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Chair

Mr. Joe Preston

Standing Committee on Procedure and House Affairs

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• (1100)

[English]

The Chair (Mr. Joe Preston (Elgin—Middlesex—London, CPC)): I call the meeting to order.

This is meeting number 42 of the Standing Committee on Procedure and House Affairs. We're here pursuant to the order of reference of November 29, a question of privilege relating to the premature disclosure, on November 18, of a confidential draft report of the Standing Committee on Finance.

Ms. Yasmin Ratansi (Don Valley East, Lib.): Mr. Chair, may I please have a few questions?

Could we have the witness sworn in? Can we ask the witness to be flexible? If we have more questions, we don't want her coming back. I know that you have allocated one hour. So can we have that cleared? If there are questions, then could she stay for the hour?

The Chair: Let's get to that point and—

Ms. Yasmin Ratansi: And could we set aside some time after the witness is gone to discuss committee business—five or ten minutes?

The Chair: Okay—just for you, though.

Ms. Yasmin Ratansi: Thank you.

Mr. Marcel Proulx (Hull—Aylmer, Lib.): I'd like to be included in that.

The Chair: Okay, now we're not doing it.

Ms. Hamilton, are you going to do that first? Go ahead.

Ms. Lynne Hamilton (Vice-President, Public Affairs, GCI Group, As an Individual): I, Lynne Hamilton, do swear that the evidence I shall give in this examination shall be the truth, the whole truth, and nothing but the truth, so help me God.

The Chair: Thank you very much.

Ms. Hamilton, you have a short opening statement. Please go ahead with that. We'll go to questioning after that.

Ms. Lynne Hamilton: Good morning, everyone.

Mr. Chair, I'd like to thank the committee for inviting me here today. I understand and appreciate the serious nature of the matter at hand. I would like to provide the committee with a number of basic facts.

The document came to me unsolicited in an e-mail on Thursday, November 18, at 8:38 a.m. When I received it, I glanced at my Blackberry and noted that it had been sent by a friend, Russell Ulyatt. At 12:37 p.m., I sent a quick reply without fully reading the

e-mail's contents. Two hours later Mr. Russell and I exchanged e-mails on a personal matter that had nothing to do with the report. At 3:20 in the afternoon, Mr. Russell called me and we had a brief conversation on the phone on a matter completely unrelated to the report.

Shortly after that conversation I printed several documents for follow-up, including the attachment to Mr. Ulyatt's e-mail. I thumbed through the report for about five minutes, reviewed the other documents that I had printed, and placed them in my locked desk drawer. I left the office shortly after five o'clock and locked my door.

The next morning, at 7:15, I received a phone call from Mr. Ulyatt indicating that he had been terminated from his position. I asked why and he said it was for sending out the report. It was at that point I realized the report was confidential and the serious error that Mr. Ulyatt had made. When I returned to the office on Monday I shredded the report and double-deleted the e-mail.

In summary, I did not ask for or expect to receive the report. The only copy I had, I destroyed. I did not share the contents of the report with anyone.

Mr. Chair, I'd be pleased to respond to any questions the committee has.

• (1105)

The Chair: Excellent. Thank you very much.

We'll do a round of seven minutes and then we'll do a round of five minutes after that.

Ms. Ratansi, are you leading for your group?

Ms. Yasmin Ratansi: Yes.

Thank you, Mr. Chair.

And thank you, Ms. Hamilton, for being here.

Before I start, I just want to know whether you have discussed your appearance before this committee with anyone. Have you hired counsel? If so, who is your counsel?

Ms. Lynne Hamilton: I have counsel. His name is Henry Brown.

Ms. Yasmin Ratansi: Henry Brown, thank you.

Since the incident of November 18, have you been in contact with Mr. Ulyatt for any reason? Or have you had any conversations with him?

Ms. Lynne Hamilton: I have not.

Following the morning of the 18th, he contacted me by phone. I have not had any conversations with Mr. Ulyatt.

Ms. Yasmin Ratansi: Before I ask you the question, I want to find out from the clerk if Ms. Hamilton has supplied any more e-mails to the committee.

The motion that the committee passed is a parliamentary motion, a motion of the committee, asking you to produce old documents and communications between you and Mr. Ulyatt. We find that other people, the other lobbyists, complied with it. You only sent two e-mails, and there are more, according to the communication we have received from Mr. Ulyatt.

Why didn't you comply?

Ms. Lynne Hamilton: I wasn't asked for them. I was originally requested to produce documents related to "any draft documents from a committee of Parliament". The committee clerk clarified that I was to produce documents "related to any House of Commons committee reports". The other e-mails don't relate to the committee reports or draft reports, and therefore I did not include them.

Ms. Yasmin Ratansi: This is in contradiction to what Mr. Ulyatt sent us. In that e-mail traffic, there is communication with you on issues about the draft report, etc., and you yourself said there was a lot of communication with him, because you could not pick up the phone. So there was this e-mail traffic. The traffic dealt with the confidential draft report.

Why do we have only two, and why are you not complying with the motion? The second motion ordered you to produce papers, and we still haven't received them. Could you explain why?

Ms. Lynne Hamilton: We looked at two or three clarifications from the chair to ensure that we were providing the information you sought. My company has done a full search of all e-mails between me and Mr. Ulyatt. I have them with me. If the committee wishes to see them, I'm happy to give them to the clerk.

I have redacted some names of one person referred to in the messages, because of a privacy concern only. I'm happy to share this information with you. But I responded to the order as we read it, namely, that you wanted to see only the ones that had something to do with the report. The phone calls and following messages of the day that I had with Mr. Ulyatt had nothing to do with the committee report and were personal in nature.

• (1110)

Ms. Lynne Hamilton: I complied with the order to the best of my ability based on the knowledge and the three clarifications we had with the clerk, as I have indicated—

Ms. Yasmin Ratansi: Sorry, you said you had clarifications with the clerk or with the chair? You said you spoke to the chair—

Mr. Terence Young (Oakville, CPC): A point of order, please.

I am somewhat uncomfortable with this process. I understand it's a legitimate process and everyone's going by the rules, but I get really concerned when the committee members begin to berate people who come before us to give information, and interrupt them—

Ms. Yasmin Ratansi: That is not a point of order, Mr. Chair.

The Chair: When you're the chair you can make the rulings.

Ms. Yasmin Ratansi: I know, but I'm just letting you know.

The Chair: Thank you, Mr. Young.

Mr. Terence Young: If people were allowed to complete their answers, not get the same question three times, and not be berated and lectured to by committee members, it would be far more businesslike.

The Chair: I agree with you. We would certainly get better results if we proceeded in that manner.

Madam Ratansi.

Ms. Yasmin Ratansi: Thank you, Mr. Chair.

Mr. Young seems to be new to this committee and new to the fact that you have been here before and have not complied with the order of the committee. It is important that you comply with the order.

You have made two contradictory statements already. You said you asked the clerk for clarification, and then you said you asked the chair for clarification. Why did others who looked at this give all the information they had to give, whereas you're the only one who is withholding information? What is it that you have to hide?

Ms. Lynne Hamilton: Let me clarify. I did misspeak. We did speak with the clerk's office on numerous occasions to try to get clarification. If in your eyes we have failed to comply, let me assure you that I have the e-mails with me today. I am happy to turn them over.

Ms. Yasmin Ratansi: We had a motion ordering the witness to submit her communication. If she has brought the communication with her, as it has already been five days, I suggest that she kindly give this over to the clerk, because it will have to be translated. You would have saved us a lot of problems, because this communication needs to be translated into both official languages.

We don't want to have to bring you here again. It is important that you respect Parliament. This is such a simple motion. It asked you to produce papers. I cannot understand why a person in your position with your capabilities does not understand these things.

Can somebody pick up the documents from Ms. Hamilton?

How much time do I have?

The Chair: You have 20 seconds or so.

Ms. Yasmin Ratansi: Fine. I'll give up my time.

The Chair: Thank you very much.

Mr. Marcel Proulx: Mr. Chair, I have a point of order.

The Chair: Certainly. I'll try a point of order from you.

Mr. Marcel Proulx: The witness referred to conversations with the clerk. Did our present clerk have conversations with the witness?

The Chair: I believe it was with our previous clerk.

Mr. Marcel Proulx: That's what I was afraid of.

Could we check with the previous clerk to make sure we're getting the straight story?

The Chair: I will ask that question.

Mr. Marcel Proulx: Thank you.

The Chair: Our new fantastic clerk will ask questions of our old fantastic clerk to see when the conversations took place.

Mr. Marcel Proulx: So both fantastic clerks will solve the problem. Thank you.

The Chair: Yes. Thank you.

Ms. Yasmin Ratansi: Mr. Chair, I have one clarification. I hope the documents are not redacted.

The Chair: They're being handed in today. They'll need to be translated. This is the fifth day. We were asked for five days in your motion, so I think the witness—

Ms. Yasmin Ratansi: I'm just saying redacted.

The Chair: Excuse me, please don't.... I'll try not to interrupt you when you're speaking—or I will make a point of doing it, and I'm not sure you want that.

Mr. Lukiwski, you're up. Let's go.

•(1115)

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): Thank you, Mr. Chair.

Thank you, Ms. Hamilton, for being here today.

Let's cut to the chase here. Really, I think the reason you're here, Ms. Hamilton, is that many committee members at your last appearance, quite frankly, were questioning your honesty, the veracity of some of the statements you made, particularly when you said that you had not known the contents of the e-mails you received from Mr. Ulyatt and you didn't realize that it was a confidential or draft document.

The other lobbyists, save for one, disagreed with you on that point. They all indicated that they knew exactly what was happening. One or two of the lobbyists apologized to the committee for forwarding on that confidential information, information they knew was confidential. You, on the other hand, have stated publicly, and have reiterated your position again today, that you didn't know what was in the document when you first received it. Several hours later, the next day in fact, when you did examine the information, you thought it was information that was publicly available. You didn't realize that it was confidential. That's the point many of us on the committee are having problems with.

I'll tell you why I have problems with that. It just seems to be a common-sense thing to me, more than anything else. You stated, for example, that you printed off the attachment when you received it but didn't read it. All of us, and I'm sure you're no exception, receive literally dozens and perhaps sometimes hundreds of e-mails over the course of a day or two. We're living in an era of computer viruses

and spam. We've all been educated—I'm sure you have, as well—not to open an attachment unless you know it's from a trustworthy source and you know what's in it. Yet you say that you opened the attachment and printed it without knowing what was in it. How can you explain that? Isn't that a bit odd?

Ms. Lynne Hamilton: I had no reason to expect a confidential document from Mr. Ulyatt. He was a trusted source, to move back to your virus analogy. I quickly opened the e-mail, saw it was from him, and didn't go back to it until many hours later in the day. At the end of the day, when I was printing stuff to clear my desk for the day, I quickly printed it, along with a number of other documents. I quickly did a scan and threw it in a drawer.

It never occurred to me that it would be an inappropriate document, that he would send me an inappropriate document, or that he would have an inappropriate document. Therefore, I reacted the way I did.

Mr. Tom Lukiwski: Again, just from a common-sense standpoint, I can tell you that from my perspective, at least, I won't print off an attachment unless I know what's in it. In other words, we receive many, many e-mails, many containing attachments, on a daily basis. I don't print off every e-mail I receive. I certainly don't print off every attachment I receive unless I know what's in the attachment and that it's worthy information, important information to me. Then I print it off, because I want a hard copy.

You say that you printed off the attachment but didn't know what was in it. You just went ahead and printed it off. I find that not only odd, but quite frankly a little unbelievable.

Ms. Lynne Hamilton: I printed off a number of documents that day. It had been a busy day in the office. A number of things had transpired. It was very busy. I had a number of e-mails I had responded to and some I had not gotten around to responding to. I was trying to clear my inbox for the day. I went through and clicked on attachments.

I take your counsel. Since then, I'm much more careful about what comes in through my inbox, I assure you.

I printed off those documents that day. They came to me on the printer. I started flipping through.

•(1120)

Mr. Tom Lukiwski: Would it be fair to say.... I don't want to interrupt you, Ms. Hamilton, but it seems like you're searching for words here. Would you say, then, or is it your contention, that it's a common practice of yours to print off attachments of e-mails without knowing what's in the attachments?

Ms. Lynne Hamilton: It's fair to say that would have happened on a number of occasions, yes.

Mr. Tom Lukiwski: Why do you print them off, then, without just opening them up and reading them on display on your monitor? Again, it just doesn't seem to make sense to me. Right?

If I want to know whether or not a document is worth my printing it off and retaining, I'll read the attachment and then make that determination. But you're saying to this committee that you just routinely print attachments—not open them, just print them—without knowing what's in them to begin with, and then not really bothering to read them after you print them off. It just seems incredulous.

Ms. Lynne Hamilton: Mr. Chair, perhaps because of the BlackBerry age, we spend a bit of time looking at e-mails very quickly. What I can suggest is, because I had not had a chance to look at most things during that day, at some point I think I've looked at it—at some point, right? I've at least had a passing glance. I knew what I was looking at. I knew it came from a trusted person; it wasn't going to be something I wasn't expecting or.... So when I went to print attachments, I just was gathering them up for the day, because sometimes it's very hard to look at attachments on BlackBerrys, and you can't always open them. So I just printed off a number of e-mails from the day, agendas, other things....

Mr. Tom Lukiwski: You mentioned that you considered Mr. Ulyatt to be a trusted source, and I'm not going to—

Ms. Lynne Hamilton: When I say “trusted source”, I mean in terms of your virus analogy, meaning only open items as—

Mr. Tom Lukiwski: All right. Fair comment.

Ms. Lynne Hamilton: Okay, I'm sorry. I—

Mr. Tom Lukiwski: No, no, that's fine. A fair comment.

But because of that, if he was a trusted source or someone you had known, also you obviously knew where he worked; he worked for a member of Parliament who was a member of the finance committee and you took the time to print off an attachment from an e-mail that he sent to you. But you're still contending that even though you knew him, you knew him well, and he sent you an e-mail, you printed off the attachment, but you didn't read it at the time you received it and printed it off?

Ms. Lynne Hamilton: I gathered up the printed documents of the day. On my desk, I had a number of items. I quickly went through them. I thumbed through the first few pages, took a look, realized I didn't have a lot of time, put them in a locked drawer, went on a teleconference, and then left the office and locked my door.

Mr. Tom Lukiwski: How much time, Chair...?

The Chair: Ten seconds for question and answer.

Mr. Tom Lukiwski: That's fine. Thank you.

The Chair: Thank you. We'll leave it there.

Madame DeBellefeuille, are you taking the first round?

[*Translation*]

Mrs. Claude DeBellefeuille (Beauharnois—Salaberry, BQ): Thank you, Mr. Chair.

Thank you, Ms. Hamilton. We asked you to appear before us again because this is a very serious issue.

[*English*]

Ms. Lynne Hamilton: There is no translation.

The Chair: We'll just wait.

All right? We're starting you over.

[*Translation*]

Mrs. Claude DeBellefeuille: We are here to study the question of privilege relating to the disclosure of a confidential draft report on the pre-budget consultations of the Standing Committee on Finance. This is a very serious matter and that is why we asked you to appear again. I share my colleagues' opinion that your testimony at the last meeting was not really credible. We want to give you the opportunity to better explain yourself this time. As I was listening to you, I felt that my opinion on your testimony would not change, but I'm still going to ask you some questions in order to clarify a few of your comments.

You are an experienced lobbyist. You worked in politics for a minister from Ontario and you were chief of staff. We do acknowledge your considerable experience in politics. You are now a lobbyist and you are working for a well-known company. I just have a lot of questions about the way you handled the information Mr. Ulyatt sent you.

You received your first e-mail at 8:30 a.m. and, since we were able to read it, you have exchanged some information with Mr. Ulyatt, including some very affectionate comments like “I love you”. We know you trusted him. You told us that you developed a deep friendship for him, and the feeling seemed to be mutual.

So, at 8:30 a.m., you received an e-mail, but you did not read the attachment with the report. You explained that you were busy taking your children to the bus stop, daycare, and so on. Four hours later, you sent him an e-mail, but you still had not read the attachment with the report, though the subject of the e-mail was “Draft Report”. You automatically assumed that the report was public and you said that you would read it later.

Here's why I really have some doubts, Ms. Hamilton. You are a lobbyist and you are paid to send your clients privileged information that you manage to get. You had a public report in your hands. You said you held on to it because you were busy; you didn't send it, you didn't read it, you just kept it.

How can we believe that an experienced lobbyist would hold back a report that she assumed was public and would just keep it to herself? What is your explanation?

None of us around this table find this very credible.

•(1125)

[*English*]

Ms. Lynne Hamilton: Mr. Chair, I have a small point of order.

The honourable member indicated that as a lobbyist my job is to pass on privileged information that I have attained. That is not my job as a lobbyist; it is to give good counsel and wise counsel to my clients to ensure they are able to navigate the waters of government.

What I can tell you is in the management of my e-mails that day, the very fact that I believed I'd received a publicly available document I think bolsters my claim that I believed it was not time-sensitive. I believed I had time to review it if it was a document that was inappropriate or confidential. Others acted in very different ways when they knew it to be a different document. I did not act in that manner, I believe, because I believed it was publicly available information and therefore I didn't feel it was time-sensitive.

[*Translation*]

Mrs. Claude DeBellefeuille: Ms. Hamilton, what you had in your hands was a confidential draft report on pre-budget consultations. There was information in the report that you could have used to advise your clients. What doesn't make sense is that we have repeatedly asked Mr. Ulyatt why he chose the lobbyists in question to distribute and send the report to. But we can't figure it out. I think it is virtually impossible for you not to know that this report was confidential and that you could use it to give good counsel and wise counsel to your clients, as you so well put it. I have trouble understanding that. If I were your boss, I would ask you why you did not diligently deal with such valuable information so that your customers could benefit from it. In my view, that's where things don't add up.

Another question comes to mind. If you received this information from a good friend, who happens to be the assistant to a member on the Standing Committee on Finance, and you decided not to do anything with this information, why would Mr. Ulyatt send it to you in the first place? I wonder if it was because you had, as Mr. Mulcair publicly pointed out, business ties with Mr. Ulyatt's companies.

Is it not safe to assume that, besides having the privilege of being in the possession of a confidential pre-budget report, your business relationship would benefit Mr. Ulyatt, since contracts are awarded to those private companies? Was the idea behind all this "I give you something and you give me something in return"? Is your company a client of one of Mr. Ulyatt's companies, RU Thinking and Bestmail.ca, whose names have been mentioned publicly? Are we to understand that there is a link to why Mr. Ulyatt sent you the confidential draft report on pre-budget consultations?

• (1130)

[*English*]

Ms. Lynne Hamilton: I cannot speak for Mr. Ulyatt as to why he sent me a copy of this document. I can't.

I can tell you that none of my clients are clients of any of Mr. Ulyatt's companies. I can tell you that the relationship I have with Mr. Ulyatt is nothing more than a friendship; there is no business relationship.

You indicated something about precious information or confidential information. The information contained in the final pre-budget report is important to clients. I would not suggest that it is time-sensitive. It needs thorough analysis. Days may go by where we would go through the document at length and pull out what may be salient for certain clients. But in terms of the confidential report and wanting to act quickly, as others in fact did, again, it bolsters my claim that I believed I had the final document that was publicly available, and therefore my actions bolster the fact that I didn't

believe I had—in your words—precious information or confidential information.

The Chair: Mr. Christopherson, for seven minutes, please.

Mr. David Christopherson (Hamilton Centre, NDP): Thanks very much, Mr. Chair.

Thank you very much for coming today. I'm subbing in this committee, filling in for Mr. Mulcair, but I don't think it takes a lot of research to conclude that where the rubber hits the road here is the.... Your actions don't seem to follow a common-sense approach, what an ordinary person would do. That seems to be the issue.

I don't know whether you made a mistake in the early days, and find yourself being backed further and further into a corner, or.... I accept, of course, that what you say could be 100% the truth. Our role is to try to make that determination.

I have just a few questions. Number one, you just mentioned that when you get a final document like a pre-budget consultation report, you look through it to see if there is anything salient for certain clients. Do you have clients who are impacted by what was in the draft document?

Ms. Lynne Hamilton: Not having done a thorough scan of the document, I couldn't answer that. As I said, I would require days to go through and determine this. A budget has wide-ranging...it's massive. A budget could have something for everyone in it, for every Canadian, so it would take a number of days to drill down to find out.

Mr. David Christopherson: You're under oath, and this can be easily checked in reference to your clients, when you publicly register that you're representing them. Anyone from a common-sense point of view could look at the pre-budget consultations and say that this impacted, and this impacted.... You're suggesting to us that there was nothing prominent in the draft that you thumbed through that in your mind would in any way affect any of your clients.

Ms. Lynne Hamilton: I didn't look through it enough to know. I didn't do a thorough analysis. I didn't get a good read. I thumbed through quickly.

Mr. David Christopherson: This comes from a trusted friend, and he used the words “peek” and “infancy”. You said you thought it was the final document, but he uses the word “infancy”. If somebody says to anybody, “Hey, you want to have a peek?”, there is a curiosity that kicks in just because we're humans. And then character, ethics, and other things start to kick in too, as to whether this is the right thing to do. But when one reads “peek” from someone well positioned within government, especially someone with your experience.... I know I would find it difficult not to look at that, if I had the time. And if I got something from a colleague saying, “Hey, Dave, have a quick peek at this”, well, I'm going to. Human nature is that I'm going to. Otherwise, you live in this world, as Mr. Lukiwski, said, and three hours later somebody says “Well, didn't you get the e-mail? What's the matter with you? Where've you been?”

So I'm having trouble believing that you would just glance at that, that you saw the word “peek” and it didn't trigger anything in you to say, “Oh, that might be interesting”.

• (1135)

Ms. Lynne Hamilton: As I've recounted many times now, I received the e-mail at 8:37 in the morning. I was putting my kids on the bus. I got in my car, I went to my job. I have clients in for the day. I'm running around. A couple of hours later, I got back. I skimmed through some e-mails on a quick e-mail break. Out of courtesy, I did a quick note back just to let him know that I got the e-mail and that I hadn't ignored him, and then I went on with the day.

Mr. David Christopherson: That's fine, I understand your answer.

I have two quick things, then, flowing from that, and I don't want to go too far on this. I'm going to be very sensitive. But when you say “I heart you”, that may be your regular “Love you”, “Thanks, hon”, or whatever. But it also could also refer to somebody who said “Hey, have a quick peek at this”, and then somebody takes a quick peek at it and shoots back an e-mail because it was the first chance you had to peek at it. It's a quick little message.

So if we asked you to show whether that's your regular sign-off, could you do that?

Ms. Lynne Hamilton: It was until recently. Obviously, with the amount of exposure that phrase has received, I've tended to eliminate it from my vocabulary.

Mr. David Christopherson: Okay, the last question that I have—

Ms. Lynne Hamilton: No, I'm not finished.

Mr. David Christopherson: How much more is there on that?

Ms. Lynne Hamilton: I just want to say that it's an expression that I would interchange with “thanks very much”, or “much appreciated”.

Mr. David Christopherson: Great. I hear you, and I wasn't trying to suggest anything more. But when I'm looking at the words, we're trying to revisit the moment. We're using words like “peek” and then you say that.

You're friends with Mr. Ulyatt. You see him socially, and others as a group. Remember, you're under oath and anybody who would be aware of the contrary could put you in an awful lot of trouble. During any of your discussions, sitting around having a beer with

buds, did it ever come up that Mr. Ulyatt was indeed at these hearings with his MP boss? Would any of your network of friends know that he happened to mention, “Oh, I'm doing these interesting pre-budget consultations with my MP”? Did that ever come up?

Ms. Lynne Hamilton: I'm conscious of the fact that I am under oath. I can't recall a time specifically when someone said “Mr. Ulyatt is on the pre-budget consultation committees”. But I requested some time with his boss, as a client, in early October.

Mr. David Christopherson: Was that having to do with the pre-budget consultations?

Ms. Lynne Hamilton: Not necessarily with the pre-budget consultations, but in the course of doing the rounds—

Mr. David Christopherson: As a lobbyist.

What I'm getting at is that you had mentioned you had no idea he was on this committee and doing that work. I just wondered, among all your circle of friends, when you're kicking around—“What are you doing? How is your day? Is anybody doing anything exciting? You're on the Hill; what's happening there?”—it never came up in conversation?

Again, I'm linking it to your saying you never expected any kind of document from him, and I'm suggesting there may have been a time when you knew socially that he was there. It may not have been your main purpose in terms of pre-budget consultation, but you were certainly lobbying his boss, so you had an interest.

There's a closeness there. Then to suddenly get an e-mail from him one morning that includes the word “peek”...and again, no context for you whatsoever.

Thanks, Chair.

The Chair: A quick answer?

Ms. Lynne Hamilton: I don't think I know what the question is for that. I don't know.

Mr. David Christopherson: My time is done. I can't—

Ms. Lynne Hamilton: Sorry.

Mr. David Christopherson: That's fine.

• (1140)

The Chair: Okay, we might get back to it.

Monsieur Proulx, you are next. We'll see if we can squeeze in a five-minute round.

Mr. Marcel Proulx: Thank you, Mr. Chair.

Good morning, Ms. Hamilton.

Ms. Lynne Hamilton: Good morning.

Mr. Marcel Proulx: Ms. Hamilton, prior to the leak did you correspond with Mr. Ulyatt at his home business e-mail address?

Ms. Lynne Hamilton: Yes.

Mr. Marcel Proulx: Why?

Ms. Lynne Hamilton: It was the only e-mail I had for him.

Mr. Marcel Proulx: We have a copy of an e-mail from you on November 8, 2010 to Mr. Ulyatt. That is the e-mail asking him to set up a meeting with Ms. Kelly Block, the MP, for your heart and stroke clients.

You knew that he was working for Ms. Block. Did you not have his address at Ms. Block's office?

Ms. Lynne Hamilton: I did not.

Mr. Marcel Proulx: Did you have a meeting with Ms. Block?

Ms. Lynne Hamilton: I did not.

Mr. Marcel Proulx: Okay. In answer to Mr. Lukiwski, when he was asking why you had opened the attachment without being prudent about it, you said "I expected communications from him", or "He was a gentleman I expected communications from".

What kinds of communications were you expecting from him—that draft report?

Ms. Lynne Hamilton: No, I expected friendship, banter, chatter.

Mr. Marcel Proulx: I see.

Mr. Ulyatt, in his testimony, said he believed the "I heart you" e-mail was based upon your appreciation of his efforts to give you inside information. In your previous testimony and very recently, you stated the "I heart you" was not related to his leaking of the report. Which version, according to you, is the true one—yours or his?

Ms. Lynne Hamilton: I was appreciative of the fact that Mr. Ulyatt had thought enough to send me a document. I did not for one second believe it was a confidential document or that it was inappropriate to send. It was worth the thanks e-mail just for thinking of me to send the document.

Mr. Marcel Proulx: Without knowing what the document was. He could have sent you the schedule for the Ottawa Senators and you would have replied the same way.

Ms. Lynne Hamilton: Normally when people send you things it is pretty common to write back "thanks", or some sort of acknowledgment so they know you have received it.

Mr. Marcel Proulx: Okay. You stated that in reference to the draft report—and I'm using your words—you "thumbed through it at approximately four o'clock". Your statement this morning says three-something, but don't worry about that.

Considering your extensive experience in government, do you honestly expect this committee to believe you did not realize that was a confidential draft report? Really?

Tell me, what was the inscription of the name of the attachment on that e-mail? It mustn't have been "Ottawa Senators schedule".

Ms. Lynne Hamilton: I couldn't have told you this on the day, but three months later, I can tell you it says "FINA PBC Report Draft 2010".

Mr. Marcel Proulx: So to you that was okay? It was a document that he should have released to you?

Ms. Lynne Hamilton: When I read it, I read it to be "Final PBC Report".

Mr. Marcel Proulx: How do you remember that that was the name of the document when you said in your opening statement this morning that you had double-shredded the document on the Monday morning? Yet when you testified here the first time, you didn't know what the document was.

Ms. Lynne Hamilton: As I just indicated, I couldn't have told you that information three months ago. I know today—

Mr. Marcel Proulx: Why not?

Ms. Lynne Hamilton: Because I didn't look at it quickly enough.

Mr. Marcel Proulx: But now you have, three months later? You're supposed to have double-deleted it, you said.

Ms. Lynne Hamilton: Absolutely, and I also had to go through every e-mail and produce it for you and prepare packages. I've read the correspondence since—not the document, but the correspondence since.

• (1145)

Mr. Marcel Proulx: Okay.

How much time do I have?

The Chair: You are done.

Mr. Lukiwski.

Mr. Tom Lukiwski: Thanks, Chair.

Perhaps you can satisfy my curiosity here on a question. Ms. Ratansi opened up questioning by asking you if you had been advised or coached by anybody prior to your appearance here. I note with interest and I believe I'm correct in identifying Mr. David Pratt, former Liberal defence minister, and it seems that you've been having conversations. Have you been advised or been coached by Mr. Pratt?

Ms. Lynne Hamilton: I will announce for the committee that David Pratt is the most recent addition to my company.

Mr. Tom Lukiwski: Ah, I see. I guess congratulations are in order then.

Let's get back to the issue at hand here. And again, I'm having a lot of difficulty. I think Mr. Christopherson and Ms. DeBellefeuille have also expressed some amazement at some of the things you're saying, just from a common-sense perspective. I have to keep going back to that.

Please just educate me, then, because it doesn't make sense to me that when you read something that says draft document—and you said you thumbed through it and put it in your desk, but you did thumb through it to the point where you recognized it was a draft document—obviously, when you're thumbing through it, you must have gleaned something from the document, enough to alert you that this is to deal with a report from the Standing Committee on Finance. Am I wrong here? When you said you thumbed through the document, what information did you glean from that, and what made you think that it was innocuous, that it shouldn't need any closer examination, particularly, as David has said, since the words “peek” and “draft” and all this stuff are included in that? I'm trying to get my head around your thinking.

Ms. Lynne Hamilton: When we talked about knowing what the document is called, that is what it is called on the attachment. That's what's in the BlackBerry when you open the document; what I dictated to you is what's in the BlackBerry subject line. In terms of the actual draft, it's been three months. I'm not sure I barely made it through the table of contents before realizing just how much work this was going to be and that I didn't have time to do it that day.

Mr. Tom Lukiwski: Even the table of contents—perhaps particularly the table of contents—would have alerted you that the document was one that was of some sensitivity and it was a report from the standing committee. That alone should have alerted you. No?

Ms. Lynne Hamilton: Remember, I believed I was getting a publicly available piece of information. When you—

Mr. Tom Lukiwski: Again, not to interrupt—and I hate doing this, but I have to get this clear—in your role as a fairly accomplished, fairly seasoned lobbyist, you're saying that you didn't realize that the Standing Committee on Finance, doing pre-budget consultations, which you must have been aware of.... You follow these things closely. You're saying you thought it was publicly available? If you follow these issues, you must have then concluded that the final report was tabled in Parliament. This was your job, right? You're supposed to be aware of these things so you can advise your clients accordingly. You're saying you didn't know this was a draft report—that's your statement—which means you must have believed that the final report had been tabled in Parliament.

Ms. Lynne Hamilton: Correct.

Mr. Tom Lukiwski: Even though it's your job to know these things, you're saying you weren't aware that the final report had not been tabled—an important pre-budget consultation document from the Standing Committee on Finance, which the Minister of Finance will use quite routinely to perhaps formulate budgetary policy and decisions.

You, who should be aware of all this—and I'm sure you do a good job on behalf of your clients—are saying you weren't aware of this. You didn't know it was not a final copy. In other words, if you're stating here that you believed the information contained in that attachment was publicly available, you must have also concluded that the final draft of the report of the Standing Committee on Finance had been tabled in Parliament.

Do you make those mistakes often?

Ms. Lynne Hamilton: Mr. Chair, let me clarify.

I recognize the importance of the pre-budget report. I believed the House had tabled the report. I believed that's what Mr. Ulliyatt had sent me. I was expecting the work of the committee to have wrapped up around that timeframe and I believed that what I got was the final report.

• (1150)

The Chair: Thank you, Mr. Lukiwski. I'm very sorry, but your time is now completed too.

Monsieur Paquette.

[*Translation*]

Mr. Pierre Paquette (Joliette, BQ): I see in the e-mails we received that, on November 8, 2010, you requested a meeting with Ms. Block for your heart and stroke clients. Could you tell us whether you met with Ms. Block on a number of occasions and what was the purpose of those meetings?

[*English*]

Ms. Lynne Hamilton: I had not met with Mrs. Block personally. My clients did not meet with Mrs. Block. There was no meeting.

[*Translation*]

Mrs. Claude DeBellefeuille: Ms. Hamilton, I won't trouble you with my questions. I have no further questions. I feel like I'm wasting my time. And I don't like to waste my time.

[*English*]

The Chair: Mr. Christopherson, do you have anything in this round?

Mr. David Christopherson: Thanks, Chair.

The question and answer is becoming circular now. Unless there's new information, my sense is we're just going to keep going round and round. The next step would have to be to increase the pressure, and I'm not convinced this is the right place for that. This is a private citizen, nonetheless, once removed from the action. I think we've grilled—at least I have as far as I'm comfortable in this setting. Anything further would need to be in a court of law with rules and letting people go hammer and tongs and subpoena every single document to back these things up.

I have to say, though, with the greatest of respect to our witness, I'm still having some difficulty accepting the chronology as presented. It just seems to fly in the face of a lot of basic human nature. But I don't feel I have the information or the procedural tools to go any further.

I relinquish whatever time is left, Chair. Thanks.

The Chair: Thank you.

We have completed our second round.

I'll take any one-offs. We've got about five minutes left in the hour.

Ms. Foote.

Ms. Judy Foote (Random—Burin—St. George's, Lib.): Thank you, Mr. Chair.

I'm trying to get some clarification here.

In his testimony, when Mr. Ulyatt said the "I heart you" e-mail he sent to you is based on your appreciation of his efforts to give you inside information, what's your understanding of inside information? That's only his understanding of what you were thanking him for.

Ms. Lynne Hamilton: Mr. Chair, I'm not aware of the transaction between Mr. Ulyatt and the committee. I can't recant exactly what he said.

I can say Mr. Ulyatt would have no idea what I was thinking when he sent me that e-mail, and I'm not sure why he would have answered a question about what I was thinking.

Ms. Judy Foote: That's what's so interesting about this, because there's a relationship here between you and Mr. Ulyatt and there's contradictory testimony. The committee is having some real difficulty here believing what you're telling us. We either have to believe you or Mr. Ulyatt, which puts us in a very difficult situation.

I look at your opening statement and you say your document came in at 8:38 a.m. You glanced at your BlackBerry and noted that it had come from your friend. At 12:37 you sent him back your e-mail that said "I heart you". Two hours later you and Mr. Ulyatt exchanged e-mails on a personal matter that had nothing to do with the report. At 3:20 in the afternoon he called you and you had a brief telephone chat on a matter completely unrelated to the report. So Mr. Ulyatt knows he has sent you a confidential document. You expect us to believe that at no point in time, either in the e-mail two hours later or your telephone conversation, did he say to you "Did you get the report?"

• (1155)

Ms. Lynne Hamilton: I don't recall him ever saying "Did you get the report?" He obviously knew I got the report when I sent back my original response. I don't think he can speak to what I thought I got when I got that report. I can tell you I thought it was publicly available. I thought the "FINA" was "FINAL", not "FINA".

I can't speak to what Mr. Russell thought. What I can tell you are the facts, and the facts are this. I received a document. I thanked him for the document. I later printed off the document with a number of other things. I flipped through it, realized it was going to be an awful lot of work, and then I put it in the drawer for the next day when I first analyzed it.

Ms. Judy Foote: Okay. How long have you been a lobbyist not to know that FINA is Finance? Did you just think that the "L" was missing on the word, that you thought it was "FINAL"?

Ms. Lynne Hamilton: On a busy day, on a BlackBerry, when you're putting the kids on the bus, you'll have to give me a little bit of leeway.

Ms. Judy Foote: Did you ever work on the Hill?

Ms. Lynne Hamilton: I've never worked on the Hill.

Ms. Judy Foote: How long have you been a lobbyist?

Ms. Lynne Hamilton: Five years.

Ms. Judy Foote: It's really difficult to sit here knowing what has transpired here, knowing that it was completely inappropriate, knowing that this should never have happened, and you being the recipient of that confidential document and expecting us as members of the committee and Parliament to believe that at no point in time between when you received it on your BlackBerry and when you got a call from Mr. Ulyatt the following morning did you not know that there was something amiss here.

Thank you, Mr. Chair.

The Chair: Mr. Young. Welcome to our committee, by the way.

Mr. Terence Young: Thank you, Mr. Chairman.

I agree with Mr. Christopherson. I think we're flogging a dead horse here. As I mentioned before, I'm concerned with the process, that the process can so easily become abusive. Because people appear before committees and they have no right to remain silent. They can have counsel, but counsel can't participate: they have no right to ask questions; they have no right of reply. The list of rights they don't have makes me very uncomfortable with the process.

I think we've got the answers here. We had about four members of this committee asking the same questions and getting the same answers and making the same comments, that they don't find it believable.

I just want to say for the record that I find the testimony quite believable. I operated a business in government relations out of my home for eight years, and it's information overload. I would have gotten maybe 70 or 80 e-mails a day, and what you do is triage. You go through your e-mails, you zip and you decide what you're going to look at and you do it so quickly, it's based on who sends it to you. If somebody sends me a report, that's a person who sends me information that's helpful to serve a client. So you click on that e-mail. Then you make a split-second decision, am I going to print the report? And I often would do it.

I do it to this day. I still operate a volunteer organization called Drug Safety Canada. I do it on weekends at home. So I might go home and there are 50 e-mails. People send me reports, I click on them, and I print them. Now, if I look at it and I go to print it and it says 100 pages, I might not print it. But if it says 5, 10, 20, 30 pages, I print them and I carry them around. I read them on airplanes, I read them at airports, and I look at them later.

I just want to say I find it perfectly believable what Ms. Hamilton has said to us today. I thought it's important to say that for the record, having been experienced in the same in business and operating the same way out of a home office.

Thank you.

The Chair: We have about one minute left in the hour.

Mr. Reid.

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): I'll be brief.

I don't know, Ms. Hamilton, if you know the answer to this question. How many pages was the report?

Ms. Lynne Hamilton: It was a stack. It's a good stack.

The Chair: Great.

Monsieur Proulx, for a very quick one.

Mr. Marcel Proulx: Thank you, Mr. Chair.

Ms. Hamilton, you've answered Mr. Lukiwski that you are not using any more the "I heart you" that you had been using previously. How come Mr. Ulyatt interpreted your "I love you" in your response as thanking him for supplying you with such a document? If he had received other e-mails from you before with the same "I heart you", why would this one be different?

Ms. Lynne Hamilton: Can you clarify that question? I'm a little bit unsure.

• (1200)

Mr. Marcel Proulx: May I, Mr. Chair?

The Chair: Very quickly.

Mr. Marcel Proulx: You said to us that you had been using this expression "I heart you", instead of saying "thank you" or "love you" or whatever. Yet Mr. Ulyatt said when he received your answer for the acknowledgement to his e-mail containing that document, when he read "I heart you", he understood that you were telling him "I love you for supplying me this confidential document." Why would he think that, if he'd received previous e-mails from you with your "I heart you"?

Ms. Lynne Hamilton: I can't speak to what Mr. Ulyatt...

But I would want to say, and I will leave you with this, that I forwarded the document to no one; I shared the document with no one. I didn't tell anybody about it; I didn't tell my clients. I didn't do anything with it, and I think that's important to note.

I hope I've done the best I can to at least enlighten members of the committee about my situation that day, what had happened, and I appreciate you giving me time to chat.

The Chair: Thank you very much for coming today. It's been great having you here. We thank you for being here.

We'll suspend for just a minute. We have a small amount of committee business.

The committee will have to decide, are we going in camera for that committee business?

Some hon. members: Agreed.

The Chair: In camera, okay.

Ms. Hamilton, thank you for coming today, thank you for your answers, and thank you for the documents you've shared with us today.

We'll suspend and go in camera.

[Proceedings continue in camera]

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