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Tuesday, March 26, 2019

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Chair

Mr. Bob Zimmer

Standing Committee on Access to Information, Privacy and Ethics

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• (1300)

[English]

The Chair (Mr. Bob Zimmer (Prince George—Peace River—Northern Rockies, CPC)): I call the meeting to order.

We're going to discuss committee business. Two motions have been sent to the chair to talk about today.

We have Mr. Kent to start—

Hon. Pierre Poilievre (Carleton, CPC): On a point of order, Mr. Chair, I don't mean to disrupt this, but I did notice that Mr. Blaikie had his hand up. I know that you were busy reading the motion, and I just wanted to make sure that our friend was given a chance to speak.

The Chair: Thank you. We do have a speakers list. I'll let the clerk know.

Mr. Kent.

Hon. Peter Kent (Thornhill, CPC): Thank you, Chair.

Good afternoon, colleagues.

Chair, as I communicated to you in the letter requesting that you call this meeting, I mentioned that at the February 27 meeting of the Standing Committee on Justice and Human Rights, the former attorney general, Jody Wilson-Raybould, provided clear and convincing testimony that there was sustained, inappropriate and unethical pressure on her. She testified that these events involved 11 people—excluding herself and her political staff—from the Prime Minister's Office, the Privy Council Office and the office of the Minister of Finance. This included in-person conversations, telephone calls, emails and text messages.

She also testified that, while she couldn't discuss why she resigned as Veterans Affairs minister or, in fact, anything else that was said or happened after she was replaced as Attorney General unless she was cleared to do so by another order in council, she had more to say. Liberal members of the justice committee denied her that opportunity at the March 19 closed-door meeting when they voted to prematurely shut down their incomplete study.

I believe—and I hope it's shared by members on both sides of the table—that it is entirely proper and appropriate for this House standing committee on ethics to examine the incomplete evidence and the many issues raised by Ms. Wilson-Raybould that are fully within the purview of this committee's mandate to investigate matters as they pertain to ethics. Now, to be clear, I'm not suggesting

that the committee interfere with the narrow investigation that the Ethics Commissioner announced in his February 11 letter.

As you'll recall, Commissioner Dion disagreed with the request that he undertake an investigation of the Prime Minister under section 7 of the Conflict of Interest Act, which prohibits a “public office holder” from giving “preferential treatment to any person or organization”. But the commissioner did find reason to act. He said, “I have reason to believe that a possible contravention of section 9 may have occurred.” Section 9, of course, prohibits a “public officer holder” from seeking “to influence a decision of another person so as to...improperly further another person's private interests.”

The commissioner concluded in that letter that he has initiated an examination under subsection 45(1) of the Conflict of Interest Act, but as I communicated to the chair in requesting this meeting, there is a wide range of issues across the ethics spectrum that are left unexamined in the prematurely closed justice committee study.

I believe that Canadians deserve to hear the full truth. It's unacceptable that our Liberal colleagues, the majority on the justice committee, clearly acting on directions from the Prime Minister's Office, decided that they didn't want to hear any more from the former attorney general or any of the nine other individuals implicated in the sustained pressure allegations made by the former attorney general. There remain many unanswered questions related to the former attorney general's resignation from cabinet, the presentation she gave to cabinet after her resignation and the discussion she had after being replaced as Attorney General.

I thank you, Chair, for your confirmation in the House last week that an investigation by this committee, the ethics committee, is or would be in order. I hope that Liberal members of the committee agree and will exercise the independence that the Prime Minister claims all committee members enjoy. I sincerely hope that we will see a manifestation of that independence in agreement today and that we study elements of the deeply troubling affair blocked by Liberal members of the justice committee.

As a first step, I wish to move the following motion:

That, given the public statement of March 14 by Ms. Jody Wilson-Raybould that “this matter is serious, and some questions remain unanswered”, and given the public statement of March 21 by Ms. Jane Philpott that “there is much more to this story that needs to be told”, the committee:

- A. Immediately begin a study of the ongoing corruption scandal involving the Prime Minister;
- B. Instruct the Chair to write to the Prime Minister requesting that he waive all constraints that may prevent individuals invited to appear before the Committee from speaking freely;
- C. Invite Ms. Jody Wilson-Raybould to appear as a witness in this study no later than April 5;
- D. Invite Ms. Jane Philpott to appear as a witness in this study no later than April 5; and
- E. That upon conclusion of this study, a report of the findings of this committee be tabled in Parliament.

● (1305)

Now, the Prime Minister has deflected questions of formally allowing Ms. Wilson-Raybould to speak. He cites “an unprecedented waiver” already. Of course, it was an unprecedented waiver to address an unprecedented scandal, but it doesn't extend far enough, as my motion specifies. He should make it official and he should remove all constraints, first on her and on any other witnesses who may be called to appear before committee.

Why does this matter, Mr. Chair? Because this is a new issue before this committee, I would like to put onto the record some of the relevant facts supporting the motion that's before us. It matters because Canada is a nation founded on the rule of law. Who one knows in the PMO should not get one special favours. On March 8, in a case related to this matter, the Federal Court ruled that the independence of the Attorney General is essential and fundamental to the criminal justice system. Five former attorneys general across partisan lines wrote to the RCMP commissioner to express concern that a crime has been committed. Retired judge Mary Ellen Turpel-Lafond described the ongoing scandal as a constitutional crisis. The head of the Canadian Civil Liberties Association and former Ontario Liberal attorney general Michael Bryant said, “A lot of police officers have laid a lot of obstruction of justice charges on a lot of ordinary Canadians, with a lot less evidence than this.”

I will remind the committee, for those who may not have viewed Ms. Wilson-Raybould's original testimony before the justice committee, of some of the things she said. First, she said the following:

For a period of approximately four months, between September and December of 2018, I [Ms. Wilson-Raybould] experienced a consistent and sustained effort by many people within the government to seek to politically interfere in the exercise of prosecutorial discretion in my role as the Attorney General of Canada in an inappropriate effort to secure a deferred prosecution agreement with SNC-Lavalin.

Here's another quote:

...the conversations that I had, where they became [very] clearly inappropriate, was when political issues came up, like the election in Quebec, like losing the election if SNC were to move their headquarters...

Ms. Wilson-Raybould said this as well:

...there were express statements regarding the necessity of interference in the SNC-Lavalin matter, the potential for consequences and veiled threats if a [deferred prosecution agreement] was not made available to SNC.

Here's another quote from Ms. Wilson-Raybould:

I had determined that I was not going to issue a directive. It was inappropriate to interfere with the discretion of the director of public prosecutions, and having made up my mind, taking into account all of the information, again, for those who know me, I was not going to change my mind.

There were other quotes in her testimony. She said, for example, quoting the former principal secretary in the Prime Minister's Office, Gerald Butts, “there is no solution...that [doesn't] involve some interference”. She said, quoting Katie Telford in the Prime Minister's Office, “we don't want to debate legalities anymore”. She testified that she spoke to Minister Morneau on this matter: “...I told him that engagements from his office to mine on SNC had to stop, that they were inappropriate. They did not stop.” She said that PMO adviser Mathieu Bouchard said, “We can have the best policy in the world but we need to [be] re-elected.”

Mr. Chairman, we have seen on numerous occasions in the past almost two months the Prime Minister change the story to change the excuses that he offers for why there was what he considers to be appropriate interference, which the former attorney general rejected as inappropriate.

● (1310)

The Prime Minister has claimed that thousands of jobs would be at risk if SNC-Lavalin were to be convicted. This was debunked by academics, and it was widely panned as a naive assumption, at best, or a falsehood, or a manipulation, at worst.

We heard from SNC-Lavalin's chief executive officer, Neil Bruce, about the suggestion that 9,000 jobs could disappear if SNC is blocked from a deferred prosecution agreement. He said, “That's incorrect and we've never said that”.

Now, is there more information for this committee to hear on the matter?

On March 14, Ms. Jody Wilson-Raybould said, “[T]his matter is serious, and some questions remain unanswered.”

On March 21, Ms. Jane Philpott said, “There's much more to the story that should be told.... I believe the former attorney general has further points to make. I believe that I have further issues of concern that I'm not free to share.”

We know that the story has changed many times, as I said, over the past almost two months. The most recent, and I think disgusting, act of desperation from the Prime Minister's Office, or from someone who at one point was in the Prime Minister's Office, came out yesterday, with a leak of highly sensitive, confidential information smearing a highly respected member of the judiciary in an attempt to distract from the Prime Minister's attempt at interference in a criminal trial and a cover-up of that attempt at interference.

We heard from the chief justice of the Manitoba Court of Queen's Bench, regretfully being forced to come forward to make a statement, having been drawn into this sorry affair, who said, “I fear that someone is using my previous candidacy to the Supreme Court...to further an agenda unrelated to the appointment process.”

Chair and colleagues, this breach of the confidentiality of what is supposed to be a highly confidential judicial appointment process is serious enough to require an investigation on its own, but it is part of this, and it is included in the widely changing, continually changing story from the Prime Minister.

This sort of leak, as we've been told again by experts in law in the past couple of days, could compromise the integrity of the judicial appointment process. It could compromise the integrity of institutions, and it could potentially compromise the integrity of sitting justices.

I respect my Liberal colleagues. We've worked well together on a number of difficult issues in the past couple of years, in creating studies within the broad purview of our ethics committee's various mandates. I know they've heard—as I've certainly heard from my constituents—about concerns, and I am sure they will continue to hear from their constituents, as I expect I will, until all the facts are out and until this matter is resolved.

Chair, just to wrap up my first intervention, I must say that I compliment the Liberal vice-chair of this committee on his op-ed commentary today in a Toronto newspaper, where he said:

Outside of these three categories of “whipped” votes, a member of parliament should be free to register their disagreement with the Liberal government on matters of policy and principle, and to remain in the Liberal caucus.

I would advise all to read the complete op-ed, but in the interests of time I will simply go to two further quotes—

● (1315)

Mr. Nathaniel Erskine-Smith (Beaches—East York, Lib.): You can read the whole thing if you want.

Some hon. members: Oh, oh!

Hon. Peter Kent: Mr. Erskine-Smith wrote:

Our responsibility is to ensure that our legislative decisions are reflective of our collective obligations to the Liberal Party, to our constituents, to the evidence, and to the public interest.

He also wrote:

South of the border, we can see the ongoing damage wrought when representatives put party before country, and we should work to avoid similar outcomes here at home.

Thank you, Chair.

The Chair: Thank you, Mr. Kent.

We have a speaking order. Next up, for the second motion of the day, is Ms. Ramsey.

Ms. Tracey Ramsey (Essex, NDP): I'd like to speak to this motion.

The NDP has been committed to getting to the truth on this. I think that's been clear from our efforts throughout this entire thing. We've repeatedly called for a public independent inquiry because of what happened at the justice committee and what we have seen happening with the Ethics Commissioner, which is beyond the scope of what the Ethics Commissioner can do. We believe that to get to the truth, we need a public independent inquiry.

We're using all the tools we can to get to the truth. We participated in the justice committee; I sat at the justice committee process. We called for the Ethics Commissioner to investigate. Now we're here supporting this motion at the ethics committee. It's obvious to us and to Canadians that the Liberals are using their power to silence the former attorney general and the former president of the Treasury Board. For some reason, Mr. Chair, the Liberals do not want this story to be heard.

I've heard it repeated by my Liberal colleagues here, and by others throughout their party, that Ms. Wilson-Raybould has already had her opportunity. I've heard them say that she has had four hours to have her say and that's good enough for them. They've actually made a decision—

The Chair: As chair, I'm just going to clarify something. We have one motion on the table. You're speaking to that, so we'll have to vote on that first. Your motion can come after that.

Ms. Tracey Ramsey: Okay. I'm going to move an amendment at the end of my—

The Chair: Go ahead. You're still speaking to Mr. Kent's motion, correct?

Ms. Tracey Ramsey: I am.

We've heard these lines repeated that Jody Wilson-Raybould had four hours to have her say and that this was good enough. Now the Liberals have made up their minds. They think everything she had to say is out, which we know isn't true, because we know that she herself, Ms. Wilson-Raybould, has said both publicly and in writing that she has more to say, and now Jane Philpott, in the article in Maclean's, has indicated that she also has some things to contribute to this conversation. Canadians want to hear what they have to say.

This isn't good enough for Canadians. Every place I go in my riding of Essex, people are talking about this. To think that this is just somehow an Ottawa bubble story and that no one is paying attention to it, because it's too difficult to understand all the moving pieces, which I, frankly, understand, because this story has been changing every single day.... People are talking about it. I went to the post office and a lady was talking to me about it in there. She knew Jody Wilson-Raybould's name and Jane Philpott's name and was using them, saying, “We want them to speak the truth”.

I was in airport security yesterday to come here, and the screener was talking to me about this. They want these women to come and speak. People who typically don't pay attention to politics are gripped by this story. To see the budget come and go and no one is even talking about the budget tells us that Canadians are not ready to let this story go.

The motion before us today is about getting to the truth. We're willing to use all the tools available. If the Prime Minister at this point won't do the right thing and expand the waiver, which is what's being asked, to expand the scope of the order in council, then we have to have a full public inquiry. At the very least, he has to let these former cabinet ministers speak because of the indication they have given that they would like to speak and that they have something substantive to contribute to the story.

When Jane Philpott, last week, said that there is much more to the SNC-Lavalin affair and that Canadians have concerns about the government's attempts to shut down the story, that rang true to me. I can tell from the op-ed this morning that my colleague Mr. Erskine-Smith feels the same way, that it rang true, that people are talking about this and want the truth. As elected officials, that's the obligation we have. Our obligation isn't to the party we represent. It's actually to our constituents and to Canadians as a whole when we're sitting in committee.

I want to talk a little bit about the justice committee and what happened there. A lot of people told us that they felt that it was the best place for the study for the truth to come out, but the Liberals were quite clear that they had no desire to see that happen at the justice committee. They used every tool available to them to shut down the debate, to shut down the conversation and to essentially end the study.

We don't have an ongoing study anymore at the justice committee to get to the bottom of this, and that's concerning, because this isn't just about Canada. The OECD is watching what we're doing here. Our minister had to provide a letter saying that yes, we will have a robust investigation at the justice committee. Well, that's no longer happening, so what is the response to the globe right now about our trying to pull our own weight and stick to the international commitments we've made, not just in words but in writing, and the standard we are held to? We can't just skate away from them. The ethics committee is another opportunity for a study that would satisfy the global community and let it know that our commitments are serious and that we take them seriously.

On the justice committee, the Liberal majority, in my opinion, did not act in good faith. The NDP moved three motions to have Jody Wilson-Raybould testify again, on February 27, March 6 and March 13, and was consistently voted down and ignored.

This is another opportunity for the Liberals to understand that this isn't a story that's going away. Canadians want the truth. This is another opportunity to get to that truth. Ms. Wilson-Raybould was repeatedly denied the opportunity to return to the justice committee, even though we saw the former Privy Council clerk, Michael Wernick, come back, and he refuted the testimony she had given. Fundamentally, that's unfair. She has a right of reply. It's just a fundamental unfairness that she was not able to come back and address the comments made about her. I hope that her colleagues who sit on this committee see that for the injustice it was and that she deserves a right to speak to what was said about her.

● (1320)

We moved motions to hear from everyone implicated in her testimony, and these were consistently voted down. We heard from three people out of 11. There are still other players named in this who need the opportunity to come forward to speak and to clear their own names, because some pretty incriminating things were said about them. I'm sure those people do not want this to follow their careers either and would welcome the opportunity to come before this committee to air the truth. I'm talking about people at the highest levels. We're talking about four resignations. We're talking about the former attorney general's chief of staff. We're talking about the current chief of staff to the Prime Minister. We're talking about two PMO staff members who are still sitting there. I would imagine that they would like the opportunity to come before the committee. I hope you'll extend that to them, because, at a bare minimum, in terms of fairness and as a courtesy, I think they deserve that as well.

What happened? We saw what happened. The Liberals voted to shut down the debate. They adjourned the debate. Again, last week, they shut down the entire study. Now there's nothing happening at the justice committee. We saw a letter come from Ms. Wilson-Raybould to the justice committee last week in direct response to

questions asked by Mr. Rankin during her testimony. She will provide some of the documents and text messages that were requested of her. She alluded to a report in her letter. There is no such report. There's no report to come from the justice committee, because the Liberal members on the justice committee shut down any opportunity for that. There's nothing going forward there.

Again, we have to understand that Ms. Wilson-Raybould will only be addressing in her response those direct questions asked of her. The question I think is outstanding is why the Liberal members on that committee did not want to get to the truth. I hope the Liberal members on this committee, who hold the majority here, are seriously considering what has been happening around our country and the fact that this isn't going away. Every single day there's a new bombshell coming out on this.

The best path for all of us is to go to the truth. When the truth comes out, we can deal with the fallout from it. I sincerely hope there won't be a movement to adjourn, there won't be a movement to go in camera and there won't be an attempt to once again put things behind closed doors, which Canadians are strongly indicating they do not want to see.

I want to address a comment made that's been a theme, a very horrible theme in this entire thing, which has been the attempt to smear these very credible, intelligent women. We saw a smear campaign against Ms. Wilson-Raybould, which continued yesterday in this debacle, about her being difficult to work with. If she is so difficult to work with, why was the Prime Minister offering her the indigenous file, which, by his own admission, is the most important relationship that exists? It doesn't hold water that she is difficult, but we're going to give her the best file, the most important file, we have. This doesn't add up, and Canadians can see through these attempts.

What Ms. Sgro said shocked people on the weekend, when she said that she wanted Ms. Wilson-Raybould and Ms. Philpott to "put up or shut up." First of all, I don't know who speaks to their colleagues that way. I can tell you that my colleagues in the New Democratic Party would never speak to me in that manner. That's misogynistic. That's sexist. Coming from a woman, a senior woman, it is even more shocking. I hope you'll address this issue with your colleague. She needs to issue an apology, and I don't think an apology just to the people she was discussing, but to women parliamentarians.

We have 26% women sitting in this Parliament. How on earth are we going to attract strong, intelligent women to this Parliament if the message is that if you don't go along with your party, if you don't protect the Prime Minister, you had better shut up? The interpretation I got wasn't "put up or shut up"; it was "shut up or we'll find a way to shut you up." Women in Canada will not tolerate that, so I hope you'll address that with your colleague. I hope she will retract that statement and understand the impact it has on young women who are going to be filling our Parliament in another week during Daughters of the Vote. I implore you, as colleagues, to please address that issue within your caucus and with Ms. Sgro directly.

These comments tell Canadians that the Liberals are more interested in protecting the Prime Minister than in finding the truth. Your political future, my political future, are not more important than the truth. I think what Mr. Erskine-Smith wrote in his op-ed today was basically that we are here to get to the truth. We are not here to serve the parties we're in. We can disagree with the parties we're in. We can do so in a respectful way. We can do so in a way that's in line with our party values, but when we try to block the truth from Canadians and block our colleagues from being able to speak that truth, there's something fundamentally wrong. I really implore you today to support this.

● (1325)

I mentioned at the justice committee last week that the Liberal Party campaigned on transparency and accountability. This is not transparency and accountability. You can't continue to say one thing and do another, because it's putting a lot of doubt in the minds of Canadians about what is happening here. We're talking about corporations having access to the Prime Minister's Office and being able to write laws. Then, when they can't use those laws, the Prime Minister uses his power to pressure the one person who can change her mind and do so. This is serious and Canadians understand this. I think it would be a grave mistake for the Liberal members to think that Canadians don't understand what this is all about. This is the fear that Canadians have.

When a constituent walks into my office because their application for EI has been refused because they wrote one thing incorrectly in their application, that's not fair. They're coming to me for help. How do I then turn around and say to those constituents, "Well, guess what? There are different rules that apply to you and that apply to the Prime Minister of Canada." That's the message you're sending to Canadians—that they have to do all the right things and can't even breach anything or be in view of breaching anything or they'll be prevented from receiving the services they are owed, when you have the Prime Minister doing the exact opposite. I really implore you to take that seriously because that is what Canadians are paying attention to.

I want to talk about the oath because there's been a lot of discussion about the oath that Jody Wilson-Raybould and Dr. Philpott took. There's been a lot of speculation that they could stand up in Parliament and use their parliamentary privilege. You're asking them to take an incredible risk on something that hasn't been tested to that length. These are professional, intelligent, strong women, and I don't blame them for not wanting to take a risk that they'll wear for the rest of their lives. It's disgraceful that you're asking them to do that.

There's one person who can change this.

First, I'll get back to the oath. I want to read the following section of the oath. The reason I think we heard Ms. Philpott say she's taking it seriously and why Jody Wilson-Raybould is taking it so seriously is this:

I shall keep secret all matters committed and revealed to me in this capacity, or that shall be secretly treated of in Council. Generally, in all things I shall do as a faithful and true servant ought to do for Her Majesty.

So help me God.

This is something they take incredibly seriously and you're asking them to break it. The New Democrats and I are asking you to go to your Prime Minister and have him, with the stroke of pen—he could do it right now or right after this meeting—expand the order in council and lift the waiver and let them say what they've indicated strongly they want to say. Why are you asking them to jeopardize themselves, to jeopardize their careers, to jeopardize their oath and potentially be under some type of legal case following their standing up?

I don't understand that. Again, as a colleague, I don't know how you can impose that on your own colleague, in your own caucus, and say, "I'm going to prevent you from speaking the truth." I would not go to the Prime Minister and say that. I just can't comprehend that. I think it's very unfortunate. I believe there are a lot of Liberal members who don't believe this is the proper path either.

I implore you in this particular motion to expand the order in council and stop asking Jody Wilson-Raybould and Jane Philpott to break everything they've said they cannot do, but that you instead go back and do the one thing they're asking you to do. That's to expand the order in council so they can speak. It's so simple. Fundamentally, it's fair. I think that Canadians understand that and I think all of you, I hope, understand it.

I'll leave it at that, but I would like to introduce my amendment at this point, Mr. Chair, if I can read it into the record. It's being distributed.

The amendment is that paragraph (A) of the motion be replaced with the following:

That the motion be amended by replacing the words "A. Immediately begin a study of the ongoing corruption scandal involving the Prime Minister;" with the words "A. Immediately begin a study, pursuant to Standing Order 108 (3)(b)(vi), to review any federal legislation, regulation or Standing Order which impacts the ethical standards of public office holders as it relates to the question of exerting inappropriate pressure on the Attorney General of Canada, for political or other reasons, with respect to decisions regarding whether to proceed with a criminal prosecution, and that a vote on this motion be conducted while the Committee is open to the public;".

● (1330)

I think this speaks to the mandate of this committee. There has been some confusion among the public about whether or not the ethics committee is the appropriate place, whether it's the mandate of this committee, which the New Democrats strongly feel it is.

I think this amendment offers some clarity.

The last part of the amendment talks about the vote being open to the public. Canadians have been clear that they don't support the efforts of the Liberal government to bring things behind closed doors and to keep them from Canadians. That's the rationale we're offering here in having the vote in public and being transparent to Canadians.

The Chair: Thank you, Ms. Ramsey.

We have Mr. Poilievre to speak next to the amendment.

Hon. Pierre Poilievre: Thank you very much.

Today I am going to do something a little bit unusual. I am going to spend almost all of my time quoting Liberals. Instead of offering my opinion, I'll offer theirs.

Let me start by quoting the testimony that gave rise to this entire matter:

...I experienced a consistent and sustained effort by many people within the government to seek to politically interfere in the exercise of prosecutorial discretion in my role as the Attorney General of Canada in an inappropriate effort to secure a deferred prosecution agreement with SNC-Lavalin.

Those are the words of the woman to whom the Prime Minister of Canada entrusted the role of the Crown's top law officer, the Attorney General herself.

Next I will quote the person the Prime Minister thought was most qualified to handle indigenous relations, health care and, finally, the Treasury Board, which is one of the central agencies of the Government of Canada. She wrote:

I felt that there was evidence of an attempt to politically interfere with the justice system in its work on the criminal trial that has been described by some as the most important and serious prosecution of corporate corruption in modern Canadian history.

I note that when she speaks of this important and serious prosecution of corporate corruption, she is referring to the allegations of over \$100 million of fraud and bribery levelled against SNC-Lavalin.

Before I go further I want to address the racist notion that these kinds of crimes have no victims, that this is just the way things are done in certain countries. Canada is party to international treaties against corruption, the purpose of which is to put an end to wealthy western countries impoverishing developing nations through systematic and parasitical corruption. It is not just the way things are in African countries, and we should never allow our companies to think they can get off from bribing those countries' leaders and robbing those people of their money. That is exactly what SNC-Lavalin is accused of. It stands accused of bribing Libyan dictator Moammar Gadhafi with a whole series of gifts, including prostitutes for his son, in order to extract in return \$100 million from those who are among the poorest people in the world. This is not a victimless crime. This is not just the way things are done over there.

We have a duty to hold our companies to a higher standard than that—no more winking, no more nudging, but full criminal prosecution where evidence merits it.

Now, the allegation is that the Prime Minister went to extraordinary lengths to avoid such a prosecution.

Let me just review those particular lengths. First of all, he jammed an amendment to the Criminal Code in an omnibus budget bill. Since when do we amend the Criminal Code in a budget bill? The Liberals on the finance committee who discovered it late at night as they were going through the 600-page document were astonished. The chairman of the committee said he didn't think it belonged in a budget bill. That was a Liberal. As I said, I would be relying on the words of Liberals.

The Liberal member for Hull—Aylmer, Greg Fergus, said that the amendment to the Criminal Code amounted to a slap on the wrist for large corporate criminals, that it would create a justice system where people were punished more for stealing \$10 than for stealing \$10 million.

●(1335)

All that being said, the amendment became law. After it did, the Prime Minister's Office engaged in, again, what Liberals describe... and I'm going to quote some words here. Some of them are verbs and some of them are nouns: "harassed", "hounded", "veiled threats", "bullying" and more. These are the words that I'm taking from current members of the Liberal caucus, up until recently among the most senior ministers in the Prime Minister's government. If Liberals now say that the people who uttered these words have no credibility, well, they weren't saying that only two months ago when these same people were actually administering large departments with immense power.

I come back. What would motivate the Prime Minister to engage in this kind of activity, to amend the Criminal Code to help a company get off charges and to then engage in a sustained and consistent interference, to harass, hound, issue veiled threats and carry out bullying? What would be behind that move?

Well, originally we were told it was jobs: that if the company didn't get off the charges, 9,000 jobs would disappear and the headquarters would move. Well, just days ago, the CEO of SNC-Lavalin said that both of those claims are false.

Let me show the discrepancy. The then attorney general said the Prime Minister twice claimed to her that the headquarters of SNC-Lavalin would leave if she did not immediately help shelve the charges against the company. The Prime Minister later denied making that comment.

Unfortunately for him, he had repeated it at his press conference on March 7, where he said, "We had heard representations from various sources including the company itself that this was an issue of deep concern to them and that it"—the trial—"would potentially have consequences as dire as the company having to leave Canada altogether." He claims the company told him that.

Well, Neil Bruce, the CEO.... Let me quote what the Toronto Star said in December:

[CEO Neil] Bruce also insisted the company is committed to remaining headquartered in Montreal.

"We absolutely want to be based here in Quebec, here in Canada".

BNN asked him, "Did you threaten to move the headquarters from Montreal?" He said, "No." Said BNN, "Never?" Mr. Bruce said, "No." He said, "I don't know what people make up or what they have in their minds...." The Prime Minister said the company headquarters would be gone if the charges proceeded, and now we know, from the company itself, from the statements by the CEO, and, I might also add, from public filings showing the company has to stay in Montreal as part of a loan agreement and from public press releases showing the headquarters they have signed in for a 20-year lease in Montreal, and that the headquarters have just recently been renovated to keep its employees in Montreal....

We now know that the Prime Minister's claim that the headquarters and the company would leave Canada was patently false, so it wasn't about jobs, which raises two additional questions. One, if he wasn't protecting jobs, who was he protecting? Two, we're not just investigating whether the Prime Minister interfered in a criminal prosecution, but whether he and his team lied to the then attorney general about the prospect of the company headquarters leaving in order to manipulate the then attorney general into shelving the charges based on false information. These are questions that we need investigated. These are questions that we never had an opportunity to investigate at the justice committee.

There's another question. Today Canadian Press and CTV reported that effectively Gerald Butts lied to the justice committee. He claimed that Jody Wilson-Raybould was moved out of her position as Attorney General because of a musical chairs phenomenon that resulted from Scott Brison's resignation. Today, CTV and CP report that, no, it wasn't because of that. It was because the Prime Minister didn't like her choice of judges. We need to find out which story the Prime Minister's Office is sticking with on that question today.

• (1340)

The Prime Minister has said that enough has been said, that we know everything we need to know and it's time to move on. Let me go back to quoting the Liberals on that question.

We have Jody Wilson-Raybould's letter to the chairman of the justice committee. She is writing about the waiver that allowed her to appear before the committee. She says this of the waiver:

The OIC addresses only my time as attorney general of Canada and therefore does nothing to release me from any restrictions that apply to communications while I served as minister of veterans affairs and in relation to my resignation from that post or my presentation to cabinet after I...resigned.

Why is that important? Because we know that in the period after she was removed as Attorney General, she witnessed something that was so egregious it required that she resign from cabinet altogether.

Now, do we know why she resigned? Well, she can't say, because of the aforementioned restrictions contained in the Prime Minister's limited waiver, so let me illustrate the problems that this limitation caused the justice committee, as Conservative deputy leader Lisa Raitt asked:

Hon. Lisa Raitt: For clarity, can you tell us what you discussed with the Prime Minister at your meetings in Vancouver on February 11?

Hon. Jody Wilson-Raybould: I cannot.

Hon. Lisa Raitt: Can you tell us what was discussed with the cabinet on February 19?

Hon. Jody Wilson-Raybould: I cannot.

Hon. Lisa Raitt: Can you tell us why you've resigned from cabinet?

Hon. Jody Wilson-Raybould: I cannot.

These are examples of things that she has not been allowed to speak about.

Now, some Liberals have suggested that she had unlimited licence to speak and say anything she wanted because of parliamentary privilege. This is merely a distraction. If that were really the position of the Prime Minister, he would have said so, instead of issuing a limited waiver at the outset. Furthermore, he wouldn't have limited the time frame of that waiver. It is merely a procedural distraction.

As the old saying goes, complexity is the last refuge of the scoundrel.

Let me further quote Liberals on this matter.

I am now going to quote the current Liberal member of Parliament and former Treasury Board president, who said, and I quote, on the matter of whether there was more to discuss, that "there's much more to the story that needs to be told". She goes on to say that "there's been an attempt to shut down the story".

Again, that is a Liberal. This is not an allegation from a Conservative or a New Democrat. This is a present sitting member of the Liberal caucus, someone to whom the Prime Minister recently entrusted three very senior cabinet positions, so you don't need to take our word for it. You can just listen to what the Liberals themselves are saying.

In keeping with the Liberals' comments on this matter, Judy Sgro, a Liberal MP, has implored all of you to vote in favour of allowing this study to go ahead. She has said that she believes Jody Wilson-Raybould and Jane Philpott should "put up or shut up". Those were her words. We could let them do that. We could let them "put up" their testimony before us in this committee. If Liberals—backbenchers or Liberal ministers—are going out and telling the media that they want Wilson-Raybould and Philpott to just say what they have to say, well, let's invite them here to say it.

Ms. Sgro was obviously not speaking just for herself, because the Prime Minister's democracy minister, Karina Gould, went out and said that they should put "on the record" everything else they have to say. Put it on the record. Well, we can do that right here at the ethics committee.

If these Liberals, including a current Liberal cabinet minister, are being honest and sincere and really want to give Jody Wilson-Raybould and Jane Philpott the ability to "put up or shut up" or put it "on the record", as they've said in their own words, then the Liberal members should honour the wishes of Ms. Sgro and Ms. Gould and vote in favour of letting them do that.

The decision for Liberals representing the Prime Minister on the committee today is this: are you going to put up or cover up?

• (1345)

Thank you.

The Chair: Thank you, Mr. Poilievre.

Next up we have Mr. Blaikie, who is speaking to the amendment.

Go ahead, Mr. Blaikie.

Mr. Daniel Blaikie (Elmwood—Transcona, NDP): Thank you very much. In a moment, I do want to add what I hope is a new contribution to the debate.

We've heard that what's at issue is not just a victimless crime. That's why the OECD anti-bribery unit has taken an interest in this. I think it's a serious taint on Canada's reputation and one that we'd like to see corrected as quickly as possible.

We've heard many arguments over the last number of weeks and here today about the importance of the rule of law and what it means to live in a country where top political leaders feel free to interfere in decisions that ought to be independent when we're talking about criminal prosecutions. I think it's something that Canadians don't want to see happening in their own country, and there is serious concern about these allegations that this kind of inappropriate political pressure has been put forth.

I think that simply saying that nothing criminal has gone on in that regard is far too low a bar for Canada. I think what Canadians expect, as the Prime Minister has highlighted in his mandate letters at the beginning of this Parliament and subsequently, is that the standard of ethics for his government and his ministers would go beyond simply meeting legal requirements for ethics, and that ethics to him, as he said, meant going above and beyond those requirements: not only not having done anything wrong, but to be seen as not having done anything wrong.

All of this reinforces the anxiety that I think a lot of Canadians feel, which is that there's one set of rules for wealthy and well-connected folks here in Canada and another set of rules for everyone else. There's certainly enough to feel like that may be happening, and I think that until we get to the bottom of what's happening, Canadians are going to continue to lack confidence that this system they have is working properly for them.

As my colleague said earlier, that's why we think the gold standard for restoring confidence on this is a public inquiry, and not just to ensure that we can hear from all those people who are mentioned in today's motion. I'd say that today's motion is really just a minimum in terms of who the committee can call. It just says that for certain we should be sure to call these people, but of course if the committee wants to call people beyond what's mentioned in the scope of the motion, the committee has every right to do that.

We certainly have some further suggestions about who we might hear from, but it's important that we launch the study. Then we can have those discussions about who else it would be appropriate to include. There's that question in terms of having it led by someone independent.

The other thing that a public inquiry would do would be to provide some findings, presumably, which was not something that we got out of the justice committee hearings so far and which would give Canadians some idea as to what the salient facts are, how to interpret those and what should be the takeaway from what we've learned through all this testimony.

The justice committee process, such as it was, was obviously inadequate. As I say, it didn't produce any findings, at least not yet, although it ought to have. There were clearly more people to hear from and who we didn't hear from, so we're in an attempt to try to make sure that those other things that need to be heard get heard. I won't requote, but we've heard from Ms. Philpott that there's more to the story that needs to be told and that she feels she has something important to contribute. We've heard from Ms. Jody Wilson-Raybould that there's more to the story that needs to be told and that she would like to tell.

There are two reasons why they're not able to do that. One is having an appropriate forum. The second, and ultimately the most important, is being released by the Prime Minister and cabinet from cabinet confidence so they can say what it is they have to say without fear of reprisal. There are some arguments out there that I want to take a moment to address, arguments saying that they're already in a position to do so, which I don't believe is the case, not in any real or meaningful way. Those arguments, particularly in recent days, have had to do with parliamentary privilege and a cabinet oath.

The first thing that I think needs to be said about this and where we haven't heard enough in this discussion—and I would query my Liberal colleagues on this—is just this: do we really want it to be the case that the only reason we think people who have served in cabinet would keep their oath of secrecy is on pain of being fired from cabinet, and that if they're already out of cabinet, then what's the point and why would they bother? Surely we have to think that there's a higher threshold for keeping the secrets of Canadian cabinet than the fact that you might get kicked out. That means that anybody who is no longer in cabinet, who has served in cabinet, if we're to believe the Liberal line on this, could get up at any time in the House and the Liberals would have no problem with this, with divulging cabinet secrets or details of what has happened at the cabinet table.

● (1350)

We have other former members of cabinet who are still MPs and who could exercise parliamentary privilege. I'm surprised by this, although it seems to be an implication by the Liberal argument that they could get up any time in the House and, no problem, start talking about details of cabinet meetings and other important issues that have come up at the cabinet table. I think that's incoherent. It certainly doesn't meet the kind of standard that I think Canadians expect of their government.

The reason people want to hear from Ms. Wilson-Raybould and from Ms. Philpott isn't that it's juicy to get information about what happened in cabinet and it doesn't matter what the details are. The reason people want to hear from these particular former ministers is that we're concerned that the Prime Minister's Office was inappropriately interfering in what should be an independent judicial system. We're concerned not just because we're concerned about that, although we are, but we're concerned also because organizations such as the OECD anti-bribery unit have said that they are concerned. We want to clear Canada's reputation, and we want to get to the bottom of what's happening.

This isn't just any circumstance of something that happened under the rubric of cabinet confidentiality that these women are being asked to talk about. It doesn't make sense to say that, oh well, because they have parliamentary privilege, anyone who has cabinet secrets can just get up in the House at any time. I don't think that's a credible argument, and I think we should all be giving more respect to the oath of cabinet.

That's why it was important to get a waiver in the first place. That was something the Prime Minister seemed to recognize when he issued a waiver to Ms. Jody Wilson-Raybould in the first place. He might have been thinking of the Treasury Board directives on cabinet confidence, as stated in section 5. I'll quote this because I think it is important for members—particularly Liberal members who are out talking in the media about this—to know what these guidelines state: “There is no discretionary power provided to an individual minister or government institution to make a Cabinet confidence accessible to the public.”

That's pretty clear, and that's a government document. That's not me making that up or coming up with that. That's a document that lays out the expectations around cabinet confidence. That's something the Prime Minister seemed to understand when he issued a waiver in the first place. The only problem with that waiver was that it didn't extend for the full period in question. It stopped when Jody Wilson-Raybould was fired from the position of Attorney General. It doesn't permit her to speak about the things that happened between then and when she resigned from cabinet.

Now, it's perfectly plausible.... Anybody who has ever had somebody in their life who was behaving in a way that they thought was erratic or strange, and then discovered a detail that in hindsight helped make sense of that behaviour, will understand that it's perfectly plausible that something happened after she was fired from the post of Attorney General that made her go: “Oh, that wasn't all a coincidence. That wasn't just a mishmash of meetings with different people who were concerned, but actually that was something quite deliberate, and there was more to it.” She has hinted that there is something more to tell. I think Canadians deserve to hear what that is.

If the Prime Minister doesn't feel that something is incriminating and that he did nothing wrong, I don't understand.... Also, if he is of the view that she could have said it under privilege at any time, well, it raises the question—why did you issue a waiver in the first place? It's a waiver, incidentally, which is confined not just in terms of the period of time but also specifically to the justice committee hearings. Why issue that waiver in the first place? Why wasn't the position in the first place that she could share whatever she wanted to share under the rubric of parliamentary privilege?

It seems to me that the only credible answer I can come up with for this is that the Prime Minister was concerned to limit her ability to speak only to the justice committee study, which we found was then summarily cut short by Liberal members on that committee, and that he was concerned that she be able to talk only about a particular point in time.

So now, outside of that study and outside of speaking about only that period of time that the Prime Minister wants her to be able to speak about, the risk is on her, and it's a risk that she will face legal proceedings. It may be that ultimately a court will decide that parliamentary privilege trumps, but that's only after it potentially gets dragged through the courts for a long time. That's only after there are other career implications, potentially, even outside of politics. We've heard a former law clerk say it's unlikely that she would be prosecuted for breach of trust and other things, but not that it's impossible, and we all know that court cases come with real costs, financial and otherwise. Even if you're vindicated in the end, by the

time you get to the end of that process it can be cold comfort that you were ultimately right.

● (1355)

All of this, and the reason she would have to take that risk if she spoke under parliamentary privilege, is happening only because the Prime Minister refuses to give her permission to just tell her story. If the Prime Minister gives that permission, all of these debates go away. She's released to go and talk about this at a press conference, not just within the confines of a parliamentary committee or having to awkwardly find time in the House, when we all know that no member can get up and speak about anything they want at any time, subject to no condition.

We haven't seen an effort from the government to work with the other parties to try to set aside that time. Where there was a space created at the justice committee, that was closed down. We'll find out later today whether or not this becomes a space for that testimony to take place. There hasn't been the kind of co-operation you would expect to make it easier to create that space at this committee, again, only because the government, and particularly the Prime Minister by order in council, isn't making it easy by extending the waiver.

We're trying to create that space. Our amendment today is about making it easier for our Liberal colleagues to create that space. Our amendment takes out some of the more politicized language in paragraph A of this motion. The motion, if this amendment passes, would no longer refer to “corruption”. It defines clearly and relates clearly to the mandate of this very committee to take away all doubt that there is an appropriate way of tackling this issue at this committee that bears upon the proper work of this committee. That's why we refer to the particular standing order.

The other thing this amendment does that isn't so much for our Liberal colleagues.... The first part is, but the second part is for Canadians who want to understand the decision-making on these files and who want to understand why they're getting to hear or not hear the full story. That's by having a public vote. When the justice committee process shut down, that was done in private. Canadians didn't really get to hear the reasons why. They heard the reasons the Liberals gave afterwards in the press conference, but they didn't get to hear the discussion.

This is a discussion we're perfectly comfortable having in public. We think it's a discussion Canadians deserve to hear. They deserve to hear the reasons, the real reasons, the Liberals voted against this motion. It's why I hope we don't proceed to a vote without hearing from any Liberals today. I think it would be a shame if they didn't put anything on the record that indicated why they were voting one way or another. It would be a shameful spectacle to walk out of here and have no indication on the record as to why they would vote against this motion.

All we're asking is that the vote be in public, and I hope we will hear from one of them before we have that vote so that Canadians can understand, if this doesn't go ahead, why it's not going ahead.

Thank you very much, Mr. Chair.

● (1400)

The Chair: Thank you, Mr. Blaikie.

Next up we have Mr. Weir speaking to the amendment.

Mr. Weir.

Mr. Erin Weir (Regina—Lewvan, CCF): Thank you very much, Mr. Chair.

I would just like to add a couple of points that I think would be very worthwhile for this committee to consider.

First, in cases of wrongdoing abroad, such as what SNC-Lavalin has been accused of, I think our objective should be to hold accountable the people guilty of the wrongdoing and at the same time not unduly damage Canada's economic resources. There's been a lot of debate about this figure of 9,000 jobs. I and others have been skeptical about that number, but at the end of the day, I think there's no doubt that charges and convictions and a ban from federal contracts against SNC-Lavalin would do some pretty serious damage to a very important Canadian enterprise—the largest construction company in Canada.

It strikes me that there's a bit of a dilemma here about how to go after wrongdoing without having these negative side effects on our economy. There was a disagreement within the government about whether a deferred prosecution agreement would be an appropriate tool to achieve that goal of going after the wrongdoing without damaging the economic assets. It strikes me that something the committee should consider is whether we should entirely focus on penalizing the company, through either a prosecution or a deferred prosecution agreement, or whether that goal might be better achieved through a renewed focus on prosecuting the individuals who actually committed the wrongdoing. It seems to me that there is a place sometimes for prosecuting companies, and there may be a place for deferred prosecution agreements, but one of the best ways to achieve the goal that I think we all want to achieve is to put a renewed emphasis on prosecution of the actual individuals within that enterprise who are accused of paying bribes and corruption abroad.

Mr. Chair, the second point that I would encourage this committee to consider is that in this new area for Canada of deferred prosecution agreements, there clearly needs to be some sort of oversight or some sort of possibility of appeal beyond just one individual, the director of public prosecutions. That oversight or appeal needs to be from someone who is independent, someone who isn't political. A big part of the problem in the SNC-Lavalin case was that the only way to appeal a decision of the director of public prosecutions was to go to an attorney general who was not just a member of Parliament but also a member of cabinet and also the justice minister.

One way that's been suggested to achieve some sort of independent oversight or review in these very complex and difficult decisions is to reinforce the independence of the Attorney General by splitting that portfolio from the justice portfolio. I think that's a possibility that this committee should consider. There might be other ways of coming up with some sort of mechanism for review or oversight of decisions of the director of public prosecutions in an independent, non-partisan way. That's one idea that's been floated. I would encourage the committee to consider it and others.

Thanks very much for this opportunity, Mr. Chair.

● (1405)

The Chair: Thank you, Mr. Weir.

Next up is Mr. Gourde speaking to the amendment.

Go ahead.

[*Translation*]

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

I'm going to put in my two cents. It won't take more than a few minutes. I'll try not to repeat anything that's already been said. In the course of our parliamentary lives, there are times when we have to decide between certain interests and our conscience. I hope the members on the other side will have all the freedom they need to make that decision in the face of a situation that many Canadians find troubling, that we find troubling.

Today is about deciding whether or not to let the former ministers appear before the committee. They unfortunately had to step down from their positions, which they did with a heavy heart, I'm sure. The course of action they chose demonstrated great courage; choosing to leave such high office as a matter of principle, for the benefit of Canadians, but not being able to explain why. That is quite disturbing indeed. Being parliamentarians as they are, we cannot help but wonder how uneasy their conscience must have been in order for them to resign as they did.

This motion is perfectly legitimate. Surely, it is incumbent upon this committee to probe the issue. The Standing Committee on Justice and Human Rights refused the request no doubt because justice was upheld. The former attorney general simply said no, and the answer was no. Justice was therefore served by the Department of Justice. As for whether there was any conflict of interest or pressure, it is really this committee's job to get to the truth about certain individuals' actions and the pressure that parliamentarians face in these kinds of situations when they hold such high-ranking positions as minister, Attorney General and minister for the Treasury Board and exercise their executive duties. Safeguarding the division between justice, politics and executive authority is paramount. It is the very foundation of our democracy and the reason Canadians have confidence in our system—a system that shepherds us along as we advance towards the society we aspire to be.

Unfortunately, the country doesn't seem to be on the right path. Even the international community is sending the signal that we need to clean up our act. A lot of people are disappointed. As a country that has always upheld freedom of expression and the rule of law on the world stage, we never would have expected to find ourselves in a situation like this. Right now, we're getting a rap on the knuckles, and we don't understand why. The potential short, medium and long term damage is misunderstood. The responsibility on each of us today practically bears historic significance, because it is up to us to let the truth come out. It is our duty to give these individuals the opportunity to speak their truth freely, so I urge all of my fellow committee members to make the right decision.

From time to time, as parliamentarians, we have to make tough decisions, but we must never forget that we are here on behalf of all Canadians, so that they can have better lives and brighter futures. We have a duty to protect our institutions. That responsibility is on our shoulders. In just a few moments, we'll find out whether the truth will finally be revealed or the problem will simply worsen like a festering abscess. Of course, cutting open an abscess is painful and unpleasant at the time, but it is necessary if the wound is to heal. Similarly, certain things must be done if our society is to heal.

• (1410)

We must have the courage of our convictions, so I hope this committee does what is right.

Thank you, Mr. Chair.

[English]

The Chair: Thank you, Mr. Gourde.

We will go back to Mr. Kent to respond to the amendment to the motion.

Hon. Peter Kent: Thank you, Chair.

I'd like to thank Ms. Ramsey for proposing certainly what I consider to be a friendly amendment to the motion. Conservatives will accept that proposed amendment to the motion and vote "for".

The Chair: We'll go to Mr. Erskine-Smith to respond to the amendment.

Go ahead.

Mr. Nathaniel Erskine-Smith: Mr. Blaikie, of course I won't just let people quote Liberals; I'll say something myself.

Mr. Kent and Mr. Poilievre, you sound great quoting Liberals in comparison with your normal selves.

Some hon. members: Oh, oh!

Mr. Nathaniel Erskine-Smith: In jest; in jest.

I want to start by agreeing, actually, with Mr. Kent. It is outrageous that there is a leak with respect to the Supreme Court judicial appointment process. Without question, that kind of leak undermines the confidence in the judicial selection process and appointment process. I think people from all parties ought to condemn that kind of thing. It's completely inappropriate.

I also want to acknowledge that I voted for a more public-facing inquiry to get at the truth, but I think everyone on this side cares at getting to the truth. It's just a question of how we can best do that.

You'll remember, Mr. Kent, that informally, when the SNC story started in the news, I had come to you and come to Mr. Angus and said, "Is this something that you think we would look into?" I think if at that time, before the justice committee was seized with it, we had seized it instead, we would have absolutely been an appropriate forum, and then the waiver would apply to this committee. I can speak for myself; I don't know that it would have been closed down quite so quickly, but the fact of the matter is that we are where we are now, and the waiver does not apply to this committee.

More than that, I didn't hear anyone say today already that Ms. Wilson-Raybould has written a letter to the justice committee

and said that not only does she have more to say but she is going to say it. No one is going to hold her back from writing a submission to justice and providing emails and text messages. Having spoken with Mr. Housefather and having seen his public statements, I understand that all of that information is to be made public.

In my previous life as a lawyer, we would call motions like yours, Mr. Kent, premature. To me, it makes far more sense to see what is said in that public statement and to see how justice reacts to that, frankly, and whether they think any of that new information is something...worth reconsidering their previous decision to close off their study and for us to, if necessary, revisit this conversation. Frankly, at this time, justice is seized with it, the waiver applies, and there are more documents forthcoming to justice. It seems like we're getting a little bit ahead of ourselves at this committee when, even if we had Ms. Wilson-Raybould and Ms. Philpott sitting there—I know, because they take their oath very seriously, having spoken to them both—they wouldn't be able to say anything to our committee because of the oaths they've made and because the waiver doesn't apply. Even if a similar waiver applied to our committee, we'd be relitigating, with Ms. Wilson-Raybould in particular, the very same information that she not only provided in person but will also now provide in writing.

So my view is twofold. One, I think this is appropriately before justice. We ought to wait and see what justice does in the wake of the additional information that is provided. Two, not everyone here today was part of our inquiry into Cambridge Analytica, but I've said this publicly in interviews already. I have not found committees like ours to be very effective at conducting inquiries. When we had AIQ come before us, they provided written documents. The ability of our committee to do the work of effectively a commissioner... It was very important for us to do that kind of work and to pass it off to the Privacy Commissioner, but for us to conduct that inquiry ourselves, we clearly ran into roadblocks. We were unable to proceed based on our inability to compel documentary production in the same way and our inability to revisit testimony in the same way. Frankly, the tools we have at our disposal are more cumbersome. The Privacy Commissioner was well placed to pursue that further.

In this case, what can we do, if we want to get at the truth as far as this committee is concerned, that is within our purview? Well, the Ethics Commissioner reports to us, and the Ethics Commissioner has undertaken, as I understand in the letter to Mr. Cullen and to Mr. Angus, that he is proceeding with an investigation. I know that the Ethics Commissioner is to attend before this committee for estimates in early May already. If we want to bring him here earlier, so be it, if that's the will of the committee, but certainly I think it's fair for us to ensure that the Ethics Commissioner has the tools, resources and mandate to do his job effectively, and to do his job in a timely fashion, such that we are able to get at the truth.

• (1415)

When I voted the way I did for a more public-facing inquiry, it was because I did not think that committees were best placed to do this kind of work, and I thought that an independent, non-partisan commissioner-style process was much more effective.

If the Ethics Commissioner doesn't have a full mandate to do this kind of work, we can ask those questions. We can ask him about the limitations there might be to his mandate, and he can express concerns if he has any.

I think that, fundamentally, is the job this committee should undertake, with the current waivers as they apply and with the status quo as it is. If additional documents and testimony that would make me change my mind are produced, then so be it. As I say, I hate to be technical, but I think the motion is premature.

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

To respond to that amendment, once again, go ahead, Mr. Kent.

Hon. Peter Kent: Thank you, Chair.

I thank the vice-chair of this committee for a very thoughtful response to the motion and to the presentations by all members on the opposition side of the table.

I sense the direction that he and his colleagues will take in terms of voting on this motion and the amendment, but he should not be surprised that I disagree with him on a number of points.

• (1420)

Mr. Nathaniel Erskine-Smith: It's happened before.

Hon. Peter Kent: First of all, it is true that the justice committee has agreed to receive the transcripts and records offered by Ms. Wilson-Raybould in response to other witnesses before that committee, but the waiver has not been extended to allow her to respond to those still important issues that both she and Ms. Philpott say they wish to speak to.

Our motion says, in (B), that a formal request be made by our committee chair to write a letter to the Prime Minister and to request that he waive all constraints that would apply to any individuals the committee may decide to invite, whether it be Ms. Wilson-Raybould or Ms. Philpott primarily, or to others who, I believe, do have a right to respond to Ms. Wilson-Raybould's testimony, as well as to that of the Clerk and the former principal secretary.

Second, with regard to the AIQ investigation, I agree that this committee did not have the tools or the authority to demand completely honest responses from the executives of AIQ, and we stated such in our report. They were unwilling witnesses; there is no question about that. They had to be dragged, kicking and struggling, to come back before this committee to not answer questions that we still had.

I think certainly in the case of Ms. Wilson-Raybould and Ms. Philpott, we have willing witnesses who are anxious to present testimony. If, indeed, the justice committee reopens or accepts and releases the documents that Ms. Wilson-Raybould will table, sooner or later, there is a possibility—although I sense it's remote—that they would reopen their study to include a request to the Prime Minister to extend the waiver or to remove entirely all constraints on their testimony.

Third, with regard to the Ethics Commissioner's investigation, I think he has expressed in his appearances before us within the last year or the last half-year his concerns that he doesn't have the necessary authority to conduct investigations to the extent that he

would like and that in fact not only his order-making powers but also the penalties that he may apply are rather modest.

While I appreciate your remarks with regard to agreement on the leak regarding the judicial appointment process, I would still urge you to support the motion before us today, with the understanding that it would not interfere or conflict with whatever remaining study the justice committee may wish to undertake. I am, however, not optimistic that, beyond the release of whatever Ms. Wilson-Raybould intends to send to them, it might be reopened, given some of the statements by the members of that committee when it was shut down.

The Chair: Thank you, Mr. Kent.

We'll go next to Mr. Blaikie again.

Mr. Daniel Blaikie: Thank you very much.

The first thing I'd like to say in response to Mr. Erskine-Smith is that I don't accept that he speaks for his colleagues on the committee. I take the argument from him. Of course, the NDP would prefer to have a public inquiry. If the argument is that he would prefer we have a public inquiry—as opposed to what's being proposed today—we're happy to accept that any day of the week. Our impression is that's not on offer, at least not so far.

My question for all the other Liberals on the committee who voted against having a public inquiry is why they would vote against this motion. I'm not satisfied by Mr. Erskine-Smith's answer, which is particular to him, that we have the reasons why they will be voting against this motion. I think Canadians deserve to hear why Liberals who are not supportive of a public inquiry are also not supportive of creating other forums for Ms. Wilson-Raybould and Ms. Philpott to come forward. We don't yet have that. We should have that before the vote. I invite all five of them to give their own reasons, as Mr. Erskine-Smith has done.

I take it from the position that because the waiver doesn't extend to this committee—if we take that as a reason not to invite the Prime Minister, as this motion does and as Mr. Kent has pointed out that this motion invites the Prime Minister to extend the waiver—the Prime Minister would refuse to co-operate with an independent committee of Parliament. It's from the Prime Minister himself and from his House leader. Often in the House we have heard that they respect the work of parliamentary committees. If a parliamentary committee said that it thought it was appropriate to study this issue and it wanted to hear from these witnesses, the Prime Minister should have no problem extending the waiver, as he did somewhat for the justice committee. I also just don't accept that as an argument. I think it is important that this committee express its desire to get to the bottom of this issue and that it make a request, as this motion would, of the Prime Minister to extend that waiver.

That's part of what we're doing here today. We're not just trying to launch a study of the ethics committee. We're also trying to call on the Prime Minister to extend that waiver out of fairness to Ms. Wilson-Raybould and Ms. Philpott who want to be able to tell their story.

I think that's an important point that ought not to get lost. I would hate to think that all of this talk about respecting the work of committees and wanting to allow them to do the work that they see fit was disingenuous in the House. I take, by implication, that this is the position of the Liberals on the committee, if they think that somehow if we call for this study and ask for the extension of the waiver that the Prime Minister wouldn't grant it.

Thank you.

The Chair: Thank you, Mr. Blaikie.

Up next is Mr. Weir.

Mr. Erin Weir: Thanks very much, Mr. Chair.

I think that Mr. Erskine-Smith raises a valid point that Ms. Wilson-Raybould is in the process of making a written submission to the justice committee and that the written submission would probably be of interest to members of this committee before undertaking a study of some of the same issues.

In the spirit of trying to find a reasonable compromise, I wonder if Liberal members of this committee would be amenable to tabling the motion before us after we have had a chance to see Ms. Wilson-Raybould's written submission, rather than voting it down altogether.

• (1425)

The Chair: Certainly, Mr. Weir, you're able to suggest that, but not as a current sitting member of the committee. That would be something they would have to consider and could talk about after—

Mr. Erin Weir: I'm just suggesting that. I recognize that someone else would actually have to make the motion to table it.

The Chair: Thank you, Mr. Weir.

We'll go next to Ms. Ramsey.

Ms. Tracey Ramsey: Thank you, Mr. Chair.

I want to address some of the things that have been said by my colleague, first of all, about how this particular committee is maybe not the appropriate place. I want to again reiterate that the ethics committee deals with lobbying. At the heart of this story what we are talking about is extensive lobbying by SNC to influence the Prime Minister, the Minister of Finance and Michael Wernick to intervene and to go to the former attorney general to pressure her to change her mind. Lobbying is absolutely within the scope of this committee, and I believe it really does firmly belong in this committee as a study.

Committees may not be the best place to hear this, and I completely agree that the gold standard is a full public independent inquiry, but if the Prime Minister were going to do that, he would have already initiated it. We are seeing clearly that that is not going to happen. If it were going to happen, we'd have it launched. This is seven weeks of torture for Liberals. Every single day the story changes and becomes worse. If you truly believe that the Prime Minister wants to have a full independent public inquiry, we would already see evidence of that. Canadians would already see that, so I agree with you that committees aren't the best place but this is the only place we currently have to be able to have a forum, to create space for people to be able to speak who very publicly have indicated that they would like the opportunity to do so. It may not be

the best but it's the only option before us right now, as parliamentarians.

Before I leave committees, I have to say that the justice committee has been very clear. The study is done. There is no further conversation or study. There have been multiple attempts to bring this back to the justice committee, which have been voted down by members of the justice committee. No one in Canada believes that the justice committee is going to revisit that, and I say that as a member of the justice committee, as vice-chair of the justice committee. There is absolutely no indication that they will entertain any further conversation.

The letter from Ms. Wilson-Raybould to the justice committee is very narrow in what it represents. She was asked a direct question by Mr. Rankin during her testimony, and the letter she has sent is a response to that direct question. It's very limited. I do not believe that we will anticipate some big long full statement from her coming to the committee. She has indicated that she will provide the text messages and the emails as requested of her by Mr. Rankin. That is what we can expect to see inside of that communication, if you will, but that communication will land at the justice committee and nothing will be done with it. There is no study that indicates that something must be done with it. There is no will to do anything with it. It will come, but how meaningful will that be if there is simply a letter that becomes public?

What I think is going to happen is that it will raise even more questions than we currently have. The idea that this letter is going to clear everything up.... I think that is not the case at all, and it is being taken out of context in the spirit that it was delivered. She even references a report. There is no report. There is no study at the justice committee, so there is no report to come forward. The justice committee is not going to revisit it. I think Canadians understand that and see that clearly and, as a member of that committee, I'm telling you that I do not believe there will be any further efforts at the justice committee in terms of this particular focus.

So we land back at the ethics committee, which is just another space for us to have this study, and it's entirely appropriate to have that here, regardless of what she may say. If there is an order in council for this committee, then I'm certain that Liberal members can go to the Prime Minister and say we need an order in council for the ethics committee and we need him to expand it and not limit it in a way that leaves so many questions unanswered. Your own members are going out publicly saying there are things to say beyond this scope, so please let us say them.

I think in the interest of fairness that you should pursue the study here. You should allow the study here—that is really what we're talking about; let's be honest—because you hold the majority of votes, and we can all count. Ultimately you're holding the fate of this truth coming to light for Canadians in your vote today, because the justice committee will not revisit this. There have been multiple attempts by the opposition parties there to see that happen. What other options are we left with? There are other committees on which Liberals have majorities, where you will continue to listen to, I think, very reasonable arguments that any reasonable Canadian can see a path forward on and yet vote along your party lines in order to support your Prime Minister and keep the truth from Canadians.

•(1430)

I would like you to consider those things, because I really believe that all that we have at this point is this committee. The Liberals have been out and talking about parliamentary privilege and saying, “they can just stand up” and “they can just say this”.... If you really want them to be able to speak their truth, if you really want them to have a space, here it is. We're offering it to you on a silver platter. We're saying that here's the space for something you're telling Canadians you want. You want them to be able to speak. You would like that to be able to happen.

Here it is, all packaged up for you to be able to say, “Yes, we also would like our colleagues to be able to have an opportunity to speak, and yes, we would like the truth for Canadians.”

The Chair: Thank you again, Ms. Ramsey.

Next up is Mr. Poilievre.

Hon. Pierre Poilievre: Thank you.

I just want to very quickly respond to something Mr. Weir said. He mentioned that a deferred prosecution agreement might be necessary in order to protect the company's ability to get federal contracts. That is actually not true. That is another falsehood that has been disseminated about this controversy.

The government has already granted an exemption to the ineligibility and suspension policy, and that exemption allows SNC-Lavalin to continue to bid on federal projects even though it would otherwise be banned due to its charges. Also, the government has already indicated plans to extend that exemption even if the company is convicted, so the company can get an exemption, even after convicted, from the ban on federal bidding. If that were the government's only goal here in shelving these charges, it wouldn't need to interrupt the trial; it can do so under its current powers with an exemption from the bidding ban.

For Mr. Erskine-Smith, who mentioned that the motion is premature and that we ought not to hear from Jody Wilson-Raybould until such time as she has had her chance to submit her additional documentary evidence to the justice committee, we would be prepared to amend the original motion to read that she would appear here within a week of having submitted additional documentary evidence to the justice committee. That would solve the problem that Mr. Erskine-Smith is worried about. It would ensure that her documentation is received by committee and published by that committee's chair and available to all members around the table. That way, we would all be dealing with the most up-to-date evidence when the hearings go ahead.

I know that I don't control the speakers list, but I would invite Mr. Erskine-Smith to respond to that compromise.

The Chair: Okay. We do have the amendment before us. I guess it's a friendly amendment to the motion.

We have you up next, Mr. Kent, but would you like Mr. Erskine-Smith to respond first?

Hon. Peter Kent: Yes, absolutely.

The Chair: Go ahead, Mr. Erskine-Smith.

Mr. Nathaniel Erskine-Smith: To the extent that it makes sense to consider this question on a later occasion, it would make far more sense, in my view, to see the documentary production, see what is said, see if there's anything new there substantively that needs to be addressed and see how the justice committee reacts to that.

Ms. Ramsey, I take your concerns to heart, but it's still appropriate, I think, as far as our parliamentary colleagues are concerned, to see how they react, where that committee is properly seized with it, and then to make a determination. I don't think it makes any sense today to make any determination when we don't know what is to come.

Mr. Kent, if you want to have this conversation again down the road, my view, as I've expressed, is that we are going to have the Ethics Commissioner sit right here, and we're going to be able to put to him questions about limitations or problems: problems with insufficient resources or problems with his mandate, or if he is sufficiently tasked with this. Those are the questions that I think this committee should be seized with right now, absent new information, as we don't know yet what is to come.

I respect the attempt to put this back on the agenda for me today, but the fact that this is premature isn't cured by saying, “Let's make a decision today and have it take effect a week from now.”

•(1435)

The Chair: Seeing as this is a bit of a conversation, I'll put it back to Mr. Poilievre, and then we'll move on to Mr. Kent.

Hon. Pierre Poilievre: I had understood Mr. Erskine-Smith's position to be that we needed to see the evidence that Madam Wilson-Raybould would provide the justice committee, and that we couldn't hear from her until that time.

I think I had a solution that would allow us to do that. Unfortunately, we don't appear to have support for that compromise.

That said, I think we should vote on the motion and the amendment here and give Liberals an opportunity to either put up or cover up, as are their options.

And then I take from Mr. Erskine-Smith's position that even if the motion doesn't pass, he'd be willing to reconsider after Ms. Wilson-Raybould's information is tabled before the justice committee. That is another avenue to be pursued down the road.

The Chair: Thank you, Mr. Poilievre.

We'll go to Mr. Kent.

Hon. Peter Kent: Thank you, Chair.

I understand the attempt to use premature consideration of this vote, but I think that it is important, as we have heard from everyone on the opposition side here today, that we get an indication.

I don't think a no vote, based on.... This goes far beyond the current situation before the justice committee and the submission that Ms. Wilson-Raybould will be making there.

I do agree that it may well be necessary for us to bring a subsequent motion, which responds to the reality of whatever the justice committee does once it has received those submissions.

Chair, I would suggest that we go ahead with consideration of the motion and the amendment to the motion before us today.

The Chair: I have two other speakers still wishing to speak.

The vote for the amendment has been called. Do you still want to speak to the amendment?

Okay, go ahead, Mr. Blaikie.

Mr. Daniel Blaikie: In part, I would just like to address some of what's been said in conversation, particularly the idea that we ought to wait on an appearance by the Conflict of Interest and Ethics Commissioner in order to undertake a study. There are a couple of issues with that.

One is that we know—it's been made public—that the commissioner himself is sick and on an indeterminate leave, so we don't know that... Even though our parliamentary process around the estimates will continue, the commissioner himself may very likely not appear. Even if he did, if the investigation were still under way, I'm quite sure it's not his usual practice to comment on investigations that are actually happening. Until he concluded his investigation, there would be nothing for him to say in this place.

Further, with respect to that investigation concluding without him back in his position, the Conflict of Interest Act, under which he reports, in section 44(7) indicates that, "The Commissioner shall provide the Prime Minister with a report setting out the facts", etc. In other words, the act says that only the commissioner provides that report. It's not clear that, without an interim commissioner—and no interim commissioner has been appointed—the report could actually be issued and therefore the investigation concluded.

Absent an actual interim commissioner, I don't think it makes sense for the committee to wait on the Ethics Commissioner's appearance before the committee, because we really have no idea when that would be.

Thank you.

The Chair: Thank you, Mr. Blaikie.

Ms. Ramsey.

Ms. Tracey Ramsey: I just want to put onto the record that the chair of the justice committee, Anthony Housefather, has written an

op-ed in the National Post, commenting on the fact that he has drawn his conclusions already on the justice committee.

I want to offer that as further evidence that there will be no further action at the justice committee. I still feel it's quite inappropriate for a chair, who is meant to be impartial in the House of Commons, to be writing publicly about what I would say is an ongoing issue here on the Hill, in general.

Certainly through his going public and writing this op-ed, he is making quite clear to Canadians that it won't return. How could it possibly return with his comments being made quite publicly, and the fact that he has now drawn the conclusion that it's done? I just want to put onto the record that it will not be returning to justice, and if it does, it will just have all of these things swirling around it about the Liberals on the committee already having made up their minds, and the chair being quite public about his personal opinions.

● (1440)

The Chair: Are there any further comments on the amendment?

An hon. member: Can we have a recorded vote?

The Chair: Mr. Kent.

Hon. Peter Kent: It has been raised already, but I would appreciate hearing from other Liberal members of the committee their thoughts with regard to both the motion and the amendment, but also the conversation that has gone on across the table with the Liberal vice-chair. I would welcome any comments that they might be willing to offer now.

Mr. Nathaniel Erskine-Smith: I just quickly say I think this is one of the very rare occasions where they're all going to let me speak for them.

(Amendment negated: nays 6; yeas 3 [*See Minutes of Proceedings*])

The Chair: Now we'll move on to the motion before us.

Ms. Tracey Ramsey: I call for a recorded vote.

(Motion negated: nays 6; yeas 3 [*See Minutes of Proceedings*])

The Chair: As I see no further discussion, we are adjourned.

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