



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

44th PARLIAMENT, 1st SESSION

Standing Committee on Government Operations and Estimates

EVIDENCE

NUMBER 070

Monday, June 5, 2023

Chair: Mr. Kelly McCauley



Standing Committee on Government Operations and Estimates

Monday, June 5, 2023

• (1550)

[English]

The Chair (Mr. Kelly McCauley (Edmonton West, CPC)): I call this meeting to order. Welcome to meeting number 70 of the House of Commons Standing Committee on Government Operations and Estimates.

Pursuant to the motions adopted by the committee on Wednesday, January 18, 2023, and Monday, April 24, 2023, the committee is meeting on the study of the federal government consulting contracts awarded to McKinsey & Company.

In accordance with our routine motion, I am informing the committee that all witnesses attending by video conference have completed the required connection tests in advance of the meeting.

Colleagues, we have two opening statements, and then a very short commentary by our law clerk.

Mr. Shea, I understand you're starting with an opening statement.

Please go ahead.

[Translation]

Mr. Matthew Shea (Assistant Secretary to the Cabinet, Ministerial Services and Corporate Affairs and Chief Financial Officer, Privy Council Office): Hello, Mr. Chair and members of the committee.

[English]

Thank you for inviting departmental officials, including the Privy Council Office, to provide information about the government's response to the motion for the production of documents concerning contracts awarded to McKinsey & Company.

[Translation]

My name is Matthew Shea and I am the assistant secretary to the cabinet, ministerial services and corporate affairs, and chief financial officer, at the Privy Council Office.

[English]

Canadians expect and deserve value for contracts signed by the government on their behalf. The public service is committed to ensuring procurements are conducted in a fair, open and transparent manner, and in accordance with Treasury Board policies, regulations, guidelines, trade agreements and procedures.

[Translation]

We are also committed to accountability.

The public service understands and respects the role of Parliament to hold the government to account and is committed to providing information to parliamentarians in a transparent manner.

Across the public service, we are making best efforts to respond to the committee's request for the production of documents.

[English]

Hundreds of public servants in 20 organizations were mobilized with collecting, reviewing and translating documents, with an estimated total volume of over 220,000 pages. As many of those pages as possible were provided to this committee by February 22. Completing the remaining translation and providing all documents in both official languages is a priority.

[Translation]

The public service is also committed to transparency.

The long-standing approach over successive governments has been to balance the commitment to transparency with the need to protect information.

[English]

We typically take steps to protect third party information that represents a commercial sensitivity. Upon learning that McKinsey provided its material to this committee in an unredacted format, we engaged the company to lift redactions wherever possible.

[Translation]

The committee has and will continue to receive revised packages with minimal redactions as a result.

[English]

My colleagues joining me today will be pleased to answer questions related to the status of their departmental work.

[Translation]

I will now turn to the documents provided by the Privy Council Office.

[English]

The Privy Council Office issued one sole-source non-competitive contract to McKinsey in 2017 in the amount of \$24,747 during the period for which the records were requested. Of the 280 pages submitted by the Privy Council Office, redactions remain in two paragraphs that relate to cabinet confidence.

Mr. Chair and members of the committee, thank you for the opportunity to provide you with this context. All of us on the panel look forward to answering your questions this afternoon.

The Chair: Thank you, Mr. Shea.

Next, we have Mr. Leduc for a two and a half minute opening statement, please.

Mr. Michel Leduc (Senior Managing Director and Global Head, Public Affairs & Communications, Canada Pension Plan Investment Board): Good afternoon, Mr. Chair and members of the committee.

[Translation]

I wish to thank the committee for inviting me.

• (1555)

[English]

CPP Investments is the professional investment management organization that invests the Canada pension plan funds not currently needed to pay current benefits. Our purpose is to help provide a foundation upon which more than 21 million Canadians can achieve lifetime financial security.

Our assets are segregated from government funds and managed exclusively to pay these benefits. The organization's framework was carefully crafted to ensure we could operate without political interference.

When Canadian governments decided that a national pension fund was needed to address poverty among seniors, consent of the provinces was required. Maintaining provincial authority is deeply enshrined in the Canada pension plan, arguably the best example of co-operative federalism in Canada.

Joint stewardship between federal and provincial governments applies to how we operate. We are focused solely on fulfilling our legislative objectives in the best interests of contributors and beneficiaries. Pursuing complex investment opportunities requires significant and multi-faceted due diligence. To provide you a sense of scale, over the last five years we have carried out more than 300 investment transactions, each of which was valued at over \$300 million.

Disclosing commercially sensitive material would severely undermine our ability to achieve our mission. Our success in capital markets depends on our ability to work with partners, confidentially shielded from politics and competitors. Most critically, political demands superseding our commercial activities would erode the fund's position in the most important investment markets in the world.

For example, the U.S. grants special, trusted status to CPP Investments because we are independent and behave independently.

Anything that would compromise our respected commercial position would hinder our ability to access and compete in global markets. That's contrary to the best interests of Canadians relying on the CPP for their retirement.

[Translation]

I wish to thank the committee for this opportunity.

I will be pleased to answer your questions.

[English]

The Chair: Thank you, Mr. Leduc.

Now, for a few moments, I'm going to turn things over to Mr. Bédard, who might have an opening commentary.

Mr. Michel Bédard (Interim Law Clerk and Parliamentary Counsel, House of Commons): Thank you, Mr. Chair.

Thank you, members of the committee.

My name is Michel Bédard, and I am the interim law clerk and parliamentary counsel for the House of Commons.

Thank you for the opportunity to explain and clarify the right of the House and its committees to send for papers and records.

As the grand inquisitor of the nation, the House of Commons has the right to institute and conduct inquiries, as well as to send for papers and records. These rights are part of the House of Commons' privileges, immunities and powers—oftentimes referred to as parliamentary privilege—that are constitutional in nature, as they are rooted in section 18 of the Constitution Act, 1867, as well as in its preamble.

These rights, including the constitutional nature of parliamentary privilege and the fundamental role of the House of Commons and its committees, have been recognized by the Supreme Court of Canada.

[Translation]

There is no limit to the right of the House of Commons and of its committee to order the production of documents, providing that the documents are available in paper or electronic format and are in Canada. This power is subject only to the exceptions and limits explicitly stipulated by Parliament, the House of Commons or its committees.

That said, when they exercise that power and identify the information required for a study, committees should seek to balance their role as a major investigator for the nation with legitimate public interest considerations that can justify limiting the public communication of the requested information to committee members.

[English]

When faced with a confidentiality claim, a committee has a number of options. It can decide not to insist on the production of the information or part of the information. It can also choose to put measures in place to safeguard the confidential nature of the information, such as considering the information during in camera meetings, or it can simply maintain its original request for information and insist on the production of the documents unredacted.

[Translation]

Thank you. That concludes my remarks.

I will be pleased to answer questions from committee members.

[English]

The Chair: Thank you, Mr. Bédard.

We'll start with Mr. Barrett for six minutes, please.

• (1600)

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

Mr. Shea, are you familiar with the law as it has been described by the previous speaker, by the parliamentary law clerk? A yes or no would be great.

Mr. Matthew Shea: I am not a legal expert.

Mr. Michael Barrett: Okay. Are you aware of the Parliament of Canada's having constitutional power, without limit, to send for papers? Is that something that you are aware of, sir?

Mr. Matthew Shea: I don't think it's a simple yes or no question because—

Mr. Michael Barrett: In fact—

Mr. Matthew Shea: —there are other privacy acts and information acts that apply.

Mr. Michael Barrett: Okay. I'm not going to waste the committee's time and have the previous speaker, the law clerk for the House of Commons, re-explain this to you. This isn't something that is political in nature, as one of the other witnesses spoke of. This has been tested by the Supreme Court of Canada. It is an absolute right, without limit, and no other rationale that has been offered by you or by the other agencies that are represented here today offers exemption from the constitutional powers of Canada's Parliament.

Can you tell me if you have been granted, if the PCO has been granted, an exemption to the Constitution?

Mr. Matthew Shea: Successive governments have taken the same view in terms of the production of documents to Parliament, going back to the 1973 principles governing the production of documents for Parliament. The government of the day tabled its position, explaining exactly what could and could not be tabled to parliamentary committees.

In 2010, the government of the day reviewed this and reaffirmed the same principles, which included being able to exclude things like legal advice, cabinet confidence—

Mr. Michael Barrett: The Supreme Court disagrees with you.

Mr. Matthew Shea: —privacy. The Supreme Court, in some cases—

Mr. Michael Barrett: I'm going to reclaim my time. Thank you very much.

Did the Prime Minister's Office direct you to have your department not comply with the order of this committee?

Mr. Matthew Shea: We received no such direction.

Mr. Michael Barrett: Who coordinated the effort for you to speak on behalf of all departments about their active participation in a campaign to disregard the legal authority of Canada's Parliament to order the production of the documents that we did?

Mr. Matthew Shea: I would say that I'm not speaking on behalf of all departments. I simply gave an opening statement in order to maximize the time for the committee.

Mr. Michael Barrett: It's very interesting. We often have multiple witnesses appear, and it's exceedingly rare that one would just, without discussion with the others, elect to offer opening statements on their behalf and that they would have nothing to add. That, without coordination, is extraordinary.

Mr. Matthew Shea: There is coordination. It was not direction. I think there's a huge difference. When we met as an ADM working group to talk about how we could best respond to this—

Mr. Michael Barrett: I haven't posed a question to you, sir. I haven't posed a question, but I do have a question.

Mr. Matthew Shea: —there was a request that I give an opening statement.

Mr. Michael Barrett: Mr. Chair, if I have a question for the witness, I'll direct one to him, but if he wants to interrupt, I'd encourage him to run for Parliament. At that point, he might have the opportunity to learn a little bit about the powers of Canada's Parliament to send for persons and papers, which were just clearly articulated by the parliamentary law clerk.

Sir, the redactions that have been offered by the PCO and other departments are absolutely ridiculous. This committee agreed to take these documents, receive them, review them in confidence and then make any redactions that were necessary.

To claim that McKinsey is the one that requires the documents to be redacted, when it has furnished the committee with all of its documents in an unredacted fashion, puts you at odds with the very same organization that you're professing to protect.

In fact, it appears like there is political coordination by the Prime Minister's Office, through your department, to ensure that there is not compliance with the laws of this country. How can you explain, other than the ministers' giving their departments direction to defy the law? How can you justify what other rationale you have arrived at that gives you the right to disregard the absolute authority, the legal authority, the constitutionally tested authority, for the documents that have been requested of you to be tabled with this committee?

That was a question.

Mr. Matthew Shea: I can only speak for the PCO, and the PCO has received no such direction. We have followed the standards and protocols that we always follow.

In the case of these documents, of the 280 pages, we have two paragraphs that were redacted, and that was for cabinet confidence. In the original documents that we provided to you, we redacted additional information that was commercial confidence related to McKinsey and two instances of personal information related to those who signed the contract.

Subsequent to McKinsey's providing its documents, we unredacted that portion. We also took the additional step of going to the two individuals to seek their permissions to unredact those portions. That is something that we have the ability to do. In the absence of their permissions, we would have kept those redacted.

• (1605)

Mr. Michael Barrett: I find it interesting that you seek the permission of third parties and take that as instruction when the House of Commons has legally instructed you to produce the documents and you refuse to. This is a serious problem. The erosion of trust that this creates, that Canadians cannot trust government when government refuses to do what the people who are elected to represent them have asked to be executed on, when it is legal and reasonable for it to be done—and your department refuses because your department says they know better—is unacceptable.

You said that you don't speak for the other departments, but you came here today, sir, offering statements on behalf of all but one other department. That's why you're receiving my questions, as the spokesperson—

The Chair: I'm afraid that is your time, Mr. Barrett.

Mr. Michael Barrett: The minister responsible for your department is who?

Mr. Matthew Shea: The Prime Minister.

Mr. Michael Barrett: It's the Prime Minister. You're here on behalf of the Prime Minister.

The Chair: Mr. Barrett, that is your time. Thanks very much.

Mr. Jowhari, please, you have six minutes.

Mr. Majid Jowhari (Richmond Hill, Lib.): Thank you, Mr. Chair.

As my colleague has indicated, Mr. Shea, it looks like you are now speaking on behalf of at least the group that's been here, excluding Mr. Leduc. Naturally, you can sense the frustration within our committee. We are frustrated, we are somewhat confused and we are disappointed.

We are frustrated, because we've asked a number of times, through verbal and other communication, for what specifically we are asking the departments to provide. We are also frustrated when we see that McKinsey is providing all unredacted documents, yet we are challenged with being able to get the same level of information from our own departments. We're confused, as we are hearing two sides of the interpretation, at least, one by the parliamentary law clerk and the other one by you—I'll provide an opportunity to you shortly—of the authority that the committee has. We're disap-

pointed, because now we're investing at least two meetings over something that we believe could have been avoided.

Before I direct my line of questioning to you, sir, there was a question on whether you were directed by anyone specifically in the Prime Minister's Office to not provide any documents or to provide unredacted documents. I think you said no, but I just want to quickly go around the table on that and get a quick yes or no.

I'll start with you, Mr. Matthews.

Mr. Bill Matthews (Deputy Minister, Department of National Defence): Thank you, Mr. Chair.

No direction was provided to me from the political side.

Mr. Majid Jowhari: Mr. Leduc...?

Mr. Michel Leduc: None at all.

Mr. Majid Jowhari: Madam Fox...?

Ms. Christiane Fox (Deputy Minister, Department of Citizenship and Immigration): No direction was provided to me either.

Ms. Mairead Lavery (President and Chief Executive Officer, Export Development Canada): No direction was provided to me.

Ms. Mollie Johnson (Acting Deputy Minister, Department of Natural Resources): No.

Ms. Erin O'Gorman (President, Canada Border Services Agency): No direction.

Mr. Majid Jowhari: Okay. Thank you very much.

I think you're going to hear our sense of frustration, but let's talk about the confusion. You talked about the 220,000 pages, by the time we are done, that will be translated, hopefully properly, in both languages and that will be made available to us at some level of unredaction. I think there's still some hesitancy, despite all this, to submit documents with...the unredacted documents.

Can you help us solve that confusion, probably starting with the different point of view you had around the interpretation of the Supreme Court? You kind of talked about 2010 and the Supreme Court. Can you help us here? I'm definitely confused. I don't know about my colleagues, but probably it would help to at least get something on this.

Mr. Matthew Shea: I'd first say that it's not my view. It's the view of successive governments. It's not just the current government. It's governments that have come before them. As I mentioned, in 1973, there were principles tabled governing the production of documents. We certainly use that as one of the criteria in terms of what can and cannot be shared.

I think it's worth noting that this was re-evaluated in 2010 by the previous government, and the same outcome was a tabled document that made clear you can exclude legal opinions, personal information, cabinet confidences and solicitor-client privilege and that type of thing, which we have consistently done across all departments.

We're also guided by "Open and Accountable Government", which is something that every prime minister in recent years has had to guide ministers and to guide the public service. I would read to you a passage from that, if I may:

Public servants also have a duty to hold in confidence some of the information that comes into their possession in the course of their duties. There is a tension between that obligation and the request of parliamentarians for disclosure of that same information. When appearing before parliamentary committees, public servants should refrain from disclosing that kind of confidential information, for instance because the information is confidential for reasons of national security or privacy, or because it consists of advice to Ministers. Accounting officers should not disclose confidential information, including advice to Ministers, even where that information pertains to matters of organizational management. In practice, officials should endeavour to work with Members of Parliament, in cooperation with Ministers and their offices, to find ways to respond to legitimate requests for information from Members of Parliament, within the limitations placed on them.

• (1610)

Mr. Majid Jowhari: Thank you for that.

When we receive unredacted documents from McKinsey, there should be a distinction drawn between what is, let's say, the departmental content relevant to that contract, because it may not have some of the cabinet confidential information and that's where.... Am I hearing you correctly that this is where some of these redactions are coming from?

Mr. Matthew Shea: The redactions we based on commercially sensitive information. It's not the complete contract. It's sections. I can only speak for our department. We redacted banking information related to McKinsey and the signatories of the contract. That was the extent of what we redacted.

Mr. Majid Jowhari: Thank you.

The Chair: Thank you, Mr. Jowhari.

We have Ms. Vignola, please, for six minutes.

[*Translation*]

Mrs. Julie Vignola (Beauport—Limoilou, BQ): Thank you, Mr. Chair.

As we know, Canada is a country with two official languages, English and French. A number of people have taunted us—when I say "us", I mean francophones—, saying that if it is a bilingual country we should speak English. When I see documents translated from English into French, I wonder whether we are truly a bilingual country. In a truly bilingual country, an anglophone and I, a francophone, could converse in our respective languages and we would understand each other. I can understand someone speaking English. Unfortunately, the opposite is not as often true.

The same thing goes for written information. The majority of the documents I read seem to have been written in English and translated into French. I say they have been translated, but actually they are a mess. It is enough to make me cry, in some cases. Let me give you an example. This does not pertain to anyone here, but it is quite striking. The phrase "deep dive analysis" is translated as "*analyse en plongée*". I don't know how many of you can conduct an analysis while scuba diving, but I can't. That's a stupid example, but I have seen similar errors in countless documents.

As to Canada Post, the letter we received, Ms. El-Hage, refers to a "neuronal translation tool". I assume that is probably artificial intelligence or some kind of technology. To date, however, no technology has ever been able to achieve the same degree of accuracy as a translation produced by a human. To my mind, the best neuronal tool is still the brain, specifically, the human brain.

We are asked to make concessions. Given my first language, however, that means that I have to open both documents and constantly analyze the content in both languages to make sure I understand.

Those are the kinds of translations we have received. Some are good, while others, such as the example I gave, are enough to make you roll around on the floor. Depending on your personality, either you fall over laughing or you feel like curling up in a corner and crying.

If we ask for unredacted documents, it is not out of personal interest. I am not interested in reading 220,000 pages provided by public servants and 97,000 pages from McKinsey. I have four children; I have a family. I would simply like to understand. I understand that there is some sensitive information that people do not want to disclose, such as names and telephone numbers, but that is not what we are asking for. We want to know what kind of advice McKinsey provides and what its purpose is. We want to know who is making the decisions: is it McKinsey, another consulting firm or our public servants? Getting advice is fine, but at some point when it seems that every piece of advice given to the House of Commons comes straight from McKinsey, we are entitled to ask some questions and get answers.

I am not trying to rake you over the coals, but rather to make you recognize the importance of balance and equality between the two languages. If Canada is a bilingual country, documents must be written in both languages from the start. We cannot set aside part of the population and tell them to learn English if they want information. Anglophones rarely get that kind of reaction.

In your remarks, Mr. Shea, you said you wanted to respond to the committee's request and that translation into both official languages was a priority. You said that on behalf of everyone here. Of the 280 pages provided by the Privy Council Office, I understand there are still two paragraphs.

• (1615)

As for the others, if it is a priority, how important is it for us to receive documents that are properly translated, without part of the population, which is also entitled to information, having to make concessions?

Mr. Bill Matthews: I would like to say two things.

Regarding National Defence...

[*English*]

The Chair: I'm sorry, Mr. Matthews. I have to interrupt you. We have the vote bells ringing.

Colleagues, can we agree, unanimously, that we'll continue until five minutes before, as usual?

Some hon. members: Agreed.

The Chair: Thanks.

Go ahead, Mr. Matthews. I'm sorry for interrupting you.

[*Translation*]

Mr. Bill Matthews: That's fine, Mr. Chair.

Regarding National Defence, we have provided all the documents we had in both official languages. We had them translated by Public Services and Procurement Canada, so I expect they were translated correctly.

We have reviewed the redacted documents again to give the committee greater transparency. There are now 5,000 pages, with about 350 that have redacted sections. In my opinion, we have finished our work.

[*English*]

The Chair: I'm afraid that is our time.

Colleagues, in case it was not clear, Mr. Bédard is available to answer any questions you have, as members.

Go ahead, Mr. Johns, for six minutes.

Mr. Gord Johns (Courtenay—Alberni, NDP): Obviously, the fact that departments produced documents with redactions is hugely concerning. That's why we're having you here, right now. My goal and my frustration need to be grounded in questions and in getting answers and a better understanding of the issue and, certainly, the precedent.

One thing, Mr. Shea, that you highlighted with me was how there is history on this. Can you talk a bit about that? You said that, in 2010, under the Conservative government.... What did they do, in terms of how they responded in situations like this?

• (1620)

Mr. Matthew Shea: The passage I read, previously, from "Open and Accountable Government", was from the previous government. The exact same wording was continued for the current government. Again, as I've said from the beginning, this is not something unique to today. It's something successive governments have absolutely enforced.

When it comes to cabinet confidences.... This is something that even Parliament has reaffirmed in other acts, including the Access to Information Act, where cabinet confidences are excluded for 20 years, recognizing the important role cabinet discussions have in shaping government policy.

I don't think we're presenting anything new. If you were to look back at transcripts from years ago, you would find similar arguments from the governments of various days.

Mr. Gord Johns: Did the Conservative government in 2010 release documents unredacted when the opposition demanded that happen?

Mr. Matthew Shea: My understanding would be that, in that time period, the exact same processes we're following today would

have been followed in terms of the types of redactions, whether it be—

Mr. Gord Johns: The answer is no.

Mr. Matthew Shea: The answer is no.

Mr. Gord Johns: Okay. Thank you for that.

I took the time to.... I appreciate Mr. Leduc, who reached out to, I think, all members of the committee.

Would that be correct, Mr. Leduc?

Mr. Michel Leduc: Perhaps not all members, but we attempted to involve—

Mr. Gord Johns: Did you reach out to each party? Okay.

I was responsive. I wanted to learn. I think the whole issue here is.... I want to better understand why. I don't have all the answers yet, so I'm glad you're here today to answer some of that.

Mr. Leduc, could you please elaborate on why disclosing documentation to a parliamentary committee would be harmful to the Canada pension plan contributors and beneficiaries—to our seniors and those who are retired? Can you talk about the impact that could have?

Mr. Michel Leduc: Thank you for the question.

There are multiple potential impacts. I'll start with a point of reference on why we were created. We were created because the Canada pension plan was literally going bankrupt. In 1995, independently, the chief actuary produced a report saying that, by 2014, we were going to run out of money. One of the solutions was to create an entity that would expose the fund not currently needed to global capital markets. That means we have to engage all around world, with a wide variety of investment partners and portfolio companies. Even though we are a public-purpose organization, it is 100% expressed commercially.

The very root of what we do is dependent on confidentiality and non-disclosure agreements. That information being made accessible for our competitors could be very damaging. It could also lead to less trust in us, as a partner, because of the sensitive nature. That's the first thing.

The other one is—and we can use Canada as an example—the world has changed in terms of what is seen as a patient, engaged and productive investor going into a foreign nation. Even Canada treats sovereign wealth funds differently than it would treat a purely commercial organization. As an example, when we enter the U.S., we are dependent on the special, unique status we have as an independent pension fund.

Mr. Gord Johns: Would this violate that?

Mr. Michel Leduc: It would.

Mr. Gord Johns: Okay. The provincial legislatures have the same constituents as we have. You work, obviously, with them. Can you talk about any concerns they might have in disclosing this? How come we haven't heard from them on this issue? Why are they not writing letters?

Mr. Michel Leduc: Earlier, during the hearing, the Constitution Act, 1867, was invoked. Pensions under the Constitution are predominantly a matter of provincial jurisdiction under section 92. The only exceptions are the federally regulated entities, such as airlines and banks, for example.

When the CPP was created, it was created as a joint venture with the provinces, which maintain... That is enshrined in our enabling statute. The participation of the provinces is fundamentally preserved in how we operate.

Mr. Gord Johns: How do you ensure there's accountability to us, here at the committee, to the government and to Canadians?

Mr. Michel Leduc: What we try to do every day within CP-PIB—and this goes back to when we started operating, so a quarter of a century—is to strike a very delicate balance between our public accountability and the commercial nature of what we do. There is a wide range, including—obviously, it's more symbolic—tabling our annual report in the House of Commons, which is full of disclosures.

We also appear annually before the House of Commons finance committee. We hold public meetings with the public to discuss and let the public ask us any questions they want. The office of the chief actuary, which resides within the Office of the Superintendent of Financial Institutions—

• (1625)

Mr. Gord Johns: Do you understand the frustration of parliamentarians—

Mr. Michel Leduc: Absolutely.

Mr. Gord Johns: —not being able to ask direct questions and get answers, because we're accountable to the electorate.

The Chair: I'm afraid that is our time, gentlemen.

Next, we have Mrs. Kusie for five minutes, please.

Mrs. Stephanie Kusie (Calgary Midnapore, CPC): Thank you, Chair.

Thank you to our witnesses for being here today.

My Conservative colleagues and I, unlike the Liberal and NDP coalition, believe that our mission should actually be Canadians and their money.

This is why we asked for these documents, because we believed.... This, to me, is such a typical bureaucratic response: Canadians aren't smart enough to know where their money is going. That is so incredibly unfortunate. We asked for these documents, so that we could see the expenditures of these departments with McKinsey & Company, but, in fact, it's no surprise we received so many redacted documents.

If I look at the unredacted documents we did receive, from the BDC we see that McKinsey charged half a million dollars for five

weeks of work for a strategic study. We see that McKinsey charged \$160,000 per week for four weeks of work for an IT strategy. We see that McKinsey received \$3 million for four months of work for an advanced analytics and artificial intelligence project. That's a lot of money. We see that McKinsey & Company received \$2.9 million for four and a half months of work for a transformational launch. Finally, from BDC, we see that McKinsey & Company was paid \$2.9 million for 12 weeks of work. That's \$240,000 per week of work.

This is at a time when Canadians are in a cost of living crisis. A recent survey by H&R Block found that 52% of Canadians feel that they don't have enough money left until the end of the month, and that 46% of Canadians feel that they are on the brink of insolvency, defined as being \$200 or less away from being able to meet their financial obligations. One in five Canadians said they were very likely to obtain meals from a food bank. A survey from the University of Saskatchewan suggested that 20% of Canadians are skipping meals to cut down on food. Someone somewhere is missing breakfast, lunch or dinner, while we are having these types of expenditures.

I will ask a question of Madam Hudon from BDC.

How can you possibly justify these large amounts, when Canadians are struggling?

[*Translation*]

Ms. Isabelle Hudon (President and Chief Executive Officer, Business Development Bank of Canada): Thank you very much.

I know that the amounts you mentioned are investments by the BDC. That said, they should be considered as part of the investments in consulting firms for strategic reflection work on important projects...

[*English*]

Mrs. Stephanie Kusie: I've heard enough. I'll move on.

Thank you very much, Madam Hudon.

I'll go on to IRCC. I see a total contract of half a million dollars, where a project leader received \$73,000 for an unspecified number of days of work. We don't know if they worked one day, two days or three days to get that \$73,000. We see a subject matter expert received \$74,000, also for an unspecified number of days of work.

In a moment, I'll ask Madam Fox how many days they worked to receive those huge amounts of money, but we may never know. I have this chart right here, in fact, where we have large amounts of money from IRCC where there are no estimated number of days required. How many days did the business consultant work to receive \$390,000? We don't know. How many days did the project manager work to receive \$195,000? We don't know. How many days did they all work to receive \$700,000 of taxpayers' money? Who led the plan for next week? We'll never know, because that name from IRCC is redacted as well.

I'll close by pointing out that from EDC, as well, McKinsey consultants charged EDC a weekly service fee of \$216,250 for 10 weeks of work. We require these documents. It's our parliamentary right to have these documents, but more importantly, Canadians deserve these documents.

Thank you, Mr. Chair.

• (1630)

The Chair: Thanks, Ms. Kusie.

We'll go to Ms. Thompson, please, for five minutes.

Ms. Joanne Thompson (St. John's East, Lib.): Thank you, Mr. Chair.

Thank you to the witnesses.

Certainly, it's an important committee today, because we need to understand why the documents were redacted and, in many instances, why we didn't receive the documents.

Mr. Shea, thank you for making yourself available as the main witness here. I will direct my question to you.

The McKinsey study's production of papers is uniquely large, and it covers over a decade of contracts with the company McKinsey. How many pages of documents in total do you estimate will be provided to the committee once all of the departments, agencies and Crown corporations have reported back to this committee?

Do you have any sense of what the cost is?

Mr. Matthew Shea: I do not have an estimate of the cost. I think each individual department may or may not have that, depending on how they track their translation costs, which would be one of the major costs. Obviously, we do not always track the work of each individual employee against different projects. You may never be able to get that full cost.

In terms of the number of pages, the number I've heard was 220,000 pages in total. I can return and confirm that number once I talk to other departments, but that's my understanding of the total number that we're talking about.

Ms. Joanne Thompson: Thank you.

Clearly, this volume of documentation takes a tremendous number of resources, and I realize that number would go across the different departments.

Do you feel that this request has negatively impacted on government services that Canadians rely on?

Mr. Matthew Shea: I can only speak for PCO. It has not negatively impacted our services to Canadians.

What any of these requests does is take away resources that could be working on things like access to information for Canadians to access other types of documents, because so many of the same people work on it. Where possible, we reallocate from other priorities to be able to have surge capacity, but absolutely, there's an impact on our ability to respond to other access requests from typical Canadians.

Ms. Joanne Thompson: Thank you.

Can you indicate in a general way the amount of time that's been spent providing documents for this study, and a sense of the other work that you referenced a moment ago? Is there other work that would have been put to the side during the time needed to fill the request?

Mr. Matthew Shea: For PCO, it would not be a significant impact. We are talking about one contract and 280 pages, plus or minus. It would certainly work. We had to do translation and we had to do the redactions, but as I mentioned, there are not many redactions.

I can't claim that this has been a huge burden on us. However, there are others at this table who had larger production orders, and this would certainly impact their businesses far more than ours.

Ms. Joanne Thompson: Thank you.

Would anyone like to speak to the impact?

Yes, Ms. Fox. Go ahead.

Ms. Christiane Fox: I can give the committee a sense of scale for IRCC.

In total, we submitted about 23,000 pages in both official languages, and we had about 50 people working on the submission on the various tranches throughout this process. There were seven core team members who were involved in all of the activities on a full-time basis, but then there was a network of others—including me—who reviewed every tranche that came to this committee.

Ms. Joanne Thompson: Could you provide the committee with any information on what impact this had on the ongoing work within your department?

Ms. Christiane Fox: What I would say is that we take these requests extremely seriously, and we will dedicate the resources required in order to fulfill the request by the committee. We also limited the redactions. I think it is still important for us to dedicate those resources and, yes, to pull them away from their other responsibilities to take a look at ensuring that we're not releasing personal information. Banking information is something we found in tranche two of what we submitted.

The exercise of going through all those details is an important one and one we take very seriously. Yes, we did pull people away from their day-to-day work to be able to submit, but we do think it is very important to do that.

• (1635)

Ms. Joanne Thompson: Thank you.

I'll go to Mr. Matthews and then back to Ms. Fox with the same question. Did the labour disruptions from the recent strike impact the work requests?

The Chair: I'm afraid you only have about five seconds, so perhaps you could provide that in writing to us or answer in a later round.

Ms. Vignola, you have two and a half minutes, please.

[Translation]

Mrs. Julie Vignola: Thank you, Mr. Chair.

Mr. Leduc, I know your organization has very sensitive information and that you need to have the confidence not only of Quebec and of the provinces, but also of other countries.

How many actuaries does your organization have on the payroll right now?

Mr. Michel Leduc: We do not have an actuarial services division, properly speaking. We have professional actuaries, who work on our files and take part in our projects, but we do not really have an actuarial services division. The actuarial work is done independently by the office of the chief actuary.

Mrs. Julie Vignola: So your organization does not have any actuaries on hand to provide investment advice. Ultimately, they are all consultants. Was that McKinsey's role?

Mr. Michel Leduc: No. McKinsey's role is to advise us on the investments we make around the world. If we invest in a company, we want to negotiate the best price possible for Canadians. McKinsey helps us obtain the best information possible to determine how to take advantage of investment opportunities.

Mrs. Julie Vignola: Okay, thank you.

Ms. Hudon, I have a fairly simple question. Is it normal for members of your organization to use their personal email address when writing to outside parties, including McKinsey, and to use their nicknames, such as Joe instead of Joseph? Is it standard practice for members of your organization to use their personal email address to send messages?

[English]

The Chair: Give a very brief answer, please.

[Translation]

Ms. Isabelle Hudon: BDC addresses are used for professional email correspondence.

Mrs. Julie Vignola: Okay, thank you.

[English]

The Chair: Thanks.

Mr. Johns, after your two and a half minutes, we will suspend to go and vote.

Go ahead, Mr. Johns.

Mr. Gord Johns: I'm going to go back to Mr. Shea.

Mr. Shea, where is the line? When you're drawing the line on whether to redact a document or not, when it's in the public's interest or in the government's interest, where do you find the line? I'll start with that first of all. Where's the line?

Mr. Matthew Shea: I think in each case, we would consult with the Department of Justice when it comes to making a decision to override, for example, personal information. There are situations where personal information is released because it's in the public's interest to do so.

When it comes to cabinet confidence, I think it's a much broader discussion and involves other consultations. Again, the Department of Justice is really the lead for that, and it wouldn't be me.

Mr. Gord Johns: Is there no political involvement at all in this?

Mr. Matthew Shea: There's no political involvement.

Mr. Gord Johns: Was it the same in 2010 under the Conservatives?

Mr. Matthew Shea: It would be the same under both.

For cabinet confidences, I believe the Prime Minister needs to approve that, but I would have to check that.

Mr. Gord Johns: How do we know there are no things like...?

Ms. Hudon, I'm going to put you on the spot a bit. The cost of the chauffeur, which I raised with you, when you flew him to Vancouver twice, was almost as much I spent in a year travelling to B.C. and back. How do we know that there aren't more things like that redacted, things that the public should know about?

How do we ensure that it's not hiding information that's going to embarrass the government and that it's duly protected to protect the Canadian government, the taxpayer and, ultimately, the beneficiaries, as Mr. Leduc talked about in terms of the pension plan?

Mr. Matthew Shea: I can't speak for every department, but I would say in general and certainly at PCO, we have dedicated experts doing these types of redactions. They're the same folks who do access to information requests, and this is what they do. They have no vested interest in one document versus another. They just want to be consistent in the way redactions are applied.

If there's personal information, it's redacted. If there are cabinet confidences, they're redacted. If it's national security and so on.... It's not about if this would embarrass somebody versus not embarrass them. That is not part of the criteria.

• (1640)

Mr. Gord Johns: Mr. Leduc, in terms of the impact on the Canadian pension plan, what is the potential impact, the bottom line, in terms of the person receiving their pension? What could be the impact?

Mr. Michel Leduc: It would erode our ability to do what we've been doing, which is that, out of the \$570-billion fund today, \$400 billion is from our net profit. Our ability to be the leading investor in the world, which we are, based on financial performance over 10 years, requires us to be very commercial and very sensitive—

Mr. Gord Johns: What's the cost of the compromise?

The Chair: I'm sorry, gentlemen. That is our time.

We are—

Mr. Michel Leduc: It's \$570 billion.

The Chair: Mr. Leduc, I'm sorry. That is our time.

Colleagues, we're going to suspend. Then we'll come back after, hopefully, one vote.

• (1640) _____ (Pause) _____

• (1705)

The Chair: Colleagues, we are back in session.

Witnesses, thank you for bearing with us.

We'll start right back with Mr. Nater for five minutes, please.

Mr. John Nater (Perth—Wellington, CPC): Thank you, Mr. Chair, and through you, thank you to our witnesses for joining us here this afternoon.

Mr. Shea, in your opening comments you noted that you respect the role of Parliament. My concern is, and I don't say this facetiously, that I'm not sure you understand the role of Parliament. You mentioned in a response to Mr. Barrett that you're not a legal expert—neither am I. I'm a farm kid from Logan township, but when I don't understand something, I seek out experts.

My question to you is this: What expertise did you seek out on parliamentary procedure and on the authority of Parliament to send for documents?

Mr. Matthew Shea: I consulted, in advance of appearing at this committee, our legislative House planning team within the Privy Council Office, along with our legal counsel, to refresh my memory on the protocols that are in place for dealing with parliamentary committees, along with the reasons that certain information must be redacted. I did that consultation.

Mr. John Nater: Did you seek the advice of the parliamentary law clerk?

Mr. Matthew Shea: I did not consult the parliamentary law clerk.

Mr. John Nater: I get the impression, sir, that despite the fact that you're an assistant secretary to cabinet, you don't fully understand the authority of Parliament. Parliament's authority to call for papers, to call for documents, is unfettered. You mentioned solicitor-client privilege. Are you aware that Parliament can call for any document that goes against solicitor-client privilege? Are you aware of that?

Mr. Matthew Shea: Again, the successive governments have had the same point of view on this, which is that there are exceptions that must be applied and have been consistently applied for several governments in a row.

Mr. John Nater: Again, sir, do you know what the difference is between government and Parliament?

Mr. Matthew Shea: There's a separation, clearly, between the different branches of government.

Mr. John Nater: Are you aware that Parliament is supreme in its ability to call for documents? Regardless of what the government says, Parliament has unfettered access to call for documents.

Mr. Matthew Shea: I respect the role of Parliament, and I absolutely respect its authority. I must, at the same time, respect the legal opinions that have been provided by the Department of Justice and the time-honoured traditions that have gone on between successive governments in terms of how to approach parliamentary document production.

Mr. John Nater: The rules you are talking about are a government creation. They are not a parliamentary creation, and Parliament's ability is not negated by a creation of government. I would draw your attention to a point made by Mr. Speaker Bercow of Westminster, where he said in relation to the rules that you are now citing, "They are, perhaps, a matter of great importance in the minds of Ministers, and in particular, I fancy, in the minds of officials; they are not important in my mind at all."

Mr. Chair, I'm really quite flabbergasted that a senior official with Privy Council Office would not understand or respect the ultimate authority of this institution to call for papers from an unfettered perspective.

I'd like to ask Mr. Bédard, who is our law clerk, to confirm that Parliament has the ability to call for documents in an unfettered process, perhaps drawing on the example from last summer of Hockey Canada, even in cases of directing witnesses to, in some cases, go beyond what might normally be considered protected by solicitor-client privilege.

• (1710)

Mr. Michel Bédard: Through you, Mr. Chair, thank you for the question.

As I indicated in my opening remarks, the power to send for documents and papers is rooted in the Constitution. It is constitutional in nature, and will prevail over ordinary statutes unless there's an explicit provision that would override privilege. In the past, there were examples where there was initial resistance to produce documents. We can think of the vaccine contracts for the public accounts committee. This is part of the public domain, so that's why I'm providing this as an example.

Sir, you mentioned the study that the heritage committee was conducting on Hockey Canada. There was some resistance at first about providing documents that were subject to solicitor-client privilege, and after discussion, these documents were provided to the committee.

I will mention the fact that solicitor-client privilege does not prevail over parliamentary privilege, and this was recently recognized by the Superior Court of Justice in Ontario in the Laurentian University case.

Mr. John Nater: Thank you very much for that great clarity. I might add, as well, for further reading, many of the authorities of Parliament, including *House of Commons Procedure and Practice*, Beauchesne's and other such documents would include much of this information. Would they not, sir?

Mr. Michel Bédard: Yes, indeed.

Mr. John Nater: Thank you.

I would commend to our witnesses the reading of the authorities of Parliament on this exact matter.

How much time do I have?

The Chair: That is it, Mr. Nater.

Mr. John Nater: I thank you for your time, Mr. Chair.

The Chair: We go to Mr. Bains, please, for five minutes.

Mr. Parm Bains (Steveston—Richmond East, Lib.): Thank you, Mr. Chair.

Thank you to our departments for joining us today.

I echo a lot of the frustration that our members have shown here. Part of our role is to ensure that we do things better.

I know Mr. Leduc mentioned getting the best price possible. The cost is, of course, an issue in the work that we're doing here.

According to Treasury Board:

Based on TBS' preliminary observations of audit results from departments, the audits revealed no evidence of political interference, and broad compliance with values and ethics commitments. However, there are indications that certain administrative requirements and procedures were not consistently followed. Departments have developed management action plans to address their respective audit recommendations.

The question I have for all of you is this: Do any of you have an update on how these management action plans are progressing to resolve the issues identified?

We can start with Mr. Leduc.

Mr. Michel Leduc: I'm going to have to seek advice on whether that applies to CPP Investments. There are a number of provisions. I'll use an example: The Financial Administration Act does not apply. These were conscious decisions that were made at the time when we were established.

I'm more than happy to come back to you very soon after this hearing.

Mr. Parm Bains: Sure.

Madam Fox.

Ms. Christiane Fox: Thank you.

We definitely take into account all information, advice and recommendations given by former auditors general or procurement ombudsmen. In the context of some of the action items, like looking at how restrictive some of the language around the contracts may have been, the department has undertaken to take a look at that and make changes around transparency and communicating outcomes.

To your point, I think we do track our responses to the action plan. We also leverage the expertise of departmental audit committees to challenge us and reflect on our processes internally.

• (1715)

Mr. Parm Bains: I'm going to go to—

The Chair: I'm sorry, Mr. Bains, I need to interrupt.

We have the bells ringing again. Colleagues, can we agree that we'll continue until seven minutes before the vote?

Some hon. members: Agreed.

The Chair: Wonderful.

I'm sorry, Mr. Bains. Go ahead.

Mr. Parm Bains: I'm going to go to Ms. O'Gorman, please.

Ms. Erin O'Gorman: Our chief audit executive did find issues relating to the documentation of the contracts from McKinsey.

I will make no assumptions that some of those gaps and weaknesses don't extend to other contracts, so in January I did ask for an audit of 100% of the contracts in my organization. A few weeks ago, in addition to the management action plan, I mandated two full days of procurement training for all executives who do contracting in the department.

We do have a management action plan being developed with regard to the specific audit that the comptroller general mandated. We're also doing broader issues around that. We will be tracking it closely.

Mr. Parm Bains: Mr. Shea, did you want to add?

Mr. Matthew Shea: We had an audit done of our McKinsey contracts. It similarly found some issues around information management in particular—safeguarding the original contract and making sure that we had some of the evidence on hand.

Similar to my colleague, we won't assume that this is the same case for other contracts, but we can't say with confidence that it's not. We've actually undertaken to review all contracts for the last year to make sure that no similar issues have occurred there. Depending on what we find, we may go further back. We're taking a risk-based approach to make sure that we don't have any systemic issues. We've already looked at close to 400 contracts in that review.

Mr. Parm Bains: Thank you.

Ms. Johnson.

Ms. Mollie Johnson: Thanks very much.

We did conduct an internal audit on the two contracts. One was from 2012 and one was from 2018. We posted the results on March 30. There were no issues on those.

We do continue to monitor our contracts as we go forward.

Mr. Parm Bains: Thank you.

Ms. Lavery.

Ms. Mairead Lavery: Thank you.

We are currently participating in five audits of the McKinsey contracts. One has been completed, which I understand was the PSPC contract. We had no audit findings of that.

Our chief internal auditor is participating in all of the audits to ensure that, if there are any findings, we would incorporate them into any management action plan.

Mr. Parm Bains: Mr. Matthews.

Mr. Bill Matthews: The results of the audit at National Defence revealed challenges, in some cases, with the completeness of documentation on the file. That is a very normal finding. It is something that requires constant reminding.

We will be doing more checks to make sure that the completeness is better. However, the longer-term fix here—because it's very much still a manual process—is the e-contracting or an e-procurement system that is being rolled out across government, which has not yet hit National Defence.

The Chair: Thank you very much.

Mr. Godin, welcome back. You have five minutes, please.

[*Translation*]

Mr. Joël Godin (Portneuf—Jacques-Cartier, CPC): Thank you, Mr. Chair.

To begin, I would like to check something with the interim law clerk and parliamentary counsel, Mr. Bédard.

Is it true that federal departments and agencies are required to submit their documents to committees in both official languages?

Mr. Michel Bédard: Pursuant to the Standing Orders, the documents that government departments and agencies table in the House of Commons must be in both official languages. In accordance with this practice, there is a time-honoured tradition of departments and agencies submitting documents to committees in both official languages.

Mr. Joël Godin: Is that a requirement, Mr. Bédard? You mentioned a tradition, but the wording in the *House of Commons Procedure and Practice* is quite specific: it is indeed a requirement for departments and agencies. Can you confirm that?

Mr. Michel Bédard: Essentially, the documents tabled in the House of Commons must be in both official languages. If documents were not provided in both official languages to a committee, the committee could simply report that to the House and request that the documents be tabled there. That would be the process. So documents must be tabled in both official languages in the House, and then sent to committee.

Mr. Joël Godin: Thank you, Mr. Bédard.

You can appreciate that I am particularly interested in the official languages aspect. As to redacted documents and transparency, I think it has been demonstrated that there was no desire to clearly present the facts and the actions of various government departments and agencies.

Mr. Shea, how can the Privy Council Office do this as regards the production of documents?

I am asking since we have just completed our consideration of Bill C-13, which seeks to modernize the Official Languages Act, and we had the choice between three agencies to oversee federal departments and institutions: Canadian Heritage, the Privy Council Office and Treasury Board. The government chose Treasury Board, but reluctantly. That is what we in the Conservative Party of Canada wanted, but not really what the government wanted.

What do you say to the fact that some documents were not translated or that machine translation was used? In some cases, artificial intelligence was used. In other cases, artificial intelligence was used to accelerate the process in order to meet deadlines. Yet other organizations were able to produce documents without using artificial intelligence.

Does that now demonstrate a lack of will and a lack of bilingual or francophone staff to meet Parliament's requests and requirements?

• (1720)

[*English*]

Mr. Matthew Shea: In the case of the PCO, we did translate all of our documents and provide them to the committee. We absolutely made extra efforts to ensure that all documents were provided in both official languages, as we always do.

As I mentioned, in contrast with other departments, we had a relatively small number of pages, so it was, perhaps, easier for us to do some of that. However, in situations where we've had large productions of documents, we will use external vendors to supplement PSPC in order to make sure that we adhere to the requirements of Parliament.

[Translation]

Mr. Joël Godin: Thank you, Mr. Shea.

The Privy Council Office is nonetheless the Prime Minister's department. Does it not have an obligation to be a good steward of the official languages in Canada and to send the message to the other departments and to federal institutions to uphold the official languages and respect them through their actions?

Canada Post translated documents using artificial intelligence and stated that it did so in order to save time and meet the deadline. Does that mean that, because it did not have the necessary staff or internal resources to meet the deadline, they had to ride roughshod over the French language? That is how I interpret it.

By the way, I am talking about Canada Post, but this also applies to the Public Sector Pension Investment Board or Employment and Social Development Canada. There is a long list, but I will not spend all my time on that.

Don't you think this sends a negative and inconsistent message and shows a lack of will and good faith? Yes, redactions and transparency have to be considered, but so too does respect for both official languages. To my mind, as long as Canada is a bilingual country—and I want to emphasize that the two founding languages are English and French—I will fight for this cause.

Should that same intent and will not be evident in the Privy Council's actions?

[English]

The Chair: I'm sorry, but I'm afraid that is our time.

Perhaps you can get back to us in writing, please. You may not be aware, but since your last appearance, OGGO has passed a motion requiring all responses within three weeks.

Mr. Housefather is next, please, for five minutes.

[Translation]

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

I would like to thank the witnesses.

My colleague Ms. Vignola made a very specific and compelling statement about the need for documents to be in Canada's two official languages and to be of equal quality in both languages. Acting as though one part of the community in Canada is less important than the other part is completely unfair. I completely agree with what Ms. Vignola said.

[English]

Mr. Shea, I want to go to you with respect to getting some precision as to the position of the Privy Council Office.

With regard to the policy that you stated, which I believe you said was adopted in 1973 and reaffirmed in 2010, who reaffirmed that? Was it the cabinet at the time?

Mr. Matthew Shea: It would have been the government that tabled it, I believe, at a parliamentary committee, if I'm not mistaken. The "Open and Accountable Government" that I referenced would have been approved by the Prime Minister in 2011 and then reaffirmed by the current Prime Minister.

• (1725)

Mr. Anthony Housefather: I understand, but what I'm asking you is about the policy you were stating that allows for redactions to documents that committees call for.

You used the word "government". Who was that? Was it the cabinet? Was it the Clerk of the Privy Council? Who approved the policy?

Mr. Matthew Shea: I would need to return to the committee to say exactly who submitted the policy. It was submitted to a parliamentary committee on behalf of the government, if you're talking about the 1973 principles governing the production of government documents.

Mr. Anthony Housefather: Yes, I would like to know—and I think probably others would like to know—who the unnamed person was that presumes to speak on behalf of the government.

Let me understand. What you're then saying is that you, as the Privy Council Office, instructed other departments to follow that policy from 1973 and 2010. Is that correct?

Mr. Matthew Shea: Privy Council Office encourages consistency across the government. Each individual deputy has accountability in terms of redactions for their own department, but we absolutely encourage consistency across the government.

Mr. Anthony Housefather: Okay, so what we're talking about is a competing understanding.

Parliament and parliamentary committees understand that they can ask for documents. I think we would all understand why cabinet confidences need to be redacted and perhaps some personal information, and there are perhaps times that attorney-client privilege would also need to be redacted. However, I think the committee then would, in its discretion, make that determination in association with the department that was making that claim.

In this case, it sounds like, irrespective of the advice of parliamentary counsel, somebody has taken a position that the government has a blanket right to redact these criteria.

Let me ask this: Did a Speaker of the House of Commons ever agree with this policy?

Mr. Matthew Shea: I am not aware whether they have.

Mr. Anthony Housefather: What would happen, sir, if the Speaker...

Let me just ask one other question. Are you maintaining that the policy you are saying is the government policy would be the same whether it was a committee of the House that asked for documents or the House of Commons as a whole voted by majority to compel the production of unredacted documents?

Mr. Matthew Shea: I think, in any case, on a case-by-case basis, the government would seek counsel from the Department of Justice and would make a determination of public interest for certain documents.

There are certainly examples in recent memory where the government has allowed cabinet confidences, for example, to be used in a commission of inquiry, or examples where we have found alternatives, like in the health motion, to allow members to view documents that would be national security in nature.

I think that the government goes out of its way to find solutions. I think, in keeping with “Open and Accountable Government”, the last sentence of that is about working with parliamentary committees to find a path forward. Certainly I think that is the view of the government, that we should do our best, our utmost, to find a path forward.

In the case of the McKinsey documents, I believe we have done that. PCO, as we've convened different departments, has certainly encouraged us to minimize redactions and to make sure that these are defensible redactions that fully adhere to the spirit of the rules.

As you've seen, even in the case of Privy Council, unredacted—

Mr. Anthony Housefather: I understand. I have only a limited amount of time, and I have to get some questions out.

To me, the way to then properly do that would be to enter into negotiations with the chair of the committee and the legislative clerk to talk about this issue, which I don't believe actually occurred.

The Chair: We're out of time, Mr. Housefather. Do you have a quick question, and they can get back to us?

Mr. Anthony Housefather: Thank you, Mr. Chair.

I guess my only question, if you can get back to me in writing, would be this. Would it be possible, then, to get a copy—and I'm sure it would be privileged—of the legal opinion of the Department of Justice that says there is this ability to trump parliamentary supremacy when it comes to the production of documents?

Thank you.

The Chair: Thanks. If you're able to get back to us....

Ms. Vignola, you have two minutes, then Mr. Johns has two minutes, and then we're going to go to three and three. We have to stick right to that, though.

Please go ahead.

[*Translation*]

Mrs. Julie Vignola: Thank you, Mr. Chair.

I would like to highlight certain information to those in attendance.

At IRCC, Ms. Fox, there were about 50 people assigned to read the documents, translate and analyze them and to ensure that everything was in order. Is that correct?

Ms. Christiane Fox: To clarify, there were 50 people in the department, but we used the Translation Bureau for the translation. So that adds to the number.

• (1730)

Mrs. Julie Vignola: Okay.

I have not finished reading the 220,000 pages, but I am reading them. I am not just skimming them; I am actually reading them. I'm not sure if my colleagues are doing that, but I am. I can agree right away with everyone: I do see a problem with the translation.

Ms. O'Gorman, I have before me a contract in English, and I would like you to tell me whether you think it needs to be redacted. I will read it out in English.

[*English*]

It says:

This agreement (“Agreement”) is made in duplicate

Between

_____ (“Contractor”), a corporation incorporated under the laws of _____, with its address for notice for the purpose of this Agreement as follows:

Then there are more lines and “Facsimile”.

[*Translation*]

The lines are already there in the document. I know they might have been redacted. In any case, tell me whether what I read out needed to be redacted.

Ms. Erin O'Gorman: Can I ask whether those lines are the same as what you mentioned after comparing our first and second information packages?

Mrs. Julie Vignola: It is from the documents provided, marked 001-037, part 1 of 4.

In English, the passage I read out is visible. In French, it has completely disappeared. Those are the types of differences we see in the redaction.

[*English*]

The Chair: That is our time, I'm afraid.

Maybe, Ms. O'Gorman, you can get back to us in writing.

Mr. Johns, you have two minutes, please.

Mr. Gord Johns: Mr. Housefather had some good questions, Mr. Shea, in terms of advice on ensuring that there is transparency and accountability and no violation of parliamentary privilege. He talked about meeting with the chair of our committee to try to fix this.

You haven't reached out to do that. Do you have some advice for this committee on how we can solve this issue and ensure that parliamentary privilege isn't violated, but that we're also not putting at risk things like the Canadian pension plan and Canada's standing when it comes to investments like that?

Mr. Matthew Shea: I do not know with confidence there has not been any discussion with the committee clerk or the committee chair. I know that is done in some cases. It's a different part of PCO, and I did not ask that question. I can't say with absolute confidence that hasn't happened. I can continue—

Mr. Gord Johns: I think that's what we want out of today, and that's what we're trying to work towards. In 2010 and this recent redaction, did cabinet make a decision around redacting either of these documents, whether it be now or in 2010, when the Conservatives were in power?

Mr. Matthew Shea: These specific documents...?

Mr. Gord Johns: I mean the request for documents that were then decided to be redacted.

Mr. Matthew Shea: Forgive me. I'm not sure I understand the question.

Mr. Gord Johns: Because of time, I just really need to go back to Mr. Leduc.

Mr. Leduc, you talked about the cost to pensioners. What could that cost be, the value of that?

Mr. Michel Leduc: What I would say is that it's not about a specific dollar figure. Ultimately, it does come down to the value of the fund.

Mr. Gord Johns: Would it be a massive impact?

Mr. Michel Leduc: It would absolutely be massive.

Mr. Gord Johns: Now, you reached out to everybody on this committee. Which parties met with you at your request?

Mr. Michel Leduc: We met with all of the parties except one, and one of the reasons we didn't—

Mr. Gord Johns: Which one?

Mr. Michel Leduc: Which one did we not meet with?

Mr. Gord Johns: Yes.

Mr. Michel Leduc: The Bloc, predominantly because Quebec does not participate in the—

The Chair: I apologize, but that is our time.

Mr. Gord Johns: I appreciate that. Thank you.

The Chair: Mr. Genuis, you have three minutes, please.

Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC): Thank you, Chair.

The government's position is that it's the executive's prerogative to withhold documents from committees for certain reasons. Parliamentary counsel has given us the opposite advice; namely, that the constitutional principle of the supremacy of Parliament means that Parliament has the right to request documents. Therefore, you have two different positions. Normally when you have two different positions in law, somebody makes a ruling about whose position is law, and when the lawful authority makes a ruling, people abide by it.

I'll start with the parliamentary counsel.

Who is the lawful authority in this case for ruling on whose interpretation of the law is correct?

Mr. Michel Bédard: When there's a claim of parliamentary privilege and if the matter were to be referred to the courts, the court would examine the claim of parliamentary privilege. Once it finds that it is within an established parliamentary privilege, the court will refuse to entertain the question because it will recognize that the exclusive privilege is the exclusive purview of the House of Commons or Parliament.

• (1735)

Mr. Garnett Genuis: Exactly, so who rules specifically on the matter?

Mr. Michel Bédard: The court will rule on whether or not a parliamentary privilege exists, and there is already jurisprudence recognizing that the power to send for records and papers is an established parliamentary privilege. Once the courts have made this determination, how a privilege is exercised is for Parliament itself to decide.

Mr. Garnett Genuis: The Speaker will make a ruling on that.

Mr. Michel Bédard: The House or committees will decide the order they will issue. If an order is not complied with, the matter could be raised as a question of privilege, and there could be rulings from the Speaker. There were such rulings in 2009, 2011 and 2021, and they have all recognized the—

Mr. Garnett Genuis: Yes, exactly. You have differences of opinion about law, you have the courts deferring to Parliament, you have Speakers making rulings and you have Speaker Milliken and Speaker Rota—both, if it matters, elected as Liberals—making rulings that protect the privilege of Parliament at different points in time.

Very directly, to go back to Mr. Shea, do you recognize the lawful authority of the Speaker and your obligation to comply with the Speaker's rulings whether or not you agree with them?

Mr. Matthew Shea: It's not about whether I agree with the ruling or not. This is the government position—

Mr. Garnett Genuis: The government doesn't agree with the rulings, but they lost. They made their case to the Speaker. They lost. The Speaker made a determination that they were wrong. Don't you think you should comply with the law when the Speaker rules and is the lawful authority, as we've established?

Mr. Matthew Shea: Again, I would have to take that back to our legal counsel, who ultimately make the determination. I will say—

The Chair: Thank you.

I'm sorry. I'm afraid that is our time. We're sticking right to the dot because we have to vote.

We have Mr. Kusmierczyk, please, for three minutes. Then we will adjourn.

Mr. Irek Kusmierczyk (Windsor—Tecumseh, Lib.): Thank you, Mr. Chair.

Again, I know it's already been established here: the frustration of committee members around the table and, really, from all parties. We want to maximize the amount of information. We want to maximize transparency. I think we were all united, and I think we're all united in our frustration in terms of not being able to receive the full documents we asked for.

What I want to do in this committee room is also understand your concerns as well. I wanted to ask is this, just to put in context this debate we're having here: Is this committee's request unique in the sense of asking for fully unredacted documents?

It's a question for Mr. Shea, but it's also a question for other members around the table. I mean, committees always ask for the production of papers. This is something that's standard. Is this unique in terms of asking for fully unredacted documents? I guess that's what I'm trying to understand here.

Mr. Matthew Shea: You'll forgive me that I don't know what other committees have asked for unredacted documents. I think our position has been consistent, though. When asked to produce documents, we produce them in both official languages and with appropriate redactions.

Mr. Irek Kusmierczyk: If I could, I'll ask that question of some of the other folks around the table too. Is this unique what we're asking for?

Mr. Michel Leduc: I'm more than happy to say it's unprecedented for us. We are not part of the federal government, just to put that on the record, so this has never happened before.

Ms. Christiane Fox: I would say with respect to IRCC that I think we consistently try to reconcile the parliamentary committee requests with the other acts we must abide by, whether that be privacy or other types of sensitivities. I would say that this is probably not the first time we've encountered this type of challenge in that context, but I think what we try to apply is looking at the most minimal ways...and I think personal information and the Privacy Act is something that we have to be very sensitive to. I think it's balancing both the objectives of the committee and some of our other obligations that we must adhere to.

Thank you, Mr. Chair.

Ms. Mollie Johnson: I would just say "plus one" to that comment. I think really trying to be timely and complete in the work we're doing. The size and the pace at which we're working as we try to get information, as we have, into the committee in both official languages is really our priority. However, consistently, the imperative is ensuring that Canadians and the people with whom we work can be assured that when we have their information we will keep it private. That's consistent with the laws that Parliament has passed and our objectives when we're working with them so that they can have confidence in us.

• (1740)

The Chair: That is our time.

Witnesses, thank you very much.

Colleagues, we will adjourn, so we can go and vote.

Published under the authority of the Speaker of
the House of Commons

SPEAKER'S PERMISSION

The proceedings of the House of Commons and its committees are hereby made available to provide greater public access. The parliamentary privilege of the House of Commons to control the publication and broadcast of the proceedings of the House of Commons and its committees is nonetheless reserved. All copyrights therein are also reserved.

Reproduction of the proceedings of the House of Commons and its committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the Copyright Act. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the Copyright Act.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Also available on the House of Commons website at the following address: <https://www.ourcommons.ca>

Publié en conformité de l'autorité
du Président de la Chambre des communes

PERMISSION DU PRÉSIDENT

Les délibérations de la Chambre des communes et de ses comités sont mises à la disposition du public pour mieux le renseigner. La Chambre conserve néanmoins son privilège parlementaire de contrôler la publication et la diffusion des délibérations et elle possède tous les droits d'auteur sur celles-ci.

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la Loi sur le droit d'auteur. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre des communes.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la Loi sur le droit d'auteur.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

Aussi disponible sur le site Web de la Chambre des communes à l'adresse suivante :
<https://www.noscommunes.ca>