



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

43rd PARLIAMENT, 2nd SESSION

Standing Committee on Access to Information, Privacy and Ethics

EVIDENCE

NUMBER 036

Friday, May 28, 2021

Chair: Mr. Chris Warkentin



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• (1300)

[English]

The Chair (Mr. Chris Warkentin (Grande Prairie—Mackenzie, CPC)): I call this meeting to order.

This is meeting number 36 of the House of Commons Standing Committee on Access to Information, Privacy and Ethics.

I'd like to remind members that today's meeting is televised and will be made available on the House of Commons website.

Today, we are studying the main estimates of 2021-22, vote 1, under the Office of the Conflict of Interest and Ethics Commissioner. Following the commissioner's appearance, if members do agree, all members will be voting on the estimates and discussing some committee business as well.

Just a reminder to committee members, we have set aside next week for the consideration of the draft report on the study of the questions of conflict of interest and lobbying in relation to pandemic spending.

First up this afternoon, we have the Conflict of Interest and Ethics Commissioner, Mr. Mario Dion.

Thanks so much for joining us. I know you've been a very busy commissioner. We appreciate that you've made time available to us in our study of the estimates.

Mr. Dion, the floor is yours.

[Translation]

Mr. Mario Dion (Conflict of Interest and Ethics Commissioner, Office of the Conflict of Interest and Ethics Commissioner): Mr. Chair and members of the committee, thank you very much for inviting me to appear as you consider the Office of the Conflict of Interest and Ethics Commissioner's submission for the 2021-2022 main estimates.

As many of you were not involved in the committee until last year, I will quickly describe the goals of my office since its creation 14 years ago.

Our primary goal is to help regulatees, that is, public office holders and members of the House of Commons, know and follow the rules in the Conflict of Interest Act and the Conflict of Interest Code for Members of the House of Commons.

In order to help the individuals subject to the rules, we continually improve how we communicate and engage with regulatees. This not only supports our primary goal, but also helps build trust in the

office. It is important for us to work together with regulatees to help them comply with the Act and the Code as much as possible.

It is important that a continuous dialogue take place to avoid breaches. There must be trust between elected and appointed officials and their advisors in the office based on mutual respect and professionalism.

Over the years, a solid information management system has been created as it is key to providing the informed advice we try to give to regulatees. It also improves our efficiency because we don't have to reinvent the wheel each time advice is sought. It also ensures that we provide consistent advice from one individual to the next.

Our already established movement towards a digital office helped us tremendously when we moved to a virtual office in spring 2020 due to the pandemic. The process was nearly seamless for us.

[English]

The office operates with a total of 51 indeterminate positions. Most of the office's resources are dedicated to our primary goal, helping regulatees meet their obligations under the act and code. These resources are not just in our advisory and compliance division, although this is where almost one-third of our employees work, including your advisers, but it's also located within the communications group that provides educational documents and develops presentations for regulatees.

We also have a legal services and investigations division, which offers the legal opinions we rely on and, of course, conducts investigations. Finally, our corporate management division handles blind trusts, in addition, of course, to providing us with all the HR, information technology and financial support that we need.

In the past two years—and I use two years because I haven't been before this committee since May 2019—the number of reporting public office holders has increased by 7%. The office helps them, as well as the MPs, as well as the other public office holders. We have a total group of about 3,200 people we serve. In the vast majority of situations, we help them through email and telephone. This was the case already before the pandemic, so that's why it was relatively easy for us to switch to that mode when the pandemic hit.

Requests for presentations have dropped obviously because, of course, the pandemic has caused people to focus on their real delivery priorities, so we've had fewer presentations given in the last fiscal year. However, requests for advice were up through the pandemic, particularly in the last two quarters. We have already revised the presentations and have placed the focus recently on very specific, high-interest subject matters, such as recusals, outside activities and post-employment, that appear to reflect the most concerns for regulatees.

I had a session on recusals a few months ago, which was very well attended by over 300 [*Technical difficulty—Editor*]. On June 8 and June 16, I have already invited all the reporting [*Technical difficulty—Editor*] holders to a session on offers of outside employment and post-employment obligations.

Requests from the public for information have also increased 27% over the last fiscal year. There has been a steady interest from the media in the work of our office. Given the restrictions placed upon me by the act, we've worked hard to ensure that we are as open and transparent as possible with both the public and the media. Our approach has included more active use of Twitter to share information and updates. We have over 3,000 Twitter followers at this point in time. Last year we increased by 52% the number of tweets that we sent out in order to be of interest to our followers.

Since I was last before you, I have issued nine investigation reports under the act, and four under the code. We've always been able to complete our analyses and conclusions in less than one year, which was one of my initial goals when I was appointed back in early 2018. I set out this goal to complete—unless it was exceptionally complex or unless there were exceptional circumstances—any study, any review and examination that we do under the code or the act within one year. We've managed to do that in the 13 reports issued in the last two years, and 18 since I've been in my position in January 2018.

I hope you will share my view that we have produced quality work each time.

I'm here today, and I'm pleased to let you know that we currently have no investigations ongoing under the act—no backlog. Therefore, we're ready to accept the next complaint or the next situation where I have reasonable grounds to start an investigation. We have a couple still ongoing under the code. In fact, I'll be tabling a report before the House rises as a result of an investigation under the code.

• (1305)

We receive a fair volume of complaints and information, if you wish, from the public, from the media, so we've reviewed over 100 files, 100 situations, where my staff reviewed incoming information to determine whether we should investigate. There is a good flow of information that comes in all the time.

[*Translation*]

I will now talk about the budget, since that is what brings us here today.

This year, we are operating with a budget of \$7.67 million. That represents an increase of about 2% over last year. That is what I re-

quested. Last year, we also secured funding for three additional communications advisor positions and to keep our information technology system up to date. Since the office was created 14 years ago, the budget has grown by about \$1.6 million over the original budget.

Let's talk a little about the pandemic. Obviously, that is what's on everyone's mind; as we heard earlier before the meeting started, the patios are opening tonight.

The pandemic hit us suddenly, as it did everyone else. Personally, I had a medical condition two or three years ago that made me more vulnerable. So I remember very well leaving the office not knowing, like all of you, when I was going to come back and how. We all thought it would be a few weeks. However, we had to take steps gradually.

We were lucky, because our employees already had tablets and could work from home. In addition to our policy to provide equipment in a controlled manner to facilitate telework while ensuring ergonomics, we took steps with each employee regarding Wi-Fi availability. For 51 employees, supplies cost \$28,000, from equipment to paper, pencils, and so on. Those costs were offset by decreases in other costs, such as printing. We have saved a lot of paper and a lot of trees. We also achieved significant savings on mail-outs.

In general, employees really like being able to telework. So we have a positive workplace. We use technology, as Parliament has, to keep channels open and have a constant dialogue with employees.

• (1310)

[*English*]

All this work, of course, has been accomplished because of the 50 people who work with me, who have been very good throughout the pandemic.

We did not actually measure productivity, because we have no backlog, in any respect, anywhere in the organization. We've been able to cope with the volume of work in spite of the pandemic, while trying to minimize problems and help employees as much as possible vis-à-vis the maintenance of a good balance and a good mental health situation.

That's what I have this afternoon. I would be pleased, of course, to answer any questions that members might have.

The Chair: Thank you, Commissioner.

I will turn to Mr. Barrett for the first six minutes.

Mr. Barrett.

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

Thank you, Commissioner, for joining us today.

I will start by saying that I appreciate the volume of work you've had to undertake since you last appeared before the committee. While I do have a lot of questions that I would like to ask as a matter of context on any of the number of reports you've undertaken with respect to public office holders, particularly cabinet members, including the now former finance minister and the Prime Minister a couple of times, I'm going to focus my first questions on the "Trudeau III Report", the third report into allegations that the Prime Minister broke the Conflict of Interest Act.

My first question is with respect to the actual process you undertook in the report. I note that a few individuals—Rick Theis, who's a policy and cabinet affairs adviser in the Prime Minister's Office, and Amitpal Singh as well—were interviewed by you when you did your report. I wonder if these individuals volunteered or were requested to provide a virtual, in place of a face-to-face, interview with your office.

Mr. Mario Dion: The way it works, I'm afraid the answer is neither. They were asked to come for an interview and they agreed to come. That's usually the case. Very few people actually volunteer for an interview. That's how it goes.

We basically review the documentary evidence. We determine what more information we need from anyone, and we call witnesses. I have the power to subpoena people. I have not had to issue any subpoena since my appointment back in early 2018. They did come voluntarily, but as a result of a request that we had made of them.

• (1315)

Mr. Michael Barrett: In your study for your report entitled "Trudeau III Report", I again note that Mr. Theis and Mr. Singh were asked to provide interviews but Prime Minister Trudeau was not.

Are you able to provide us the context in which Mr. Trudeau did not provide an interview in your preparing the "Trudeau III Report"?

Mr. Mario Dion: Mr. Trudeau was not asked to provide an interview because we had enough material using some 40,000 pages of documentary evidence. We required the Prime Minister to give us a sworn statement in writing to fill some of the information gaps that we needed to fill, but it was not necessary to require an interview with the Prime Minister, so we didn't do so.

That's our general practice. We only ask somebody to come to an interview when there is a need to do so. An affidavit is just as good, as you know, Mr. Barrett, as an interview. That's why things took place that way.

Mr. Michael Barrett: For context, Commissioner—and I appreciate that answer—in preparing the "Trudeau II Report" and "The Trudeau Report", were interviews conducted with the Prime Minister?

Mr. Mario Dion: Yes, they were conducted, and this is indicated in each of the reports in appendix A. Mr. Trudeau is listed as a person who was interviewed in both "The Trudeau Report" and the "Trudeau II Report".

Mr. Michael Barrett: Again, for my context, I'll turn quickly to the "Morneau II Report", which found that Mr. Morneau violated

the Conflict of Interest Act. Was Mr. Morneau interviewed by your office?

Mr. Mario Dion: No, he was not. Appendix 1—there's only one appendix—lists the witnesses. For the same reason that we did not have to require the Prime Minister to come for an interview, we did not have to require the former minister of finance to either. We had enough by way of documentary evidence and the sworn statement that we required from Mr. Morneau through his solicitors.

Mr. Michael Barrett: Turning to another part of your investigation, I'm wondering what information you were furnished with or uncovered regarding the Canada 150 events that took place on Parliament Hill. You'll recall, Commissioner, that those events featured the Prime Minister's mother, who was paid, and the WE organization was given a million-dollar contract to undertake those activities.

Was that part of your investigation?

Mr. Mario Dion: It was part of what we had to look at by way of background to determine the nature of the relationship between the Trudeau family and the WE Charity, but it was not the focus of our examination. It was contextual information that was useful for us to know about in order to properly assess the nature of the relationship.

Mr. Michael Barrett: Did you uncover any evidence or were you presented with any evidence demonstrating that Madam Trudeau was not paid to be a speaker at that event?

I'll ask if you can engage in a hypothetical, to help folks understand the difference between the appearance of a conflict and an actual conflict. If Madam Trudeau had been paid in that case, would it have put the Prime Minister in a position of a conflict of interest?

Mr. Mario Dion: Madam Trudeau had been paid. We established that through reviewing the documents. Madam Trudeau, the mother, has been paid on several occasions by the WE Charity. As to Madam Trudeau, the wife, the report details what we have by way of background information.

For the 2017 event that you're talking about, I don't actually recall whether we have any evidence that she was paid or not paid, but I can of course provide the committee with that information if it's available to us. I simply don't recall that.

The Chair: Thank you, Mr. Barrett. Your time is up.

We'll go to Ms. Lattanzio now for the next—

Mr. Michael Barrett: Chair, before moving on, I appreciate the commissioner undertaking to provide that information and ask that you make a note of that.

The Chair: Thank you. I think the commissioner did indicate that he would supply that, and we appreciate it.

Ms. Lattanzio, we'll turn to you now for the next six minutes.

• (1320)

Ms. Patricia Lattanzio (Saint-Léonard—Saint-Michel, Lib.): Thank you, Commissioner Dion, for joining us today.

I understand that the budget has been increased, but despite that, what are the main monetary challenges? Of course, \$1.6 million has been accrued in the budget or otherwise, but what is the Office of the Conflict of Interest and Ethics Commissioner facing over the short and medium terms?

Mr. Mario Dion: I think our greatest challenge is still to properly communicate, to explain to MPs and to public office holders their obligations under the code and the act. These instruments, these documents, are complex, and the vast majority of people who are regulated by the act and the code have a relatively shallow understanding because it is complex.

Unlike me, they don't spend their lives thinking about these things, so we're trying to find better ways to provide guidance through documents we've put on the web, through videos and through webinars, because I believe, first of all, that each MP and public office holder is the first person responsible for making sure they comply with these instruments, but our job at the office is to assist them in doing that. The best way to avoid problems is to make sure that we have an educated group of people who are able to identify the situations where they should consult with us.

We receive a fair volume of consultations as it is. We had 2,000 consultations by public office holders in the last fiscal year, and 500 from MPs, but sometimes MPs call about things that are menial and maybe don't call about things that are really important. You need to have the reflex to identify those issues.

I understand that the member is a lawyer. I don't know if the member has had a chance to go through the documents. They are short, but relatively complex, and vague as well at times. That's the greatest challenge that we still have: to demystify, explain, vulgarize.... I don't know what other words to use to describe what I'm trying to get at.

Ms. Patricia Lattanzio: Thank you, Maître Dion.

You have identified the difficulties, perhaps, that are incurred on a daily basis in terms of making distinctions. Also, I think number one is a confusion with regard to the distinction with the act and the code.

That being said, how do you plan on measuring the progress in this regard in terms of making more people aware and maybe making more people cognizant of what their responsibilities and obligations are?

Mr. Mario Dion: We do measure attendance at the events we organize, educational events such as the ones I mentioned during my opening remarks. I was very pleased when we attracted 302 people to a session in each French and English to deal with the subject matter of recusals a few months before we published the "Trudeau III Report" and "Morneau II Report". It was topical. People registered in large numbers.

That's one way: attendance. The second way, of course, is the degree of contravention.

We'll have to see how it evolves. If we have a wave of contraventions, it will probably indicate that we're not very successful in our efforts. On the other hand, if we have very few contraventions, it's

one factor. That's why we do education—in order to prevent problems.

Also, we will do a survey at one point in time of the regulatees to determine whether we are using the proper means to communicate with them as well.

Ms. Patricia Lattanzio: Based on what you've just said and based on the fact that you have no backlogs under the act and just a couple under the code, I would conclude, based on what you've just said, that things are going pretty well.

Some of your provincial counterparts have a dual mandate: that of the registrar of lobbying and that of Conflict of Interest and Ethics Commissioner. You have signed an agreement with the Office of the Commissioner of Lobbying of Canada with respect to education and outreach, given some of the links between the two mandates.

Would you see any benefits, financial or otherwise, in merging the two federal offices into one?

Mr. Mario Dion: I have never studied the question in depth. I know that in any major reorganization—it would be major for the staff at both offices if there were to be a merger—my experience in several places, in almost 40 years of public service management experience, is that it's very unsettling. It takes months, if not years, for an organization to stabilize after a major reorganization, and I really wonder whether it would be worth the effort to do that.

We currently have a good degree of co-operation with the Office of the Lobbying Commissioner. Our budgets in the global scheme of things are very small, and it's probably not worth the effort, but that's my superficial opinion, not having studied the question in any depth.

● (1325)

Ms. Patricia Lattanzio: I appreciate the sincerity of your answer.

I would like to now bring you to the strategic plan of 2018-2021. The office will focus on certain key priorities, including the modernization of technology and information management structures. How is the modernization unfolding, and given the cost of technology, does such a modernization require unusual or additional expenses?

The Chair: Madam Lattanzio is out of time, but we will allow you to answer the question, and then we will move on to the next questioner.

Ms. Patricia Lattanzio: Thank you.

Mr. Mario Dion: Mr. Chair, I would like to, first of all, underscore the excellent services we received from the House of Commons in relation to IT services. We are really lucky because we belong to Parliament Hill, and we are receiving excellent services from this group.

We were able to modernize, incurring some additional expenditures but not of great significance, and it is well worth the investment, as was demonstrated during the pandemic. We are much more nimble than we would have been three or four years ago, without those improvements.

The Chair: Thank you.

We will turn to Madam Gaudreau now, for the next six minutes.

[*Translation*]

Ms. Marie-Hélène Gaudreau (Laurentides—Labelle, BQ): Thank you very much, Mr. Chair.

Commissioner, I am delighted, because your opening remarks and your responses to my colleagues' questions really did a good job answering the questions I had about your mandate and your budget. Thank you.

So I will take the opportunity to turn the rest of my time over to my colleague Mr. Fortin, who is going to ask you a few questions.

[*English*]

The Chair: Monsieur Fortin, you have the floor.

[*Translation*]

Mr. Rhéal Fortin (Rivière-du-Nord, BQ): Thank you, Mr. Chair.

Good afternoon, Commissioner. Thank you for being with us today.

Your mandate is certainly not easy, as investigating ethics issues must be quite stressful at times. You are doing very well, from what I can tell.

Mr. Dion, in your opinion, would the current Conflict of Interest Act be worth updating or amending to make it a little more effective?

Mr. Mario Dion: To answer the question as it was phrased, yes, I would say that the Act would merit some review. If the question had been asked differently, I would have said that, from my perspective as a Commissioner, the Act is working right now, although some things could be improved, obviously. If Parliament had time to spend either on a bill about this or on a parliamentary committee review, I believe that would be time well spent. When that happens, I will have several recommendations.

Mr. Rhéal Fortin: Thank you.

Mr. Dion, at the end of the Trudeau III Report that you released, you point out that Mr. Trudeau acknowledged that he had an apparent conflict of interest. You told us that the appearance of conflict of interest was not covered in the Act. To my knowledge, it is covered in many other conflict of interest statutes or regulations, but clearly it is not covered in this case.

In your view, would it not be appropriate to amend the current Act to include the appearance of conflict of interest and, therefore, require people to recuse themselves from decision-making whenever they are in an apparent conflict of interest situation?

Mr. Mario Dion: I think we mentioned it in the report, but I would like to reiterate that in 2006, the government of the day made a conscious choice not to include the mere appearance of conflict per se in the Conflict of Interest Act. It's reflected in the parliamentary debates on the subject. The Senate had proposed an amendment to incorporate the issue of apparent conflict of interest, but they chose not to include it in the Act.

Would it be beneficial to do so? I haven't studied the issue thoroughly. I did study it a little, though, because I obviously expected

these types of questions. This amendment would carry some danger, because you also have to guard against paralysis. We know that politicians and policy makers often know hundreds and thousands of people. Also, appearance is something very subjective. What I consider a conflict of interest will not necessarily be considered as such by my neighbour. Appearance is a bit intangible and abstract.

So that is the kind of thing that would need to be properly studied in parliamentary committee before concluding whether or not it is desirable to include it in the Act. It would also have to be determined whether, in practice, it is possible to sanction someone who, in a situation of apparent conflict of interest, nevertheless participates in decision-making.

• (1330)

Mr. Rhéal Fortin: We already have provisions on the appearance of conflict of interest, in the Act respecting the Barreau du Québec, among others. In addition, when they have an apparent conflict of interest, court judges recuse themselves and do not sit. This seems to be quite common among those who have decisions to make. They don't leave themselves open by putting themselves in certain situations. It is said that if someone is in a situation of apparent conflict of interest, they undermine the appearance of justice, and the public may lose confidence in the judicial system. It seems to me that the same reasoning could be applied to situations involving government.

However, in this case, Mr. Dion, the appearance is quite significant. Members of Mr. Trudeau's family, including his mother, wife, and brother, received about half a million dollars, or at least several hundred thousand dollars, in contracts. Furthermore, Mr. Morneau's daughters worked for WE Charity. These individuals continued sitting even though they knew they were in a conflict of interest. Mr. Trudeau even postponed the decision to a later session because he was not comfortable sitting at that time. The contract was awarded under those conditions, without a competitive bidding process.

Ethics experts who testified before this committee told us that when you operate without a competitive bidding process because of the urgency of the situation, you have to be extra vigilant about anything that could give rise to conflicts of interest. In this case, not only was there no extra vigilance, there was less vigilance. No due diligence, accounting or forensic audits were done beforehand. It was even proven that the WE Charity people had negotiated directly with the government when they were not even registered as lobbyists.

So the contract was awarded to WE Charity, an empty shell with no financial history or assets to secure its obligations. No guarantees, bonds, mortgages or anything else were offered to the government. Yet the government gave WE Charity a contract for \$500 million, perhaps as much as \$800 million, without any auditing or bidding, simply because the Kielburger brothers were known to the Trudeau family. The Trudeau family had a relationship with them for about 20 years. I believe in Mr. Trudeau's case it dated back when the organization was founded in the 2000s.

I don't mean to suggest that you have done a bad job. I know that you are working within the provisions of the Act as it currently stands. However, shouldn't the extent of this apparent conflict of interest lead us to believe we need to anticipate such situations? Apparent conflicts of interest of this magnitude must be covered, so that situations of this kind can be avoided. Otherwise, it will be difficult to maintain public confidence in the current government.

What are your thoughts, Mr. Dion?

Mr. Mario Dion: I spoke earlier about the need to develop a reflex when one holds public office or is a member of Parliament. In addition, the Conflict of Interest Code for Members of the House of Commons deals with the appearance of conflict of interest and provides that it can be sanctioned.

Other than British Columbia, no other jurisdictions are doing it. We did a cursory check, and it's the only province where the appearance of conflict of interest can, in and of itself, be subject to sanctions, under the provincial conflict of interest legislation.

This needs to be looked into. The question bears asking. It was asked in 2006 and a choice was made. One day, we will have an opportunity to take part in a debate on the issue.

[*English*]

The Chair: Thank you.

We'll turn to Mr. Angus now for the next six minutes.

Mr. Charlie Angus (Timmins—James Bay, NDP): Thank you so much, Mr. Dion. It's always a pleasure to have you come to our committee. You don't come often enough, I think.

I want to congratulate you. I think your reports are always extremely diligent. I don't always agree with them, but I find them very fascinating and I reflect on them.

I want to ask you about the Morneau report because to me it really shows a staggering level of insider access. It answered many of the questions we were trying to figure out at our committee.

In sworn testimony to the committee, the Kielburger brothers stated that one of the reasons they opted not to register to lobby was because it was unusual for them to be spending any significant time with the federal government. However, in your report you state that Mr. Morneau's office:

...had an unusually high degree of involvement in...files relating to WE.... There were frequent communications between members of Mr. Morneau's ministerial staff and WE representatives.

...Mr. Morneau gave WE preferential treatment by permitting his ministerial staff to disproportionately assist it when it sought federal funding. I believe this unfettered access to the Office of the Minister of Finance was based on the identity of WE's representative, Mr. Craig Kielburger.

Would you say that this—to me, unprecedented—access to the finance minister's office created the conflict of interest for Mr. Morneau and certainly helped exacerbate the the WE scandal?

• (1335)

Mr. Mario Dion: In my view, they were friends within the meaning of the act. That's why we found Mr. Morneau to be in contravention of a couple of sections of the act, because Craig Kielburger and Mr. Morneau were friends, in my view.

The word “friend” is not defined in the act. It's up to me in each and every situation, on a case-by-case basis, to analyze the indicia of the relationship. In that instance, it was the determination I made after some reflection, but it was relatively easy to determine that they were friends.

Mr. Charlie Angus: Right.

I guess to me it's beyond the question of their being personal friends and going to brunch together. I find it shocking that their relationship, the way they treated staff in the finance minister's office, to say “Hey, girl!”.... It's the sense that they were that welcome in there to say “Hey, girl!” to federal staff.

When parliamentary secretary Jennifer O'Connell asked why she was being asked to attend a meeting with Craig Kielburger, she was told, “this one is important to Bill and Craig is not in town often. It is purely listening mode to keep him happy.”

Who were they trying to keep happy—Craig Kielburger or Bill Morneau?

Mr. Mario Dion: I don't know. We can each read this and make our own determination. It was one of the documents that we reviewed.

Mr. Charlie Angus: Okay. I find that—

Mr. Mario Dion: My interpretation of “to keep him happy” is as good as yours. Whether they're talking about Craig Kielburger or Bill Morneau, I don't know.

Mr. Charlie Angus: It's highly unusual for the finance minister's office in a G7 country to say that they want to keep Craig Kielburger happy, if that's the case.

Mr. Mario Dion: That's what I thought. That's why I determined them to be friends—highly unusual.

Mr. Charlie Angus: I'm really pleased you put that in there, because it stands out that something wasn't right there.

The Kielburgers stated the following under oath at the finance committee:

Any allegation and false claim that we would have financially benefited as individuals...is simply...false....[It is] incredibly insulting that [the committee] will not accept our answer on this.

You write:

There is no doubt that Mr. Kielburger's interests would have been furthered had WE administered the CSSG. WE...would have acquired a significant financial interest....[The Kielburgers'] involvement...is so prevalent that the organization's interests are also those of its co-founders.

You have stated on a number of occasions in your report that Mr. Morneau was inappropriately furthering the private interests of Craig Kielburger. Can you explain that?

Mr. Mario Dion: We weigh every word that we put in those reports very carefully. You have read some excerpts, and I recall that they're pretty powerful excerpts. We did weigh them very carefully before writing them. We have the evidence to support that. Receiving \$43 million to manage a program of course will unavoidably improve one's situation vis-à-vis the ability to retain staff, for example, or the ability to borrow money and so on and so forth. That's why we came to that conclusion.

Mr. Charlie Angus: Again, many things seemed to just jump right off the page. One of the things that I found most shocking was this allegation that ministerial resources, the resources of a finance minister of a G7 country, were used to hustle gigs for the Kielburgers. You say:

...evidence...shows that Mr. Morneau and his...staff assisted WE by reviewing its funding proposals, introducing WE representatives to ministerial staff in...relevant departments as well as intervening on their behalf at...federal, provincial and municipal levels.

I mean, if the finance minister of a country is calling down into some town council to get a gig for Craig Kielburger, would you not agree that this is highly inappropriate behaviour?

• (1340)

Mr. Mario Dion: Of course I agree, because that was our finding. It was highly unusual. It was also inappropriate, in my view.

Mr. Charlie Angus: Thank you very much.

The Chair: Thank you, Mr. Angus.

Mr. Gourde, you have the next five minutes.

[Translation]

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

Thank you for being here, Commissioner. It's always a pleasure to meet with you and talk to you.

Mr. Dion, you worried me earlier when you said that MPs were subject to the rules regarding the appearance of a conflict of interest. However, public office holders, who are either ministers or parliamentary secretaries, in which case they're also MPs, or senior officials, wouldn't be subject to potential sanctions for the appearance of a conflict of interest.

My question is the following. Since ministers and parliamentary secretaries are also MPs, where does the legislation state that they become subject to sanctions for an appearance of a conflict of interest?

Mr. Mario Dion: The key is always to determine what duties the person was performing at the time of the decision. That's what must be done. Whenever a person has both statuses, meaning that they're subject to both the conflict of interest code for MPs and the Conflict of Interest Act, it's necessary to determine whether the person was acting as an MP or a minister at the time of the decision. If the person was acting as a minister, the act applies to the situation. If the person was simply acting as an MP, the code applies. Each situation must be reviewed in this manner.

In the case of the WE Charity, Mr. Morneau and Mr. Trudeau were obviously acting as ministers, not as MPs for a constituency.

Mr. Jacques Gourde: Although parliamentary secretaries don't make any decisions, because the department always makes the decisions, they're subject to the same act. Why are they still exempt in the event of an appearance of a conflict of interest? In what context does this apply?

Mr. Mario Dion: Again, it's necessary to determine the context in which the parliamentary secretary acted. Often, the decision has nothing to do with their role as parliamentary secretary and is simply made as part of their role as an MP. For example, when an MP is consulted with regard to the awarding of government grants, the MP, not the parliamentary secretary, is involved. The situation is then analyzed according to the conflict of interest code for MPs.

We've already seen situations of this nature. It's always necessary to determine the person's role in order to find out which instrument applies. A parliamentary secretary and an MP must do the same thing. That's why I said that it's complex and that it's necessary to develop the right responses and to understand the conflict of interest rules in order to avoid violations and issues.

Mr. Jacques Gourde: When you spoke about potential sanctions for MPs, what were you referring to? Are they fines or other penalties?

Mr. Mario Dion: Only the House has the power to impose sanctions on an MP. The code says that, when I investigate a situation involving an alleged code violation, I can recommend a sanction. Since the creation of the conflict of interest code for MPs in 2004, I believe that a sanction has been recommended on only one occasion. I was the one who did so recently in the case of Mr. Maloney.

Obviously, the House must make the decision. For example, an MP may be suspended for a certain period. The House has full authority, within its jurisdiction, to decide on the sanction to impose. My only role is to make recommendations within the framework of the conflict of interest code for MPs.

Mr. Jacques Gourde: Did you recommend a suspension with or without pay?

Mr. Mario Dion: In the case of Mr. Maloney, I recommended a reprimand. I called for an apology to his colleagues. My major concern in this case was that, of the 338 newly elected or re-elected MPs, only one had failed to fulfill his obligations regarding confidential statements. Most MPs don't like having to prepare these statements. I recommended that he apologize to his colleagues for failing to comply with the provisions of the code, when all the others had done so. That was my recommendation. Mr. Maloney then apologized to the House on the day that the report was tabled, if my memory serves me correctly.

Mr. Jacques Gourde: Confidential statements are an annual exercise and often there aren't many changes to report. However, the exercise must be done every year.

Do you think that this practice could be changed or should it remain the same?

• (1345)

Mr. Mario Dion: It's the same as filing an income tax return every year with the Canada Revenue Agency. Every year, I must declare whether I'm still married, even though I've been married for 43 years, and whether I live in Quebec or Ontario. Once a year isn't a big deal.

This also prevents oversights. When people must go through a form before declaring that nothing has changed, it forces them to think about whether they have a new car or a new car loan, for example. That way, they don't forget things.

I think that the current code's requirement that the exercise be repeated every year works well.

Mr. Jacques Gourde: I recall that, when submitting a new statement, we used to have access to the information provided in the previous year's statement. Now we get a blank form. We must then go back and look at the previous year's form or start the exercise over from scratch.

This has changed since you became commissioner, hasn't it?

Mr. Mario Dion: Yes, this has changed since I took the position. One of my priorities is to adhere not only to the spirit, but also to the letter of the code. The letter of the code clearly showed that this was the right thing to do. That's why I made the change.

Mr. Jacques Gourde: Thank you, Mr. Dion. I have no further questions for you.

[English]

The Chair: Thank you, Monsieur Gourde.

We're going to turn to Mr. Fergus now, for the next five minutes.

Mr. Fergus.

[Translation]

Mr. Greg Fergus: Thank you, Mr. Chair.

Good afternoon, Mr. Dion. It's a pleasure to see you again at the committee. Thank you for the work that you and your team do. On several occasions, I needed to seek the advice of your colleagues. I must tell you that they responded promptly to my concerns each time. I'm very grateful for that.

I want to address the Conflict of Interest Act and ask you a few questions, particularly with regard to the Trudeau III Report.

Subsection 6(1) of the act states as follows:

6(1) No public office holder shall make a decision or participate in making a decision related to the exercise of an official power, duty or function if the public office holder knows or reasonably should know that, in the making of the decision, he or she would be in a conflict of interest.

You concluded that the Prime Minister didn't violate this subsection of the act. Please explain what brought you to this conclusion.

Mr. Mario Dion: First, thank you for your comments on the quality of the services provided by our office. I'm very grateful for that. Our service standard is to respond to requests from MPs or public office holders within three business days. We succeed in doing so 90% of the time. So thank you again.

We concluded that subsection 6(1) of the act wasn't violated because, in our view, the connection between the decision to award the contract and the potential impact on the situation of the family of Mr. Trudeau was much too tenuous to determine that a conflict of interest existed. That's the real reason.

It's quite difficult to summarize such a complex report in a few words. However, as I recall, we also concluded in the report that Mr. Trudeau obviously knew that his brother and mother had been involved in many activities for the WE Charity. That said, he told us that he didn't know the nature of the relationship or the compensation received. He didn't know whether there had been any compensation or how much it might have been. I believed Mr. Trudeau.

Since the connection between the contract awarded and the compensation received by the family members of Mr. Trudeau was much too tenuous, I concluded that there wasn't any violation of subsection 6(1) of the act.

Mr. Greg Fergus: Thank you.

On a similar note, section 7 of the act states as follows:

7 No public office holder shall, in the exercise of an official power, duty or function, give preferential treatment to any person or organization based on the identity of the person or organization that represents the first-mentioned person or organization.

Did the Prime Minister give preferential treatment to the WE Charity and violate section 7 of the act?

• (1350)

Mr. Mario Dion: The report draws a very clear conclusion on this issue. The answer is no. There wasn't any violation of section 7 of the act, given that there wasn't any special relationship between Mr. Trudeau and Craig Kielburger. However, the situation was quite different in the case of the Morneau report.

Mr. Greg Fergus: You came to this conclusion after an extensive review of over 40,000 pages of documents.

Mr. Mario Dion: That's the process.

I'll take 30 seconds to explain the process.

When we receive a complaint and begin an investigation, we start with a completely neutral mindset with regard to whether a violation occurred. In 99% of the cases, I have no opinion on the matter. We collect as much information as possible. We ask people to send us what they have and we cast the net very wide. We ask people to send us documents that cover long periods and extensive information fields.

It doesn't always happen, but in this case, there was full co-operation, and we received stacks of documents. When we check such a wide range of documents and we don't find evidence of anything, it's probably because there isn't any relationship. In the 40,000 pages, absolutely nothing suggested that the Prime Minister and Craig Kielburger had developed a special relationship since they met, I believe in 2012, when Mr. Trudeau became an MP.

Mr. Greg Fergus: How much time do I have left, Mr. Chair?

[*English*]

The Chair: Thank you, Mr. Fergus. Your time is now up.

Madam Gaudreau, we'll turn to you again.

[*Translation*]

Ms. Marie-Hélène Gaudreau: Mr. Chair, I believe that my colleague had a few more questions. I'll give him the floor.

[*English*]

The Chair: Mr. Fortin, you have the next two and a half minutes.

[*Translation*]

Mr. Rhéal Fortin: Thank you, Mr. Chair.

Thank you, Ms. Gaudreau.

Mr. Dion, you just said a few moments ago that you believed Mr. Trudeau when he said that he didn't know about the nature or extent of the benefits that his family received from the WE Charity. Ultimately, on that basis, you cleared him.

As we know, Mr. Trudeau postponed his meeting for a week or two because he was uncomfortable and afraid of being in a conflict of interest. If Mr. Trudeau had checked with you beforehand and told you that he didn't know about the extent of the compensation or benefits that his relatives received, would you have advised him to find out before sitting and making the decision, or would you have told him to turn a blind eye and proceed?

Mr. Mario Dion: First, hypothetical questions are always dangerous. Asking them isn't dangerous, but answering them is.

We tell people in a similar situation that, when in doubt, it's best to recuse yourself. I certainly wouldn't have said what you provided as a second option, that's for sure. We often give advice to public office holders. We tell them that, if they have any doubts, they probably have a good reason to recuse themselves. It's always safer to do that.

Of course, I don't know what I would have done if Mr. Trudeau had checked with me, based on the hypothetical situation described. However, I probably would have taken the usual approach.

You have nothing to gain by getting involved in a decision where there may be some doubt about the objectivity of the decision. The decision can always be made by someone else.

Mr. Rhéal Fortin: Yes.

I understand that we're talking about hypothetical situations. I don't want to add anything, but I just want to address your comments regarding what Mr. Trudeau told you. Sorry if I'm misquoting you. Correct me if that's the case. Since Mr. Trudeau told you

that he was unaware, you concluded that he didn't actually violate section 7 of the Conflict of Interest Act. However, if he had spoken to you beforehand, you would have advised him to get informed and not to participate in the decision-making process.

Is that right?

Mr. Mario Dion: Yes, that's what I would advise.

Mr. Rhéal Fortin: Okay.

I'll go back to my earlier question. Given the magnitude of this issue, shouldn't amendments be made to the act to ensure that situations of this nature don't happen again?

I understand that you don't want to talk too much about hypothetical situations. However, as the Ethics Commissioner who advises parliamentarians, don't you think that situations involving a conflict of interest, or at least such a blatant appearance of a conflict of interest, should be avoided in the future?

• (1355)

Mr. Mario Dion: We have all sorts of ways of talking to people. For example, we have what we call screens, which are published in the public registry, by the way. If you check the public registry, you'll see that a number of ministers and other reporting public office holders established a screen to avoid any situation where they would have the opportunity to make a decision on an entity or an individual—

[*English*]

The Chair: Thank you, Mr. Fortin.

You're out of time. I do apologize. This is the problem with these short turns.

[*Translation*]

Mr. Rhéal Fortin: That means you would recommend—

Mr. Rhéal Fortin: Sorry, Mr. Dion.

Thank you.

[*English*]

The Chair: We're going to turn to Mr. Angus now for the next two and a half minutes.

Mr. Charlie Angus: Thank you, Mr. Dion, for coming. On behalf of the Canadian people I would like to thank you for this report that really shows the shocking level of insider access that's happening in Ottawa.

When we began the study of the WE Charity issue, we thought we were dealing with the crisis of the pandemic and that quick decisions had to be made and a few mistakes may have happened, but what you lay out is a pattern of inappropriate breaches of all the rules that should be in place to protect the public interest—and this goes back. This is the operating culture between the Kielburger brothers and the Liberal government.

In June 2017, Mr. Kielburger and Mr. Morneau meet, and they decide that the finance minister's office is going to help them get their funding for their accelerator hub, that they are going to start using public resources to hustle for the Kielburgers. In November 2017, they are establishing pre-budget consultations in the Kielburger's offices, and the WE brothers are promoting this for the finance minister.

In December 2017, there were separate emails to various chiefs of staff from Bill Morneau's office to ministers within the Government of Ontario introducing Craig Kielburger as a "dear friend" and a "great local partner", and asking provincial counterparts to make time to meet with Mr. Kielburger. When they get the provincial funding, Mr. Morneau's office is the first one notified and then he calls his bestie, Craig Kielburger.

I put it to you, Mr. Dion, we would never have learned this if it hadn't been for your investigation, so I take from that, for other groups like the Kielburgers, why bother to register as lobbyists? They were able to fly under the radar. They were able to have insider access, and all the normal rules were able to be broken. We don't know if they had this access in Minister Chagger's office or any other minister's office. We just know from your report.

How do we stop this abusive insider access of the public interest? How do we ensure that, if they're not going to bother to be registered to lobby, and if there is no lobbying investigation, the Kielburger brothers and their like can't carry on and do what they want. It's not right.

Mr. Mario Dion: I think one of the uses of such a report is to analyze, and for others to analyze, because my role is limited to determining the particular facts in a situation—if there was a breach of the Conflict of Interest Act. I hope these reports will also serve policy people within the government and within political parties to try to create systems that in the future will prevent the repetition of such behaviours, but it is not my role to do that. I am not equipped nor resourced to do that.

Mr. Charlie Angus: Thank you for your findings.

Mr. Mario Dion: Thank you. I appreciate it.

The Chair: Thank you, Mr. Angus.

We're going to turn to Mr. Carrie now for the next five minutes.

Go ahead, Mr. Carrie.

Mr. Colin Carrie (Oshawa, CPC): Thank you very much, Mr. Chair.

Thank you very much, Mr. Dion, for being here.

I got on to committee halfway through, and there are some questions that I think you might be able to help me answer. I want to talk about the conflict of interest code as it relates to "The Trudeau Report".

In the code, part 2(e) says that a member of Parliament should not "accept any gift or benefit...seen to compromise their personal judgment". Part 14(1) says that it should not reasonably be seen "to influence the member" and it could be "related to attendance at a charitable or political event".

Mr. Dion, with "The Trudeau Report", did you get any evidence of the value of the promotions and branding that ME to WE—not the WE Charity, the for-profit company that the Kielburger's own—charge corporations and companies for their attendance and promotions at the ME to WE events, WE Day?

• (1400)

Mr. Mario Dion: That's an aspect, Mr. Chairman, that I believe we have not examined at all, because it was not necessary in order to determine whether there was a contravention of sections 6, 7 or 21. We have not looked at this issue whatsoever.

Mr. Colin Carrie: Thank you for that.

I don't see how you could have looked at it because when I asked the Kielburgers the questions, they hemmed and hawed.

I don't know if you're aware, Mr. Dion, but at their for-profit company the Kielburgers charge corporations to come up on stage with them to be vetted by the WE organization to say they're a good guy. They charge literally hundreds of thousands of dollars for that, but Mr. Trudeau received that for free.

When I look at the parts 2(e) and 14(1) of the code, it may not have been in the scope of this investigation, but for me, as a politician, to go up on stage to be presented to tens of thousands of future voters who are being told by an organization that has been built up as the wonderful WE organization that I've been fully vetted and supported, that's of great value to me. They were actually charging corporations. This was not a donation to a charity. They actually paid for advertising and branding, hundreds of thousands of dollars.

They even made a promotional video for Mr. Trudeau. I asked them how much the value of that was, and of course they didn't tell me. We got it just a few weeks ago, so you could not have possibly known the value of that video they gave to Mr. Trudeau at these events. It was \$121,000 for 10 videos, and his was one of them. If we just do a division, it would be \$12,000 for his video. If you've ever seen it, it's a very good, snazzy video, a promotion that, for any politician, if they received it, would be an extremely high-value product—and he received it.

My question for you would be this. If you had known that Mr. Trudeau had received from ME to WE, a for-profit organization, benefits that a private company would be paying hundreds of thousands of dollars for and a promotional video very close to the election worth at least \$12,000, would that be something that under the code, parts 2(e) or 14(1), would be seen as questionable?

Mr. Mario Dion: Again, it's a hypothetical question. It's always difficult to answer such questions.

At any point in time, if a member of Parliament believes the code has been breached, they can actually make a complaint about the alleged behaviour and the alleged breach. However, I would remind the member we always look at whether the subject matter of the complaint really relates to the person's position as a member of Parliament or to the person's position as the minister, governed by the Conflict of Interest Act.

The short answer is that, if and why I have to analyze it, I will and I will determine whether there are reasonable grounds to believe an inquiry should be launched, but—

Mr. Colin Carrie: Okay. Thank you very much.

Like I said, there's no way you could have known the value of that when you were writing your report. To get the Kielburgers to actually come to committee to answer some questions was extremely difficult. We did not even receive a written response to that value of the video until within the last couple of weeks.

It concerns me, Mr. Dion, because the code is very clear where it says “not to accept any gift or benefit connected with their position that might reasonably be seen to compromise”.

Especially given the relationship of the Trudeau family and the size of the contract these Kielburger brothers were searching... That's a lot of money. If it's a charitable donation, that's one thing, but this was their for-profit company that companies paid. Mr. Trudeau received the exact same benefit and didn't pay anything for that.

Maybe that's something we could investigate a little bit further.

Mr. Chair, how much time do I have?

The Chair: You are out of time, I think.

Mr. Dion, is there anything that you would like to respond to with regard to those questions?

• (1405)

Mr. Mario Dion: No, Mr. Chairman, I think I have responded.

The Chair: Perfect.

Mr. Dong, we'll turn to you now for the next five minutes.

Mr. Dong.

Mr. Han Dong (Don Valley North, Lib.): Thank you very much, Chair.

I want to thank the commissioner for coming today, and for your hard work and your staff's hard work in putting together these two reports given the time frame.

For the record, did your investigation find the Prime Minister intentionally offered the WE Charity preferential treatment?

Mr. Mario Dion: No, we found the opposite, if you read the report.

Mr. Han Dong: Thank you.

In your report you cite the former integrity commissioner in Ontario, Gregory Evans, who stated, “One person's perception of another's conduct is a purely subjective assessment influenced by many factors including the interest of the individual making the assessment. It is not the proper criteria by which the conduct of a legislator should be measured.”

Throughout the last several months we have seen opposition party members attempt to pursue their own investigation of the Prime Minister in several committees. In your view, will such a partisan investigation yield an effective or truthful report for Canadians?

Mr. Mario Dion: I'm afraid it's not for me to have a view on that. There are two different approaches basically. Parliament and its committees have a role; the commissioner has another role. We have completely different objectives and modes of operation.

When I proceed to an examination under the act or an inquiry under the code, I do so with the focus being on what the code or the act requires me to do. We did follow with interest what was going on before committees. Essentially it was a source of some inspiration, but we had to validate. We did not rely on anything that was only said before a committee. We had to basically go and ask again, because we were denied permission by the finance committee to use it—or failure to give permission was interpreted as a denial of permission.

We were on parallel tracks, and we have very different objectives and very different modes or methods. I respect the methods used by Parliament, and I wish Parliament would respect the method I'm using in conducting my examinations.

Mr. Han Dong: Very well. That was the same concern we heard very early on in our study from the former commissioner, that we should not by any chance contaminate your investigation by doing the parallel study.

Following the release of your report, the Conservative leader came out and decreed that the system was broken. It's good that today you have reminded us that it was the previous Harper government in 2006 that deliberately excluded the perceived conflict of interest, that part of the act.

Respectfully, I see in your report that the system worked and is working, but I worry that this type of language the Conservative used served only to break down trust in our public institutions, including the officers of Parliament. Would you agree that the work you produced points to a broken system, as described by the Conservative leader?

Mr. Mario Dion: My role as an agent of Parliament is to implement the law as it is, but not in the way some people wish it would be. The views I have as to how the law should be changed, I think, will only become of interest to Parliament when and if Parliament looks at it.

At this moment, as I think I said earlier during my presentation this afternoon, in my opinion the act works as it's currently written. That indicates that I'm not in agreement that the system is broken, but anything can always be improved. It is very subjective, as pointed out by Mr. Evans in the quote that the member gave us a minute ago.

Mr. Han Dong: Your report exonerates the Prime Minister from any wrongdoing with regard to WE Charity. I would appreciate your thoughts on what politicians, be they MPs or ministers, can do to avoid even the appearance of such conflict of interest in the future to ensure the continued confidence in our system.

Mr. Mario Dion: It's about being vigilant. I think I've already referred to that a few times, being vigilant to identify any situation. It's easy to say but not easy to do when you have to make hundreds of decisions each week. Be vigilant, try to make an effort and do not fall to the temptation of deciding to do it nevertheless because it's urgent.

Whenever there is doubt that there is possibly a conflict of interest, you should stop and analyze and recuse. It's always the best approach: When in doubt, recuse. Nobody will blame you for having recused. You could be blamed if you fail to recuse in a situation where you should have, under section 21 of the act.

● (1410)

Mr. Han Dong: Thank you very much.

I appreciate the fact that in your report you acknowledged the extraordinary circumstances under COVID that decision-makers in a public office have had to make—very expeditious decisions. I take your advice on being extra vigilant. When you are in the position of making these decisions, you have to be very careful not to appear to be in a conflict of interest.

Thank you, Mr. Chair.

The Chair: Thank you, Mr. Dong. You are out of time, and that's an appropriate end to the time with the commissioner.

Commissioner, we want to thank you for your testimony today. We thank you for being with us. We know you've been very busy over the last number of months during difficult and trying times. Just as Mr. Dong commended the government, I'd like to commend you, Mr. Dion, for undertaking your work diligently and completing these reports in a timely manner so that committee members and parliamentarians and Canadians generally can review your work.

Thank you, Mr. Dion. We will allow you to go. We thank you for being here and we will now allow you to leave.

We're going to move to votes on the estimates.

Committee members, there are a couple of ways to do this. I think we'll just move through the votes. There are six motions that we have to adopt. Just as a reminder to members, it is possible to vote down the granting of these amounts. We can reduce them, but we cannot reduce them below the amount that has been granted through interim supply.

If there's a willingness for committee members to proceed to the votes, we'll quickly do so, after which we can move into committee business.

I will start reading through the motions. We will assume there's unanimous consent to carry on, unless somebody opposes, then we'll move to a vote by head count.

Go ahead, Mr. Barrett.

Mr. Michael Barrett: Mr. Chair, you mentioned that you have a suite of items for the committee to vote on. I'm wondering whether, as has been the practice in the past, you could read the items. I suggest it would be expeditious and would also serve the ultimate pur-

pose to have them grouped as one item so that, should the committee wish, they be passed on division.

The Chair: We can certainly do that. It is definitely an option. I'm seeing some nodding heads, so I will proceed to that option.

I will read this out and then, unless there's opposition, we'll assume they're passed on division.

OFFICE OF THE COMMISSIONER OF LOBBYING

Vote 1—Program expenditures.....\$4,188,106

(Vote 1 agreed to on division)

OFFICE OF THE CONFLICT OF INTEREST AND ETHICS COMMISSIONER

Vote 1—Program expenditures.....\$6,852,883

(Vote 1 agreed to on division)

OFFICES OF THE INFORMATION AND PRIVACY COMMISSIONERS OF CANADA

Vote 1—Program expenditures—Office of the Information Commissioner of Canada.....\$14,940,085

Vote 5—Program expenditures—Office of the Privacy Commissioner of Canada.....\$27,062,351

(Votes 1 and 5 agreed to on division)

OFFICE OF THE SENATE ETHICS OFFICER

Vote 1—Program expenditures.....\$1,231,278

(Vote 1 agreed to on division)

The Chair: Shall I report these to the House?

Some hon. members: Agreed.

The Chair: Thank you, Madam Clerk and colleagues. That was painless.

We'll move now to committee business.

Mr. Angus, you indicated you'd like to speak to committee business. If anybody would like to follow, please raise your hand and we'll go through the speaking order as indicated.

Mr. Angus, we will turn to you.

Mr. Charlie Angus: Thank you, Mr. Chair.

I'm speaking to my motion today to invite Mr. Steven Guilbeault, the Minister of Heritage, to come to the ethics and privacy committee to testify on the plans that are being led through the heritage department to deal with the allegations of non-consensual sexual assault videos that exist on Pornhub.

At the April 12 ethics meeting, we were informed by security minister Bill Blair that the government of Mr. Trudeau will "introduce legislation to create a new regulator that will ensure online platforms remove harmful content, including depictions of child sexual exploitation and intimate images that are shared without consent" and that "Public Safety Canada and other departments are working on this proposed legislation with Canadian Heritage, which leads this effort."

We have had no indication of what this new regulator is and I think we need clarity.

I would just step back a minute and say that this all stems from the December 2020 reports that came out of the United States on horrific abuse of children and sexual assault victims on Pornhub, a company that is based in Canada. We began our study at that time to see if our laws were insufficient or if there was a problem. We asked the RCMP to come. The RCMP have made it clear that they are not moving forward with allegations against Pornhub. They've talked about their being a partner. They've talked about voluntary compliance.

I received the RCMP's internal briefing documents in response to the December 2020 article, and in that document, it talks about what next steps have to be done and it mentions the leadership of the heritage department. My office asked the RCMP to send us the blacked-out information to explain why the RCMP is deferring to Mr. Guilbeault's office. My staff was told that this would breach cabinet confidence.

What that tells me is that after the December 2020 article came out in The New York Times on Pornhub, this issue was discussed at the cabinet of Prime Minister Justin Trudeau and a decision was made then to have Mr. Steven Guilbeault and the heritage department handle this file, rather than transferring it over to police, to the Attorney General or to public security.

I think this is really important. We cannot finish our Pornhub study without knowing what exactly the government's plan is, because we have Bill C-10 right now that Mr. Guilbeault is in charge of, and I think the government shocked everybody when they decided to put user-generated content under Bill C-10. I've talked to many arts organizations that were shocked that Bill C-10 includes user-generated content. It is nothing that the artists' community wanted. They want Facebook and Google to pay their share. Where is this user-generated content coming from? Is this to address the allegations the survivors brought to us on Pornhub?

If that is the case, Mr. Guilbeault needs to explain that, because I don't think you could disrespect survivors in any more of an egregious fashion than to suggest that sexual assault videos or videos of the torture of children that were brought forward to our committee are somehow considered user-generated content in Canada. What does that say to survivors? What does that say to the women of the global south who I have been meeting with, who are speaking from Nigeria, Colombia, Spain and France, talking about the sexual assault videos from their countries that are being posted on a Canadian site?

Are the Liberals telling us that they consider sexual assault and criminal acts mere content that can be handled by a regulator? Are they going to hand it off to the CRTC under Bill C-10, or are they going to create a new pornography regulator? I would like to know what that pornography regulator would be, because, again, I had excellent meetings following the debacle of our meetings with the sex workers, and Ms. Lukings provided really interesting analysis of how what we want to do is to make sure we hold corporations accountable for what's online, but we don't want to push stuff to the dark net.

• (1415)

If the Liberals have this idea that Mr. Guilbeault could set up some kind of regulator to tell us—I don't know—Canadian content

in porn, good porn, bad porn.... Do we need a regulator or do we simply need the Liberal government to apply the laws?

We can look at the laws we have in Canada. In section 162 of the Criminal Code, it is a crime to film the private acts of individuals or people without their consent. It is a crime to circulate, to sell, to advertise or to make available the recording. We have a law. In section 163, sexual videos of crime, cruelty and violence are classified as criminal in behaviour. We heard from the survivors of non-consensual sexual assault videos that their videos were videos of crime, cruelty and violence. Section 164 gives the authorities, which would be the RCMP, the power to issue warrants to seize the recordings of voyeuristic videos of crimes as well as child pornography.

We have mandatory reporting laws. We have learned that Pornhub has not followed through on them. Pornhub has not respected the laws we have in this country.

The Attorney General doesn't seem to even think it applies, because he's not sure if this Montreal-based company is a Canadian company. If the Attorney General, who lives in Montreal, isn't sure that Pornhub is a Canadian company, even though their address is on Décarie Boulevard and everybody in Montreal who goes to work passes their office in the morning, then how are we expected to believe that the CRTC or some kind of regulator will handle this?

I think Mr. Guilbeault needs to come and explain this to us. What is the government's plan for dealing with the issues of sexual violence on Pornhub that have come to our committee? Are we going to ignore Canadian law or are we going to establish the CRTC to do this? Is this going to be Bill C-10 or...? Mr. Blair suggested that they're going to create a new regulator.

I think Mr. Guilbeault needs to come and inform us so that we can actually finish a report on what Parliament needs to do to address these disturbing allegations of brutality and non-consensual sexual assault of women, not just from Canada but from around the world. We need to be able to respond to those survivors and to the Canadian people that we've done our job. We cannot do that job without Mr. Guilbeault coming and explaining why he is the lead person appointed by the Trudeau government to address these very serious allegations.

I'd like to bring that motion forward for a vote.

• (1420)

The Chair: Thank you, Mr. Angus.

We'll go to debate on the motion. I see that some hands have been raised.

Mr. Barrett, we will go to you first.

Mr. Michael Barrett: Thanks, Chair.

I thank Mr. Angus for bringing the motion forward. Obviously, it's in line with the study that the committee has undertaken. It could serve to be one of the final meetings we have on that, potentially, as we start running out of days.

In fact, Chair, I was seeking the floor and would just ask you this now. Following consideration of Mr. Angus's motion and the committee's voting on it, before we adjourn, could we get an update from you on the work the committee is to undertake? You mentioned this at the start of the two hours, so I don't want to hijack the time. We do have a motion on the floor to consider. I look forward to the discussion on that. I plan to support it.

I would just ask that before we do adjourn, if that is to happen hastily, we get an update on the size of the draft report we're reviewing next week and our plans to report that to the House 10 days from today, as per the committee's previous direction.

Thanks very much.

The Chair: Thank you.

As I indicated earlier, the next two meetings, the meetings next week, have been set aside for the consideration of the draft report on the questions of conflict of interest and lobbying in relation to the pandemic spending. My understanding is that the report now exceeds 150 pages, so it will be robust. I'm sure we will require at least those two meetings in order to review that. Of course, we do have a deadline that has been agreed to by this committee to have that completed next week. That is the case.

We will now continue the debate on Mr. Angus's motion.

Madam Gaudreau, we'll turn to you.

[*Translation*]

Ms. Marie-Hélène Gaudreau: I'm going to keep my turn this time. I have something else to say, but I'd like to comment on the motion.

We have seven meetings left. If I understand correctly, four of them are to review reports. That leaves us three meetings.

Furthermore, we are aware that Ms. Shanahan may be putting forward a motion today.

Top of mind are the people watching us and following our proceedings. The purpose of the original motion, adopted in December, was to meet with the owners and executives of Pornhub. Naturally, once we started looking into the matter, we wanted to go deeper. Unfortunately, the committee doesn't meet five days a week or have 20 hours of meeting time a week. My biggest concern is finalizing the reports. Let's be frank: we could take longer. After all, the committee has gone over the time allotted in the past.

We have three meetings left. I'm sure my fellow members have suggestions on how we can end the session on as good of a note as we started it on. I won't go on about it, but I am quite concerned about the committee's ability to be effective, on behalf of those who are counting on us. We need to respect the purview of each committee. A committee can study an issue inside and out. As mentioned, the Standing Committee on the Status of Women took a different approach in the case of Pornhub, deciding to apply a different lens. The same is true in this case: the committee is examining Bill C-10.

I just want to be sure that the right work is being done at the right place.

That is my first concern.

● (1425)

[*English*]

The Chair: Thank you, Madam Gaudreau.

Mr. Fergus, we'll turn to you.

[*Translation*]

Mr. Greg Fergus: Thank you, Mr. Chair.

I agree with Ms. Gaudreau. I am quite supportive of what Mr. Angus is proposing. I think it's important that we examine the matter. I really appreciate his specifically mentioning Ms. Lukings and the dark web, in reference to the importance of the discussion.

We all realize that there isn't much time until this session of Parliament ends. We can probably find a way to deal with all of these demands efficiently. Perhaps Mr. Angus's motion and the one Ms. Shanahan moved a few weeks ago could be combined. If we can figure out a way to tackle this efficiently, we could get the work done and schedule time to examine the current report. We can do the work that remains and we can do it well.

That is what I want my fellow committee members to know.

[*English*]

The Chair: Thank you, Mr. Fergus.

Mr. Dong.

Mr. Han Dong: Thank you very much, Chair.

I listened carefully to my colleagues' previous arguments and their positions with regard to this motion.

What caught my attention was the fact that Mr. Angus mentioned that he received briefings on the dark web and from Ms. Lukings. That reminded me that I had a lot of interest in that. My fellow colleagues also asked questions about that, but we never really had a fulsome discussion or session to hear a bit more information about the dark web. To be fair, the last meeting that we had, when we had these witnesses, the advocates of sex workers, they didn't get a fair chance to maximize their time at committee and express their full perspectives on this study.

It would be very good to.... I spoke previously in support of Mrs. Shanahan's motion to invite them back. That would add to the comprehensiveness of this report.

As to Mr. Angus's motion, I understand where he is coming from. It is based on a lot of assumptions, namely that the government is moving to legislate and regulate this industry. I will go with the decision of the members of this committee.

I will support it if we can consider a friendly amendment, which I want to move for members to consider.

I move that, after the words in the original motion “Brenda Lukings”, the following be added, “that the committee hear from experts on the dark web for one hour, and that the committee invite Ms. Lukings to be part of that panel.”

• (1430)

Mr. Charlie Angus: On a point of order, we are jumping around a bunch of different stuff here, so I want to be clear.

Is Mr. Dong saying we will have Mr. Guilbeault, and that Ms. Lukings will give us her presentation on the dark web?

Mr. Han Dong: That's exactly what my amendment says.

Mr. Charlie Angus: Perfect.

The Chair: Is there anybody that would like to speak to the amendment? I am seeing hands raised.

Mrs. Shanahan, you are next on the list, so we'll turn to you and then we'll go back to Mr. Angus.

Mr. Michael Barrett: On a point of order, could we get the complete text of the motion with the amendment circulated in both official languages, please?

The Chair: Yes. I am getting hand gestures, indicating you're not the only one that was looking for that. We'll now suspend until such time—

Mr. Michael Barrett: They were friendly hand gestures, I would just note, Chair, for those following along here.

The Chair: Let's remember there is no such thing as anything friendly in this business. It's just an amendment or not an amendment. While we are friendly, sometimes we accept them more readily in this business in the Parliament of Canada, but they are only amendments.

We will suspend now until such time as that can be distributed in both official languages. Please watch your email.

• (1430)

(Pause)

• (1435)

The Chair: We'll turn to Mrs. Shanahan for the next intervention.

Mrs. Brenda Shanahan (Châteauguay—Lacolle, Lib.): Thank you very much, Chair.

I would note that I, too, had a motion that I wanted to present. I understand that'll occur after this is dealt with. It concerns the order of the House regarding the nomination and the extension of the term of the Privacy Commissioner.

On this amendment, yes, of course, I'm in agreement because it follows on what I was attempting not very elegantly to do. I agree.

When we had our last panel of witnesses on this issue, we were becoming aware that there is what is seen and there is what is unseen. It's not for nothing that our study on MindGeek and Pornhub has really stirred up so much attention among ordinary Canadians and the media. The Internet space, the web and the dark web are a

completely new area of study. These are things I certainly didn't have any knowledge of prior to the very recent revelations that we've had over the past few years about just who and what, as far as we know, operates in this space. We don't know. This study is so critical. It's about the non-consensual use of images, and we need to get a fuller understanding.

This is really one of the first times that a parliamentary committee is attacking this area. Certainly that is what I was trying to do when I moved my motion during that meeting a month or so ago in that we should hear from more witnesses. I'd like to hear from Professor Lukings again. She certainly had a lot to say on this issue. Also, we may be able to find someone else, such as perhaps a retired RCMP officer who has worked in this area and can maybe speak much more freely about the kind of work that he or she had been seeing.

I really think that this is an area we need to more fully explore. We need to have as much information as possible before we are ready to do that report and put forward recommendations, which I think will be very welcomed by the Canadian public. I'm not saying that it'll be the last word on it—far from it—but I think it's going to be a very important step forward in opening a crack in this door, which clearly has been closed.

Of course, in addressing the issue of Pornhub, our intent was never to drive the illegal traffic to the dark web. That was never our intention. We need to understand what we are doing in this space and for that reason, I support the amendment. Thank you.

• (1440)

The Chair: Thank you.

I'll just remind committee members that Ms. Lukings is not a professor, as I think that there may be some confusion. She is a law student, just for clarification.

We'll turn to Mr. Angus.

Mr. Charlie Angus: Thank you.

I think we can work this out. I do have to say, from that last meeting I felt very uncomfortable with this committee, because we said we were going to make a safe space for survivors and that didn't happen. I also feel that we have to be really careful about what it is and how we're talking about it because, for the survivors who came to us, we said that we would hear their stories with respect and that did not happen. I would also say some of those witnesses, to me, were gaslighting the survivors whom we heard from. We heard some really horrific testimony.

If I am to support Mr. Dong's amendment... I've spoken with Ms. Lukings and I think she's really articulate on this and would be very helpful, but his amendment is about the dark web. If the witnesses we are going to agree on are experts on the dark web, I'm open to that.

Then I think we're going to have to close off this study, because time is ticking on this Parliament. If members want to use that as a way to bring in other witnesses who have other points of view, I've been on the phone with women dealing with Pornhub from Spain, Italy, Colombia, eastern Europe, Nigeria. They would love to speak to this committee, so if we're going to open it up, then I say to really open it up or we're going to actually get this thing finalized.

I think Mr. Guilbeault is important because we were told by Mr. Blair that the government is introducing legislation and Canadian Heritage is the lead, so we need to hear from them. If we heard from Mr. Guilbeault for an hour and we heard from experts on the dark net, including Ms. Lukings, and maybe, as Madam Shanahan said, someone from the RCMP who deals with this, or some expert, Project P perhaps, then I think we'd be in a situation where we could finalize this report.

If that's the agreement, I'm ready to put it to a vote at any time. I know Mrs. Shanahan has another motion that we have to vote on and time is ticking, so I'm ready to vote now, if that's the agreement.

• (1445)

The Chair: I have a couple of people left on the speaking list: Madam Gaudreau, Mr. Barrett and then I think Mrs. Shanahan got back on the list.

Madam Gaudreau.

[*Translation*]

Ms. Marie-Hélène Gaudreau: Thank you, Mr. Chair.

I will pick up where I left off.

Obviously, this is an issue we must be concerned about. I, too, walked away feeling uncomfortable after our meeting with the witnesses. It was obvious. I even said I was embarrassed. How are we supposed to finish our work after what we learned during the study we began on Pornhub? I am genuinely concerned, which is why I am very amenable to amending the motion. I know full well that we could spend a lot more time on Pornhub. We nevertheless have to work on the questions of conflict of interest and lobbying report, which will take at least two meetings. I keep thinking about the schedule.

What we are missing to get to the bottom of the matter and see the study through, as proposed in the motion and amendment, is time. I'm wondering whether we should go ahead with the meeting and put off finalizing the report again, or perhaps deal with the other reports to give us a bit of leeway to finalize this one.

That is why I am very uneasy about voting. I would support an amendment to put it off until we've finished with the other two reports. That way, we could get the work done. That does not mean I don't fully support broadening the study to cover elements we did not have in mind initially. We are well aware that it's important to go deeper.

Mr. Chair, I am not moving this formally, but the report on questions of conflict of interest and lobbying is clearly a priority. We should deal with that first, before the report on the Pornhub study or anything else. Now, I'm at a loss for arguments, perhaps because

I don't have as much experience. We need to draft the report on the protection of privacy and reputation on online platforms such as Pornhub, but this adds the dark web to the mix. That involves the heritage committee and a number of others. Eventually, we have to finish the work.

If you are telling me that we absolutely need to have this meeting and that the analysts will be able to draft the final report for our review, I have no problem with that. Otherwise, I would move an amendment to have the committee examine the whole issue only once the other reports have been dealt with.

[*English*]

The Chair: Thank you.

Mr. Barrett.

Mr. Michael Barrett: Thanks, Chair.

I agree with Ms. Gaudreau's sentiment. I'm just curious as to whether there is an interest from the mover of the main motion or the amendment that we include language saying that this concludes the study and that the committee then provide instructions on drafting to the analysts.

I'm a little reluctant to move the amendment. I appreciate that this is how we make a decision on it. I'm a little reluctant to move it because my intention is to not prolong this discussion. I'm comfortable with the hour proposed from Mr. Angus, the proposed hour in the amendment. It all makes sense. My concern is that time is at a premium. The two meetings next week are committed.

There's been mention of a proposal from Mrs. Shanahan, which I can't speak to until it's been tabled at the committee, but I see some agreement on it.

I'm not sure of the best way to do this, Chair. Is the preference of the chair that I move the amendment or that I defer to the mover of the main motion, perhaps, and cede my time there? My intention is that we include language on concluding the study and providing instructions on drafting to the analysts, following the conclusion of that two-hour meeting.

• (1450)

The Chair: Mr. Angus is next, but just before that, I want to inform members that the analysts have begun the work of putting together much of the report. Obviously we will have to confirm drafting instructions, but they have been diligent in terms of preparing those things that they are able to up until this point.

We need to be mindful, though, that they still will require time to complete the work. If we add additional witnesses, we will make it more difficult to get this completed before the end of the sitting.

Mr. Angus.

Mr. Charlie Angus: Thank you.

Time is absolutely important, because we have responsibilities. We have agreed to the meetings to finish the pandemic report and have it reported back to Parliament, I think by June 10, so that's there.

I think what my colleagues from the Liberals have brought forward is very reasonable. It allows us to at least say that we've touched all the key areas. There are many other areas, but obviously time has run out. This would allow us to finish the report.

I would trust my colleagues that we're agreed that these would be the final meetings and that we move on. I think we would all agree to doing so. We could put it in the motion as an amendment and vote on it, or we can just say that we all recognize that time is ticking and we have to get this done and that we get that meeting.

I'd say we vote on it now, because Mrs. Shanahan also has a motion, and we probably want to hear that one. If, then, we could just vote on this, I think we can agree that this would be the final meeting on this study. We'll wrap it up. We will have done a good opening round of work for the Canadian people, one that has raised a lot of questions.

We can't answer them all, but this is a good way to have opened up a study that people can look at. Maybe in a future Parliament or down the road, someone else will take it up from where we've started, but we need to finish it off.

I don't know that we need Mr. Barrett to put it in writing, I think we can just agree that this will be the end and that we move on from here.

The Chair: I see Madam Gaudreau, but just to remind members, we have to vote first on the amendment and then on the main motion.

Madam Gaudreau—

[*Translation*]

Ms. Marie-Hélène Gaudreau: Mr. Chair, as Mr. Angus suggested, we need to specify in the motion that we will first do the work on the conflict of interest report. It would have to be over the next two meetings. We also need to specify that we would then do the remaining work to finalize the report on the protection of privacy and reputation on platforms such as Pornhub.

We need to put it on the schedule to make sure we actually do spend the next two meetings on the first report. We need to come to an agreement and put it in writing. Otherwise, we could have a filibuster.

[*English*]

The Chair: Mr. Angus, we'll turn to you.

Mr. Charlie Angus: My understanding is that we already have an agreement. We voted that we were going to have this report done and reported to Parliament by a date. It's thus already there. I think that is what we do next. We understand that we have to finish the pandemic report and that it will be reported to Parliament by the date indicated.

I say we get to the vote on this motion now.

The Chair: We'll move to a vote on the amendment.

Madam Clerk, I'm wondering if you'll run through the roll call for the purposes of the vote on the amendment. This is Mr. Dong's amendment. Then we'll vote on the main motion.

(Amendment agreed to: yeas 10; nays 0 [*See Minutes of Proceedings*])

(Motion as amended agreed to: yeas 10; nays 0 [*See Minutes of Proceedings*])

The Chair: Members, that's very helpful. I'm glad we can do that.

Of course, next week our meetings are scheduled to be the review of the report on pandemic spending. I think Mrs. Shanahan may have some suggestions for meetings in the week that follows.

Mrs. Shanahan.

• (1455)

Mrs. Brenda Shanahan: Thank you, Chair.

I believe the notice of motion has already been circulated, but yes, I would like to move that, pursuant to the order of reference of Thursday, May 27, 2021, and Standing Order 111.1(1), Daniel Therrien, nominee for the position of Privacy Commissioner of Canada, be invited to appear on Friday, June 4, 2021, for one hour in relation to his proposed appointment.

I believe that has been circulated already in both languages.

The Chair: We'll turn to—

Mrs. Brenda Shanahan: Chair, if I may, I have just a little point.

The Chair: Yes. Ms. Shanahan.

Mrs. Brenda Shanahan: On the date, I just chose the closest date handy, but I'm open to an amendment if there needs to be a change of date with the scheduling of the witnesses we have already discussed.

The Chair: It appears as though there is a conflict. Maybe we can resolve this.

Mr. Angus, we'll turn to you first, and then we'll go to Mr. Barrett.

Mr. Charlie Angus: Thank you.

This is the work of our committee, so I think it should be pretty much unanimous that we support this. My only question is that Friday is a day that's already been allotted, as Madam Gaudreau had said, to the WE study or the pandemic study. I think we should have it at an early date after that, since we don't want to go much over time because of the pressure it puts on our interpreters. I'm ready to fully support it. Let's just find a date and make it happen.

The Chair: Mr. Barrett.

Mr. Michael Barrett: Thanks very much, Chair.

I think that having the Privacy Commissioner nominee appear is good. I have an amendment that I would like to move. I'd like the minister to appear for a second hour. I will send this in both official languages to the clerk as soon as I've read it.

The motion as amended would read, "That, pursuant to the order of reference of Thursday, May 27, 2021, and Standing Order 111.1(1), Daniel Therrien, nominee for the position of Privacy Commissioner of Canada, and Minister of Canadian Heritage Steven Guilbeault be invited to appear on Friday, June 11, 2021, each for one hour, in relation to Mr. Therrien's proposed appointment."

I am sending that to the clerk right now.

• (1500)

The Chair: Colleagues, as is our custom, we will suspend until such time as that can be distributed to members in both official languages.

We are suspended.

• (1500)

(Pause)

• (1505)

The Chair: I call the meeting back to order.

Madam Gaudreau, we'll turn to you.

[*Translation*]

Ms. Marie-Hélène Gaudreau: Thank you, Mr. Chair.

First, so that everyone is on the same page, could you please tell us the order of the work we have left. We have to keep June 10 in mind. We definitely won't be done on June 4, since we are spending an extra two hours on the Pornhub study. We do have some time until June 21. Can you tell us what the order is for the work we have to do and what time slots we have available?

Second, I would like to hear from Mr. Barrett on why he wants the committee to invite the minister, Mr. Guilbeault.

[*English*]

The Chair: I think, Madam Gaudreau, you have indicated that your calculation of days is that we only have three days freed up. I am in concurrence. I agree with you that we are very limited. I'd be interested in members' thoughts on how we can make this all happen, but we'll turn to other members here.

We'll turn to Mr. Fergus.

[*Translation*]

Mr. Greg Fergus: Thank you, Mr. Chair.

Ms. Gaudreau is much more diplomatic than I. As was shown very clearly, we have little time left.

The minister is already appearing before the committee, as per Mr. Angus's motion. We would have to invent time, considering how little we have left to wrap up the studies we've already begun.

I thought there was a consensus to put a time limit on the other discussion because we were running out of time. That's the proper

thing to do. With all the work on our plate, I don't think it's necessary to go down that path.

I'm eager to hear Mr. Barrett's response to Ms. Gaudreau.

• (1510)

[*English*]

The Chair: We'll turn to Mr. Angus and then Mr. Barrett.

Mr. Charlie Angus: Thank you. I appreciate my colleague's amendment. I guess my concern, like Madam Gaudreau's, is that the clock is ticking. We are having the minister come to speak to us. To have him come back on another issue to me is questionable. We could actually question him on both things if people feel that's what they want to do.

I think we have to get Mr. Therrien's appointment approved. I think that's incumbent upon us. We have to finish the pandemic study. We have to finish the Pornhub study. Therefore, I would say that having him come back for another hour is not necessary.

The Chair: Mr. Barrett.

Mr. Michael Barrett: I would just say that, in the interest of saving the committee time, I'd be happy with the unanimous consent of the committee to withdraw the amendment if Madam Shanahan withdraws having Mr. Therrien appear. Mr. Guilbeault is the minister who has proposed this individual for the appointment, so if we want to save a full day on the calendar, let's do it, but if we're already having a meeting.... If someone has a proposal on how we're going to split time for that one hour, let's hear that proposal, but if we're dedicating a meeting, I don't think that it's unreasonable to ask that the minister who is proposing the appointee....

We just had Mr. Therrien at the committee, and no one had any questions or said that they had further questions about Mr. Therrien's service, so I would be happy, with the unanimous consent of committee, to withdraw my amendment, and we could withdraw having Mr. Therrien appear. We could deal with Pornhub on that day and drafting instructions and the like, but if we are blocking meetings, if we are doing some planning, that's the proposal that I'm making.

Mr. Guilbeault is the minister that put Mr. Therrien forward, but we are going to have Minister Guilbeault appear on another matter and we just had Mr. Therrien appear, so with such little time left, I would concede that we could do without both.

The Chair: Madam Gaudreau.

[*Translation*]

Ms. Marie-Hélène Gaudreau: I have all kinds of ideas to make full use of our time.

For instance, when we heard from Mr. Dion earlier, he quickly answered our questions about the estimates and his mandate. The discussion then veered onto another topic, the last report. We met with him for one hour.

Do we need an hour? If we can find extra time to hear from Mr. Guilbeault, we could discuss two subjects with him, much like we asked Mr. Dion questions that did not pertain specifically to the estimates or his mandate. That will shorten the meetings. Otherwise, we will run out of time.

I don't think we will be able to hear from the Privacy Commissioner on June 4, but we could do it by June 21. We have to deal with the work we have in the order agreed upon. Further to our last meeting on the Pornhub study, we are supposed to draft the report. That means we still have a bit of work to do. I don't think the date in Ms. Shanahan's motion works given what we've just decided. However, we could just add some time, less than an hour, between now and June 21. A half-hour might even do it. We want to make sure we meet with the commissioner, but we have to be realistic about it.

[English]

The Chair: There's definitely a possibility to add time to meetings. We have often gone beyond the two-hour time limit. However, as Mr. Barrett suggested, if we're going to set aside one hour of one meeting, the second hour would have to be dedicated to something, so it could be to the minister, if in fact we are doing that.

Again, I would suggest that we push this off until such time as we have been able to deal with some of the heavy lifting on some of these other reports, so that final translation will be allowed to take place before the House rises.

Mr. Barrett, you're the last person who has indicated you want to speak to this, and of course, we are still debating the amendment.

Mr. Barrett.

Mr. Michael Barrett: Chair, being mindful of the time—it's 3:15—I am certainly not opposed to hearing from Mr. Therrien. I do think it would be helpful to hear from the minister.

There are a couple of different ways that we could look at this. This is perhaps a discussion that we could resolve off-line. I would suggest perhaps that we adjourn debate. We have meetings planned next week, and perhaps the chair could come back to the committee on Monday with a proposed work plan for the remainder of this sitting.

Chair, with that said and, again, just underscoring that I think people are interested in hearing from Mr. Therrien, with the way that we do that and being sensitive to folks' time, I'm going to reach out to colleagues to see if we can resolve this off-line.

At this point, I'd move to adjourn the meeting.

• (1515)

The Chair: There's been a motion to adjourn the meeting. This is not a debatable motion, so we'll ask the clerk to run through the roll call.

The Clerk of the Committee (Ms. Miriam Burke): The result of the vote is five yeas, five nays.

The Chair: I will vote to adjourn the meeting.

(Motion agreed to: yeas 6; nays 5)

The Chair: I will now move to adjourn this meeting.

The meeting is adjourned.

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