has occurred. I pulled out what transpired in the finance committee not too long ago when someone also challenged the chair. It was a colleague, MP Poilievre, who wanted to declare out of order a motion to bring forth the documentation from the previous session that had not moved or passed.

There was opposition over the ruling of the chair, even though the chair had taken the advice from the clerk. On October 8, 2020, the chair ruled that motion pertaining to privilege raised by Mr. Poilievre out of order, as it related to proceedings before the committee in a previous parliamentary session. The chair ruled that the debate on the motion moved by Julie Dzerowicz on October 8, 2020, regarding the pre-budget consultation would now resume, whereupon MP Pierre Poilievre appealed the decision of the chair. The question "Shall the decision of the chair be sustained?" was put, and the decision of the chair was overturned on the following recorded division: yeas 5, nays 6.

To have a member come in today and say that even if a chair consults, if it is his or her opinion that a decision warranting an amendment or declaring it receivable or not is fine, it is also fine for a member to be able to challenge it. I wanted to make that clear.

With regard to the amendments brought forward by my colleague Madame Gaudreau, these were the same three topics that a former colleague of hers of the same political stripe decided last week would not be part of the motion. That was voted down. Although Madame Gaudreau tells us that her vote was written in the sky, I can tell you quite frankly that I come to committee, I do my work, I listen to everybody and I don't pretend to know or guess or look at the sky to see how people are going to vote.

I think that when one person votes and I hear that vote, whether it be a yea or a nay, that's what I take as a vote. I don't think that we should guess or come to some hypothesis as to how one is going to vote or not vote.

That said, the decision on that was clearly made. To now bring it again into a motion.... I think committee members around this table showed goodwill on this motion—that is, the two paragraphs that were proposed by our colleague, Mr. Angus—and want to move forward with it. To me it showed we were moving in the right direction. Unfortunately, we are back at square one.

● (1400)

Comments are made; criticisms are made; judgments are passed, and at the end of the day I think that generally all of us have an interest in being able to move on and delve into the two paragraphs that were brought forward by our colleague Mr. Angus this morning. I think we had a consensus around the table, and to bring back something we have already decided on.... We've already made a decision on that. That we found a way to be able to amend a motion and to reintroduce those very topics does not make sense.

I too am going to yield the floor to the next speaker. I hope we can bring closure to this and move on.

The Chair: Go ahead, Madame Gaudreau.

[*Translation*]

Ms. Marie-Hélène Gaudreau: Thank you, Mr. Chair.

It's after 2 p.m. I'll take a few minutes.

Let's go back to square one. My colleagues have repeatedly said that, above all, we must ensure that everything was done properly. I'll let you analyze what happened a few seconds after my colleague, who so kindly replaced me at the previous meeting, made comments. Some technical issues arose and lasted a few minutes. My colleague didn't hear the interpretation. When this happens for the first time, you don't want to cause any upset. There are all kinds of reactions. I'm sure that you've experienced this before.

We're going around in circles. I was with you from the beginning to the end. I didn't miss anything. I was replaced for a few minutes. You were replaced. You know what I'm talking about. I know absolutely everything that happened.

I don't make assumptions. Every time I've spoken, I've clearly asked about the purpose of this ethics committee. An ethics committee must address conflict of interest and lobbying laws.

There are all kinds of reactions. People draw things out, they want to hide things, they say things aren't good, they wonder what to do, they start over. We must carefully consider this. What do you need to hide when everything seems right? If this isn't the case, reread and listen again to the comments. We spent several hours amending motions to reach an agreement.

I reread everything that you discussed all weekend. Where do you stand? I missed a few minutes of the meeting. When I came back, I told you that an error had been made and asked whether the vote could be negated. We could already be somewhere else.

I'm very disappointed. From the beginning, as a member of the ethics committee, I've been reasonable. I've never dared talk about filibustering. However, I've always asked you why your comments were so long.

The facts are there. The people who are listening to us see things clearly. They're worried about their future and about what's coming. The end of the year is approaching and fraud is on the rise. Facial recognition is an extremely serious issue. We could already be working on it.

The clock is ticking. You refused to negative the vote. I'm now in a situation where it's almost the same thing. Let's not joke around. Technically, things should be fine. I'm asking you to act as good, non-partisan legislators. People want to know what's happening.

I'm ready to vote.

● (1405)

[*English*]

The Chair: Is there a consensus now?

There's no consensus.

Go ahead, Mr. Barrett.

Mr. Michael Barrett: Chair, we're just about at question period. There's obviously not a will in the room to continue with the meeting, but the discussion has to continue. This vote needs to be resolved. The committee needs to do its work. Canadians need answers, but there won't be bells for our attendance at question period. There will actually be no bells for the votes that immediately follow. I just look to you, Chair, for a way to resolve our attendance here and then resume consideration of this question.

The Chair: You could move a motion to adjourn, Mr. Barrett.

Mr. Michael Barrett: I so move, Chair.

The Chair: Okay. There's a motion to adjourn. Is there consensus to adjourn, or do I need to go to a vote?

There is consensus to adjourn.

Colleagues, the meeting is adjourned until 3:30 tomorrow afternoon.

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