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Chair: Mr. John Brassard





## Standing Committee on Access to Information, Privacy and Ethics

Tuesday, April 9, 2024

• (1130)

[English]

**The Chair (Mr. John Brassard (Barrie—Innisfil, CPC)):** Welcome to the public session of today's ethics meeting.

I want to thank everybody for the guidance they provided in the in camera part of the meeting.

The item we have to deal with is the election of a vice-chair.

I want to welcome Mr. Fisher to the committee.

We are now going to proceed to the election of the vice-chair. I'm going to ask the clerk to conduct that portion of this.

Go ahead, Madam Clerk.

**The Clerk of the Committee (Ms. Nancy Vohl):** Thank you, Mr. Chair.

Pursuant to Standing Order 106(2), the first vice-chair must be a member of the government party for this committee.

I am ready to receive the motions.

**Ms. Pam Damoff (Oakville North—Burlington, Lib.):** I nominate Darren Fisher as vice-chair.

**The Clerk:** It has been moved by Ms. Damoff that Mr. Fisher be elected as first vice-chair of the committee.

Are there any other motions?

Seeing none, is it the pleasure of the committee to adopt the motion?

**Some hon. members:** Agreed.

**The Chair:** I want to say congratulations, Mr. Fisher, on becoming the first vice-chair. I look forward to working with you on what is a very productive and very busy committee.

Do you have a speech written that you'd like to give?

**Mr. Darren Fisher (Dartmouth—Cole Harbour, Lib.):** There's no speech today, sir.

I'm pleased to be nominated. I'm pleased to be the vice-chair. I'll do the absolute best I can.

Thank you.

**The Chair:** Wonderful. Thank you.

[Translation]

Mr. Villemure, you had something to say.

**Mr. René Villemure (Trois-Rivières, BQ):** Yes, Mr. Chair. I'd like us to resume debate on Mr. Chong's March 4 motion about the Winnipeg lab.

**The Chair:** Okay.

[English]

Do we have agreement for Mr. Villemure to resume debate?

Mr. Green, I see your hand up. Is this on this?

Go ahead, Mr. Green.

**Mr. Matthew Green (Hamilton Centre, NDP):** I would be happy to make sure there's consensus to resume the debate. I did want to speak to it if that's the direction that we're going.

**The Chair:** Okay, thank you, Mr. Green.

Right now I need consensus on resuming debate.

Do we have that?

**Ms. Pam Damoff:** Doesn't someone have to move the motion to resume debate?

**The Chair:** He's moved that already.

I'm seeking consensus.

**Some hon. members:** Agreed.

[Translation]

Mr. Villemure, you have the floor.

• (1135)

**Mr. René Villemure:** Mr. Chair, I would like to move an amendment to the motion. Everyone will get a copy, including the clerk. I'll read the amendment, and then I'll read the motion as amended in its entirety. The amendment is as follows:

That the motion be amended

- (a) by adding, after the words “undertake a study,” the words “for three meetings,”;
- (b) by deleting the words “the collection and transmission of information and intelligence within the Government of Canada and”;
- (c) by replacing the words “reliance on its over-classification” with the word “reasons”;
- (d) by adding, after the words “findings to the House”, the words “and request, pursuant to Standing Order 109, a comprehensive response from the government,”;
- (e) by adding, after the word “appear”, the words “for one hour per witness”;
- (f) by replacing paragraphs (a) to (e) with the following:
  - “(a) Anthony Rota, former Speaker of the House of Commons;
  - (b) Philippe Dufresne, former Law Clerk and Parliamentary Counsel of the House of Commons;
  - (c) Iain Stewart, past president of the Public Health Agency of Canada;”
- (g) by deleting paragraphs (g) and (h); and
- (h) by adding the following paragraph at the end: “(j) and any other witnesses that the Committee deems necessary.”

I will now read the amended motion in its entirety, for greater clarity:

That, in light of the February 28, 2024, tabling of the Winnipeg lab documents which contained the government's own findings concluding that the People's Republic of China and its entities infiltrated Canada's top microbiology lab, a national security breach representing a very serious and credible threat to Canada, and given that access to this information had been denied to Parliament and all Canadians by the government for several years, the committee undertake a study, for three meetings, pursuant to Standing Orders 108(3)(h)(vi) and (vii), of the government's reasons to deny access to it by Parliament and Canadians, provided that the committee report its findings to the House and request, pursuant to Standing Order 109, a comprehensive response from the government, and call the following witnesses to appear for one hour per witness:

- (a) Anthony Rota, former Speaker of the House of Commons;
- (b) Philippe Dufresne, former Law Clerk and Parliamentary Advisor at the House of Commons;
- (c) Iain Stewart, former President of the Public Health Agency of Canada;
- (d) the Minister of Health, the Honourable Mark Holland;
- (e) the Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs, the Honourable Dominic LeBlanc;
- (f) any other witnesses that the committee deems necessary.

Mr. Chair, this motion is being moved at the Standing Committee on Access to Information, Privacy and Ethics to address this issue from an access to information angle. I am aware that the Special Committee on the Canada-People's Republic of China Relationship is already studying the situation at the Winnipeg lab, but it is doing so from a different angle focusing on the public health implications of Chinese scientists' access to the lab. What interests our committee, however, is access to information, a subject that is right there in our mandate. There was an access to information problem. The committee must therefore investigate and make recommendations. Ultimately, the goal is to prevent such situations from reoccurring, which could happen if we were to do nothing.

Thank you very much.

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

[English]

Mr. Villemure has moved an amendment to Mr. Chong's motion. My understanding is that committee members have the amendment

in both official languages, so I'm going to rule the amendment in order.

I have started a speaking list. I have Mr. Green, Ms. Damoff and then Ms. Khalid.

Mr. Green, please, go ahead on the amendment, sir.

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

I'd be remiss not to note that it took our having these amendments to have a real discussion about what had transpired prior to the March break. It's with quite deep disappointment that the Conservative caucus has this tendency to bring the same motion to every committee, across all of our standing committees, in a very theatrical way.

I had a conversation directly with Michael Chong. There was a time when he was a reasonable and a practical guy. Some would even call him a progressive conservative. I believed him to be a man of his word. I recall having a conversation directly with him prior to the Standing Order 106 meeting that was called by our Conservative colleagues here, where he understood that this was going to go to the Canada-China committee. If the study were to be duplicated that way, I told him quite frankly that there was no willingness on the part of our party to see the same study happen, to be rolled out across all of our standing committees. Yet, in whatever way he thought was appropriate, he brought this as a Standing Order 106 motion to this committee, stood in and basically presented this for the news cycle.

I want people to know, people from his riding, practical conservatives that are out there, that there are lots of conversations had at committees, and prior to committee meetings, about organizing our time, about the value for taxpayer dollars and the way in which we do our work. When it comes to Standing Order 106 meetings, it needs to be made very clear that those are for emergency situations. They have to be very pertinent to the mandate—at least in my estimation of the committee.

To see and to know that he knew this was going to the Canada-China committee, and to still bring it here for the theatre of that one-week news cycle, I think is despicable. It's disgraceful. We always support access to information—at least I do, as a New Democrat—yet on principle, I couldn't support what they were trying to do because I knew it was duplicitous. I knew it was deceitful. I certainly wasn't going to support it, which is why I supported the adjournment.

I do support the clarity provided by this amendment because it's pertinent and relevant to the work we do at this committee. It's within our mandate. I think it is within a timeline that is acceptable for all the other work we have.

Mr. Chair, you'll know that, for quite some time, this committee seems to be a "tail chasing the dog", and not the other way around.

I'd like to see some focus in this committee. I'd like to see open and honest dealings with the opposition side, with the government, and when you say you're going to do something, you stick to it. You don't come out pulling the rabbit out of the hat with some kinds of surprises so that you can score a short-cycle news cycle, a fundraising letter or whatever the heck Michael Chong's agenda was when he came and visited this meeting. I certainly wasn't here for it, and I wasn't about to disrupt the work of this committee to make a precedent out of something that he already knew was already going to the Canada-China committee.

I would say this to the opposition folks and to all folks on this committee: If you're serious about operating within integrity and about following the courtesies that we have, even though we might not always agree on things, I'm for it, but if you continue with the procedural shenanigans to try to disrupt every single committee across the House of Commons so that you can then point at it and say, "Look, it's broken", when you're the one who is intent on breaking it, just know this: For all the Conservatives watching this, for the media who wrote stories and who didn't even have the courtesy to call, to reach out and to try to get my rationale for it, shame on you.

I will be supporting this, but if you all are going to continue to bring pinch-hitters into this committee to disrupt it, then I'll meet your belligerence with belligerence. That's all I have to say.

I'm looking forward to having a discussion on the amendments that Mr. Villemure put forward. I'm looking forward to working as a committee to hold government accountable, to make sure our departments are held accountable and to protect our parliamentary privileges. I'm not here for your theatre or your shenanigans, and I'm not here for the circus.

You can tell I'm fired up because I thought I was dealing with Michael Chong, whom had, at least I thought, some good faith in his negotiations, and then he tried to come in here and pulled a fast one. Let this be a message to anybody else who wants to try to do the same. When you do that, no matter what, I'm going to shut it down.

That's all I have to say.

Thank you.

• (1140)

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

Ms. Damoff, you're next on the amendment.

**Ms. Pam Damoff:** Thanks, Chair.

I have a lot of respect for the honourable member from the Bloc and I appreciate his bringing these amendments forward. That being said, last night, 12 hours ago, the Canada-China committee started their study on this issue, and one of the things in that motion at the Canada-China committee was looking into the obstacles to obtaining the documents.

Mark Holland, the Minister of Health, appeared last night and he talked about this very issue and why the ad hoc committee was so important. While I appreciate his wanting to bring these amendments and bring this study to the ethics committee, I think it makes

more sense for the Canada-China committee to continue their study. The Bloc can certainly put forward to the Canada-China committee any of the witnesses Mr. Villemure has brought forward, and once they've completed their study and done their report, if we're not satisfied with what they've produced, we can always do a further study on it.

I don't think this right now is the right place for it to be and for two committees to be doing concurrent studies, so we won't be supporting your amendments. Perhaps we will support something later on, but I think the right place for this right now is at the Canada-China committee. I think there's good work that could be done there on this very issue.

Thank you, Chair.

• (1145)

**The Chair:** Thank you, Ms. Damoff.

Ms. Khalid, your hand is up. Go ahead, please.

**Ms. Iqra Khalid (Mississauga—Erin Mills, Lib.):** Thank you, Chair.

First and foremost, I want to express my gratitude to Mr. Villemure. He and I served on the Winnipeg labs ad hoc committee, did the important work and spent many, many hours together in a room. Ultimately we're trying to make sure the processes that happen are as open and transparent as possible.

I do tend to agree with some of the things Mr. Green has said with respect to duplicating work in various committees in order to have theatre and so on. While I do realize that important consideration must be given to some of the issues Mr. Villemure has raised, at the same time I don't think it's appropriate for the Canada-China committee to have a study and then for our ethics committee to have substantially the same study. Chair, as you would know, we can only move amendments that make little changes and not substantially change the report or what is being asked with the study.

The Canada-China committee is studying this. In fact, there is a difference of only three witnesses between their witness list and ours. I propose that those three witnesses go on and testify at the Canada-China committee and that we then come back and look at their study once it has been concluded. Then we can see where the gaps are.

Right now, I would prefer that we spend more of our time dealing with what Canadians have told us are the substantive issues at hand. I receive emails every single day asking for updates on the social media study that our committee has undertaken, and I would love for that to be prioritized. I would love for us to be more efficient in how we do things in the House. If the Canada-China committee is looking at an issue, perhaps the best thing for us to do, Chair, would be to write to the Canada-China committee and ask whether, while they are talking to exactly the same witnesses we're proposing here minus three, they can also perhaps ask them these questions—we'll send them a list of our questions—instead of our doing it all over again here in the ethics committee. Doing that would make more sense to me. That's just one option.

The other is that we wait until the Canada-China committee study is concluded and then we pick it up. We haven't started the study yet at all. I think it would be best for us to understand the context we're coming from before we start any study here in this committee.

I do prefer option one, in which we send our list of questions to the Canada-China committee and ask whether, while they are at it, they can also look at this angle because they will be dealing with exactly the same witnesses and substantively exactly the same issue. Let's be a little bit more efficient in this regard.

I'll park my comments there, Chair.

**The Chair:** Thank you, Ms. Khalid.

Go ahead, Mr. Villemure.

[*Translation*]

**Mr. René Villemure:** Thank you, Mr. Chair.

I thank my colleague for her comments.

Members of this committee specialize in access to information. That's about all we hear about in a given year. We may be in a better position to deal with this aspect than the Special Committee on the Canada–People's Republic of China Relationship. I have no desire to cause duplication. Perhaps the other committee should hand the access to information part over to us because we are more familiar with the subject.

Again, we're definitely not talking about Chinese citizens having access to the lab or anything like that. What I am proposing is directly related to this committee's core mission. My colleague, Ms. Khalid, is suggesting that the other committee should deal with this matter, but I would turn that right around and suggest that we should deal with this matter while the other committee focuses on the other subjects of its motion. I firmly believe that the amendment I moved is entirely consistent with our committee's mission because we specialize in these matters and should study them here.

• (1150)

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

[*English*]

Go ahead, Ms. Khalid.

**Ms. Iqra Khalid:** Thanks, Mr. Chair.

To pick up on some points that Mr. Villemure has outlined, if the Canada-China committee is taking a lead, would it not make sense for us to let them complete the process. We could write to them to say, "Hey, we're here at your disposal to look at whatever issues you need to look at in the greater context of things." We could then have them send a reference to us if they need it.

I really think that we can't just go with one-offs on the same issue and on different tangents to create different issues. We need to let the Canada-China committee take the lead on this issue, and if they feel that they need to give the ethics committee a reference on this issue, then let's follow their leadership and have them do it. It doesn't make sense for us to be parallel in the work that they're doing at the same time.

Again, Mr. Chair, I propose that we write to them and say that we're interested, and if they feel that there is this branch of information they think we should be analyzing, we're more than happy to receive that. If we do receive a request from them, then we'd be more than happy to follow it. I think we're being a bit too pre-emptory here with respect to this. We should let the Canada-China committee lead this issue and should let them give us a reference if they choose to do so.

I really appreciate the issues that Mr. Villemure has outlined, but we should be more judicious in terms of what we bring into our committee, running parallel studies, etc.

**The Chair:** Thank you, Ms. Khalid.

On the amendment, I have Mr. Housefather, followed by Mr. Green.

[*Translation*]

**Mr. Anthony Housefather (Mount Royal, Lib.):** Thank you, Mr. Chair.

I'd like to comment on this issue. I completely agree with Mr. Villemure that the amendment he moved is consistent with our committee's mandate. Of that I have no doubt whatsoever. I also understand his opinion that we should study why there were so many obstacles to obtaining these documents.

However, like Ms. Khalid and Ms. Damoff, I would prefer to avoid any duplication.

[*English*]

When I look at the motion that was adopted by Canada-China committee, it says "That pursuant to its order of reference of Monday, May 16, 2022, the committee undertake a study" of at least two meetings "of the matters revealed in the Winnipeg lab documents together with the broader concerns they represent in relation to Canada's national security, as well as the obstacles encountered in obtaining these documents".

To me, it looks like, "as well as the obstacles encountered in obtaining these documents", the Canada-China study is indeed covering that question that we're now seeing needs to be brought here. If they weren't, and if it were only about the national security aspects, I would entirely understand and would agree that it would make sense to have this committee study the other part. Given that the Canada-China committee is also studying it and that the witnesses are essentially the same, we're making people come to two different committees to answer questions about essentially the same thing. I don't understand why we would be doing that.

[*Translation*]

How does the motion proposed here differ from the one already adopted by the Special Committee on the Canada–People's Republic of China Relationship? They seem the same to me on the subject of access to documents. Mr. Villemure may be able to explain it to us the next time he speaks. I believe he was actually there when the motion was adopted at the special committee, because I see his name in that meeting's minutes.

**The Chair:** He's still on the list. Perhaps he can answer your question later.

• (1155)

[*English*]

Next we have Mr. Green, followed by Mr. Fisher, Mr. Erskine-Smith and Mr. Villemure.

Go ahead, Mr. Green.

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

Look, we are creatures of our own domain. We do have the ability to pursue whatever studies we want, right? For me, what's most egregious about what happened is that the PM's office quite literally tried to sue the House of Commons to block this information. For me, this isn't just about the Winnipeg labs. This is about a Liberal government that has a culture of obstruction when it comes to our parliamentary privileges, quite frankly. The fact that this had to take a legal proceeding challenging the will of the House of Commons in a minority government is quite problematic.

That's my interest in this. My interest is the overarching theme of the power of the PM's office to keep information from parliamentarians. That is the mandate of this committee, and I think it's well within our parameters to do so. The clown show that Mr. Chong wanted to bring in here I'm not interested in, but I am interested in this. For that reason, I'll be supporting the amendments, and I look forward to hearing....

People can have a lot of opinions about Mr. Rota, but at the end of the day, he did the right thing here, I believe, in defending our parliamentary privileges, because it goes beyond this. If we allow any government in power, regardless of its party affiliation, to get away with that kind of wanton abuse, I would say, we're setting ourselves up for future governments that may be even more reckless. We have to safeguard these institutions and we have to protect our parliamentary privileges to be able to send for people, demand for documents and make sure that evidence is provided here. We just had an entire day of privilege yesterday for people who did not want to co-operate with committee.

That being said, that's my last statement on this. I'll underscore my deep personal disappointment in Michael Chong trying to turn what I think was a very important and salient aspect for this committee to study into a three-ring circus over the March break. I would regret if that were to happen again.

That being said, I will be supporting this motion.

Thank you.

**The Chair:** Mr. Fisher, go ahead on the amendment.

**Mr. Darren Fisher:** Thank you very much, Mr. Chair.

As this is my first meeting, I've been absorbing everything that's been said by all the speakers. I certainly appreciate all the comments made.

For me, MP Khalid was bang on. This study is being studied right now. Liberal members on that committee supported this study moving forward. I heard just 12 hours ago that this study was taking place.

I would say leave it to Canada-China. If something falls through the cracks, if something falls through the floorboards, and it's

something that we need to look at down the road, I would support that, but at this particular moment, I wouldn't support the amendment.

**The Chair:** Mr. Erskine-Smith, I know that you just stepped in here. Do you have a copy of the amendment?

**Mr. Nathaniel Erskine-Smith (Beaches—East York, Lib.):** I do, yes.

**Mr. Nathaniel Erskine-Smith:** Thanks, John.

I'm a member of the Canada-China committee, and we started this study last night. When Michael Chong did bring the motion to us, it received unanimous support, ultimately. The rationale was, one, a claim of delay in acting on national security considerations. Two, there was a concern around access to documents in a timely and fulsome fashion. Both of those matters are within the ambit of the study that we have already undertaken at the Canada-China committee.

We heard from Minister Holland last night. We heard from the director of CSIS last night. We heard from PHAC last night. We have witnesses scheduled for this Friday. We're doing two meetings a week.

Look, I'm just visiting today. You do what you do, but I would caution against just duplicating things that we're already doing at the Canada-China committee. If you are going to pass a study like this, make sure you're working hand in hand so that you don't have the same witnesses, you're not hearing the same evidence, you're not duplicating efforts for no reason whatsoever and you're not just spinning your wheels and wasting your time.

Again, do what you want to do, but if you do pass this motion, make sure there's co-operation between the chairs of both committees. Otherwise, we're all wasting our time here.

**The Chair:** Wonderful. Go ahead on the amendment, please.

• (1200)

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

[*Translation*]

I see that Mr. Villemure has nothing more to add.

[*English*]

**The Clerk:** The vote is on Mr. Villemure's amendment to the motion that was moved by Mr. Chong in February.

**The Chair:** We have a tie, so I will vote yes.

(Amendment agreed to: yeas 6; nays 5)

[*Translation*]

**The Chair:** The amendment as proposed by Mr. Villemure carries.

[*English*]

Now we're on the main motion as amended.

I don't see any further discussion. Do we have consensus on the main motion as amended?

We have another tie. I vote in favour of it.

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

**The Chair:** Thank you.

I don't have any further business for the committee.

As I mentioned, we are going to send out a draft schedule, keeping in mind that this motion has passed, as well as part of our calculations on the future schedules.

This meeting is adjourned.

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