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# Standing Committee on Canadian Heritage

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Chair: The Honourable Hedy Fry





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Tuesday, December 12, 2023

• (1135)

[Translation]

**The Chair (Hon. Hedy Fry (Vancouver Centre, Lib.)):** I call this meeting to order.

Welcome to meeting number 104 of the Standing Committee on Canadian Heritage. I would like to acknowledge that this meeting is taking place on the unceded traditional territory of the Algonquin Anishinabe nation.

[English]

As we know, this is going to be a hybrid meeting. Everyone who is appearing virtually will log on to Zoom, but remember that you're not allowed to take pictures of Zoom or the meeting.

The other thing is that you are not mandated to wear masks, but it would be nice if you could, because we heard from the Ontario chief health officer that people are going to get very sick and hospitals are already beginning to fill up. Just remember that.

I want everyone to know that when you want to address any questions or answers, please go through the chair. Also, be careful with your sound, because the echoing on any other thing you have in front of you could cause problems for the interpreters, who could get feedback, and that would be very negative for them.

Today we are meeting, as requested, with the Minister of Sport, the Honourable Carla Qualtrough.

The Department of Canadian Heritage officials with her are Isabelle Mondou, deputy minister of Canadian Heritage, and Emmanuelle Sajous, assistant deputy minister of sport. From the Public Health Agency of Canada, we have Nancy Hamzawi, executive vice-president, and Michael Collins, vice-president of the health promotion and chronic disease prevention branch.

Without any further ado, welcome, Minister. It's so nice to see you here. Congratulations on a portfolio I know that you feel very at home in, having been an Olympian yourself.

We'll begin with you. You have 10 minutes.

**Hon. Carla Qualtrough (Minister of Sport and Physical Activity):** Thank you, Chair.

Good morning, everyone. Thank you for inviting me to join you.

Chair, just to put it on the record, I'm happy to stay to make up for the time we've lost. If that works for all of you, I can stay for the whole hour. I'll leave it to you guys to figure that out.

I'd like to begin by acknowledging that we are gathered on the traditional territory of the Algonquin Anishinabe people.

[Translation]

It's a pleasure to meet with the Standing Committee on Canadian Heritage to discuss my mandate as Minister of Sport and Physical Activity.

Our government acted quickly to protect Canadians during the COVID-19 pandemic and put many measures in place to ensure Canadians could look after their families and pay their bills. As per my mandate, we've since worked to build the sport system back up and to harness the power of sport for the benefit of the greatest possible number of Canadians.

[English]

I have returned to this role at a time when Canada's sport system is at a critical crossroads. My own experience as an athlete has taught me first-hand the positive power and potential of sport, but we've also seen over and over again that with insufficient safeguards and accountability, sport can also do harm.

I want acknowledge the survivors who have bravely come forward to bring to light their lived experiences, including during this committee's study on safe sport. I admire their courage. What happened should never have happened, and I am committed to ensuring that they are supported.

Regarding the safe sport report, I commend the work of this committee to date and look forward to seeing its completion and your recommendations.

As a key part of my mandate, yesterday I announced the creation of an independent and impartial future of sport in Canada commission. This commission will launch in the new year. The commission will provide a forum to bring the lived experiences of victims and survivors to light, support healing and engage broadly on how to improve the sport system in Canada. The commission will be trauma-informed, survivor-centred and human rights-based.

I strongly believe that athletes must have a voice in changing Canada's sport system. To that end, we'll continue to make capacity-building investments in AthletesCAN to enhance the role of athletes in the sport system. We are elevating the Sport Canada Athlete Advisory Committee to the ministerial level. In January, we will re-open a call to athletes to participate in this committee. The committee will provide me with athlete input and perspectives directly on sport policy and programming. Also, to ensure greater independence, we will begin to transition the Office of the Sport Integrity Commissioner and the abuse-free sport program out of the Sport Dispute Resolution Centre of Canada.

We all recognize that sport is vital to leading healthy lifestyles. My mandate makes it clear that sport should be promoted as a means of encouraging Canadians, especially children and youth, to integrate and increase physical activity in their daily lives. Even before the pandemic, fewer than half of adults, children and youth met the current physical activity recommendations, and sedentary behaviour was on the rise. We need to do more to help Canadians get moving and live healthy and active lifestyles.

I'll continue to work with our partners, including provincial and territorial governments and organizations throughout the Canadian sport system, to enhance opportunities for all Canadians to participate in sport. This means also working to ensure that under-represented communities have better access to positive sport and physical activity opportunities, as we are doing through the community sport for all initiative. Through this program, we are supporting community sport initiatives for equity-deserving groups, in particular Black, indigenous and 2SLGBTQI+ people, people with disabilities and newcomers, to remove barriers and to increase participation and retention in sport.

● (1140)

[Translation]

Our government has always made increasing diversity a priority to ensure all of our systems reflect the diversity of Canada, and sport is no exception. I will continue working to ensure that the Canadian sport and physical activity systems reflect the diversity of our country.

I look forward to continuing to promote physical activity and encourage all Canadians, especially children and youth, to integrate and increase physical activity in their daily lives.

[English]

In budget 2023, we announced \$10 million over two years for ParticipACTION's "Let's Get Moving" initiative to increase physical activity levels of Canadians who are less active, with a focus on groups who experience health inequalities related to physical activity. We are also supporting the development of the Canadian Society for Exercise Physiology's 24-hour movement guidelines, which provide guidance on the optimal amount of physical activity, sedentary behaviour and sleep requirements for people of all ages.

We'll continue working with stakeholders with expertise in physical activity and health, and not-for-profit organizations supporting equity-deserving populations. This includes through the healthy living round tables, for which a "What We Heard" report has been shared with stakeholders and will be posted online shortly.

We are also taking action to address physical inactivity. Through the healthy Canadians and communities fund, we are providing approximately \$20 million annually to reduce health inequalities among priority populations at greater risk of chronic diseases.

[Translation]

I will continue to work closely with my provincial and territorial counterparts to coordinate efforts on increasing physical activity, recreation, and active and healthy living across the country.

To support safety in physical activity and sport, our government is supporting the update of the Canadian Guideline on Concussion in Sport and other key concussions resources to ensure that everyone in Canada has the most current guidance on the prevention, assessment and management of sport-related concussions.

[English]

My PT colleagues will be included in this process. In addition, the updated guideline will be used by national, provincial and territorial sport organizations to update their own concussion protocols.

Looking ahead, I believe we have an unprecedented opportunity to develop recommendations to advance the objectives of the new Canadian sport policy. We anticipate having this new policy endorsed by all provinces and territories in 2024. The policy, which is driven by values, including safe sport, is a product of comprehensive engagement with Canadians from coast to coast to coast. Sessions were held to ensure we heard from all voices across the sport and recreation system. However, there is still more work for us to do to ensure every Canadian, regardless of age, disability, race, ethnicity or gender, can easily and safely participate in sport.

All of these efforts will progress over the coming months. I know I can count on your support, advice and candid feedback. I look forward to our ongoing collaboration.

Thank you, Madam Chair.

**The Chair:** Thank you very much, Minister.

We're moving to the question and answer section. We'll start with a six-minute round. Remember that the six minutes are for questions and answers.

I'll begin with the Conservatives and Rachael Thomas.

• (1145)

**Mrs. Rachael Thomas (Lethbridge, CPC):** Thank you, Madam Chair.

Minister, thank you for taking the time to be here and for making yourself available for an additional amount of time given the special circumstances.

My first question is with regard to Hockey Canada.

As you know, on June 22, 2022, funding was suspended, and three criteria were put in place in order to have federal funding reinstated. It was reinstated only a short 10 months later.

I'm curious whether, in your estimation, those three criteria were fully met before the funding was restored.

**Hon. Carla Qualtrough:** Thank you.

Hockey Canada was sufficiently advanced at the time. They have published their financial statements, signed on to the UCCMS and undertaken an independent governance review. They are actively implementing the recommendations, and Sport Canada is working very closely with them.

I think I would say yes. I'm not congratulating them, though.

**Mrs. Rachael Thomas:** One of the things that were also required of them was making available the Henein Hutchison report and the recommendations in there. Has your office received a copy of that?

**Hon. Carla Qualtrough:** I'm not sure.

Did we?

**Ms. Isabelle Mondou (Deputy Minister, Department of Canadian Heritage):** Yes, we received a copy of the report.

**Mrs. Rachael Thomas:** Perfect.

One of the other stipulations was ongoing reporting with the government. I'm curious as to whether or not that ongoing reporting is, in fact, taking place and how often.

**Hon. Carla Qualtrough:** It is happening quarterly, so every three months. Hockey Canada is meeting with us to report on advancing the different aspects of the Cromwell report.

**Mrs. Rachael Thomas:** What is the nature of that reporting when they meet with you? Is there a set agenda or items they're supposed to report?

**Ms. Isabelle Mondou:** There is a monitoring plan. In the monitoring plan, they have to show how they have progressed in the implementation of the report. They have to show clear progress on every single recommendation.

**Mrs. Rachael Thomas:** To date, have you been satisfied with the reports that have been given?

**Ms. Isabelle Mondou:** As the minister said, it's a work in progress. However, so far they're doing the work.

**Mrs. Rachael Thomas:** I'm also curious about the announcement you made yesterday, Minister. I know there was quite a bit in that announcement.

One of the questions I have for you has to do with a registry among national sports organizations with regard to sanctions. We've heard from many victims at this committee, whether from soccer, gymnastics, hockey, fencing, boxing, swimming, volleyball—you name it. There are dozens of sports organizations across this country where athletes have been mistreated. Of course, they have grave concerns.

One notable victim who spoke at this committee was Ms. McCormack. She asked how we could witness this car crash over and over again and do nothing. Another thing she said at this committee, when talking about the Soccer Canada coach, was “yet inexplicably was allowed by Canada Soccer to continue coaching teenage girls. For 12 years, I and others reported this known predator repeatedly, to no avail.”

Andrea Neil said this: “Canada Soccer didn't act to protect the community. They negligently shifted his predatory behaviour on and shrouded the reason for his departure, so he was back coaching vulnerable girls just weeks later.”

Of course, the reference here is to Bob Birarda. This is a very sad case. This is an individual who sexually assaulted numerous girls within soccer. It seems nothing was done about it, so these girls were left feeling voiceless, powerless and defeated.

My question for you is this: Will you be creating a registry so these national sports organizations can report sanctions?

**Hon. Carla Qualtrough:** The short answer is yes, but I can give you more details if you'd like.

**Mrs. Rachael Thomas:** Can you give me a date?

**Hon. Carla Qualtrough:** I can't give you a date.

We're currently working with the Privacy Commissioner to make sure that... I'm so with you on the unacceptableness of this that it's hard for me not to say tomorrow, but it's the PT and FPT world. We have provinces on board to put their plans out by the end of this year on how we would coordinate the provincial sanctions with the OSIC sanctions, but we're not quite there yet.

Actually, it's March 24. There you go. There's a date.

• (1150)

**Mrs. Rachael Thomas:** Is it March 24 of this year?

**Hon. Carla Qualtrough:** Next year, 2024.

**Mrs. Rachael Thomas:** I'm sorry. That's what I mean—2024, the coming year.

**Ms. Isabelle Mondou:** It's March 2024 for the registry. That is the national one with the abuse-free sport program. They're now working with the Privacy Commissioner to make sure that it's okay, but technically it should be in place.

**Hon. Carla Qualtrough:** The PT part will come after that.

**Ms. Isabelle Mondou:** They're working on the party part.

That's what you were mentioning, Minister.

**Hon. Carla Qualtrough:** Yes. Thank you.

**Mrs. Rachael Thomas:** Okay. With regard to provincial sanctions, then, would a registry be required there as well?

**Hon. Carla Qualtrough:** Right now we're trying to figure out the best way. We don't want to duplicate efforts and have 14 different registries. The preference would be to have one, but PTs have to get on board. We're having an FPT meeting in, I think, February to discuss this, but yes, it's a massive problem within sport how bifurcated this jurisdiction is.

**Mrs. Rachael Thomas:** If provincial sport organizations were told that they could not send athletes to national sport organizations unless they had a sanctions list, a registry, would that not do the trick?

**The Chair:** You have 30 seconds.

**Hon. Carla Qualtrough:** I think the question is whether we obligate members of NSOs to be part of a system that has a registry. That's what I'm looking at doing because that's how you get at them. They're members of the organization we fund.

**Mrs. Rachael Thomas:** Okay. Thank you.

**The Chair:** Thank you very much.

I'm going to the Liberals, with Lisa Hepfner, for six minutes, please.

**Ms. Lisa Hepfner (Hamilton Mountain, Lib.):** Thank you, Chair.

Thank you, Minister and officials, for being here with us today.

I think March 2024 is great news for this registry.

Minister, is there anything more you can tell us about how this registry will work? How do the names get added? Is a criminal conviction required for somebody who has been accused of something to be added to that list? Is it going to be accessible across the country? Maybe you could go into more detail about how you envision it.

**Hon. Carla Qualtrough:** It's based on signatories to the Universal Code of Conduct to Prevent and Address Maltreatment in Sport, which I will now call UCCMS so I don't waste all of my time.

If an individual has been sanctioned under that code of conduct, they will appear on the registry. As of this April, every organization funded by Sport Canada is now required to sign on and has signed on to the code. We now capture all of those organizations under the code.

What isn't yet part of it is anybody who has been accused or is perhaps in the process of an investigation. The nut I'm currently trying to crack is how we can remove people from the sport context during that investigatory period. We're trying to figure that part out, but there's definitely the sanctioning part.

**Ms. Lisa Hepfner:** I want to go back to your announcement yesterday. You've announced a commission model to look into safe

sport rather than a public inquiry. Would you explain to this committee why you made that decision? What factors went into it?

**Hon. Carla Qualtrough:** I can assure you all that the decision wasn't made lightly. It was made after a massive individual consultation on my part with sport organizations, survivors, athlete groups, athletes, people from within sport, experts from outside of sport, the Canadian Women's Foundation and the Canadian Centre for Child Protection. I was asking for desired outcomes and really getting a handle on principles that they wanted to see reflected in the terms of reference for whatever mechanism we put in place. What became very clear was that it had to be trauma-informed, victim-centred, human rights-respecting and forward-looking.

After taking in all of that input, we researched the different models out there and fell on three that I particularly leaned into, which were the Dubin inquiry, Roy Romanow's inquiry into the future of health and the Truth and Reconciliation Commission. Looking at a public inquiry model is, I believe, counter to the trauma-informed, victim-focused, victim-centred aspects of the principles we were trying to move forward with.

**Ms. Lisa Hepfner:** Can you just explain that a bit more? Why would an inquiry not be victim-informed?

**Hon. Carla Qualtrough:** I know you have all dug in on this and I absolutely respect the work you have done.

Compelling evidence, compelling witnesses and being able to cross-examine victims are things that concern me, especially because this commission is not out to prove that bad things happened in sport. We are starting from the position that bad things happened and that we believe survivors, we believe victims and we want to make the system better. We didn't want to put athletes, and victims in particular, in the compromised position of being compelled to testify.

Then, of course, there's the very practical reality that when you have a public inquiry in an area that is mostly in provincial jurisdiction, you have to negotiate the terms of reference with the provinces and territories, which could add another year to the process. I can't guarantee that every province and territory would agree, and where would that leave us?

I landed on the truth and reconciliation model because it served a vulnerable population that was previously traumatized in a system that did not protect them. It was forward-looking. It was expressly not a public inquiry and it did not compel evidence and witnesses, so it felt to me, and to us as a government, that this was the best way forward to achieve the outcome we want, which is better, safer sport.

• (1155)

**Ms. Lisa Hefner:** There are victims who feel that public inquiry recommendations have more weight at the end and are more easily implemented than those coming from a commission. What's your response to that?

**Hon. Carla Qualtrough:** I'm not sure that's the case, although once again I wouldn't want to disagree, because I have the utmost respect for everybody who has shared their stories so we could get to today.

I think with the nature of the recommendation of this impartial, independent commission led by a respected legal expert, it will have the weight and gravitas it needs to get the desired result.

**Ms. Lisa Hefner:** How do we know that survivors and victims have been heard in this process?

**Hon. Carla Qualtrough:** It's a good question. I can tell you that many athlete groups have come out in support of this commission. I hope those who still remain concerned or still lack trust—and by the way, we have to re-earn their trust—will at least see that their input, the outcomes they wanted, the principles they wanted us to uphold and the composition of the commission being led by an independent individual from outside of sport—the things they said mattered no matter what process we put in place—are in this process.

I'm hoping that if they see what they said they wanted in this, even though it's not the model they thought they needed to achieve these things, they will start to believe again in the system.

**Ms. Lisa Hefner:** Over the last couple of years, this committee has been studying safe sport. Is that useful to you? Would it be helpful if we could produce a report to help in the work?

**Hon. Carla Qualtrough:** Absolutely. In fact, I can confidently say we can start from a place of knowing that bad things happen in sport because of the work that your committee and the other committee did. Over two years, there have been hundreds of witnesses and thousands of pages of testimony and submissions.

We're not where we were in Dubin. In Dubin, we hadn't had two parliamentary committees when we started. Part of the Dubin inquiry was to uncover the extent of the problem.

As I said, we're here because of all of this, but of course your recommendations will matter to me, to the government and also to the commission.

**Ms. Lisa Hefner:** Thank you.

**The Chair:** Thank you.

I will now go to the Bloc Québécois.

Sébastien Lemire, you have six minutes, please.

[Translation]

**Mr. Sébastien Lemire (Abitibi—Témiscamingue, BQ):** Thank you, Madam Chair.

Ms. Qualtrough, from what you proposed yesterday, there doesn't seem to be much of a desire to reconcile with the survivors, given what each of them have gone through. We were hoping that you'd spend more time focusing on what's been done to set up the public

inquiry. Clearly, given the statements that were made yesterday by supporters of the IOC and AthletesCAN, this seems to me like proof that your handling of the crisis was tailored to them rather than the people of Quebec and Canada and the victims who were calling for a public inquiry.

When the only people who were singled out for months are the same people who were congratulating you yesterday and today, you'll forgive my skepticism about the solutions you're bringing forward.

My first question is this. How do you intend to put a stop to self-regulation by sports organizations and oversee the legislation and the measures that you'll be implementing to that end?

As the past few months have shown, this machine has been in defence mode, but this is the culture of silence that led to the toxic abuses that the victims endured in the first place.

By following the truth and reconciliation model, you're removing any enforcement powers against the abusers — the bad guys, if I may use that expression. They can't be compelled to testify. If this situation has been brought to light over the past two years, it's because the Standing Committee on the Status of Women as well as our own committee were able to compel the production of documents and compel people to testify about what they did and didn't do. I'm thinking in particular of Sport Canada, who ignored the problem for years and didn't do anything when people came forward.

An independent public inquiry would've allowed us to get to the bottom of things — what Sport Canada did and didn't do, in particular. The path you've chosen won't allow for the kind of clean-up we were hoping for.

Why such a lenient approach?

• (1200)

**Hon. Carla Qualtrough:** That's a long question.

I don't entirely agree with the tenor of your question. Honestly, I'm perfectly comfortable with the process we're undertaking, because it's really based on minimizing trauma. This model wasn't just supported by the sports community yesterday; it was also supported by the Canadian Centre for Child Protection and the Canadian Women's Foundation, two organizations who work in the field. They're the experts and they don't want the victims to be retraumatized.

In my view, compelling testimony from a victim who's already been traumatized is unthinkable. I've issued directives, and I can assure the member that Sport Canada will have to fully take part in the process. I'm ready to use the tools at my disposal to ensure that the sports community works with the commission, which will be headed by an independent person from outside the sports community.

**Mr. Sébastien Lemire:** I'd like to come back to what we heard yesterday at the press conference. The victims spoke up and they can speak up again because they still have things to say. It's the people on the other side whose testimony I would've liked to hear. They created the systems and are protecting them. The fact that the abusers were able to hide behind third-party investigations and use other mechanisms funded by national sports organizations tells me that the machine is in defence mode. The solutions put forward, in particular by Sport Canada, have created more problems than there were before.

How do you intend to protect the victims who'd like to testify before the commission? The victims were protected in parliamentary committee, but they won't be in the context of a voluntary commission. That's one of the approach's greatest weakness, as far as I'm concerned.

Will the victims be protected and will they be able to speak freely? I doubt it. The spotlight will be entirely on the victims, which will traumatize them anew, instead of being on the abusers and the broken systems.

Will the victims be protected from potential lawsuits brought on by their sports organization or their abuser? What of the non-disclosure agreements that they've signed over the years?

**Hon. Carla Qualtrough:** There are four or five questions in there.

[English]

Just for clarity, non-disclosure agreements are no longer allowed. Every NSO has agreed, as a condition of their funding, that we do not permit NDAs anymore in sport, so those are off the table.

If an athlete, a victim, wants to participate in this process, they can do so in camera privately with the commission. That's permitted in the terms of reference. Their personal information can be anonymized at their request, and they will be told that they have the right to have their personal information anonymized. Every victim will also be supported in every engagement by mental health and other experts at their disposal, because we know that this has the potential to be very difficult.

I'm definitely putting the emphasis on protecting victims and survivors, but I'm in no way letting sport off the hook on this. There will be systemic change that comes from this.

[Translation]

**Mr. Sébastien Lemire:** You decided to make the Office of the Sport Integrity Commissioner, or OSIC, a separate division of the Sport Dispute Resolution Centre of Canada, or SDRCC, which is a step forward. There's a major problem with that, however, because it should be brought under the justice system.

How do you intend to legislate so that the OSIC can take real action, in front of the courts?

**Hon. Carla Qualtrough:** We're working on that.

I wanted to point out that we understand that the very structure of the organization breeds a lack of trust and raises certain questions regarding independence and dispute resolution.

[English]

We're working right now on where it's going to land. That's basically the best way to put it. However, it will be housed independently—certainly independent from the sport tribunal—but most importantly will have a much more sophisticated relationship with authorities, I would say, and the justice system.

[Translation]

**Mr. Sébastien Lemire:** What I'm hearing is that there's still a lot of work to be done.

Thank you.

[English]

**The Chair:** Thank you.

Now I'll go to the New Democratic Party, with Matthew Green.

**Mr. Matthew Green (Hamilton Centre, NDP):** Thank you very much, Madam Chair.

Minister, I'm going to put a series of questions to you in a rather rapid way. If I take my time back, I'm not interrupting to be rude. I'm just to make the most out of it. I will ask that you try to answer as concisely as you can. Please answer yourself unless I ask that it be directed to staff.

We have a responsibility as MPs to bring voices into our committees. This morning I would like to bring the voice of a survivor and the perspective of survivor Ryan Sheehan, who says that the announcement that was made yesterday was, in fact, a disappointment.

Ryan states that the minister's premature celebrating of all the outcomes will be unsatisfactory to the survivors and stakeholders, and that the commission has no subpoena powers. He talks about the fact that there aren't real victim protections included in the public inquiry. He mentions the fact they had to report their abuse to seven different organizations.

It feels like this is every other process: no safeguards, kind of flying by the seat of your pants, in the exact same way that the OSIC had no teeth and was against the wishes of survivors.

In closing, they say that the minister apologized to survivors for not having a voice up until this point, yet is turning her back on the single thing that most survivors agreed upon: a public inquiry.

How do you respond to that?

• (1205)

**Hon. Carla Qualtrough:** I'll start by saying that I'm sorry for what Ryan went through. I'm sorry that we're here. What I can assure him is that I understand that we have to rebuild his trust in the system. I do think that there are safeguards for victims and survivors in this process, some of which I've already mentioned. I would encourage.... I don't even know how to say it.

I honestly believe that the truth and reconciliation commission model is the best way to protect and support traumatized people.



**Mr. Matthew Green:** Madam Minister, Ryan states clearly in his correspondence to us that he's not looking for other forums to simply tell stories. They want something with teeth that is going to hold people accountable. We know how reluctant sports organizations were to turn over key documents to this committee for testimony.

How do you expect the commission to get meaningful evidence from them without the powers to subpoena testimony and compel documents for disclosure, as would a national inquiry?

**Hon. Carla Qualtrough:** I hear you on that. What I'll say that, when you give subpoena power and you have the ability to compel evidence, you don't get to say who and what. A commission could subpoena or compel the testimony of a victim: "We're very interested to hear what happened to you; come and talk about it." Then that victim could be cross-examined. That's why the TRC wasn't a public inquiry. That's why I don't think this needs to be.

**Mr. Matthew Green:** Madam Minister, let's be clear here. Through you, Mr. Chair...

**Hon. Carla Qualtrough:** I can finish. I can respond.

**Mr. Matthew Green:** No, I can reclaim my time.

What we're talking about and I state specifically is that parliamentary committees have the ability and the power to subpoena documents. These same organizations were reluctant to hand over documents to a standing committee of Parliament that has those powers.

What makes you think that they're going to treat this process any differently if they disrespected this process that we're going through here?

**Hon. Carla Qualtrough:** I hear you on that. I guess I would reply that one of the things I have considered is that, through funding, I have the ability to require organizations to behave in a certain way. I have considered and not left off the table, by the way, requiring as a condition of funding that they participate fully. Having said that, I cannot get them to produce material that they believe is protected or in the course of another—

**Mr. Matthew Green:** You would agree that the House can. You would agree that we can, yet they wouldn't.

**Hon. Carla Qualtrough:** I don't know what I would be agreeing to there, so I apologize.

**Mr. Matthew Green:** Are you not familiar with parliamentary privilege and our ability to send for documents and evidence?

**Hon. Carla Qualtrough:** I don't know what you're asking me. You can re-ask.

**Mr. Matthew Green:** I'll ask you another question. I see that you're hearing me, but perhaps you're not listening in this moment.

There is no acknowledgement of investigating Own the Podium. You know they've called for this. They've called for Sport Canada.... They've called for an investigation of SDRCC and NSOs. What is included in the plan?

Most athletes do not know the hand that these organizations have played in the culture of sport in Canada. Where are they going to be held accountable in all of this?

**Hon. Carla Qualtrough:** As would happen if it had been a public inquiry, the commission has the independence and impartiality to pursue whatever course to investigate the system. OTP is on the table. SDRCC is on the table. COC and Sport Canada, I've already committed, are on the table. They can choose to pull those threads. I think they will and should.

Again, I think I would be criticized if I directed too much as well. I will leave it at the discretion of the commission to decide exactly how they pursue this.

• (1210)

**Mr. Matthew Green:** Sport Canada ultimately has the power in terms of accountability on this. Who is holding Sport Canada accountable for the part it's played in the sports culture?

**Hon. Carla Qualtrough:** Sport Canada's lever, in terms of accountability, is its funding mechanism. We're not a regulator, but in terms of digging in on Sport Canada, part of the announcement I made yesterday was for a complete overhaul of the funding mechanism, because I want more compliance and I want more accountability.

I want Sport Canada to be digging in more, which I think they need to be doing, and they know that. That became very clear over the past two years. Sport Canada has committed to looking at not only its mandate but also the relationships that individuals have within the sport community.

We're doing that internal work as well, but, again, the commission is absolutely free to make any recommendations it wants and we'll take them very seriously.

**The Chair:** Thank you. Your time is up, Mr. Green.

I'm going to the second round. It's a five-minute round, and I caution that the five minutes includes questions and answers.

We begin with the Conservatives with Marilyn Gladu.

Marilyn, go ahead for five minutes, please.

**Ms. Marilyn Gladu (Sarnia—Lambton, CPC):** Thank you, Chair.

Thank you to the department witnesses, and especially to the minister, for being here today.

I'm very glad to see, Minister, that you have been put in this role, because I've worked with you before and I know you are a person who will take action. After two years of Pascale St-Onge doing nothing meaningful to address the very serious abuses in sport, we definitely needed to see this change.

Some of the survivors who have spoken to me have expressed concern about the inquiry because they're worried that, if it takes 18 months, it will delay action. From the two committees that studied this, there have been a number of things we heard that needed to be done right off the top: the vulnerable sector checks for everyone, like coaches and volunteers; the banning of NDAs to protect perpetrators; the registry of offenders that you've already mentioned, and I was very pleased to see progress on; and the reporting of all sexual abuse to the police instead of having the organizations investigate themselves.

I heard in the announcement you made yesterday that the commission was not the only thing that would happen and that you were going to be taking other actions. Could you give us some idea what those might be?

**Hon. Carla Qualtrough:** Thank you. I'm very happy to be in this role. I'm a systems thinker, and I'm a fixer. I'm hoping that will come out in my time in this role.

I think there's a ton of action we can take right away. Yesterday, I announced, in addition to the commission, six immediate actions. What was the Sport Canada athlete advisory group is now ministerial. I'm taking it directly to me. It's going to be advising me and an athlete advisory group.

We are removing OSIC from the SDRCC because of the concerns around independence. We are striking an international working group to have have countries get together, share best practices and talk about this at an international level.

The vulnerable persons check is in the works. It always takes so much longer than we want because of the jurisdictions in this file. I definitely understand that is a key to streamlining the information. If I'm in a club in Alberta, I want to know why the coach left a club in B.C. to come to a swim club in Alberta. It's really hard to find that information, even for an engaged, sophisticated board, never mind for a volunteer, parent-driven board. We're working on that.

I can't remember all your questions. I apologize.

**Ms. Marilyn Gladu:** That's good. That's a great start.

Talking about the commission, you've heard some of the survivors' concerns about the commission. The government doesn't have a great track record. We think about the Emergencies Act inquiry cost of \$125 million. It came out with really nothing to see here and is now before the courts. Then, there's the foreign interference inquiry that has just dragged on and hasn't really gotten anywhere.

You said that you modelled this one after the murdered and missing aboriginal women inquiry, which, if you recall, went on for years, and they had to replace all the commissioners, ultimately. There were concerns that not enough families of victims were heard from, and once the recommendations came forward, nothing happened with them. How is this going to be different from the previous ones?

**Hon. Carla Qualtrough:** The TRC took a long time. You're absolutely correct. We picked 18 months partially, to be honest, in response to the sport calendar and to make sure we could encompass summer and winter calendars, because we know there's an Olympic

and Paralympic Games next year. We wanted to have enough time, but we didn't want it to drag on forever, so we settled on 18 months.

Two features of this will be two reports. There will be a preliminary report with preliminary recommendations. Then there's going to be a national summit where people can weigh in on what the preliminary recommendations were, with people from inside and outside of sport. Then there will be a final report informed by all of that.

We're trying to strike a balance. In the meantime, there's a lot of work we can continue doing, especially some targeted measures we can put in place. There is the policy work we announced yesterday. We're going to advance child safeguarding policies and match manipulation policies. We're going to create a national integrity framework, which is basically putting all the integrity policies we're expecting organizations to have in one place, because right now they're everywhere.

We're implementing a governance code for sports, a best practice. In many cases, they're going to have to overhaul their systems and boards to adhere to this governance code. That's all happening while this other thing is happening. I'm sure I'm missing some because we are doing a lot.

• (1215)

**Ms. Marilyn Gladu:** Just quickly, one of the things the survivors have said is that it traumatizes them to be heard from again and again. You have the witness testimony from both committees. The survivors say that there's not a lack of forums to tell their stories. There is a lack of space where someone can hold abusers and enablers accountable, and this commission doesn't solve that fundamental problem.

Thank you for—

**The Chair:** Thank you. We're at time, Marilyn.

The minister might want to answer that if someone else asks later on.

I'm going to go with the Liberals and Anju Dhillon.

Anju, you have five minutes please.

**Ms. Anju Dhillon (Dorval—Lachine—LaSalle, Lib.):** Thank you, Madam Chair.

Thank you to our minister and everybody for being here today.

We've seen that a commission is preferred over a public inquiry. Could you tell us a little bit about how the voices of survivors and athletes were taken into account in coming to this decision, please? Thank you.

**Hon. Carla Qualtrough:** Quickly, as I said, that was the first thing I did. I've lost count of the number of organizations and athletes directly. There are athlete groups; survivor groups; victims; individuals; organizations inside of sport, outside of sport and internationally; people who have been very critical about the system, including the likes of Global Athlete and Gymnasts for Change Canada; people who are working within the system such as Allison Forsyth and Sheldon Kennedy; and organizations of athletes in the system such as AthletesCAN, COC's athletes' commission and CPC's athletes' council.

I was very focused with my questions around what outcomes they are looking for and what needs to be in this process so that athletes will feel heard and so that victims and survivors will feel safe. I took all that in and came to this as the answer.

**Ms. Anju Dhillon:** What is the mandate of the commission, and what activities will be conducted? Is there going to be a report, and will aspects of it be public or will some of it not be disclosed?

**Hon. Carla Qualtrough:** The mandate of the commission is twofold. One is to dig in and to provide recommendations on actions that can be taken specific to safe sport. What can we do? What kinds of processes can we put in place to protect athletes when they disclose and to make sure the system supports them going through their healing journey? What is missing in the system?

Recognizing that safe sport permeates every aspect of the system, the other is a broader look at the sports system itself. Are there too many organizations with people wearing too many hats? I could give you a list of my own questions I would want answered if I were the commissioner, but fundamentally, it takes a broader review of the system.

Again, as I said, two reports will be produced publicly, with the information anonymized if that's what the witnesses want, and with a national summit in between to kind of raise the conversation again to the national level before recommendations are finalized.

**Ms. Anju Dhillon:** The terms specifically say that the commission will be taking a trauma-informed approach. Can you please tell us a bit about this and how it's going to be done?

**Hon. Carla Qualtrough:** As I have learned, there are some very specific things we want to bake into a process to ensure that it's trauma-informed. These are, first of all, recognizing that people come into this process having been hurt and harmed, and that they are all at different stages of their journey.

For me, it was important to build in not only the language of trauma-informed but actually the related process. It's having mental health support, having experts on hand during engagement so that people can talk to somebody if this brings up anxieties or feelings of distress, making sure that the data can be anonymized, giving people many different ways to contribute, and obligating victim impact statements so that the commission has to provide an opportunity for victims to do victim impact statements.

There will be an online survey. There will be an online portal for Canadians to make submissions. We're just doing whatever we can to get the information in the least traumatizing way, by giving people choice and empowerment and making sure we understand that the people are at the centre of this.

• (1220)

**Ms. Anju Dhillon:** You've also announced that, instead of waiting for the recommendations of the commission, you want to take immediate action. This includes a future of sport commission and the immediate actions that you are going to be taking. Can you talk to us about these a bit, very briefly?

**Hon. Carla Qualtrough:** Thank you.

I've already talked about a couple of them.

**Ms. Anju Dhillon:** Yes.

**Hon. Carla Qualtrough:** At the beginning of this year, Sport Canada put out a call for applications for a Sport Canada athlete advisory committee. I made the decision to make that a ministerial advisory committee so that the athlete group will advise me directly, and I'll be able to get their input.

As I've said, there's an integrated integrity framework for Canada, and there's a review of Sport Canada's funding framework, with a view to making it more risk-based with tighter compliance and strengthened accountability measures. We stood up the accountability and compliance unit in the last year. We still have a funding framework. The two aren't necessarily as integrated as I would like to see them, so we're going to do that work. There's an international working group on integrity in sport, and we moved the OSIC out of the SDRCC.

I feel like I've missed one, but I'm not sure. There are six of them, and I think I only got five.

**A voice:** What about AthletesCAN?

**Hon. Carla Qualtrough:** There's funding to AthletesCAN to build its organizational capacity.

**Ms. Anju Dhillon:** Excellent. Thank you so much, Minister.

**The Chair:** Thank you very much, Minister.

We'll now go to Mr. Lemire for two and a half minutes.

Please go ahead, Sébastien.

[Translation]

**Mr. Sébastien Lemire:** Thank you, Madam Chair.

Minister, you used to be an athlete, and for more than 25 years, you've been very involved on a number of levels. What's more, you're one of the main architects of the various mechanisms that have been put in place in Canadian sports. You were also sport minister from 2015 to 2017.

I'd like to talk about a specific case, that of Kristen Worley. You were asked to respond, as minister of sport, when her story was brought to light, but you didn't react. Ms. Worley won her case in front of the human rights tribunal for the sexual violations she endured from the tests mandated by the International Olympic Committee, or IOC. Canada let that happen without lifting a finger. We all know the situation. Ms. Worley had to fend for herself.

In the current context and going by what you're proposing, I think that a case like that is limited. You have a duty of reconciliation, and it's from that perspective that the survivors have asked that the state, that Canada, take responsibility. You also need to take the sports systems' autonomy away, as they've protected their integrity instead of protecting victims.

Will you align athlete protection with civil or criminal courts as well as human rights tribunals?

How will a voluntary commission like the one you're offering up as a response help in a case like Ms. Worley's? I'll remind you that the courts found in her favour.

[English]

**Hon. Carla Qualtrough:** You know, Kristen Worley's case was very difficult. Perhaps I should have intervened more. I think that's all I can say on that. I apologize if I should have done more.

I think that we need to better link the systems we put in place with the judicial system. I look at the Australian model where Sport Integrity Australia is grounded in a policing model, if you will. There's a direct relationship with the state police that we don't have here. We certainly don't have those levers in Sport Canada. Our lever in Sport Canada is funding. It's not regulation.

I think we need to do a better job to get rid of conflicts of interest in sport.

[Translation]

**Mr. Sébastien Lemire:** When will there be legislation?

[English]

**Hon. Carla Qualtrough:** Can you say that again?

[Translation]

**Mr. Sébastien Lemire:** When will there be legislation?

[English]

**Hon. Carla Qualtrough:** I'm sorry. I don't understand the question.

**A voice:** He is asking when a bill will be available.

**Hon. Carla Qualtrough:** Oh, he's asking about a bill.

[Translation]

My apologies, Mr. Lemire, I didn't understand your question.

We don't have legislation at the moment.

[English]

We don't have that in the works. I'm certainly open to doing that if that's the best way to do it.

[Translation]

**Mr. Sébastien Lemire:** Thank you.

• (1225)

**Hon. Carla Qualtrough:** I'm sorry for not understanding the question.

**Mr. Sébastien Lemire:** Thank you for making the effort to speak French.

**Hon. Carla Qualtrough:** It's my Vancouver French.

**Mr. Sébastien Lemire:** It's very good, and we're grateful to you for speaking French.

Thank you.

[English]

**The Chair:** Thank you very much, Mr. Lemire.

Now, for the New Democrats, we have Matthew Green.

You have two and a half minutes, please, Matthew.

**Mr. Matthew Green:** Thank you, Madam Chair.

Madam Minister, through your own admission, it seems like you don't have a lot of teeth in terms of outcomes of this commission. When reports are finished, who's ensuring that the recommendations are followed through with?

**Hon. Carla Qualtrough:** The recommendations will be made to the Government of Canada. I have said that we will respond within six months. The terms of reference require us to have an action plan.

I also think that, as we go through this, there will be actions that happen in real time. Like any other process, like a public inquiry, there will be recommendations. It will be up to all of you and Canadians to hold the government of the day to account to make sure that those are implemented.

**Mr. Matthew Green:** When you say "actions", what do you mean by that? What types of actions can you foresee happening?

**Hon. Carla Qualtrough:** It depends on what the recommendations are. If, for example, a recommendation was that we need the OSIC to be an OIC appointment elevated to the status of the Ethics Commissioner or the Commissioner of Official Languages, we could do that. I don't know what the recommendations will be, so I can't tell you what the exact action could be coming out of it. However, we'll act on it.

**Mr. Matthew Green:** You do acknowledge that absent regulation the only tool you have is funding. Is that correct?

**Hon. Carla Qualtrough:** Yes, that's the lever we have in Sport Canada. We have no regulatory function, I guess. We are a government.

**Mr. Matthew Green:** Somebody as learned as you and who has participated as a minister for quite some time and in fact, as was referenced by my friend from the Bloc, during some of these tumultuous times, would you not agree then that a regulatory body with teeth and the ability to hold organizations directly accountable, which is a recommendation that doesn't require a commission, is something that, based on your experience, would be helpful in this moment?

**Hon. Carla Qualtrough:** I won't disagree with you that having more teeth and regulatory authority would be a bit of a dream, but—

**Mr. Matthew Green:** It's not a dream. You're the minister.

**Hon. Carla Qualtrough:** I'm not going to pre-empt the commission in making that kind of systemic change. That would, to my mind—

**Mr. Matthew Green:** Why?

**Hon. Carla Qualtrough:** Because I think that would not be appropriate given that we just announced the commission yesterday.

**Mr. Matthew Green:** It's not appropriate for the minister to introduce legislation that would provide regulation over a sector that has created such harm to its athletes?

**Hon. Carla Qualtrough:** I think—

**The Chair:** Thank you. Would you allow the minister to finish her sentence, please, Mr. Green?

**Mr. Matthew Green:** I can reclaim my time. Thank you.

**Hon. Carla Qualtrough:** That's okay.

**The Chair:** You should be respectful.

Minister, did you want to finish your sentence?

**Hon. Carla Qualtrough:** No, that's fine. Thank you.

**The Chair:** Go ahead, you have 30 seconds.

**Mr. Matthew Green:** Is it not the case then that as the minister of government.... This is the problem I find with the Liberal government. You act as though you're not in power. You've been the minister of this, you're now back and you have the ability to provide regulation and oversight that doesn't require any of this. It's also true that recommendations can come from a commission that further enhance your ability to hold people accountable.

Do you not agree that this is your prerogative as the minister?

**Hon. Carla Qualtrough:** I can do that for sure. I agree with you.

**Mr. Matthew Green:** But you're not doing it.

**Hon. Carla Qualtrough:** I'm choosing not to, no.

**Mr. Matthew Green:** Okay, I'm happy that's on the record. Thank you.

**The Chair:** Now we'll go to the Conservatives and Kevin Waugh.

Kevin, you have five minutes, please.

**Mr. Kevin Waugh (Saskatoon—Grasswood, CPC):** Thank you, Madam Chair.

Thank you, Minister and officials, for being here.

In your news conference yesterday, you blamed the problems we see today on the sports system. I've been saying for two years that we can blame it on Sport Canada. I think they threw your former sports minister, Ms. Duncan, under the bus. They're unaccountable to anybody. We have seen this time and time again. The 62 NSOs can go to them with an issue and the accountability stops there.

I really have a problem with Sport Canada, and you do too. I know because you're a former Paralympian. You know the issues with Sport Canada. We don't take them seriously, and the 62 NSOs never have. It's an organization, as I said, that is unaccountable, and I think it is going to sink this report, if you don't mind me saying so.

What are your thoughts on that?

**Hon. Carla Qualtrough:** I don't disagree with everything you've said. I think that there is a need for strength and accountability. I think there's a need for Sport Canada to get back to the core business of government, which is oversight of the dollars we spend in a sector.

That's exactly the direction I've given to the department, but we need to get our house in order. I've made that pretty clear.

**Mr. Kevin Waugh:** What changes have you made then as minister to Sport Canada, because you know there's a problem there?

**Hon. Carla Qualtrough:** We're recently hired a new director general. As I said, we are integrating the funding. Sport Canada has a group of individuals who are not trained in compliance and accountability who manage the funding framework, and then we have a separate new group of client compliance and accountability. Those two are being integrated so that the expertise in compliance and accountability is not going to be overridden by the sport administration expertise.

I would say, with respect, that a lot of Sport Canada officials have—

• (1230)

**Mr. Kevin Waugh:** Another problem I have, Minister, is that there are five or six, or even seven, sport organizations that really don't need government funding. You can't dangle the carrot to them and say, "If you don't do this, you're not going to get federal funding." I can name six or seven of the sport organizations that today don't need a dime from you.

**Hon. Carla Qualtrough:** I don't think you're wrong. That's the problem with the levers we currently have, and you're not wrong. I think about that and I'm trying to—

**Mr. Kevin Waugh:** I can name them.

**Hon. Carla Qualtrough:** I can name them too, but your point is well taken. If the lever I have is funding and they don't need the funding, what levers do I have?

**Mr. Kevin Waugh:** You have nothing then. That's the issue particularly with gymnastics, with Hockey Canada, with soccer. That's the crux. You've just said it—funding does not fix everything.

**Hon. Carla Qualtrough:** I've now been at ESDC and PSPC before that, and in any kind of grants and contributions model with stakeholders, the lever you have is the grants and contributions. If people don't need your money, you can't make them do things unless you have a regulatory body, and I think that is what is needed.

**Mr. Kevin Waugh:** When Canadians are listening here today, they want timelines, they want fines and they want legal action. Can this happen?

**Hon. Carla Qualtrough:** Do you mean can we sue NSOs for bad behaviour?

**Mr. Kevin Waugh:** Yes.

**Hon. Carla Qualtrough:** We can't right now, no.

We can sue them for non-compliance with our funding agreement, because that's the contractual relationship we have.

**Mr. Kevin Waugh:** We talked about that.

**Hon. Carla Qualtrough:** That's not exactly what we would do. We would more likely cut off funding.

Your point is so well made. I'm not disagreeing with you about how blunt the tools are.

**Mr. Kevin Waugh:** We have a discrepancy in this country where we have 62 NSOs and 50-some of them are on the verge, any day, of not being in compliance because they don't have the capacity.

I can go through those organizations that, with your announcement yesterday, are kind of sitting back and thinking, "How are we going to deal with this? We have no people in the office."

**Hon. Carla Qualtrough:** I would say a couple of things to that.

I think part of the challenge for them is that we've really heavily laden our funding requirements with things that we actually don't need in order to make sure they're providing safe sport.

We've really front-end loaded a lot of paperwork and administration. Part of the exercise of streamlining and making it risk-based is getting through all that noise. I want to know the 10 things that we need to ask of these people to be able to hold them accountable.

Are they in compliance with the not-for-profit act? Do they have a certain governance structure? Do they have all of these policies?

I think there are just things that we can do. I also think that there's an exercise to be done to reduce the number of national sport organizations that we have.

**Mr. Kevin Waugh:** Thank you.

**The Chair:** Thank you, Kevin. Your time is up.

For the Liberals, I'll now go to Michael Coteau.

**Mr. Michael Coteau (Don Valley East, Lib.):** Thank you, Chair.

Thank you, Minister, for being here. Thank you to all the witnesses.

We have sat in committee and listened to many stories. I know you know these stories. Even with the fact that we represent different political parties, we've pretty much been on the same page when it comes to this issue around how we protect the interests of

victims and create some type of forum where they could be heard. It's also accountability for the organizations that.... It's not all sports organizations. There are a lot of good organizations out there. It's not every individual within an organization, but some real rotten culture exists within sport. We all know that, and this has been a long process for us as committee members.

I'm happy there's a forum where victims will finally have a legitimate platform to speak on these issues in a respectful way, where they'll be protected. I think that's a good thing.

One concern I have is the other piece. How do we hold organizations accountable?

I know it's not your job as the minister or ours as members of Parliament to go out there and arrest people and book them. That's not our part of the process, but how do we ensure that we hold organizations that are rotten at the core or individuals within that organization accountable if we can't compel them to come to a commission to actually speak? Do you have any thoughts on that?

● (1235)

**Hon. Carla Qualtrough:** I have so many thoughts.

I think what the commission needs to ultimately lead to—if I could have my ultimate wish here—would be culture change. Part of the challenge within sport is that it's not just these egregious instances of abuse that we've all heard about. It's that a lot of very bad behaviour has been normalized in the sport system.

There are a lot of people wearing more than one hat in the system. It's volunteer-driven. It's federal-provincial. These are systemic issues that, until we figure out how to streamline the sports system and address these conflicts of interest, we're not going to have the sport we want for our kids. It's going to be really hard.

I think it's going to be demanded by the public. That's going to be the impetus. I'm hoping the profile of the commission will elevate this and keep it on the radar of the general public, which will and should start demanding better sport.

There's a push and pull here. We have Canadians who have participated in the normalization of this behaviour—the mockery, the intimidation, the bullying, the teasing and the poor language. It just happens. There are parents yelling at officials on the rink and parents yelling at other families' kids who are playing on the soccer field. We don't do this in any other sector. We don't do it in education. I don't walk into my parent-teacher interview and start yelling at the other kids who got the A that my kid should have gotten, but we do it in sport.

I really think the public has to step up and realize that some massive culture change is needed in this system.

**Mr. Michael Coteau:** Has there been any conversation with the Minister of Justice in regard to working together, just for advice, to see how the commission can get the best advice possible? If there are obvious trends that are going on with testimony, and there's the potential of criminal activity—

**Hon. Carla Qualtrough:** Absolutely, yes.

**Mr. Michael Coteau:** Will there at least be a conversation that will allow for the exploration of how people can be held accountable for their actions?

**Hon. Carla Qualtrough:** Absolutely. That's already happened, and I think I could say confidently that our government is watching this very closely. Again, I reference the Australian model. There's very active participation of the police in the integrity mechanisms in Australia that there isn't here. I would like to see more of that present here.

**Mr. Michael Coteau:** Thank you.

**The Chair:** Thank you very much.

Now I want to thank the Minister for giving us an hour, a little over an hour, of her time.

I'm going to say you're free to leave unless you want to stay for another hour, Minister.

**Some hon. members:** Oh, oh!

**The Chair:** I don't think you do.

We will suspend and then go to our second hour. Thank you.

• (1235) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1240)

**The Chair:** I've thanked the officials, and I named them for you earlier on in this meeting, so I won't go over it again.

We're going to begin with a six-minute round, starting with Martin Shields for the Conservatives.

Go ahead for six minutes, Martin.

**Mr. Martin Shields (Bow River, CPC):** Thank you, Madam Chair.

Thank you to the witnesses for being here today. These have been an interesting couple of days, I'm sure, when things are announced and you've done a lot of work behind them.

I have a couple of very specific things that I would ask first.

There was a call for athletes to be part of a committee, and that now has changed in title. Were there members, athletes, chosen to be on that committee? They had applied. Has that committee formed?

**Ms. Isabelle Mondou:** Yes, they applied, and there was a pre-selection done, but the final selection has not been made. Because now the minister wants to elevate the committee to a ministerial committee, there will be a reopening of the call.

The ones who have already applied will be considered, so they don't have to worry. They're already among the names of people who will be considered, but new people can apply if they're interested, because it's a ministerial committee. She will then make a decision very quickly, because she wants to move on with the committee.

**Mr. Martin Shields:** Going back to the first call, then, what were the criteria for the first call?

**Ms. Isabelle Mondou:** I can turn to my colleague here, Emmanuelle.

**Ms. Emmanuelle Sajous (Assistant Deputy Minister, Sport, Major Events and Commemorations, Department of Canadian Heritage):** The criteria will remain the same. We're looking for athletes who are still active in a national or international body and who have been retired from sports for less than eight years. It's basically the same, and we want it to be as inclusive as possible, so we're looking for a very broad pool of athletes.

**Ms. Isabelle Mondou:** We'd be happy to share the criteria with the committee, if that's helpful.

**Mr. Martin Shields:** Just to be clear in my own mind, you had that call-out, people applied and the criteria didn't change, but you're starting it over again and those people who applied can still be included. I'm confused. Why didn't you just elevate it to the next level? "Okay, guys, now you're on a committee that's called this."

**Ms. Isabelle Mondou:** Basically, it's because the minister thought that maybe some people were not interested in being on a committee of athletes with Sport Canada, but that they may be interested now that she's taking it under her own umbrella. She wanted to give the chance to athletes who may not have applied to the first one to apply now if they are now interested. That's the only reason.

**Mr. Martin Shields:** Okay, so it's a distinction of who they were responsible to, under what mandate—

**Ms. Isabelle Mondou:** Exactly. The athletes were going to inform the policies at Sport Canada, so they were going to work and give us advice, but now the minister wants that advice to come directly to her. Therefore, she wants to give the chance to people to reconsider if they changed their minds and they want to apply.

**Mr. Martin Shields:** What about the responsibilities? Is it a different level of responsibility, ministerial versus the other? What are you looking for?

**Ms. Isabelle Mondou:** Basically, the minister will be able to consult them on any subject she feels like. For all of the changes she has been talking about, I think she will want the athletes' input on those changes. The committee will basically be her sounding board on the different initiatives she's going to move forward.

**Mr. Martin Shields:** Again, was the criteria that they were a national or an international athlete?

**Ms. Isabelle Mondou:** Sport Canada is responsible for athletes at the national level, so the athletes who will be on the committee will be the ones who are active at the national level, or who have been active in the last year. Some are retired, but they are still very active as former athletes.

**Ms. Emmanuelle Sajous:** If I can add as well, the criteria we developed with athletes themselves. We had a committee set up with AthletesCAN and the athlete representation project, and they came up with those criteria, which we will share with the committee.

**Mr. Martin Shields:** When you say "active", you're not necessarily meaning active as an athlete, but active in an organization.

**Ms. Emmanuelle Sajous:** Either they are still active as an athlete or they have been retired less than a year. I think that was the criteria. You have to be a recent athlete.

• (1245)

**Ms. Isabelle Mondou:** Some of them are still active on the board of the organization, or they are still active in other organizations such as AthletesCAN.

**Mr. Martin Shields:** Do you have a budget figure for this committee?

**Ms. Isabelle Mondou:** Of the number of athletes or the cost of the committee...?

**Mr. Martin Shields:** I mean the cost to the committee.

**Ms. Isabelle Mondou:** They are not going to be remunerated, but they are going to be compensated for any costs that they incur, so they will keep whole.

**Mr. Martin Shields:** My last one is on the number. How many are on this committee?

**Ms. Emmanuelle Sajous:** We didn't decide yet. It's still open. We're going to open it, and the minister will decide.

**Mr. Martin Shields:** Okay.

I'm going back to another number in this report. It says, "Percentage of Canadians (children and youth) reporting that they experience sport in a safe environment." That's an 85% number. How was that 85% number set? Do you have any idea?

**Ms. Isabelle Mondou:** I'm not sure which study you're referring to. I'm sorry.

**Mr. Martin Shields:** In the departmental plan, listed down about four steps here, it says, "Percentage of Canadians (children and youth) reporting that they experience sport in a safe environment." The target is 85%.

**Ms. Isabelle Mondou:** I will have to verify the source. It's from one of our departmental plans. Normally what we do regularly is survey athletes and people who participate in sport. We do surveys

almost every year on how people feel in terms of feeling safe and on other questions. That's probably the result you are quoting there.

**Mr. Martin Shields:** My question would be this: Why wouldn't you have 100%? Why wouldn't your target be 100% of youth feeling safe?

**Ms. Isabelle Mondou:** I think that's what we are hoping to get with all the measures, because clearly there is still a number of people in the system who don't feel safe for different reasons, which the minister has mentioned.

**Mr. Martin Shields:** I agree, but when you set it at 85%, that means—

**The Chair:** I'm sorry, Mr. Shields.

**Mr. Martin Shields:** Thank you.

**The Chair:** It was a nice try.

**Mr. Martin Shields:** Yes, I'm always trying.

**The Chair:** All right.

Now I go to Taleeb Noormohamed for the Liberals, for six minutes, please.

**Mr. Taleeb Noormohamed (Vancouver Granville, Lib.):** Thank you very much.

Thank you to all of you for being here. It's good to see you all back.

Ms. Sajous, it's good to see you after many years.

I actually want to pick up where Mr. Shields left off, if I might, because I think it's worthy of understanding the difference between 85% and 100%. Obviously, there is in that the implication that there is a gap of people who will not feel safe or be captured.

How do we manage that in a way that gives people comfort, that gets these athletes and their families to a place where they feel that they have been done right by us? At the end of the day, that's what everybody wants. We want to make sure that at the end of this process athletes, prospective athletes, their families and victims feel that they've been heard, and feel that they can look at this and say all of this will have been worth it if nobody else goes through this.

**Ms. Isabelle Mondou:** I'm feeling that the minister expressed it very well—this requires a change of culture in the sport system. There is, too many times now, a sense that some behaviours are acceptable, whether it's yelling at people or some more severe behaviours, which the commission is going to look into.

I think what you're raising is a profound change in what is happening in sport. That includes the sports organizations, that includes the people who work in sport organizations and that includes Sport Canada, but it also includes all parents and also the provinces.

We haven't talked a lot about the provinces and territories, but lots of the local clubs, provincial clubs, are under the jurisdiction of the province. That's why it's so important, as the minister mentioned. She's going to raise it and continue to work with our colleagues at the provincial level, because this is a system. If there is a gap in the system, obviously people will not feel safe.

**Mr. Taleeb Noormohamed:** You know, when I think back to—



**The Chair:** I'm sorry, Mr. Noormohamed. You've gone well over time.

**Mr. Taleeb Noormohamed:** How was that six minutes?

**An hon. member:** That was like a minute and a half.

**Voices:** Oh, oh!

**The Chair:** I'm sorry. I had eight minutes and 36 seconds here. The clerk is saying that he hadn't changed it.

**Mr. Taleeb Noormohamed:** I'll get all that time back, then.

**The Chair:** Yes.

**Mr. Taleeb Noormohamed:** Okay. That's fine.

Look, when I think back to 30-something years ago, I was one of very few brown kids who played hockey. There were things that were normalized then that today we would not even contemplate as being acceptable, yet those things still happen. They happen in a way that perhaps is less overt, but it's still there.

How do we make sure through this process you've articulated, or that we're going to articulate and that will come to life, that those voices who are afraid to be heard in this iteration would be not just comfortable but able to do this in a way that doesn't retraumatize them and, more importantly, doesn't cause them consequences when they go back to sport? It's one thing to say that we don't want to retraumatize people, which is a terrible and awful thing. It's another thing when you're retraumatizing people and then they have to go back to compete. They have to deal with the stigma of having participated in a process like this.

For the current athletes and others who are currently in the system, for the coaches and others who want to take a stand and do the right thing, how does this process allow them to do that? Would this process allow them to do that in a way that respects their ability to feel safe, not just through the process but after?

• (1250)

**Ms. Isabelle Mondou:** That's an excellent question. The terms of reference are clear that issues like homophobia, transphobia and all these other issues are going to come up. That's why for the minister it was so important that the terms of reference be inclusive. There are many forms of abuse in sport. It takes many different aspects.

To your question on how to make sure they are not retraumatized when they come back, the commission will have the opportunity to do in camera interviews. If people would prefer to have this discussion in camera, the commission will be able to do that so that they can be heard but maybe not feel that, for some reason, there will be public retaliation for their testimony. That's definitely one thing that will be available.

I think the other fundamental question you're asking is whether organizations should allow these kinds of discussions. In the minister's testimony, she mentioned the code of conduct that has been imposed on organizations. One of the requirements of the code is to have board representation that is way more diverse. It has to be no more than 60% representation of one gender, etc. They have to develop a plan to show diversity, because that's where it starts. If the

governance does not value diversity, does not promote diversity and does not represent diversity, there won't be the change of culture that you're talking about.

**The Chair:** We're done now. Thanks.

I will now go to Mr. Lemire.

Sébastien, you have six minutes.

[*Translation*]

**Mr. Sébastien Lemire:** Thank you, Madam Chair.

Thank you for being with us today, Ms. Mondou.

Sport Canada has been widely criticized over the years. Have you done any kind of internal review of the failures and shortcomings when it comes to the watchdog role that was expected of Sport Canada?

**Ms. Isabelle Mondou:** That's a very good question.

The way the people at Sport Canada view their role has changed over the years. It evolved over time. Canadians' expectations of Sport Canada have changed, as well.

At first, Sport Canada's role was to fund various organizations and ensure the best possible management of public funds. Some horror stories came to light over the years, and people demanded that sports associations be held responsible for their conduct. As the minister mentioned, this happens through funding.

In terms of soul searching, I'd say that, when we testified before this committee about a year ago I believe, the issue of audits came up. When we did our audits, we didn't have a separate team capable of really adding that extra layer of oversight. There's some money in the 2023 budget to create such a team whose purpose will be to ensure compliance, like in many other departments. We didn't have that ability before. That's one thing that happened.

We'd also started working on a report card of sorts, but we lacked the capacity to strictly enforce the results.

I apologize for the long answer.

**Mr. Sébastien Lemire:** You made some very relevant points, which is why I allowed you to continue.

We had a legal expert before the committee. What we learned is that the main difference between an independent public commission of inquiry and the kind of voluntary commission announced yesterday lies in the power to order the production of documents. Clearly, an independent public commission of inquiry could have looked into what Sport Canada did and did not do.

Now that you've chosen a voluntary mechanism, will you voluntarily appear before the commission to publicly state your conclusions and share the information you just talked about?

Will you take your responsibility for ensuring athlete safety?

● (1255)

**Ms. Isabelle Mondou:** Madam Chair, I pledge before the committee my full co-operation in the investigation, as well as Sport Canada's. That means producing documents, offering testimony and giving the commission everything it needs. I would also add that, when Justice Cromwell was preparing his report, we co-operated fully with his investigation.

**Mr. Sébastien Lemire:** Justice Cromwell's report is very valuable. However, we're still waiting on the results to find out what happened. We're also still waiting for criminal charges to be brought in relation to the events that occurred in London.

The minister's two main arguments were money and delays. Minister St-Onge made a commitment on May 11. We lost six months, which might explain the delays. If we could have had a public inquiry, then the delays would be a non-issue right now.

With regard to money, I think it's odd that we're investing \$12 million internationally in the FACE program while the commission to deal with the consequences of abuse in sports is budgeted at \$18 million to \$20 million.

Isn't there a disconnect between the amounts invested in prevention and those invested to make a diagnosis? Wouldn't you agree that there's something embarrassing about that?

**Ms. Isabelle Mondou:** I didn't hear Minister Qualtrough talk about money being a reason. I believe she mentioned yesterday that the exercise will have a \$10-million to \$15-million price tag, which is the going rate for a commission of inquiry. Money is not an issue here.

**Mr. Sébastien Lemire:** I'm happy to hear that.

On May 11, Minister St-Onge committed to making a number of changes and recommendations.

Which of these are still valid? Which publicly-made commitments still apply?

**Ms. Isabelle Mondou:** We're working on all of the commitments that Minister St-Onge made back in May. I mentioned the governance code earlier as well as the fact that it was one of the commitments.

Last week, if I'm not mistaken, the teams got together with all of the sports organizations to talk about the implementation of the governance code and request that they draw up an action plan by April 1, 2024. Although that deadline isn't set in stone, the code will need to be implemented across the board by April 1, 2025. This is one more example showing the progress being made on all of the measures taken by the minister.

We would be happy to send the committee a progress report, if you wish.

**Mr. Sébastien Lemire:** I'd appreciate that.

In February 2023, I believe, Minister St-Onge committed to releasing a Canadian sport policy 2022-32. It's been almost a year. Does this initiative seeking to set the ground rules for sports organizations still exist?

**Ms. Isabelle Mondou:** We're working hard on that.

I spoke to my colleagues in the provinces about that, and we're aiming for an approval process by 2023. On that subject, I'd like to mention the fact that people wanted to consult Indigenous communities, who've made certain comments. The consultations are nearly done. Ministerial approval should happen in 2024.

**Mr. Sébastien Lemire:** Let's talk about the athlete committee. Why give it an eight-year mandate and why exclude athletes who were abused or mistreated over the past 20 years? I'm thinking in particular of the founders of AthletesCAN, who won't be eligible.

What is the basis for this eight-year discrimination? Was an agreement reached with the IOC or another body? Why eight years?

**Ms. Isabelle Mondou:** That criteria was set by the athletes themselves, but it can be revisited. We see the same kind of thing with boards of directors; the athletes want people who are still active and involved. That said, the minister could reexamine that if the athletes change their mind.

**Mr. Sébastien Lemire:** My time is up.

Thank you.

[English]

**The Chair:** Thank you.

I'm going to go to Mr. Green for six minutes, please.

**Mr. Matthew Green:** Thank you very much.

I just want to pick up on those very important questions from my friend from the Bloc around the scope. It seems that the pool from which you're drawing is a little bit shallow. I reference the co-founder of Gymnastics Canada, Kim Shore—

**Ms. Isabelle Mondou:** I'm sorry, Madam Chair, but I don't hear—

**The Chair:** Can we suspend for a second while we find out what's going on?

**Mr. Matthew Green:** I can see myself on the screen.

**The Chair:** We cannot hear you, Mr. Green. We can see you, but we cannot hear you.

Say something—anything.

**Mr. Matthew Green:** I'm speaking right now using the appropriate headset delivered to me by the House of Commons. It's the—

**The Chair:** Thank you.

Can the officials hear him?

● (1300)

**Ms. Isabelle Mondou:** Yes.

**The Chair:** Thank you.

We've stopped the clock. Go ahead, Mr. Green.

**Mr. Matthew Green:** I would ask that you restart the time, please.

**The Chair:** Mr. Green, we have done that.

**Mr. Matthew Green:** Okay. Thank you very much.

I want to pick up the line of questioning of my friend from the Bloc. It's on scope.

I want to reference Kim Shore, the co-founder of Gymnastics Canada, who asked why it was eight years and why it was only the national team. Kim stated that you're missing the voice of 99% of sports participants.

Why so shallow a pool?

**Ms. Isabelle Mondou:** As I mentioned, these criteria will develop with the athletes.

However, I think the minister will be very happy to hear the comments of Ms. Shore. I think we will be happy to take that on board as she moves this committee from a sports committee to the ministerial level. I'm happy to communicate those comments to the minister.

**Mr. Matthew Green:** Okay.

You may have heard my interventions around the ability to send for documents. You're going to be working across multiple jurisdictions. There was a conversation about the challenge within commissions and inquiries to get provincial buy-in.

How are you going to remedy that at the commission—not being able to send for documents in jurisdictions that you don't have direct control or influence over?

**Ms. Isabelle Mondou:** Thank you for the question.

The minister has already met with her colleagues in the provinces to encourage them to collaborate and participate. The terms of reference also encourage provinces to participate and collaborate with the commission. I will speak with my colleagues at the deputy minister level tomorrow. In the terms of reference, the first engagement the commission will have will be with the provinces and territories.

I have to say that, so far, the responses we got were very positive and supportive.

**Mr. Matthew Green:** Are you stating for the record here today that you have an agreement, in writing, from provincial counterparts that they will be in full compliance? What I've heard is “encourage them” to co-operate. For the people who are watching and expecting a full and serious process to happen, that is not reassuring.

**Ms. Isabelle Mondou:** It's not for me to have their commitment, because it's an independent commission. The commission will engage with the provinces and territories to fully collaborate—

**Mr. Matthew Green:** It's the terms of reference.

**Ms. Isabelle Mondou:** It is in the terms of reference and—

**Mr. Matthew Green:** Are you not responsible for the terms of reference?

**Ms. Isabelle Mondou:** Yes, the terms of reference are—

**The Chair:** Excuse me. I think we should let the witness finish her sentence, Mr. Green.

**Mr. Matthew Green:** Who is responsible for the terms of reference?

**The Chair:** Please let the witness finish her sentence.

**Mr. Matthew Green:** I'm asking the questions, Madam Chair, and I'll ask—

**The Chair:** You asked her a question. Now let her finish her answer. Mr. Green, please try to be respectful of this committee.

Can the witness answer your question?

**Mr. Matthew Green:** Why are you interrupting me right now? That's not the rule.

I have a point of order.

**The Chair:** I'm not interrupting you. You're cutting her off when she's answering the question.

You have a point of order, but I'm telling you to be respectful of the witness, please, Mr. Green.

**Mr. Matthew Green:** You haven't heard my point of order.

My point of order is this: I'm in the middle of an intervention. I have six minutes. I have the ability to move questions along. I have the ability to use whatever tone I feel is appropriate. I have not been disrespectful in asking for answers.

It's not your role as chair to interrupt my intervention.

**The Chair:** I'm sorry, Mr. Green. I think that, when you ask a question, you should get an answer, no matter how short. You cannot cut through on people. I don't think we do that around here in this committee.

Thank you.

Go ahead, please.

**Mr. Matthew Green:** I'll note that I have two minutes and 36 seconds used as of this moment.

Ms. Mondou, who is responsible for creating the terms of reference?

**Ms. Isabelle Mondou:** The terms of reference were adopted by the government, so the minister is the one who directs the terms of reference.

**Mr. Matthew Green:** If the minister is responsible for the terms of reference, it would be within the minister's responsibility and purview to direct at least a memorandum of understanding with the provinces for co-operation. Otherwise, I think it's fair for the people watching to make the assessment that, absent an inquiry with powers to demand documents, this commission is subject to the voluntary co-operation of its provincial counterparts.

Is that not correct?

**Ms. Isabelle Mondou:** No, it's not correct.

In fact, a commission of inquiry can only compel documents issued under this jurisdiction. Unless it is a provincial one, it is not able to compel documents from the provinces and territories unless they have, themselves, accepted the terms of reference.

**Mr. Matthew Green:** How will the commission remedy this? You still haven't answered that question.

**Ms. Isabelle Mondou:** The commission will engage as per the terms of reference immediately, as soon as it's set up. We'll seek the collaboration of the provinces and the territories from the get-go. As I mentioned, the minister has already talked to the ministers, and she has had a very positive reaction.

• (1305)

**Mr. Matthew Green:** Are you going to ensure that people who are currently under NDAs, who have confidentiality clauses enforced by the NSOs or the PTSOs, or who are engaged in complaint processes can safely share their experiences?

**Ms. Isabelle Mondou:** Thank you for the question.

In fact, NDAs are not allowed anymore. If an organization has NDAs, it cannot get funding from Sport Canada anymore.

**Mr. Matthew Green:** What if a person is under a past NDA? Is it still in force or are NDAs now null and void across all complaint processes historically?

**Ms. Isabelle Mondou:** NDAs are not allowed anymore for safe sport, whether they are past or future. The only NDAs that are allowed are for things like not giving technical specifications about how you win or how you do better in sport. These are allowed, but there are no NDAs to do with abuse in sport or anything related to abuse.

**Mr. Matthew Green:** Will you at least encourage the commissioner to hold some public hearings for organizations participating in this process, so the Canadian public can be better educated about the crisis?

**Ms. Isabelle Mondou:** Thank you for the question.

Yes, the terms of reference actually require that the commission hold some public hearings. They will have round tables. They will have public forums in addition to the survey and the public website that they will create for the public in general.

Obviously, there will be the national summit that will also have the benefit of input from all actors in sports and outside of the sports who will be instrumental in giving recommendations.

**Mr. Matthew Green:** Lastly, how do you—

**The Chair:** You have six seconds, Mr. Green.

**Mr. Matthew Green:** I have nine seconds, but that's fine. I'll submit them.

Go ahead.

**The Chair:** Thank you.

We've been sounding out the committee. People want to just go with a half of one round. It will be five minutes for the Conservatives, five minutes for the Liberals, two and a half minutes for Mr. Lemire, and two and a half minutes for Mr. Green. We won't go with the last two.

Everybody seems to be on the same page here. Thank you.

For five minutes, we'll go to Kevin Waugh for the Conservatives.

**Mr. Kevin Waugh:** Thank you, Madam Chair.

I see in the mandate letter to the Minister of Sport and Physical Activity, that the minister must “Ensure a holistic and balanced

strategic approach to sport development in Canada that supports the purpose and goals of the Canadian Sport Policy”.

It's December 12. I haven't seen a policy. Do we have one?

**Ms. Isabelle Mondou:** The policy is a federal and provincial policy. The minister does not control the policy alone. It's a concerted effort. I would say that we are 85% or 90% there.

Obviously, in light of the announcement yesterday, our colleagues in the provinces just want to make sure that we still have the right wording. The announcement yesterday talked about human rights, for example. However, we are almost there. You can expect an approval of the policy by the minister in 2024.

**Mr. Kevin Waugh:** It won't be 2023. You're saying by 2024.

**Ms. Isabelle Mondou:** I think it will be 2024.

**Mr. Kevin Waugh:** We're a little delayed on that, but that's fine.

You mentioned that provincial and territorial governments are looking at the Canadian sport policy. That's kind of interesting because it's a jurisdiction issue that we've all seen and heard in other departments in this country.

I see we have health officials here.

We're one of the worst countries in the world for physical activity and it does fall under this minister's prerogative. How are we going to get people active?

**Ms. Nancy Hamzawi (Executive Vice-President, Public Health Agency of Canada):** Thank you very much for the question, Madam Chair.

We are working very actively in a number of areas. First, we're supporting and developing public health guidance, working with organizations like the Canadian Society for Exercise Physiology, which issues the 24-hour movement guidelines that continue to be updated.

We deliver grants and contributions programs for people through the healthy Canadians and communities program, which is \$20 million annually. There's Participaction, which is another great example in terms of where we're providing funding.

We're monitoring very closely the data that shows that, yes, physical activity is not as high as we would like. Less than 20% of adults—that's 18- to 79-year-olds—

• (1310)

**Mr. Kevin Waugh:** I fall into one of those.

**Ms. Nancy Hamzawi:** —meet physical activity recommendations, and less than 50% of children and youth.

When you look at it in an integrated way—physical activity, sedentary behaviour and sleep—one in 10 children meet the recommendations. We have more work to do. We're very much focused in terms of monitoring the data and continuing to work through our programming and our guidelines, as well as working with our colleagues in sport—our provincial and territorial counterparts and indigenous communities.

We're doing everything possible in terms of bringing the 2018 common vision for increasing physical activity, the "Let's Get Moving" agenda.

**Mr. Kevin Waugh:** It is, but how do you monitor this?

Come on, I used to be a school board trustee. We no longer have phys. ed. in schools for God's sake.

**Ms. Nancy Hamzawi:** I think we still have phys. ed. in school, knowing that one of my children is in—

**Mr. Kevin Waugh:** You may have it, but my division doesn't.

**Ms. Marilyn Gladu:** It's not mandatory anymore.

**Mr. Kevin Waugh:** It's not mandatory. Right.

**Ms. Nancy Hamzawi:** In the space of monitoring and data—and I can turn to my colleague—there are a number of areas where we're quite active. There's the physical activity, sedentary behaviour and sleep indicators, which you can find online. Our Health Infobase is the repository for all that information. We're looking at further advancing some of those indicators, getting more disaggregated and making sure we have a good pulse in terms of where there are particular populations at risk that we need to continue to support further and refine our policies and programming in order to get to those particular populations.

**The Chair:** You have five seconds left, Kevin.

**Mr. Kevin Waugh:** Thank you.

**The Chair:** Thank you very much.

I go to Mr. Noormohamed for the Liberals, for five minutes.

**Mr. Taleeb Noormohamed:** Thank you, Madam Chair.

There is something that I wanted to clear up for everyone. I might not even take up the whole time.

One of the things that Mr. Green spoke about was this whole notion of the production of documents. I want to be very clear that we, Parliament, cannot force the production of documents. I want to make sure that we are not creating in people's minds a degree of power that doesn't actually exist to compel things like the production of documents. If I misunderstood what Mr. Green said, he'll have the opportunity to clarify that I think.

What I got from this was an implication that somehow this wouldn't be able to go far enough, that we wouldn't be able to get to where we need to go, and that somehow, we, as parliamentarians, might have a role in trying to manage this in terms of this notion of the production of documents—going into a coach's filing cabinet, etc.

Can you put people's minds at ease as to what powers do exist under these types of commissions and which do not, so that people

actually understand what we are able to do and what we are not able to do?

**Ms. Isabelle Mondou:** The commission is going to be able to require any paper that they feel is necessary to their work. That includes, on a voluntary basis from the provinces and the territory, because the federal governments doesn't have jurisdiction over the provinces and territories. It is going to approach them to collaborate.

I think the minister alluded to the fact that, if there were some organizations that we're funding that she feels are not collaborating, she hasn't taken off the table the other measures she could take, including with our funding power.

**Mr. Taleeb Noormohamed:** You've been asked about the future of the sports commission, but also immediate actions. I want to try to understand why we're doing some of these things now, before having seen the findings.

I think this is a very interesting point of view because it presupposes certain things. The minister said this isn't about whether terrible things happen. We know terrible things have happened.

Can you take us through the rationale for running some of these things in parallel, and what that means and why? What motivated that decision?

**Ms. Isabelle Mondou:** I think the minister feels, and we all feel, a sense of urgency to take action in some aspects. For example, she mentioned the transition of OSIC to a more independent body or function. I think that's something she has heard from athletes, and she wants to act as quickly as possible.

Obviously, the commission will make further recommendations. These will be taken on board by the government, but all the actions she announced yesterday are things she feels she can start to work on because she feels the need is there now.

• (1315)

**Mr. Taleeb Noormohamed:** Thank you very much.

Whatever time I have left, Madam Chair, I will cede to you.

**The Chair:** Thank you very much.

Now we go to Sébastien for two and a half minutes, please.

[*Translation*]

**Mr. Sébastien Lemire:** Thank you, Madam Chair.

Thank you for allowing each party to take the floor for the duration of their turn.

Ms. Mondou, you stated a few times in response that the terms would be announced by the minister. The minister announced an independent investigation. That said, if she can keep changing the terms, how are we expected to believe that the process is truly independent? It's true, the minister is the main architect of a number of initiatives that currently exist in Canadian sports.

**Ms. Isabelle Mondou:** Thank you for the question.

I think I misspoke. The fact is that the terms that were made public will be that of the commission. The minister won't modify them. So the independence aspect comes from the fact that each one of you will be able to monitor the commission and ensure it's carrying out its mandate independently from the minister.

**Mr. Sébastien Lemire:** Will there be a conflict of interest declaration? I'm thinking of the minister's husband who works at viaSport in B.C. There could be a connection. If we look at the provinces, I think that this kind of information should be made public.

Are we currently looking into a process?

**Ms. Isabelle Mondou:** Thank you for bringing that issue to our attention. We will pass it along to the minister.

**Mr. Sébastien Lemire:** I'd like to come back to another element which I believe to be absolutely fundamental.

Can we get a confirmation that all of the sports organizations and multi-sport organizations like Own the Podium and the International Olympic Committee have truly released the athletes and organization members from the non-disclosure agreements the athletes are bound by?

From what we understand, a lot of people are still tied up in court. And here we have a commission that's looking into these issues voluntarily. This could really put the brakes on the commission's work, and even put this voluntary commission's very existence in question.

How do you intend to protect the victims when they testify, and most of all, how will you ensure that sports organizations cancel the non-disclosure agreements binding the athletes?

**Ms. Isabelle Mondou:** Thank you for the question.

Actually, that requirement was already part of our contribution agreements for this year. It's already a funding requirement for the organizations. They wouldn't be able to get funding otherwise.

**Mr. Sébastien Lemire:** Am I to understand that they wouldn't have gotten any funding this year if they hadn't cancelled all these agreements?

**Ms. Isabelle Mondou:** Yes, it's part of our funding agreement this year.

**Mr. Sébastien Lemire:** What is the date on that?

**Ms. Emmanuelle Sajous:** It's from 2023. This is part of the current contribution agreements.

**Mr. Sébastien Lemire:** In other words, there should be no non-disclosure agreements in effect at this time.

Is that right?

**Ms. Emmanuelle Sajous:** That's right.

**Mr. Sébastien Lemire:** We will be following up on that, because what we've seen is that a lot of people are still tied up in court over that.

**Ms. Isabelle Mondou:** We will also be happy to follow up with you. We're taking note of the issue.

**Mr. Sébastien Lemire:** Thank you for your co-operation.

[English]

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

We'll go now to Mr. Green for two and a half minutes, please.

**Mr. Matthew Green:** Thank you very much.

I'd like to just correct the record to say that the person I referenced earlier, Kim Shore, is actually from Gymnastics for Change Canada.

I would like to go back to the notion of parliamentary privilege and the ability for Parliament to send for documents, which is quite contrary to what Mr. Noormohamed likes to think. I reference "The Power of Committees to Order the Production of Documents and Records", a report of the Standing Committee on Public Accounts, dated December 2009, in the 40th Parliament. On page three, it says:

Parliament is not bound by the Privacy Act, and has a right to have any documents laid before it which it believes are necessary. This principle was established in Canada through the Constitution Act 1867, which passed the "privileges immunities and powers" of the British House of Commons into Canadian law at the time of Confederation. The power to send for records has been delegated by the House of Commons to its committees in the Standing Orders of the House of Commons.

I would encourage the honourable member to read the Standing Orders of the House of Commons.

**Mr. Taleeb Noormohamed:** I have a point of order, Madam Chair.

**Mr. Matthew Green:** It continues:

A committee's power to call for persons, papers and records is said to be absolute, but seldom—

**The Chair:** Mr. Green, there's a point of order.

Please go ahead, Mr. Noormohamed.

**Mr. Taleeb Noormohamed:** Madam Chair, for Mr. Green's benefit and the committee's, I will just clarify that the point I was making is that they were not the same and the powers—

**Mr. Matthew Green:** That's debate. That's not a point of order.

**Mr. Taleeb Noormohamed:** You're misrepresenting what I said, Mr. Green.

**The Chair:** Mr. Green, I think that this committee is well aware of the powers to get documents, etc. We did it with Hockey Canada. We did it with a lot of the people we were trying to meet with. We're well aware.

Are you going to ask a question of the officials?

**Mr. Matthew Green:** Madam Chair, on the point of order, in fact, I find it troubling that, as a chair, you're intervening on behalf of the committee when it is not your role to intervene on behalf of the committee. It is my time to respond accordingly, in both questions and comments, as it relates to the debate. Again, this is on the point of order that was raised, the non-point of order.

To suggest that we do not have ultimate powers to send for documents misleads the public and is contrary to our parliamentary privileges. If I decide to speak on that, as I'm doing in this point of order, that is my prerogative. It is not for you to direct my line of questioning.

**The Chair:** I am not. I am telling you that I think that—

**Mr. Matthew Green:** I would like to go back to my time, please.

• (1320)

**The Chair:** Go ahead. You have a minute and 20 seconds left in your time.

**Mr. Matthew Green:** Fair enough.

I'll continue as follows:

The Law Clerk provided the Committee with a legal opinion on the powers of committees pertaining to the production of documents. The legal opinion summarized the applicability of statutes to Parliament under the Canadian constitution, and cited precedent from the Supreme Court of Canada that Parliament has an adjudicative role as the “grand inquest of the nation.” The Law Clerk concluded:

“In summary, constitutional law has priority over statute law, that is, the provisions of a statute, such as the Privacy Act, are to be read in a manner that is consistent with the constitutional laws of Canada. The Supreme Court of Canada has affirmed that no part of the Constitution, including the Charter of Rights and Freedoms, prevails over any other part of the Constitution, including the constitutional powers, immunities and other rights that constitute the parliamentary privileges of the House....”

In closing, while it might not be the position of our Liberal friends in this committee, we in fact do, at every standing committee, have the power to send for documents.

Thank you. I'll cede the rest of my time.

**The Chair:** You are over time, actually.

Thank you very much to the officials. We have ended this session. I want to thank you for your time and for coming and explaining so many things to us.

Before we leave, committee members, we have a small bit of housekeeping. We have a bunch of budgets that we have to okay.

We have a budget on the briefing by the chairperson of the Canadian Radio-television and Telecommunications Commission. It is for \$1,250.

Do I have agreement to pass that budget?

**Some hon. members:** Agreed.

**The Chair:** We have another one with regard to the order in council appointment of Jean-François Bélisle to the position of director of the National Gallery of Canada. That's \$500.

Do we okay that?

**Some hon. members:** Agreed.

**The Chair:** We now have to okay the amount of \$1,250 for the order in council appointment of Catherine Tait to the position of president of the Canadian Broadcasting Corporation.

**Some hon. members:** Agreed.

**The Chair:** Then we have the tech giants' current and ongoing use of intimidation and subversion tactics to evade regulation in Canada and across the world. The amount requested for that budget is \$21,400.

Are we okay with that?

**Some hon. members:** Agreed.

**The Chair:** That's it. Thank you very much for that.

We have a little bit of Christmas cheer. There's some wine. I brought it all the way from B.C.

Merry Christmas to all of you. I'm hoping we're not meeting on Thursday.

Thank you.







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