



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

SPEAKER'S PUBLIC PARTICIPATION AT AN ONTARIO LIBERAL PARTY EVENT

**Report of the Standing Committee on Procedure and
House Affairs**

Honourable Bardish Chagger, Chair

**DECEMBER 2023
44th PARLIAMENT, 1st SESSION**

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NOTICE TO READER

Reports from committees presented to the House of Commons

Presenting a report to the House is the way a committee makes public its findings and recommendations on a particular topic. Substantive reports on a subject-matter study usually contain a synopsis of the testimony heard, the recommendations made by the committee, as well as the reasons for those recommendations.

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THE STANDING COMMITTEE ON PROCEDURE AND HOUSE AFFAIRS

has the honour to present its

FIFTY-FIFTH REPORT

In accordance with its Order of Reference of Wednesday, December 6, 2023, the committee has studied the question of privilege related to the Speaker's public participation at an Ontario Liberal Party event and has agreed to report the following:

TABLE OF CONTENTS

LIST OF RECOMMENDATIONS	1
SPEAKER'S PUBLIC PARTICIPATION AT AN ONTARIO LIBERAL PARTY EVENT	3
Introduction.....	3
Background	4
A. The Deputy Speaker's 5 December 2023 Ruling Regarding the Hon. Andrew Scheer, P.C., M.P.'s Question of Privilege	4
B. The Role of the Speaker of the House of Commons in Respect of Impartiality	4
Summary of Witness Testimony.....	6
A. The Honourable Greg Fergus, P.C., M.P., Speaker of the House of Commons.....	6
a) The Speaker Apologizes to the Committee, the House and the Public	6
b) Observations Regarding the Speaker's Tribute Video to Mr. Fraser Shown on 2 December 2023	6
c) The Speaker's International and Interparliamentary Affairs Visit to Washington, D.C.....	7
d) The Speaker's Past Involvement in Political Activities.....	8
e) Steps Taken to Prevent Future Incidents	8
f) Other Observations	8
B. Eric Janse, Acting Clerk of the House of Commons	9
a) Parliamentary Privilege and the Role of the Committee	9
b) The Role of the Speaker	9
c) Observations Regarding the Speaker's Tribute Video to Mr. Fraser Shown on 2 December 2023	9
d) The Speaker's International and Interparliamentary Affairs Visit to Washington, D.C.....	10
e) Other Observations	10

f) Recommendations	10
C. John Fraser, Member of Provincial Parliament, Legislative Assembly of Ontario.....	10
a) Observations Regarding the Speaker’s Tribute Video to Mr. Fraser Shown on 2 December 2023	10
D. Simon Tunstall, Chief Returning Officer, 2023 Leadership Election, Ontario Liberal Party	11
a) Observations Regarding the Speaker’s Tribute Video to Mr. Fraser Shown on 2 December 2023	11
Recommendations.....	11
APPENDIX A: LIST OF WITNESSES.....	13
MINUTES OF PROCEEDINGS	15
DISSENTING OPINION OF THE CONSERVATIVE PARTY OF CANADA.....	17
DISSENTING OPINION OF THE BLOC QUÉBÉCOIS.....	23

LIST OF RECOMMENDATIONS

As a result of their deliberations committees may make recommendations which they include in their reports for the consideration of the House of Commons or the Government. Recommendations related to this study are listed below.

Recommendation 1

That the Speaker undertake the appropriate steps to reimburse a suitable amount for the use of parliamentary resources that were not related to the performance of parliamentary functions. 12

Recommendation 2

That the House Administration be tasked with preparing, as part of the briefing binder, guidelines for any future Speaker of the House that presents clear boundaries for impartiality and non-partisanship. 12

Recommendation 3

That the Speaker issue another apology clearly stating that filming the video both in his office, and in his robes was inappropriate, his remorse for the situation, and a clear outline of what he and his office will do to ensure this does not happen again; and that the principle of respect, impartiality, and decorum are values he will continue to prioritize as Speaker. 12



SPEAKER'S PUBLIC PARTICIPATION AT AN ONTARIO LIBERAL PARTY EVENT

INTRODUCTION

On 6 December 2023, the Standing Committee on Procedure and House Affairs (the Committee) received the following order or reference from the House of Commons which was adopted unanimously:

That the Speaker's public participation at an Ontario Liberal Party convention¹, as Speaker of the House of Commons, constitute a breach of the tradition and expectation of impartiality required for that high office, constituting a serious error of judgment which undermines the trust required to discharge his duties and responsibilities and, therefore, the House refer the matter to the Standing Committee on Procedure and House Affairs with instruction that it recommend an appropriate remedy, provided that the committee: (a) meet within 24 hours after receiving this order of reference to consider the matter; (b) ensure this matter take priority over all other business; (c) shall have the first priority for the use of House resources for the committee meetings, subject to the special orders adopted on Monday, May 16, 2023, and Monday, December 4, 2023; and (d) be instructed to report back to the House not later than on Thursday, December 14, 2023.²

On 7 December 2023, the Committee commenced its study, hearing from six witnesses during one meeting. The Committee wishes to thank all witnesses who participated in this study on short notice.

1 While the term "convention" is used in the motion, the event's official title is 2023 Ontario Liberal Party leadership election.

2 House of Commons, *Journals*, 6 December 2023.



BACKGROUND

A. The Deputy Speaker's 5 December 2023 Ruling Regarding the Hon. Andrew Scheer, P.C., M.P.'s Question of Privilege

On 4 December 2023, the Honourable Andrew Scheer, P.C., member for Regina—Qu'Appelle, raised a question of privilege in the House of Commons, concerning the Speaker's public participation at the Ontario Liberal Party (OLP) leadership convention.

Mr. Scheer told the House that on 2 December 2023, the Speaker appeared by video at the leadership election for the OLP as part of a tribute to outgoing interim leader of the OLP, John Fraser.³ Mr. Scheer continued by noting that the Speaker made these remarks from the Speaker's office while dressed in his Speaker's robes.⁴ Mr. Scheer alleged that by making these remarks, the Speaker failed to uphold the impartiality of the Office of the Speaker.

The Speaker recused himself from participation in this question of privilege. On 5 December 2023, the Deputy Speaker of the House of Commons ruled on the question of privilege raised by Mr. Scheer. In his ruling, the Deputy Speaker acknowledged that the Speaker had apologized for the perception of partisanship that his involvement in the Liberal convention had created. The Deputy Speaker noted that the preferred means to bring such a matter before the House is through a substantive motion on notice.⁵ He also acknowledged that this is an important matter to settle as soon as possible. Given this, instead of insisting that a substantive motion be placed on notice, the Deputy Speaker ruled that this matter should have priority over other orders of the day and allowed Mr. Scheer to move his motion.

B. The Role of the Speaker of the House of Commons in Respect of Impartiality

The Speaker's procedural and institutional roles have their roots in the earliest days of the British House of Commons, but have evolved since into a distinctly Canadian institution.

Under section 44 of the *Constitution Act, 1867*, the first order of business at the first sitting of the House of Commons following each federal general election is the election

3 House of Commons, *Debates*, 4 December 2023.

4 Ibid.

5 House of Commons, *Debates*, 5 December 2023.

of the Speaker from among its membership. Since 1985, the election of the Speaker has been held using a secret ballot election, a measure meant to underscore that the Speaker represents all members of the House.

The Speaker of the House of Commons interprets and applies the rules and traditions of the House and ensures the smooth conduct of House business. The Speaker also has many administrative and diplomatic responsibilities. However, much of the office of Speaker is not set down in any constitutional or statutory documents, but rests on history, practice and convention.

Today, an expectation exists among members of the House, and the wider public, that the Speaker's duties ought to be carried out with scrupulous impartiality and independence.

The Speaker must be fair and impartial. Although a member of the House of Commons, the Speaker does not participate in debate or vote unless there is a tie, in which case the Speaker generally votes to maintain the status quo.

House of Commons Procedure and Practice, 3rd edition, states the following about the impartiality of the Speaker of the House of Commons:

When in the Chair, the Speaker embodies the power and authority of the office, strengthened by rule and precedent. He or she must at all times show, and be seen to show, the impartiality required to sustain the trust and goodwill of the House. The actions of the Speaker may not be criticized in debate or by any means except by way of a substantive motion.⁶

This exigence of impartiality of the Speaker in carrying out parliamentary duties is likewise found in other parliamentary democracies that employ the Westminster model.

In the United Kingdom's House of Commons, "[t]he chief characteristics attaching to the office of Speaker in the House of Commons are authority and impartiality."⁷ Indeed, once elected to that role, "the Speaker severs all ties with his or her former party and is in all aspects of the job a completely non-partisan figure."⁸

6 Marc Bosc and André Gagnon, eds., "[Chapter 7: The Speaker and Other Presiding Officers of the House – Impartiality of the Chair](#)," *House of Commons Procedure and Practice*, 3rd ed., 2017.

7 UK Parliament, "[The Speaker as presiding Officer of the House of Commons – Paragraph 4.23](#)," *Erskine May's Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, 25th ed., 2019.

8 UK Parliament, [The Speaker, impartiality and procedural reform](#).



In Australia’s House of Representatives, “[o]ne of the hallmarks of good Speakership is the requirement for a high degree of impartiality in the execution of the duties of the office.”⁹ In New Zealand’s House of Representatives,

[a]lthough expected to perform their role in a wholly impartial way, the Speaker in New Zealand does not sever all links with a political party, as the Speaker of the House of Commons does in the United Kingdom.¹⁰

SUMMARY OF WITNESS TESTIMONY

A. The Honourable Greg Fergus, P.C., M.P., Speaker of the House of Commons

a) The Speaker Apologizes to the Committee, the House and the Public

The Honourable Greg Fergus, P.C., M.P., Speaker of the House of Commons, began his appearance by giving an unreserved apology to the members of the Committee, the House and the public. He stated that he should never have made a tribute video for John Fraser, member of Provincial Parliament, Legislative Assembly of Ontario, which was shown at the OLP’s leadership event held 2 to 3 December 2023.

Mr. Fergus stated that the video was a mistake because it reflected negatively on his impartiality, as Speaker. He indicated that the incident was a hard-learned lesson but that it was not an error of intention. Further, he underlined that it was a mistake that he will not repeat.

Mr. Fergus indicated that he holds a deep respect for the institution of Parliament, as well as for decorum, tradition, members, staff and the public.

b) Observations Regarding the Speaker’s Tribute Video to Mr. Fraser Shown on 2 December 2023

The Speaker stated that his office received a request on 27 November 2023, from a member of Mr. Fraser’s family. The request asked Mr. Fergus for a personal, tribute video to be shown at a surprise party to mark Mr. Fraser’s retirement.

9 Parliament of Australia, “[Chapter 6 – The Speaker, Deputy Speakers and Officers – The Office of Speaker](#),” House of Representatives Practice, 7th ed., 2018.

10 New Zealand Parliament, “[Chapter 17 – Presiding over the House – 17.1.3 Speaker’s political position](#),” Parliamentary Practice in New Zealand, 5th ed., 2023.

According to Mr. Fergus, the member of Mr. Fraser's family provided assurances to him that the tribute video would be shown on 1 December 2023 at a private, intimate gathering to be attended by Mr. Fraser's team (e.g., his friends, family, political team) and not at a public or partisan event. As such, Mr. Fergus stated that he considered it to be a personal video, and not a partisan one.

Mr. Fergus stated that, in hindsight, he should have taken a moment to better consider the request. He stated that he did not consult with his chief of staff, nor with the Clerk of the House of Commons. For this, he apologized and stated that his decision demonstrated a lack of judgment.

The tribute video itself was filmed quickly by a member of Mr. Fergus' staff, in between two meetings. As such, Mr. Fergus was wearing the Speaker's robes.

In the video, Mr. Fergus talked about his friendship with Mr. Fraser, with whom he has been friends since 1989. Mr. Fergus told the Committee that he considered Mr. Fraser to be a role model, and that, as a friend, Mr. Fraser and his family had always been very supportive of his family.

Mr. Fergus stated that he found out that the tribute had been shown publicly, without his consent, at the same time as the public did. He indicated that he was sickened that it was shown at a partisan event, and it made him realize that he should never have filmed the video in the first place. He stated that he phoned his chief of staff but he did not contact Mr. Fraser.

Some members of the Committee indicated that, in their view, the Speaker's decision to make the video demonstrated a lack of judgment on his part and brought into question his impartiality. Further, they also questioned not consulting with the Clerk beforehand, wearing the Speaker's robes in the video, insufficiently apologizing in the House on 4 December 2023, and not cancelling his trip that week to Washington, D.C.

Mr. Fergus told the Committee that had he not recorded the message, the whole incident could have been avoided. He stated that should it be the will of the House to allow him to continue as Speaker, he would do his best to regain the confidence of all members of the House through hard work.

c) The Speaker's International and Interparliamentary Affairs Visit to Washington, D.C.

Mr. Fergus told the Committee that he contemplated cancelling his travel to Washington, scheduled for the week of 4 December 2023. However, he decided to proceed with the



visit because he informed the House that he would recuse himself with respect to matters related to this question of privilege. Additionally, he informed the Committee that there were meetings organized in Washington that had been previously cancelled, and he did not want to cancel them another time. Some members of the Committee raised questions about Mr. Fergus' comments, while in Washington, at an event for Claus Gramckow of the Friedrich Naumann Foundation.

d) The Speaker's Past Involvement in Political Activities

Some members of the Committee raised with Mr. Fergus the political positions and roles he previously held. In response, Mr. Fergus indicated that in reviewing his background, a person could be given the impression that his past was a statement about himself today. He noted that his past was a matter of the public record.

He stated that his rulings in the House have been made in consultation with the Clerk and reflect the best of Canada's parliamentary traditions, practices and procedures.

Further, some members raised Mr. Fergus' use of the term "our party" to describe the OLP during an interview on 1 December 2023 with the Globe and Mail. Mr. Fergus expressed his regret for using the word "our."

e) Steps Taken to Prevent Future Incidents

Mr. Fergus stated that, even before the current question of privilege arose, he had been putting in place procedures and protocols to review and evaluate communications to and from his office.

He explained that the work was currently in draft form and that he had been in contact with the presiding officers in other jurisdictions to receive their best practices.

He stated that, in the future, his office would rely heavily on the Clerk and House Administration to review similar requests for the Speaker's participation, with the view of ensuring that incidents of this kind never happen again.

f) Other Observations

Mr. Fergus noted that in his youth, as a Black/racialized Canadian, he had not seen many Black/racialized Canadian in the role of Member of the House, let alone Speaker. To that end, he apologized to Black/racialized Canadians if they feel that he has let them down. He indicated that his election as Speaker was symbolic of Canada's generosity.

Mr. Fergus also noted that he will accept the House's decision in relation to the question of privilege.

B. Eric Janse, Acting Clerk of the House of Commons

Eric Janse, Acting Clerk of the House of Commons, appeared before the Committee with Michel Bédard, Interim Law Clerk and Parliamentary Counsel, and Jeffrey LeBlanc, Acting Deputy Clerk of the House of Commons.

a) Parliamentary Privilege and the Role of the Committee

Mr. Janse told the Committee that when considering a question of privilege, a committee usually takes three steps. First, a committee seeks to determine the facts of the events in question. Second, a committee determines whether, in its opinion, the events constitute a breach of members' privileges or a contempt of the House. Finally, a committee may examine corrective measures. Ultimately, the House itself decides whether its privileges have been breached and appropriate corrective measures.

b) The Role of the Speaker

Mr. Janse told the Committee that, from his perspective, it is important that Speakers act impartially and are perceived to be impartial. Speakers, according to Mr. Janse, must balance their responsibilities as Speaker with those of representing their constituents as members elected under a particular political party. The Standing Orders of the House do not provide a framework for the impartiality of the speakership within or outside of the Chamber. Mr. Janse explained that the impartiality of the Speaker is largely a question of practice.

c) Observations Regarding the Speaker's Tribute Video to Mr. Fraser Shown on 2 December 2023

Mr. Janse explained that as Acting Clerk, he is available to provide advice to the Speaker and all members. Typically, Mr. Janse is consulted for procedural questions, and is rarely asked to provide advice regarding political questions.

The Speaker did not seek Mr. Janse's advice regarding his decision to record a tribute video for Mr. Fraser. Mr. Janse told the Committee that had he been consulted, he would have advised against recording such a video or he would have recommended that the Speaker canvas all parties in the house for their advice on the matter.



d) The Speaker's International and Interparliamentary Affairs Visit to Washington, D.C.

Mr. Janse told the Committee that the Speaker's visit to Washington, D.C. was initiated soon after his election. He noted that typically Speakers do not travel during a sitting week and are usually accompanied by members of other parties; however, this is not always the case.

e) Other Observations

Mr. Janse shared with the Committee observations about the impartiality of the Speaker in other jurisdictions. He noted that the legislatures in Nova Scotia, Prince Edward Island and the Yukon have contemplated the issue of impartiality of the Speaker. Mr. Janse also noted that in the United Kingdom, the Speaker runs unopposed as an independent candidate in future elections. In Ghana, the Speaker resigns as a member of Parliament.

f) Recommendations

Mr. Janse told the Committee that the Speaker was provided written and oral briefings when he assumed his role. While these materials included some information on impartiality, Mr. Janse acknowledged this section was not as detailed as it should have been. Mr. Janse described this as a lesson learned for House Administration.

In response to a question about the application of Speaker impartiality outside of Parliament, Mr. Janse suggested it could be a Committee study. Mr. Janse advised against creating an enumerated list of activities that Speakers should abstain from, noting the challenges of creating a comprehensive list. He noted that the challenge is even greater in the age of social media.

C. John Fraser, Member of Provincial Parliament, Legislative Assembly of Ontario

a) Observations Regarding the Speaker's Tribute Video to Mr. Fraser Shown on 2 December 2023

John Fraser was elected to the Legislative Assembly of Ontario, as the member for Ottawa South, in August 2013 and intends to seek re-election. From August 2022 until December 2023, Mr. Fraser served as interim leader of the OLP. He appeared to discuss his participation in the tribute video to him in which Mr. Ferguson appeared.

Mr. Fraser told the Committee that he has known Mr. Fergus for over 30 years and characterized their relationship as one of deep and enduring friendship.

In mid-November 2023, the OLP, through a volunteer, asked his family to coordinate a personal video tribute to him. Since the tribute video was prepared as a surprise, Mr. Fraser was not involved in its preparation and did not take part in the discussions with Mr. Fergus.

Mr. Fraser explained that Linda Hooper, his wife, contacted Mr. Fergus' office to ask if he would film a tribute video for him. He stressed that Mr. Fergus was contacted because of their close personal friendship, and not as Speaker of the House.

Since Mr. Fraser was not involved in the preparation of the video, he was unable to provide details about any assurances that would have been given to Mr. Fergus about the private nature of this video.

Mr. Fraser indicated that he has spoken with Tommy Desfossés, Chief of Staff to the Speaker, three times since the video became public.

D. Simon Tunstall, Chief Returning Officer, 2023 Leadership Election, Ontario Liberal Party

a) Observations Regarding the Speaker's Tribute Video to Mr. Fraser Shown on 2 December 2023

Simon Tunstall, Chief Returning Officer, 2023 Leadership Election told the Committee that he had not seen the video tribute the Speaker had filmed for, Mr. Fraser. He noted that his focus at the time was counting the ballots.

Mr. Tunstall explained that prior to Mr. Fraser's appearance before the Committee, he was not aware of who had contacted the Speaker's office to request a tribute video and was unaware of the contents of that communication.

Mr. Tunstall indicated that it was likely a non-political audio-visual company that compiled the videos. He noted that it is likely that they were the ones to identify the Speaker by his title in the label shown on the video but could not be sure.

RECOMMENDATIONS

In respect of this matter, the Committee makes the following recommendations:



Recommendation 1

That the Speaker undertake the appropriate steps to reimburse a suitable amount for the use of parliamentary resources that were not related to the performance of parliamentary functions.

Recommendation 2

That the House Administration be tasked with preparing, as part of the briefing binder, guidelines for any future Speaker of the House that presents clear boundaries for impartiality and non-partisanship.

Recommendation 3

That the Speaker issue another apology clearly stating that filming the video both in his office, and in his robes was inappropriate, his remorse for the situation, and a clear outline of what he and his office will do to ensure this does not happen again; and that the principle of respect, impartiality, and decorum are values he will continue to prioritize as Speaker.

APPENDIX A: LIST OF WITNESSES

The following table lists the witnesses who appeared before the committee at its meetings related to this report. Transcripts of all public meetings related to this report are available on the committee’s [webpage for this study](#).

Organizations and Individuals	Date	Meeting
<p>As an individual</p> <p>Hon. Greg Fergus, P.C., M.P., Speaker</p> <p>John Fraser, Member of Provincial Parliament, Legislative Assembly of Ontario</p>	2023/12/11	98
<p>House of Commons</p> <p>Eric Janse, Acting Clerk of the House of Commons</p> <p>Jeffrey LeBlanc, Acting Deputy Clerk, Procedure</p> <p>Michel Bédard, Interim Law Clerk and Parliamentary Counsel, Office of the Law Clerk and Parliamentary Counsel</p>	2023/12/11	98
<p>Ontario Liberal Party</p> <p>Simon Tunstall, Chief Returning Officer, 2023 Leadership Election</p>	2023/12/11	98

MINUTES OF PROCEEDINGS

A copy of the relevant Minutes of Proceedings ([Meetings Nos. 97 to 101](#)) is tabled.

Respectfully submitted,

Hon. Bardish Chagger
Chair

THE SPEAKER MUST RESIGN FOR HIS BLATANT AND PUBLIC PARTISANSHIP

DISSENTING OPINIONS OF THE OFFICIAL OPPOSITION

The office of Speaker of the House of Commons is one of the oldest in our constitutional form of government, dating back seven centuries. For most of those centuries, it has been a non-partisan, impartial position within the House.

The current Speaker of our House, Greg Fergus, shattered that ancient tradition—three times in a week—earlier this month.

In doing so, he failed to meet his duty of care to the House, thereby squandering the good-will and trust of the Official Opposition. Compounding that, the evidence before the Committee undermined the Speaker’s version of events. All told, his judgment is questionable.

To repair the tear in the fabric of our democratic institution, the Speaker must resign. The recommendations offered, instead, by the NDP-Liberal majority on the Procedure and House Affairs Committee are weak and meaningless.

The Speaker failed to meet his duty of care with his multiple partisan activities

Canada’s leading authority on parliamentary procedure sums up the expectation of Speakers:

When in the Chair, the Speaker embodies the power and authority of the office, strengthened by rule and precedent. **He or she must at all times show, and be seen to show, the impartiality required to sustain the trust and goodwill of the House....**

In order to protect the impartiality of the office, the Speaker abstains from all partisan political activity (for example, by not attending caucus meetings), does not participate in debate and votes only in the event of an equality of voices, normally referred to as the “casting vote” of the Chair.¹

Between December 1 and 5, 2023, Mr. Fergus was publicly associated with partisan activities three times.

On the afternoon of December 1, 2023, he undertook an interview with Laura Stone of the *The Globe and Mail*,² in which he paid tribute to outgoing Ontario Liberal Party Interim Leader John Fraser in glowing terms while referring to Mr. Fraser’s work on behalf of “our party”. This interview was published on the *Globe*’s website that night and appeared in the next morning’s edition of the newspaper.³

¹ *House of Commons Procedure and Practice* (third ed.) [Bosc and Gagnon], pp. 323-324 [emphasis added].

² Text message exchanges between Mathieu Gravel, Director of Outreach and Media Relations to the Speaker of the House of Commons, Tommy Desfossés, Chief of Staff to the Speaker of the House of Commons, and Laura Stone, Queen’s Park Reporter for *The Globe and Mail*, December 1, 2023, deposited with the Committee.

³ *The Globe and Mail*, December 2, 2023, p. A11, “Fraser to step aside as Ontario Liberals select new leader”.

Then, on the afternoon of December 2, 2023, at the Ontario Liberal Party’s leadership election “event”, during a segment paying tribute to Mr. Fraser, a two-minute video was shown of Mr. Fergus making a partisan tribute to his partisan friend while standing in his non-partisan office, wearing his non-partisan robes of office, and describing himself by his non-partisan title. To make matters worse, the video was introduced as “A Message from ... the Speaker, House of Commons of Canada”.

In his remarks, Mr. Fergus said,

And boy, did we have fun. We had a lot of fun together ... through the Ottawa South Liberal Association, through Liberal Party politics, by helping Dalton McGuinty get elected. This was really a seminal part of my life. And when I think of the opportunities that I have now as being Speaker of the House of Commons, it’s because of people like John.⁴

As we heard at the Committee, Eric Janse, the Speaker’s top professional procedural advisor, as Acting Clerk of the House, would have advised against recording this video. That comment is no doubt a reflection of professional, diplomatic understatement.

Finally, on the evening of December 5, 2023, while on an “official” international trip as Speaker, Mr. Fergus attended a reception for his long-time friend Claus Gramckow, retiring from the Friedrich Naumann Foundation, a foundation closely affiliated with the Liberal Party of Canada’s sister party in Germany.⁵ In his comments, made before several senior members of the Liberals’ German counterpart,⁶ Mr. Fergus relived his heydays as head of the Liberals’ national youth wing:

I’ll do a quick calculation, 29 years ago, that I first met Claus, 1994. I was running for President of the Young Liberals of Canada. And there was this guy who knew all these young Liberals, but I’d never seen him in the party before. He spoke with this accent, you know? I wasn’t certain where this was coming from. And I remember one time he pulled me over and said, “Greg!” So I go; he’s behind the curtains in the back of the room. He says, “Greg, you’re going to win!”⁷

Mr. Janse, again, in his understated way, would not have recommended that Mr. Fergus make those remarks during his trip.

The House unanimously agreed, on December 6, 2023, in referring this matter to our Committee, that Mr. Fergus’s video represented “a breach of the tradition and expectation of impartiality required for that high office, constituting a serious error of judgment which undermines the trust required to discharge his duties and responsibilities”.⁸

⁴ Ontario Liberal Party, “2023 Leadership Election Announcement”, [OntarioLiberalTV Youtube video](#).

⁵ Friedrich Naumann Foundation for Freedom, “[About Us](#)”; Liberal International, “Our Members: [North America](#)” and “Our Members: [Europe](#)”.

⁶ Friedrich Naumann Foundation North America, December 6, 2023, [Facebook post](#).

⁷ Majid Sattar (Washington correspondent for *Frankfurter Allgemeine Zeitung*), December 5, 2023, [Twitter post](#).

⁸ House of Commons, *Journals*, December 6, 2023, p. 3028.

What we had before us certainly did not detract from that view. In fact, compounded by the *Globe and Mail* interview and the subsequent Washington reception, Mr. Fergus blatantly disregarded his duty of care to the House of Commons as its Speaker by repeatedly engaging in partisan conduct.

The Speaker's story was undermined by the evidence before us

Mr. Fergus claimed that he had understood the tribute video would be shown at an “intimate gathering” in honour of a retiring friend. Regrettably, the evidence before us calls his understanding into question.

Firstly, the interview with *The Globe and Mail*, praising Mr. Fraser’s service to “our party”, is at direct odds with the idea that Mr. Fergus only ever intended to pay a private tribute. No one with as much experience in political life as he would be naïve to think that an interview in a national newspaper would go unnoticed. It is difficult for us to reconcile the making of one unquestionably public tribute with the claims that the other was never meant to be seen publicly.

Secondly, Mr. Fraser is not retiring, but merely stepping back as Interim Leader of the Ontario Liberal Party. Indeed, since the Party elected a new leader without a seat in the provincial legislature, Mr. Fraser is continuing as the parliamentary leader of the Ontario Liberals. Moreover, Mr. Fraser confirmed that, “God willing,” he would be seeking re-election as a Member of Provincial Parliament in the next Ontario election, expected in 2026. In effect, Mr. Fergus made an endorsement video for a future candidate for partisan elected office while wearing his non-partisan robes in his non-partisan office.

Thirdly, the Committee heard that Mr. Fergus had not consulted his Chief of Staff, Tommy Desfossés; yet, Mr. Fraser testified that his spouse, Linda Hooper, had contacted Mr. Desfossés to make the request for the tribute video. Perhaps Mr. Fergus did not have the presence of mind to ask Mr. Desfossés about the *appropriateness* of the video, but it would be misleading to suggest Mr. Desfossés was entirely absent from communications about it. Mr. Desfossés is, of course, well known on Parliament Hill from his nine years of service as a senior aide and close associate of Justin Trudeau’s during the ascendant years of Mr. Trudeau’s career,⁹ a politician well known for prioritizing style over substance.

Fourthly, Mr. Fraser explained that the request for Mr. Fergus to make the video tribute was always meant to be as part of the Ontario Liberal Party’s tribute to the outgoing leader, a customary feature of most parties’ leadership conventions or events, though he admitted he “can’t speak to how it was communicated within Mr. Fergus’s office”. Though the e-mails deposited with the Committee show that—hours following the video’s public airing—Mr. Desfossés told Mr. Janse that the video was meant for “a private dinner to thsbk [*sic*] John”,¹⁰

⁹ *The Hill Times*, January 15, 2018, “Tommy Desfossés leaves post as EA to Prime Minister Trudeau, Philip Proulx steps into job” ([online](#)).

¹⁰ E-mail exchange between Eric Janse, Acting Clerk of the House of Commons, and Tommy Desfossés, Chief of Staff to the Speaker of the House of Commons, December 2-4, 2023, deposited with the Committee.

Mr. Fraser agreed in Committee questioning that this tribute was “always going to be livestreamed ... always going to be a very, very public event.”

According to Mr. Fraser, the miscommunication was that Ms. Hooper had suggested to Mr. Desfossés that the video would be used on *Friday*, December 1, not *Saturday*, December 2; indeed, there had never been any tribute event, private or otherwise, planned for that Friday.

In our view, Mr. Fraser’s evidence before the Committee was candid, plausible and not self-serving. Further, we note that Ms. Hooper is not an amateur to politics, being a veteran Liberal staffer on Parliament Hill,¹¹ which adds to the credibility of Mr. Fraser’s comment that Ms. Hooper may have innocently erred, relying on her decades of political experience, in suggesting that the tribute would be the night before the result announcement—a common practice in the days of delegated leadership conventions. Moreover, her professional political experience suggests to us that she would have been sufficiently clear in communicating the *purpose* of the tribute video. Indeed, her experience and connections also clarify for us why she did not call her close friend of 34 years, but instead called Mr. Fergus’s staffer of about five weeks’ tenure.

Since no other evidence (such as appearances by Mr. Desfossés or Ms. Hooper, or documents from the Ontario Liberal Party) was available to the Committee to corroborate Mr. Fergus’s “understanding” of the request, we can only make negative inferences against his claims, particularly where they contradict the evidence of Mr. Fraser.

In sum, we have serious doubts about the accuracy of Mr. Fergus’s evidence to the Committee.

The Speaker’s judgment cannot be trusted

As the House unanimously agreed last week, Mr. Fergus’s tribute video demonstrated a “serious error of judgment”. Indeed, the sequence of events from December 1 to 5, 2023, revealed a pattern of poor judgment on Mr. Fergus’s part.

Adding to the pattern of poor judgment regarding the inappropriateness of partisan engagements as Speaker, Mr. Fergus persisted in pursuing his trip to Washington—scheduled for the middle of a sitting week, a questionable choice itself—while a crisis of confidence in his Speakership was fully aflame in Ottawa. Indeed, as we learnt, it was really just a personal trip to go to a party celebrating another long-time friend from liberal politics with some events tacked on to justify calling it (and expensing it as) “official” Speaker travel.

While Mr. Fergus suggested to our Committee that he contemplated cancelling the Washington trip, another interview he gave to *The Globe and Mail*—this time on December 4, 2023, hours before leaving the country—suggests it was not a serious reflection, given his flippant, almost patronizing comment dismissing the controversy which was, by then, raging in the Commons as “the members are upset”.¹²

¹¹ *The Hill Times*, October 26, 2023, “Minister Fraser houses a 21-member political staff team” ([online](#)).

¹² *The Globe and Mail*, December 5, 2023, p. A3, “Tories, Bloc call for resignation of Commons Speaker over video”.

Conservatives had some skepticism about Mr. Fergus's ability to be an impartial Speaker, given his hyper-partisan career, including time spent as President of the Young Liberals of Canada, National Director of the Liberal Party of Canada, staffer to senior Liberal federal cabinet ministers, and Parliamentary Secretary to the Prime Minister, among other positions. Mr. Fergus's repeated displays of partisanship, with the attendant lack of judgment related to them, confirm for us that our concerns were well-placed.

The Speaker of the House of Commons is called upon to make very important decisions, often where serious democratic interests are at stake, requiring tact, awareness and judgment. If we cannot rely on the Speaker to have the judgment or self-awareness on basic matters, what faith can we have in his rulings in the House?

The majority's recommendations are weak and meaningless

When the House unanimously asked our Committee to recommend an appropriate remedy, it cast Mr. Fergus's conduct in very unflattering terms implying a most serious matter requiring equally serious consequences.

The NDP-Liberal majority on the Committee have, instead, defied the will of the House by agreeing to report back recommendations which, in their totality, amount to a slap on the wrist at its most generous interpretation.

Firstly, the recommendation to reimburse "a suitable amount" for the parliamentary resources used is a matter the Board of Internal Economy is already seized with, entirely independently of this Committee's work, following the letter of complaint to the Board from our caucus colleague James Bezan.¹³ In analogous situations, the Board has approached the question by seeking reimbursement of an amount representing the fair market value of the resources used, not by imposing a punitive fine.¹⁴

We note that our New Democratic committee colleague Peter Julian claimed he would seek a "financial penalty" for Mr. Fergus,¹⁵ but the House of Commons, when exercising its contempt jurisdiction, has no authority to impose a fine.¹⁶ If a mere reimbursement to taxpayers of the resources used constitutes a "penalty", then his understanding of consequences and appropriate remedies is a joke.

Regardless, even if there was authority to impose a fine, no amount of money could restore the trust and good-will required for Mr. Fergus to be able to do his job. Perhaps in the NDP-Liberal coalition's Ottawa, you can simply purchase trust and confidence, but regular, hard-working Canadians know that trust must be earned.

¹³ James Bezan, M.P., December 6, 2023, [Twitter post](#).

¹⁴ House of Commons, Board of Internal Economy, *Transcript*, February 28, 2019, p. 12.

¹⁵ Canadian Broadcasting Corporation, December 12, 2023, "NDP calling for 'disciplinary measures' for Speaker Fergus, won't ask him to resign" ([online](#)).

¹⁶ Bosc and Gagnon, p. 129.

Secondly, the recommendation for an apology is meaningless. Mr. Fergus offered apologetic words to the House on December 4, 2023, pledging to do better,¹⁷ then he jetted off to Washington where he gave another set of partisan remarks. What good would another apology be when there is an established track record of poor judgment which is likely, over time, to recur?

Thirdly, the recommendation for Clerks to provide Speakers with “guidelines” on partisanship is simply sad. While we recognize and understand Mr. Janse’s commitment to “beef up” the briefing materials available, non-partisanship is really the most basic, golden rule of the Speakership in our parliamentary system. Anyone aspiring to be the First Commoner really should understand that basic expectation of the job before seeking the office. To us, this recommendation is as patronizing as if the Committee also recommended that Speakers should know the rules by reading the Standing Orders and our procedural authorities, like *House of Commons Procedure and Practice*.

If a Speaker requires a dedicated briefing on impartiality and non-partisanship in order to discharge that simple, basic and ancient responsibility of the position, then he or she, quite frankly, has no business holding the office.

Put simply, more serious remedies are necessary to repair the damage done by the blatant pattern of partisanship by Mr. Fergus.

It is, therefore, with no pleasure, but in the best interests of the institutions of Parliament, that the Official Opposition expresses its lost confidence in Greg Fergus as Speaker of the House of Commons and asks that he resign the office immediately.

¹⁷ House of Commons, *Debates*, December 4, 2023, p. 19361.

Dissenting Opinion of the Bloc Québécois

“All of the Speakers who came before you were faced with the challenge of moving from a sometimes very partisan role to one where they had to set aside partisanship and become impartial. I am sure that you will be able to fulfill this role and that you will maintain the impartiality required for our Parliament to do noble work for our fellow citizens. They expect nothing less from us.”
(Alain Therrien, House Leader, October 3, 2023)

The Bloc Québécois wishes to stress that the Speaker of the House of Commons plays a fundamental role in the Canadian Parliament, and just like a referee, the Speaker must embody impartiality, fairness and judgment. These qualities are essential to guaranteeing trust, order and decorum, and to ensuring that the legislative process runs smoothly for the sake of democracy and of the confidence of Quebeckers and Canadians in their elected representatives and in Parliament as the legislative assembly that represents them.

The Bloc Québécois finds it unfortunate that the actions of Speaker Fergus, elected by a majority on October 3 following a controversy, are once again distracting from the important business of Parliament, which is to address the issues affecting the public, particularly those related to the current economic situation.

The Bloc Québécois is critical of Mr. Fergus’s lack of judgment in the performance of his duties as Speaker when he decided to send a video tribute to his friend, John Fraser, Interim Leader of the Ontario Liberal Party, during the leadership race on December 3, 2023.

His decision to deliver a thank-you message as part of a partisan event, while wearing the official robes of his office as Speaker of the House, in the offices he occupies to carry out his duties, and by using House resources in doing so, is an undeniable error of judgment likely to cast doubt on his impartiality and undermine the confidence of the Members of the House.

Despite Mr. Fergus citing his lack of experience during his testimony before the House of Commons Standing Committee on Procedure and House Affairs on December 11, 2023, the Bloc Québécois finds that due to the seriousness of the Speaker’s misconduct and lack of judgment, as well as the cumulative impact of his actions in the performance of his duties, he has lost the confidence of a large part of the House, made up of at least 149 Members (the Bloc Québécois and the CPC).

Although the Bloc Québécois placed its trust in Mr. Fergus in good faith when he was elected on October 3, 2023, a number of factors have raised serious doubts in the Bloc Québécois about his ability to properly carry out the role of Speaker of the House, in

keeping with the tradition and customs of Parliament as a Westminster-style democratic institution.

From the outset, the Bloc Québécois had advised Mr. Fergus of the need to set an example and carry out his role as Speaker with all the high standards and judgment required given the crisis that the Chair had just gone through. Despite the Bloc Québécois's request, Speaker Fergus acted contrary to this recommendation just a few weeks into his term of office.

Bias and error of judgment

1. Partisan video as Speaker

For the Bloc Québécois, there are a number of ways in which Mr. Fergus demonstrated that he did not live up to the standards that Members are entitled to expect from a Speaker in terms of his ability to exercise sound judgment in carrying out his duties. In addition to having recorded a video in which he paid tribute to a friend at a partisan event in his capacity as Speaker of the House, Mr. Fergus testified before the Committee that he had neither validated his decision to pay tribute in his capacity as Speaker, nor sought advice from the team responsible for assisting him in the exercise of his duties as Speaker. On this point, Éric Janse, Clerk of the House of Commons, confirmed that the Speaker had not sought his advice before recording his message and sending it to the addressee for broadcast. This seems to us to be a blatant lack of judgment and discernment on the part of the Speaker. Once newly appointed Speaker, Mr. Fergus should have taken all necessary steps to assess the risk of breaching his duty of impartiality and to confirm that his decision was appropriate in the circumstances.

This situation seems all the more problematic to us since, according to Mr. Janse's answer to the Bloc Québécois, the Speaker must be impartial at all times, not only when he is in the chair carrying out his duties.¹ In the Bloc Québécois's view, one can justifiably say that Mr. Fergus's actions may set a dangerous precedent that risks considerably lowering the expectation of judgment and impartiality from the Speaker of the House of Commons in carrying out his duties. The Bloc Québécois cannot allow such a precedent to emerge for the sake of democracy and public confidence in the institution of Parliament.

Mr. Fergus also told the Committee that he did not have time to think, which is why he made the video. It is concerning that the Speaker was unable to consult his own staff or the advisors who maintain parliamentary tradition. This admission further undermines the Bloc Québécois's confidence in the Speaker. The Chair is sometimes called upon to

¹ From the testimony of Mr. Janse: "It is clear that the Speaker must be not only impartial, but also seen to be impartial, at all times, even more so than the other Chair occupants. I think that this would have been the justification and the explanation as to why it would not be a good idea to make such a video."

make important decisions quickly, ones with potentially serious consequences. This makes it essential that the occupant of the Chair be able to quickly and with good judgment analyze what action to take when called to do so.

2. Trip to Washington while the House was debating a matter of privilege concerning him

Furthermore, the Bloc Québécois finds it completely inappropriate that Mr. Fergus chose to travel to Washington on a parliamentary mission as Speaker in the midst of parliamentary turmoil. The leaders of the Official Opposition and the Bloc Québécois formally called for the removal of his duties as Speaker following the events of December 3, 2023. Based on the testimony from the Speaker's staff, it is apparently not customary for the Speaker of the House to go on an official trip while the House is sitting. What is more, discussions between the Speaker's staff and the Office of International and Interparliamentary Affairs obtained by the Committee show that Speaker Fergus's primary motivation for going to Washington was a private retirement party for (another) friend. Mr. Fergus therefore sought to legitimize his private trip to Washington in the middle of a parliamentary week with meetings in the United States related to his duties as Speaker of the House.

Mr. Fergus chose to leave the country in the midst of the turmoil in order to honour a personal and private commitment, rather than remain in Ottawa to try to regain the confidence of parliamentarians. Again, the Bloc Québécois finds that Mr. Fergus showed irresponsible behaviour. The Bloc Québécois also finds it totally unacceptable for the Speaker to repeat the same kind of behaviour in the wake of the question of privilege raised in the House by the various parties concerning the partisan video that he had recorded. During his trip to Washington, the Speaker delivered a public speech outlining his political past as an activist and Liberal member of Parliament.

3. Difficulty acknowledging his mistake and his belated apology

It is also very unfortunate that Mr. Fergus was unable to acknowledge his mistake at the appropriate time and was slow to adequately apologize for his partisan and inappropriate actions. It would appear that Mr. Fergus told the House at the outset that he regretted that his message, which he described as apolitical and personal to a long-time friend, had been broadcast publicly. In a Canadian Press article on December 4, 2023, he went on to acknowledge how his actions had been interpreted. The Bloc Québécois wishes to commend Mr. Fergus for the heartfelt and sincere apology he finally delivered before the Committee during his appearance on December 11, 2023. The Speaker acknowledged, albeit belatedly, that he had made a significant mistake. The Bloc Québécois also believes that Mr. Fergus's instructions regarding a protocol to improve communication within the Speaker's Office fail to restore the Members' confidence, since the Bloc Québécois places

the blame not on the Administration, but squarely on Mr. Fergus. Furthermore, a protocol alone cannot serve as a bulwark or remedy for a repeated lack of judgment.

4. Decision to stay on despite the breakdown in trust in the House

Lastly, it is inconceivable that, despite the fact that two opposition parties representing 149 Members have withdrawn their confidence in the Speaker through their respective leaders (Bloc Québécois and the Conservative Party of Canada), he has expressed his firm conviction that he is able to remain in the Chair and to regain the confidence of the House.

Outcome

In light of all of the above, the Bloc Québécois cannot help but consider the lack of judgment shown by Mr. Fergus since he was elected Speaker of the House of Commons. However, the Bloc Québécois reiterates that it advised the Speaker that, given his highly partisan past, his behaviour and impartiality were under scrutiny, and that he had yet to prove himself worthy of the full confidence of the Bloc Québécois Members. The Speaker told the Committee that he recalled the conversation during which he was eager to reassure the Bloc Québécois Whip and House Leader that he would not disappoint the Members of the House of Commons. The Bloc Québécois had a right to expect that the Speaker would behave thoughtfully and beyond reproach, and that he would make decisions free from any appearance of bias. The result was the Bloc Members' irreversible loss of confidence in the Speaker.

Breach of privilege

In section B of the Committee's report into the Speaker's public participation at an Ontario Liberal Party convention, the testimony of Mr. Janse, Clerk of the House of Commons, clearly dictates how a question of privilege must be analyzed following an order from the House. He said that "when considering a question of privilege, a committee usually takes three steps. First, a committee seeks to determine the facts of the events in question. Second, a committee determines whether, in its opinion, the events constitute a breach of members' privileges or a contempt of the House. Finally, a committee may examine corrective measures. Ultimately, the House itself decides whether its privileges have been breached and appropriate corrective measures."

The Bloc Québécois clearly believes that Speaker Fergus's actions constitute a breach of parliamentary privilege and that a significant number of Members of the House have lost confidence in him as Speaker. No amount of financial penalty would remedy the error that was committed, and in no way would it restore the necessary and inalienable trust that must exist between all parliamentarians and the Speaker. On the contrary, it would

set a precedent whereby partisan actions and a lack of judgment can be committed by Speakers of the House, in return for payment of a fine. This would fundamentally alter the stature of the Chair and considerably weaken the level of expectation placed on it. This would undermine the Speaker's authority and affect order and decorum in the House, as well as public and Member confidence in the democratic institution of Parliament.

The Bloc Québécois fails to see how introducing a financial penalty would restore the confidence of its 32 Members in his impartiality, discernment and sound judgment. It is also important for the Bloc Québécois to point out that the Committee was asked in the order of reference from the House to recommend an appropriate remedy. Considering this, it is inappropriate to consider any training or mentoring mechanism for the Chair. The Bloc Québécois suggests that the Standing Committee on Procedure and House Affairs could launch a study, at a later date, on how to improve training practices when electing a new person to the Chair.

Recommendations of the Bloc Québécois

Whereas the order of reference from the House of Commons states that “the House refer the matter to the Standing Committee on Procedure and House Affairs with instruction that it recommend an appropriate remedy.”

In light of the above, the Bloc Québécois makes two possible recommendations for similar circumstances:

- A) That the Speaker resign from his office as Speaker as he no longer has the confidence of a substantial number of Members; and
- B) That, further to debate in the House on adopting this Committee report, the House hold a secret ballot similar to balloting for electing a Speaker as per Standing Order 4 of the House.

