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Chair: Mrs. Karen McCrimmon



Standing Committee on National Defence

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• (1300)

[English]

The Chair (Mrs. Karen McCrimmon (Kanata—Carleton, Lib.)): I call this meeting to order.

[Translation]

Good afternoon and welcome, everyone.

[English]

Welcome to meeting number 28 of the House of Commons Standing Committee on National Defence.

[Translation]

Today's meeting is in hybrid format, pursuant to the motion adopted by the House on January 25, 2021. Committee members will be present in person or through Zoom. The proceedings will be made available via the House of Commons website. So you are aware, the webcast will always show the person speaking, rather than the entirety of the committee.

[English]

With regard to a speaking list, the committee clerk and I will do the best we can to maintain a consolidated order of speaking for all members, whether they are participating virtually or in person.

Pursuant to Standing Order 106(4), the committee is meeting today to consider a request received by the clerk and submitted by four members of the committee to discuss their request for additional witnesses for the study of addressing sexual misconduct issues in the Canadian Armed Forces, including the allegations against former chief of the defence staff Jonathan Vance.

Members have all received the letter. I will now open the floor for debate. Who would like to speak first to Standing Order 106(4)?

I recognize you, Mr. Bezan. Please go ahead.

Mr. James Bezan (Selkirk—Interlake—Eastman, CPC): Thank you, Madam Chair, and I thank you for calling the emergency meeting under Standing Order 106(4).

I'll move the following motion so that we can kick off debate, and then I'll speak to that motion, Madam Chair.

The motion—

The Chair: Mr. Bezan, do you have a copy of that motion?

Mr. James Bezan: We are going to circulate it right now. I believe my staff is sending it to the clerk, and he can circulate it around.

The Chair: Okay.

Mr. James Bezan: I believe we've been through this a number of times already, Madam Chair. I'm sure the format is quite familiar to all members of the committee.

The motion reads as follows: “That pursuant to Standing Order 108(2), the Standing Committee on National Defence, concerning its study on addressing sexual misconduct issues in the Canadian Armed Forces, including the allegations against former chief of defence staff Jonathan Vance and the allegations against chief of defence staff Art McDonald, invite Katie Telford, chief of staff to the Prime Minister, to testify for no less than two hours; that the meeting be held in public and be televised; and that the witness be called to testify within seven days of this motion passing.

That is being sent to the clerk right now. I believe that if the clerk checks his inbox, it will be there.

Madam Chair, the purpose of that motion is to follow up on testimony we heard last week, after having Elder Marques at committee. He made it very clear that he was instructed by Katie Telford to get in contact with the PCO and with the chief of staff to the Minister of National Defence.

If we look at this chronologically, we know that on March 1, 2018, we had the former ombudsman for the Canadian Armed Forces, Gary Walbourne, try to give evidence to the Minister of National Defence, Harjit Sajjan, that there was a complaint of sexual misconduct against Jonathan Vance when he was the chief of the defence staff. We know that Mr. Sajjan pushed away that evidence, but he did pass on the exchange and that discussion with the ombudsman to his chief of staff, Zita Astravas.

Based upon the testimony of Elder Marques, Zita Astravas, whom we have asked to appear at this committee in the past but has yet to do so, then went to Katie Telford, chief of staff to the Prime Minister, to inform her that this complaint of sexual misconduct had come forward. That information was then shared with Elder Marques on March 2. That information was then passed down to the Clerk of the Privy Council. Meetings and conversations, as Elder Marques talked about during his testimony last week, included multiple conversations with both the chief of staff to the minister, Zita Astravas, and multiple conversations with Katie Telford, chief of staff to the Prime Minister.

It is very much germane to our study to find out what Katie Telford was told. How much did she direct this investigation and ultimately a cover-up? We know that the investigation never took place, that once they made the decision at the Privy Council Office that the information was being withheld, by the middle of March all of this was swept under the rug. Former Clerk of the Privy Council Michael Wernick said that he lost the line of sight on this issue concerning sexual misconduct by General Vance.

Madam Chair, we need to find out if Katie Telford briefed the Prime Minister. We need to find out how much of the information and emails that went back and forth among Janine Sherman and Zita Astravas and Michael Wernick, as well as Elder Marques, was handed in to her office, and directly to her as chief of staff; whether or not she ever briefed the Prime Minister; and whether or not she shared that information with others within the Prime Minister's Office and the PCO.

We know that there were briefing notes prepared by both Mr. Wernick and Janine Sherman of conversations they had. In all these emails and briefings, they always talked about sexual misconduct, quite contrary to the Prime Minister's saying that he didn't know it was a #MeToo allegation until afterward. We need to make sure that we get down to the bottom of this information.

The only way we can do that, Madam Chair—and I believe my colleagues will agree—is that we have to have Katie Telford appear at this committee for two hours. This isn't something new. We're not setting any precedent here, because we know that Katie Telford appeared to discuss the WE scandal previously in this Parliament.

● (1305)

She has said on the record that she takes responsibility for all staff in the Prime Minister's Office. She needs to appear before us, explain what information Zita Astravas gave her on on March 1 and March 2, what she did with that information, and if she did not inform Prime Minister Trudeau, why she didn't tell him that something this egregious had occurred and was not followed up on.

She needs to tell us why this information was withheld from the Prime Minister. Was it because of circumstances that were happening at that time, including the Prime Minister's own issue at that time? There were others issues happening within the Prime Minister's Office. We know that on March 8, Vice-Admiral Mark Norman was charged by the RCMP over an investigation directed by the Prime Minister's Office itself. There are a lot of things that were at play there. We need to get down to the bottom of how this had an impact and ultimately how they left General Vance in charge of the Canadian Armed Forces and in charge of Operation Honour and undermined stomping out sexual misconduct within the armed forces for the past three years.

We could have dealt with this back in 2018. This committee has been dealing with this issue for three months now. It is time. As we have said in the past, we want to make sure we respect the timelines that are available. We want to make sure....

Actually, I see that this is not in the motion. I would like to add at the bottom of this that we respect the timelines that were agreed to on the April 6 meeting, I think, as requested by the Bloc Québécois. That way, we can ensure that we get this study wrapped

up and the drafting of the report for our analysts can continue moving forward. Our committee can consider that draft report at the end of May and we can get it tabled back in the House by early June.

Madam Chair, I ask that all our colleagues around this table, regardless of political affiliation, will do the right thing in discovering the truth of what happened with the allegations back on March 1, 2018. I ask that we all strive to protect the men and women in uniform, especially those who have been subjected to sexual misconduct, sexual harassment and sexual assault.

At the end of the day, we want to make sure that we are bringing about the change that will make sure that women and men can work together knowing that they are respected, that they are equals and that they are safe in that work environment. Serving in the Canadian Armed Forces is dangerous enough as it is in the tasks that we expect them to undertake; the last thing that they should ever have to be fighting is sexual misconduct within the forces.

Thank you.

● (1310)

The Chair: Thank you, Mr. Bezan.

We'll go on to Mr. Baker, please.

Mr. Yvan Baker (Etobicoke Centre, Lib.): Thanks very much, Madam Chair.

I would like to speak to what Mr. Bezan just said. He spoke about doing the right thing by the members of the armed forces. I'd like to speak to that a little bit.

Every day, Canadian Armed Forces members across the globe risk their lives to support us and our allies, partners and friends to uphold values that we hold dear as Canadians: peace, freedom and respect for the dignity of all people.

Our government is aware that it has not lived up to its responsibility to protect members from misconduct. Over the past months, we have heard from Canadian Armed Forces members affected by sexual trauma and sexual misconduct. We have heard from them at this very committee. They have shared their heart-wrenching accounts, and we have carefully listened to them. Now they believe in us to take action as a committee.

Canadian Armed Forces members make enormous sacrifices to protect Canadians, and regardless of rank or gender, have an undeniable right to serve in safety. When allegations of misconduct are brought forward, proper processes have to be followed.

As the minister has always stated, he has always followed those processes when allegations were brought to his attention. This is something he will continue to do. In fact, when it comes to the General Vance allegations, the minister followed the same steps that the previous government took when they heard of such allegations in 2015.

Then we learned of troubling news a couple days ago. We learned from reporting by Global News that Prime Minister Harper appointed General Vance in July of 2015 even though he was still under active investigation by the Canadian Forces National Investigation Service. Just days after the former government appointed him, the investigation was suddenly dropped. According to an ATIP response, the commanding officer said he was under "pressure". This is extremely concerning.

Investigations conducted by the CFNIS need to be free from any sort of political influence or pressure. This raises substantial questions as to who was behind the pressure, if the Conservative government pushed the investigation to be ended on the very day Vance was appointed, and if the investigation was done appropriately.

The current Leader of the Opposition, Mr. O'Toole, says he passed along sexual misconduct allegations about General Vance in July 2015, claiming those were looked into. I ask my fellow members how that is possible, if General Vance was appointed at that time and the investigation was suddenly dropped? Additionally, the order in council for the appointment was signed months earlier, on April 25, 2015. These are things that are well worth the time of this committee and that Mr. O'Toole himself should come clean on. I wonder if this is something my colleagues would like to address.

Regardless of the opposition's petty political games and actions, the government has shown that we are dedicated to creating lasting culture change across the defence team. In fact, throughout this process, including the work that we have been doing at this committee, the Department of National Defence has continuously heard from organizations and individuals that we must do more to support people when they've been harmed. The minister was clear that we are truly sorry to every person in the Department of National Defence who has been affected by sexual harassment and violence and felt that they weren't supported.

We also, through the testimonies that we have heard, know that the current reporting systems do not meet the survivors' needs, and too often they do not feel able to report misconduct out of a fear of reprisal or retribution. This has been mentioned time and time again by both experts and by survivors. Our government recognizes that we must transform the culture of the defence team to one of dignity and respect and that we need to put in place an external reporting system outside of the chain of command to begin rebuilding confidence. These changes have to be comprehensive. Most importantly, they have to be lasting. The changes must also address the systemic challenges at the root of the problem, which are abuses of power, discrimination, biases and harmful stereotypes.

That's why yesterday the Minister of National Defence announced that Madame Louise Arbour, former Supreme Court justice, has agreed to lead an independent external comprehensive review of our institutional policies and culture. Over the coming months, the minister expects Ms. Arbour to provide concrete recommendations on how the Canadian Armed Forces and the Department of National Defence can set up an independent external reporting system for defence team members that meets the needs of those who have been impacted by sexual misconduct.

• (1315)

As mentioned during yesterday's announcement, this system needs to be focused on those who have been impacted by misconduct, be responsive to their needs and be outside the chain of command and the Department of National Defence. Unlike the opposition, which is busy playing political games, we are taking robust action, something survivors not only asked us to do but expect us to do.

Madam Arbour and her team will provide significant direction on how the Department of National Defence and the Canadian Armed Forces must evolve to support affected people and how we can ensure that every incident is handled appropriately. This is something that has been called for, for a while now, and we're making it happen.

Part of this work also includes looking at the current structures of the Canadian Armed Forces, the Department of National Defence and the sexual misconduct response centre to see how they can be strengthened so that they can provide greater confidence to those who need support.

Madam Arbour will also examine a performance evaluation and a promotion system in the Canadian Armed Forces, with a focus on how leaders are selected and trained. As the minister stated yesterday, this review will also look at the military justice system's policies, procedures and practices to see how we can make the system more responsive to the needs of those who have experienced misconduct, while holding perpetrators accountable. As Madam Arbour works, she'll be able to provide interim recommendations that the Department of National Defence and the Canadian Armed Forces are committed to acting upon.

Meanwhile, the department will continue to work with the defence team to create a new organization and a chief of professional conduct and culture. Under the leadership of Lieutenant-General Jennie Carignan, this team will be responsible for creating the conditions for cultural transformation by unifying, integrating and coordinating our government's ongoing efforts across the Department of National Defence and the Canadian Armed Forces. Their goal is ensuring that the actions and behaviours of all defence members reflect the very best parts of the Department of National Defence and the Canadian Armed Forces.

Lieutenant-General Carignan and her team's efforts will closely align with the work being carried out by the external review. They will be informed by best practices, as well as experts, advocates and those with lived experience inside and outside the Department of National Defence and Canadian Armed Forces, and at all levels. This is something that will bring clarity to all our defence team members.

We have taken a step in the recognition of members and veterans who have military sexual trauma, and with the \$236 million in funding that was in the last budget introduced, budget 2021, our government will work with Veterans Affairs Canada to develop a peer support network for Canadian Armed Forces members and veterans affected by sexual assault or sexual harassment during their service. This is something that we have heard survivors asking about, and we're delivering on it.

During yesterday's announcement, the minister stated that our government is funding peer-to-peer support online and in person, as well as expanding the reach of the sexual misconduct response centre across the country, as noted in budget 2021. This program will include both online and in-person group support, as well as an app that will connect members to confidential peer support 24-7 anywhere across the globe. It will be designed and facilitated by professionals, clinicians and people with lived experience, ensuring the very best support is available for all defence team members.

Throughout the past months we have been hard at work, and yesterday's announcement shows just that. We have spent countless hours at this committee on the study, and I truly hope that this committee too can contribute to making things better for all Canadian Armed Forces members. I'm looking forward to getting to the reporting stage to share this committee's recommendations and share the substantial work we've been doing.

Going back to the funding in budget 2021, it will also ensure that our government will continue our efforts to implement the Declaration of Victims Rights in our military justice system. The Department of National Defence and the Canadian Armed Forces are currently consulting with victim groups and will soon launch an online questionnaire to solicit anonymous feedback so we can implement the regulations needed for Bill C-77.

Taken together, I think everyone can agree that these initiatives are critical to building a true culture of inclusion, one in which everyone is treated with dignity and with respect.

• (1320)

As the Minister of National Defence stated yesterday, these are just the first steps. The Department of National Defence and the Canadian Armed Forces are committed to a lasting change, one that sheds the toxic and outdated values, practices and policies that have harmed our brave women and men in uniform.

Thank you, Madam Chair.

Mr. James Bezan: I have a point of order, Madam Chair.

The Chair: Go ahead, Mr. Bezan.

Mr. James Bezan: As I mentioned before, the version that we circulated of the motion had an omission in English; the French was correct.

I just want to put that on the record. I believe that the corrected version of the motion was sent to the clerk, but at the end it should also read, "and that the witness be called to testify within seven".... No, that's still wrong; just hang on. I have too many files.

It should read, after "this motion passing", "and that the timelines for completing this study remain unchanged."

As I said before, the French version that was tabled was correct, and there was just an omission at the end of the English.

Mrs. Sherry Romanado (Longueuil—Charles-LeMoine, Lib.): I have point of order, Madam Chair.

The Chair: Go ahead, Madam Romanado.

Mrs. Sherry Romanado: Thank you, Madam Chair.

That isn't a point of order. That is the member reading out his motion that he already read out, and therefore that is not an admissible point of order.

Mr. James Bezan: I would disagree on that, Madam Chair. I just want to make sure that we're going to correct that wording. The debate that we're pursuing right now is based upon the motion that was tabled, and I wanted to make sure that the correct version was in the hands of committee members.

Thank you.

The Chair: Thank you, Mr. Bezan.

We'll talk to the clerk, but we can let our next speakers carry on while we just clarify this point.

It's Mr. Spengemann next, followed by Mr. Garrison.

Go ahead, Mr. Spengemann.

Mr. Sven Spengemann (Mississauga—Lakeshore, Lib.): Madam Chair, thank you very much. I appreciate the motion. Mr. Bezan has every right to bring it.

I would like to give the committee my reflections in response to that motion, on where I think we are, and what this case is fundamentally all about.

I'd like to echo the comments made by my colleague Mr. Baker a few minutes ago with respect to the importance of the work of this committee and what is ahead of us, and the expectations that Canadians have for this committee to invest itself in the formulation of recommendations that will lead to real change in the culture, which we have heard so much about.

Madam Chair, fundamentally this is about power. Specifically, it is about the abuse of power, primarily against female serving members or former serving members of the Canadian Armed Forces. In a recent article in the Ottawa Citizen, dated April 22, Jonathan Vance is reported to have said—to have boasted—that he was "untouchable" by military police. He bragged about "owning" the Canadian Forces National Investigation Service, or CFNIS.

Jonathan Vance was appointed by former prime minister Harper and his cabinet, which then included the leader of the official opposition, Erin O'Toole, in his capacity at that time of Veterans Affairs minister. We've just heard from my colleague Mr. Baker that General Vance was still under active investigation at the time of his appointment. His tenure then extended into the current government under Prime Minister Trudeau. During that latter part of his tenure, until most recently, in every instance there was no actionable evidence. There were rumours, but nothing that was actionable.

Madam Chair, it's important to note that Jonathan Vance did not create the harmful culture in the Canadian Armed Forces, but he was a beneficiary of it and exploited it. Again, this is about power. It's about the abuse of power and the exercise of power in a way that has greatly harmed each individual victim and, in my submission, the Canadian Armed Forces as a whole.

The solutions, then, will have to be about effective oversight. They will have to be about investigative mechanisms, accountability and, ultimately, culture change.

Oversight, Madam Chair, falls into two components. There is internal oversight and external oversight. In my last submission at the last session we had on this issue, I made reference to the fact that a number of our friends and allies in other countries around the world are going through very similar questions and processes, some of which are helpful and illuminating to our work. With respect to internal oversight, very recently—literally within the last 24 hours—there was a Hill article referring to developments in the U.S., which says that retired admiral Michael Mullen, who is involved in the examination of this issue on the U.S. side, says that he now supports removing commanders from sexual assault prosecutions. He is quoted by Politico as saying, "I'm at a point now where I am ready to support removal, which is a huge step for me because I recognize how serious that issue is," and "We just can't keep doing what we're doing because it hasn't worked."

Mullen's comments come after Senator Gillibrand, a Democrat from New York, on Thursday released a bill with bipartisan support that would take away the power of military commanders to decide if a sexual assault case should be prosecuted. The bill would give specially trained military prosecutors the reins in navigating sexual assault cases. Many lawmakers have changed their minds on this issue and have come to support Gillibrand's proposal, but Mullen's statement is particularly impactful as he is a former chair of the joint chiefs and is the top adviser to the Secretary of Defense, Lloyd Austin, in the U.S.

Madam Chair, I raise that example because there are ideas and solutions that are coming at us from other jurisdictions. I will hopefully have a chance to make some other submissions later on in the committee's work today.

It's also important to recognize that with respect to internal oversight, we need to support the allies—the serving members of the Canadian Armed Forces, male and female, who are prepared to speak out, who recognize this to be an issue, and who are fighting for change inside the Canadian Armed Forces.

Clearly, internal oversight has not been enough. As we saw, the former chief of the defence staff claimed that he was owning the CFNIS, so internal oversight would fall flat if we take that at face value. With respect to external or civilian oversight, Madam Chair, the committee has learned from witnesses, virtually uniformly across the testimony, that elected officials, including prime ministers and ministers, cannot launch or oversee investigations. It is simply inappropriate to do so in Canada, because we are founded on a system that is supported by the separation of powers.

If the military investigative service in Canada, due to the constellation of internal power structures, can indeed be owned by a par-

ticular chief of the defence staff, then external mechanisms need to be explored so that victims can indeed be empowered to come forward.

• (1325)

Minister Sajjan has been very clear across his six hours of testimony before this committee. He said, "The time for patience is over." That is the call to action for us as members of this particular committee.

The work of this committee fundamentally includes the development of recommendations for urgent structural changes to break down the harmful culture of sexual misconduct in the Canadian Armed Forces. Colleagues, Madam Chair, why is this work so critically important? As in many cases involving work on justice and on gender equality, there are two components to that. The first and most important is the moral component and the rights of women. Sexual misconduct is simply wrong. It cannot be sustained. We cannot be accepting of the fact or the idea that there will be more victims going forward.

There's a second component that we've talked about in this Parliament and in the former Parliament when this committee conducted a study with respect to equity, diversity and inclusion. Colleagues who are on the current committee have been part of that study. That's the conclusion, Madam Chair, that the Canadian Forces will be better in the field when we overcome the culture of sexual misconduct.

It is about sexual misconduct today inside the armed forces, but unless we extinguish this culture, there are risk points in the interaction of Canadian Armed Forces members with other militaries in their field work, in their alliances with NATO or inside the UN. There are also risk points vis-à-vis the behaviour of members of the armed forces vis-à-vis civilian populations. There is that second instrumental component. Not only do we need to prevent any form of misconduct, sexual violence or abuse against women, but equally, once we've overcome it, the Canadian Forces will be a stronger, better organization.

Much work has been done on the second point. The Geneva Centre for the Democratic Control of Armed Forces, as it was once known—now the Geneva Centre for Security Sector Governance, which I've referred to in the previous session—has done extensive research and reporting. It has a plethora of recommendations that may be helpful to this committee going forward.

Let me just finish with the thought, Madam Chair, that Mr. Bezan has said that he is seeking to respect the timelines. Really what we're looking at now is another session being proposed. Another single witness is being called in the hopes of the Conservatives that this will take them somewhere in their largely political argument.

We're running out of runway to formulate the recommendations that this committee really needs to make and that Canadians need to hear in parallel with the work of Madam Justice Arbour, as my colleague Mr. Baker has outlined. For that reason, in my submission, Madam Chair, we should embark on that work.

I have yet to hear from Mr. Bezan any recommendations or reactions to the recommendations that my colleagues and I have put forward with respect to how we actually change this culture. Let's take that work seriously. Let's prioritize it. Let's achieve the changes that are so urgently needed.

I will leave it there for this submission, but we'll probably come back with more detail afterwards.

Thank you, Madam Chair.

• (1330)

The Chair: Thank you very much, Mr. Spengemann.

Up next is Mr. Garrison, followed by Monsieur Barsalou-Duval.

Go ahead, Mr. Garrison.

Mr. Randall Garrison (Esquimalt—Saanich—Sooke, NDP): Thank you very much, Madam Chair.

I am going to make fairly extensive remarks here because of my great disappointment as to where we are, both as the committee and as a country, on the issue of sexual misconduct in the Canadian military.

I want to start by saying I'm very disappointed to hear the Prime Minister refer to sexual misconduct complaints as “#MeToo” complaints and to hear that terminology echoed by other members in other parties.

The #MeToo hashtag was created in the United States among survivors so that they could connect with each other and not feel alone in their suffering from sexual misconduct or sexual assault. When we take #MeToo out of that context of survivors and others use it—either perpetrators or those who have a responsibility for acting—I believe that it, perhaps inadvertently, diminishes the importance of those complaints. It's a function of the language being used. I hope that we would, in this debate, focus squarely on the correct and accurate term here, which is sexual misconduct, and leave the term #MeToo for its original purpose, which is to express solidarity among survivors.

I think language is very important. I think it illustrates and demonstrates whether we, as members of Parliament, understand the nature of sexual misconduct and understand the nature of the question we're dealing with.

My second disappointment comes whenever the Liberals and Conservatives get involved in a debate about who failed survivors first or who failed survivors more. This does not serve the interest of survivors in any way. I cast blame equally in both directions here. We did hear from the chief of staff of the former Conservative prime minister and in parallel, I think we should also hear from the chief of staff for the current Prime Minister, but I don't think it is effective for us to engage in arguments that compare failure.

We have failed the survivors of sexual assault in the Canadian military. All of us have failed them by not getting policies in place not just to support them—because I think that's looking at the wrong end of the problem—but to change the culture and prevent such an inordinately large number of victims of sexual assault in the Canadian military.

The third way in which I'm disappointed is that we haven't seen action on recommendations made by Madam Deschamps. I have the utmost respect for Madam Arbour and I believe that she will provide additional and valuable advice to a government that clearly needs that advice. In the interim, while we wait, there are things that could and should have been done. The members of the Liberal Party on this committee will argue that we need to get on to those things, but I'm also disappointed when we forget that the question of trust is central to any changes that we're going to be recommending in the future.

If women, and indeed men, serving in the Canadian forces don't trust that there is understanding at the highest level on sexual misconduct and that there will be action at the highest level, then I fear that any reforms made will have very little credibility and very little trust, and any system set up will not be used by those survivors.

We have to answer the question of why no action was taken. When General Vance was accused of sexual misconduct—more than one time, as we now clearly know—in 2018 and when this went forward to the Minister of National Defence, why was no investigation completed?

Let's look at results, not process. You can talk about where things were referred and who they were referred to, but the fact is that no investigation was completed. The fact is that General Vance remained not only as chief of the defence staff, but in charge of Operation Honour, which was to root out sexual misconduct in the Canadian military. We need the answer to that question.

The Prime Minister himself, in his press conference, told us who he believes has that answer. The Minister of Defence says, and his defence is, that he referred it to the Prime Minister's Office and the Prime Minister was supposed to take care of it. We now need to know from the Prime Minister's Office if it is true that the information was not correctly conveyed to them that this was an accusation of sexual misconduct. The evidence we have heard in committee seems to point very clearly to the fact that if they did not know, they should have known.

Again, the Prime Minister pointed to his chief of staff in his comments as the one who has the answer to that question. For that reason, I will be supporting this motion.

• (1335)

This is not dragging out the hearings; this is getting a final witness who the Prime Minister himself has said has the answer to the question that we need answered in order to restore trust that those at the highest level, both in the Canadian Forces and in the government, understand and will act on cases of sexual misconduct.

Thank you, Madam Chair.

The Chair: Thank you, Mr. Garrison.

Well go to Mr. Barsalou-Duval, followed by Madam Romanado.

Go ahead, Mr. Barsalou-Duval.

[Translation]

Mr. Xavier Barsalou-Duval (Pierre-Boucher—Les Patriotes—Verchères, BQ): Thank you, Madam Chair.

I want to start by applauding the message sent by my NDP colleague, Mr. Garrison. He has elevated the debate with his very eloquent speech, with no willful blindness as to the situation. It is in everyone's interest to get to the bottom of this.

Unfortunately, over the past few weeks, the government has changed its version of events as it went along...

[English]

Mr. James Bezan: I have a point of order. We've lost interpretation.

The Chair: Stand by.

[Translation]

Mr. Xavier Barsalou-Duval: Is there a problem with the interpretation, Madam Chair?

[English]

The Chair: We are okay. Go ahead.

Ms. Anita Vandenberg (Ottawa West—Nepean, Lib.): I would just like to remark that we are in difficult times with COVID-19, and many have family responsibilities. I think it would be really not right that if somebody has a child and there's background noise of necessity, the individual would not be able to speak in this committee because of that noise. I know that it's difficult for the interpreters, but I do think that we have to be very understanding of family, and that is not something that should ever stop a member from being able to participate in debate.

The Chair: Okay. Thank you, Madam Vandenberg. I was also wondering what that was.

Mr. Barsalou-Duval, could you maybe just slow down a little bit? The interpreters are having a hard time. If you slow down a bit, maybe they'll be able to catch more of it, but I think it's very important that we hear from you.

Thank you.

[Translation]

Mr. Xavier Barsalou-Duval: Thank you, Madam Chair.

Yes, my son is at home with me. Unfortunately, due to the COVID-19 pandemic, it's not always possible to find babysitters. It can make things a little complicated, and I hope it doesn't cause too much inconvenience. I will speak more slowly and try to stay on track.

In my opinion, it's important that we get to the bottom of this to really understand what happened. That is why I support the motion. We are asking Katie Telford, the Prime Minister's chief of staff, to appear, and it seems that she may be able to shed some light on the story.

When we have finished this study, it's important that people do not get the impression that we have taken half measures and cut corners. It's important that we do everything we need to do to submit a report for the victims. However, we can, at the same time,

make recommendations on behalf of the victims and properly do the work that falls to our committee.

I would like to say that I am deeply disappointed and in disbelief over the developments in the past few weeks. It feels as though both the government and the Prime Minister are adjusting their version of events as witnesses appear before the committee. Sadly, that kind of behaviour does not foster trust. When serious situations like this arise, the least we can do is be transparent and put our cards on the table, whether we have something to be ashamed of or not.

That is why I don't intend to let this go. Several individuals will have things to say at today's meeting and I will be pleased to hear from them. However, I hope we can make a decision today. It would be in everyone's interest that our committee's work move forward and not be hampered by a desire to keep certain witnesses from appearing, as has happened in the past.

I look forward to hearing what my colleagues have to say on the matter.

• (1340)

[English]

The Chair: All right.

[Translation]

Thank you, Mr. Barsalou-Duval.

[English]

We will move to Madame Romanado, followed by Mr. Bagnell.

Go ahead, Madame Romanado.

Mrs. Sherry Romanado: Thank you very much, Madam Chair.

[Translation]

Mr. Barsalou-Duval, it is always a pleasure to hear your son. You must never apologize for that.

[English]

I thank MP Garrison for his words. I'm subbing in here today and haven't been part of the study, but I think that's something that seems to have been forgotten along the way. If the goal of this committee and the members of this committee is to provide a report with recommendations to finally stamp out sexual harassment in the military, that's great. I think every member of the Canadian Armed Forces and the families who support them want us to come together to finally come up with a concrete solution for this problem.

If the point of this is literally to get content for social media, well then, shame on you. When I decided to run for office, as a military mom I was really concerned for my son, who joined the forces in 2011, and for the younger one who joined in 2013. Many of you on this committee who served with me in the last Parliament know that. The reason I decided to run is that I was a ticked-off mom. I was worried that if my kids got sick or injured in the Canadian Armed Forces, they wouldn't be taken care of when they left. I said, "You know, I can put up or I can shut up," so I got involved. I decided to run for federal office because I was not happy about how we were treating our veterans and members of our forces.

As my colleague MP Alleslev and the chair will know, when my kids joined the forces, the family joined. The whole family is involved. You hear stuff and you talk about stuff and you get worried. You start thinking about things and you hope things will change. You get involved and you get active.

I now have another member of the Canadian Armed Forces in my family. My son married a member of the Canadian Armed Forces, so I have my own little platoon going on.

However, I'm really concerned. The Deschamps report clearly brought forward the problems in the Canadian Armed Forces. As MP Garrison said, we had a duty to act. We all have a duty to act.

We can stand here, beat our chests and blame each other over who did what and who didn't do what, but what's important is what we do moving forward. How do we fix this? Those survivors and the families who support them, who went through horrible experiences, need us to move forward. They need us to come together as a collective and move the dial.

I ask that we come together and get this done for them. I don't want to have to hear that one of my kids went through this. I don't want to have to bury another family member or friend in the Canadian Armed Forces. I don't want to hear that anymore. I don't want to go to any more funerals. I want to know that we did something. I don't know about you guys, but that's why I ran.

I was once told you either run for office because you want to do something or because you want to be someone. I don't know about you guys, but I want to do something. Let's get this report finalized. Let's hear from whoever we have to hear from, but let's get it done.

I don't know what the regular practice is for the national defence committee with respect to submitting witness lists. In my committee, if a member wants to submit a witness's name, they submit it to the clerk and we just invite them. We don't invoke Standing Order 106(4) and have these debates on a witness; we just send in the witness's name. To me, this sounds like political grandstanding. You're playing games. If you really want to just have someone come to the committee, send in your witness list. Get the people here, speak to them, and get it done, but stop playing games for the sake of getting political points. This is not what we're supposed to be doing.

Thank you, Madam Chair.

● (1345)

The Chair: Thank you, Madame Romanado.

We'll go to Mr. Bagnell, followed by Madame Vandenbeld.

Hon. Larry Bagnell (Yukon, Lib.): Thank you very much, Madam Chair.

I really appreciate Ms. Romanado's being here. She comes from a military family and could have a lot more input than I would have knowledge of. I really appreciate that. She said passionately that we should get on with doing the recommendations. Mr. Baker and I said that at the beginning. That's what I'm going to spend most of my comments on today.

As we know, there was a complaint. An investigation was done as far as any information was available. That was carried out. As several members have mentioned already, information came out this week that's changed the whole focus of the General Vance situation, if you want to follow that. The victims want us to get on with and do the report and make the changes, so that's what I'm going to mostly concentrate on.

There are hundreds of victims and hundreds of perpetrators. We've already spent more than enough time on Mr. Vance, on one of those hundreds, and that is being investigated in the proper channels anyway, and the investigation of the one complaint was completed at the time as far as it could be done. As the member said, the focus has changed. If we were going to pursue that, which I'm not suggesting at this time, the much more serious news that's come out is that Mr. Vance was appointed while he was still under investigation. That could lead to all sorts of witnesses regarding that situation, but, as I've said before, that's not my focus right now. I want to carry on like I did before, talking about things that will help the witnesses.

The minister has made some very major steps this week, and Mr. Baker touched on those. There's a lot more to be done. I will go in to those at great depth, but not right now. I want to get back to the second part of what I was doing the last time when we were making the case that there's enough information available, both from victims and reports, to do a really good job of helping the victims now, who must be thinking of a pox on all our houses if we don't move forward and suggest to the minister.... He's already taking steps, but we could give him more authority to take more steps if we had our recommendations done.

Before I get on to that, what I want to do is what I did in the second half of the last meeting, and comment on what has been done so far. There were suggestions about trust and confidence at the top. I think that's important. I think the minister has done so much. With parliamentary timelines, you have to act quickly to get things done. I think, with the present minister, the number of things he has done gives that confidence and trust. If we're going to get something done, he's going to do as much as he can.

I'll just remind some of the people who may not be too familiar with this subject, including some of the great national media, who I really appreciate.... They do some excellent research. I haven't noticed as much on the steps to date and, obviously, we have to do more, which has always been the focus of my discussion— some of the steps.

The present minister, long before any of this came up, said he was ensuring that our support and approach was victim-centric. It meant that victims are to be supported throughout the process. It meant the establishment of a case management system to ensure that cases are investigated and resolved in a timely manner.

• (1350)

He also said it involves increased training that is both victim-centric and accessible to all CAF members no matter where they work. It builds on some of the important work already under way, including a review of the unfounded cases, which is important both inside and outside the military, and the passing of C-77 that includes a declaration of victim rights that puts the victims at the core of the military justice system. He made it clear long ago that we owe it to our women and men in uniform to get this right on the sexual misconduct.

I appreciate Mr. Garrison's comments on the wording. The government took the allegations seriously and the minister said that no one should feel unsafe at work. He also said there's a lot of work to do, as I think all committee members agree today. That's why he launched the path to dignity and respect, a strategy for long-term cultural change to eliminate sexual misconduct within the Canadian Armed Forces. He made a very strong statement that the mission here is nothing less than cultural change and that we should not stop until our members are able to perform their duties in an environment free from harassment and discrimination.

On C-77, he said that that the government takes the allegations very seriously and that “No one should feel unsafe at work.” That's why Bill C-77 was passed. It's a declaration of victim rights that puts the victim at the core of the military justice system. The minister said that the government had also promised to consult victims as it drafted the regulations for the bill, and that's exactly what is being done.

So far, he has consulted federal partners, including the sexual misconduct response centre—the SMRC—and is developing an on-line survey to consult as many victims as possible. As you know, some of the feedback has shown—as I said at the beginning—there are hundreds of perpetrators and victims.

We owe it to our men and women to get it right. The minister has said time and time again before this started that inappropriate sexual behaviour of any kind is completely unacceptable and will not be tolerated. For every person who willingly serves their country, despite the many dangers and sacrifices, the military service deserves a professional environment in which they are treated with respect and dignity.

The Canadian Forces continues to take definitive action to address and eliminate sexual misconduct, but obviously we need to do more work. We heard from the victims at great length. I think they said that we've gotten the information from them and the steps we

can take. Frankly, that's what we should be discussing now. Some of them have expressed their appreciation for us getting some more of that on the record.

The last time I was speaking, I talked about the Deschamps report. There are two parts on sexual misconduct. First there was a section on sexual harassment, which I covered the last time I spoke. The second part is on sexual assault.

To continue on our position that we have enough information, there's a lot we could be working on right now that's very important to the victims. I'm going to continue with that information to make sure it's on the record and to make sure that victims know that we're thinking about them and about the things that have been found out so far and the actions that need to be taken forward.

The report says:

As a preliminary matter, the ERA note[s] that as part of its mandate, it has been requested to consider and make recommendations concerning the following:

“the adequacy of the definition of sexual misconduct as provided for in DAOD 5019-5...;

I discussed at length at a previous meeting how the directives have made some very good, very comprehensive changes, but I'm not sure why those aren't working. That's what we have to be discussing.

• (1355)

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): On a point of order, Madam Chair, I thought this meeting was about debating the motion and bringing a witness in for our next meeting so that we can finish this study. I did not realize that we were already into the phase of the report where we're actually be making the recommendations. I believe when we go to compose the report, that is when we go over these recommendations.

Thank you, Madam Chair.

The Chair: Thank you, Madam Gallant.

Go ahead, Mr. Bagnell.

Hon. Larry Bagnell: On the point of order, we've already made this case. It has already been deemed relevant at the previous meeting when people were trying to extend the meeting way beyond the time to discuss things other than the recommendations, so I'll just continue with that rationale and that—

Mr. James Bezan: Madam Chair, as a point of order, Mr. Bagnell is reading the same script that he used in the last filibuster, so this is repetition.

Hon. Larry Bagnell: I'm sorry, but just to correct the member, this is totally new. I've never read this. I've never made these important points about the victims to show that we have the information that we need to move forward, that we need to be discussing, instead of constantly calling more victims on one particular case, that of General Vance.

As I've said, there are a lot more witnesses who are more important now that we've found critical new information this week about his appointment, but that's not what the people, the victims who have been so sadly hurt, have expressed and that's what I'm continuing.

As I said, I correct the member. I haven't said any of this before.

Mrs. Cheryl Gallant: I would like to challenge the chair's ruling in accepting the overturning my point of order. I want to overturn your decision.

The Chair: Ms. Vandenberg, go ahead.

Ms. Anita Vandenberg: If the members could find where in the blues Mr. Bagnell actually said this before, then of course...but if that's not in the blues, I believe he has the right to continue.

Madam Chair, I think you already ruled on this.

Mrs. Cheryl Gallant: Madam Chair, I don't think the blues are out yet.

The Chair: From previous meetings, the blues are out.

Mrs. Cheryl Gallant: Are they out from that meeting?

• (1400)

The Chair: I would imagine. How long does it take?

Mrs. Cheryl Gallant: It takes forever.

The Chair: It's usually within a week.

Ms. Anita Vandenberg: Regardless, the video is always available immediately, and unless they can show that this was said before, I do think you've already ruled on this point of order.

The Chair: All right.

Mr. Bagnell, carry on, please.

Mrs. Cheryl Gallant: On a point of order, Madam Chair, I am moving a motion to overrule the chair's decision.

Ms. Anita Vandenberg: To be clear, if we vote yes, are we sustaining the chair?

The Clerk of the Committee (Mr. Wassim Bouanani): Yes. If you vote yes, the decision of the chair stands.

The question is, shall the decision of the chair be sustained?

Madam Chair, we have 5 yeas and 5 nays, so it's your decision.

The Chair: All right.

Mr. Bagnell, carry on, please.

Mrs. Cheryl Gallant: Pardon me, what was the outcome? Did somebody else vote yes?

The Clerk: There were five yeas and five nays.

Mrs. Cheryl Gallant: Five yeas and five nays....

The Clerk: Yes, and in the event of an equality of voices, the chair's decision is sustained.

(Ruling of the chair sustained)

Hon. Larry Bagnell: Thank you. I think that is consistent with what happens at most committees. There's certainly leeway for members to express themselves on matters in the context, and the context is that we're discussing something that would extend the meeting to an area where I think it's less productive than dealing with the information that victims have provided on the serious situations they've been through. That is what we should really be discussing for those.... As Mr. Bezan and Madame Romanado said, this is where our focus should be right now.

So I'll just continue where I left off:

...the adequacy of CAF policies, procedures and programs relating to sexual misconduct; the training of CAF members in relation to sexual misconduct; the resources dedicated to the implementation of the policies, procedures and programs in relation to sexual misconduct; the extent to which CAF members report alleged incidents of sexual misconduct or any reasons why reporting may not occur, including the role of military culture and the chain of command;

As I mentioned earlier, some of the huge numbers of incidents have been mentioned in surveys, but there were not challenges or charges put forward. People were afraid to come forward, so that's why it's so important that we should be discussing that.

It continues:

...and any other matter that the ERA considers relevant in assisting the CAF to strengthen the prevention of incidents of sexual misconduct.

As discussed above, sexual assault is included within the definition of misconduct.

Consistent with this mandate, throughout its six-month fact-finding process the ERA conducted interviews with members and civilian employees responsible for the implementation of the CAF policies on sexual misconduct, including members of the JAG office, the CFNIS branch of the military police, the regular military police service, and the military prosecution service. In addition, the CAF shared with the ERA relevant policies, protocols and other documents related to sexual misconduct. With the efficient support of the DMP, representatives of the JAG, and CAF bases and DND coordinators, as much information as possible was gathered in order for the ERA to fulfill the terms of the mandate.

This said, the ERA's mandate contains an express limitation which requires some comment. The mandate states that the ERA shall not review 'any matter related to the Judge Advocate General (JAG) in respect of his or her superintendence of the administration of military justice in the Canadian Forces'. A question arises as to what is captured by the JAG's 'superintendence of the administration of military justice' and therefore falls outside of the scope of this Review. Two interpretations may be offered.

And this is something that could be pursued by this committee.

Under a broad interpretation of the limitation, merely discussing sexual misconduct, the investigation of which falls under both military and civilian jurisdiction, would be excluded by this limitation. The consequence would be that most of the references to 'sexual misconduct' in the mandate would be moot. Such a broad interpretation of the limitation would therefore result in the exclusion of a large and explicit part of the mandate. Not only is such an interpretation at odds with a plain language reading of the mandate, but it also contradicts the way in which the CAF itself interpreted the mandate during the course of the Review. In fact, most of the interviewees involved in the implementation of the policies, procedures and programs on sexual misconduct would not have been made available to the ERA if their role was not relevant to the gist of its mandate.

A narrower interpretation of the limitation is more respectful of the text of the mandate, the respective responsibilities of the JAG and of the Provost Marshal, and the way in which the CAF interpreted the mandate in the course of the Review.

The JAG is a commissioned officer appointed by the Governor in Council to superintend the administration of military justice. To ensure the independence of the military justice system, the JAG reports to the Minister of Defence and not to the CAF. Among the JAG's responsibilities relevant to this Review in relation to the administration of military justice, the JAG is responsible for court martial and summary trials. The effect of the limitation in the ERA's mandate is therefore to exclude from review the JAG's oversight of court martial proceedings and summary trial.

By contrast, responsibility for the military police rests with the Canadian Forces Provost Marshal, who serves as the Commander of the Canadian Forces Military Police Group. Whereas the JAG is independent of the CAF, the Provost Marshal reports to the Vice-Chief of Defense Staff.

- (1405)

As we've heard and as Ms. Arbour will address, hopefully, in her recommendations on the restructuring, it is a huge job and one that I hope to comment on later, but change is very difficult when making major changes such as this, so her expertise will be excellent in proceeding on that.

It continues:

As such, the ERA's mandate encompasses a review of the conduct of military police, including the CFNIS, vis a vis incidents of sexual misconduct. This includes the policies and procedures by which the military police receive complaints of sexual misconduct, communicate with and provide support to victims, and exercise their discretion as to which organization—the [military police], the CFNIS, or civilian police—should or will investigate such allegations.

Given that the CDS did in fact direct that the policies, procedures and programs related to sexual misconduct are to be the subject of meaningful review, the narrower interpretation of the limitation must be favoured. As such, the ERA makes no comment with respect to court martials or summary trials. However, the ERA's mandate clearly encompasses a review of the policies, procedures and programs that have been adopted by the CAF with respect to the investigation of, and laying charges for, sexual misconduct by the military police.

That limitation is something else that the committee and Ms. Arbour, if the committee does not raise it, could look into.

Until recently, complaints related to CAF members that involved sexual assaults, and which occurred in Canada, were normally investigated by civilian police, and all charges for such allegations were prosecuted before the civilian courts. This changed in 1998, however, when Parliament amended the National Defence Act to also allow the military justice system to handle charges of sexual assault. Under the shared jurisdiction, approximately half of the cases investigated by CFNIS are referred to the civilian justice system for a number of reasons, such as they involve cadets who are not subject to the CDS, civilian victims, or incidents of family violence, etc. As a consequence, even if, as a matter of military police policy, the military justice system takes priority over the civilian system, the sharing of jurisdiction is a reality.

Military Police (MP) operate on CAF property and "outside Canada during contingency and expeditionary" circumstances. When the [military police] is informed of an incident involving a sexual assault they notify the Canadian Forces National Investigation Service (CFNIS), which has jurisdiction over all sexual assaults. The CFNIS consists of members of the [military police] who are organized as an independent unit; it has jurisdiction over serious and sensitive of-

fenses, including sexual assault. When CFNIS receives a report of a sexual assault, it determines whether it will exercise its investigative mandate, or whether it will refer jurisdiction back to the reporting [military police] unit. In practice, the CFNIS generally turns sexual assault incidents over to the [military police] where no penetration has occurred.

If the CFNIS determines that it will turn jurisdiction over to the local [military police], the [military police] can exercise their discretion as to whether or not the case will be pursued, following the same procedures as exist for other...charges.

As we heard in some of the victim testimony, there was not confidence in a number of cases that it was or would be pursued.

Notably, in determining whether or not charges should proceed, the [military police] consult with the chain of command.

That is another problem that we should be discussing in great depth right now.

By contrast, if CFNIS has carriage over the matter, it may lay charges without having to consult the chain of command.

According to comments made by Brigadier-General Pitzul several years after the CAF assumed jurisdiction over sexual assaults, the justification for allowing the military to deal with sexual assault is that such offences can have a detrimental impact on cohesion within a unit, and therefore should be treated in a similar manner to other offenses that may have the same effect.

I think all those offences will be looked at in our upcoming study on military justice, which hopefully we will get to soon.

It continues:

- (1410)

General Pitzul's comment is consistent with the purpose of creating a separate system of military justice, as described by Justice Lamer in *R. v. Généreux*:

The purpose of a separate system of military tribunals is to allow the Armed Forces to deal with matters that pertain directly to the discipline, efficiency and morale of the military.... [T]he military must be in a position to enforce internal discipline effectively and efficiently. Breaches of military discipline must be dealt with speedily and, frequently, punished more severely than would be the case if a civilian is engaged in such conduct.

Again, there has been testimony that it is not necessarily what always happens.

Unfortunately, victims of sexual assault have not reaped the benefits hoped for under the new jurisdiction. Victims criticize the lack of training of the [military police], poor support by the chain of command, and inconsistency with which charges of sexual assault are ultimately sanctioned.

These are the serious types of things on which we should be moving forward quickly and doing a report right now, making recommendations on these serious items that affect hundreds of present members in the military, and of course, the past members who are victims.

While civilian law enforcement, prosecutorial authorities, and courts have also been criticized for their conduct of sexual assault cases, there is a strong perception among members of the CAF that the way in which the military handles such cases is the cause of added prejudice to the victim.

They then go on to discuss the treatment of victims.

Many participants complained about problems in the reporting and investigation process. Criticisms by contributors and interviewees touched on many aspects of the process, starting with failure to call the military police in a timely way when a report of sexual assault was made, to not having been offered immediate medical support, being made to feel, even before providing a statement, at fault for what had occurred, the case held in abeyance because of confusion over jurisdiction, failure to follow up with key witnesses, and poor training with respect to investigating incidents of sexual assault. Participants criticized delays in the investigation process and having to repeatedly provide statements, which required them to relive the events each time.

Is that really fair?

The ERA heard many examples of failings in the investigation of sexual assaults, including concerns about the contamination of evidence, and a frequent perception that the [military police] lack in their understanding of the legal concept of consent. One interviewee, referring to procedural problems in the investigation which could potentially be relied upon to undermine a prosecution and secure an acquittal, commented: "Defence attorneys love [CFNIS investigations] because there are always issues". Such problems have resulted in a serious lack of trust in the ability of the [military police] to properly handle reports of sexual assault.

These problems are particularly unfortunate, given that [military police] are specifically warned about the consequences of sexual assault on victims. For example, [military police] orders state that:

Sexual assault is one of the most traumatic types of criminal victimization.

Further:

Sexual assault is an act of aggression using power and control to dominate and violate an individual. It is not an act of intimacy.

That's why I was saying earlier, when I talked about the directives, that some of the appropriate directives are in place, but why is it not working?

The applicable policies therefore make it clear that, in the context of military life, sexual assault requires heightened attention, particularly when the aggressor is a member of the CAF "family". As the Sexual Assault [military policy] protocol states:

Sexual assault frequently includes a violation of trust by those who are in a position of perceived or real power or authority.

If the sentiments behind these statements were put into action and the relevant policies were fully implemented, many of the misgivings of the contributors would be resolved. Indeed, the ERA finds that the problem lies not in the policies themselves, but with inadequate training, poor implementation, and members' lack of faith in the ability or interest of the military justice system to respond appropriately to instances of sexual assault. While the ERA met with a number of dedicated and knowledgeable members of the [military police], it also found that others were confused about the process, insensitive to the problem of sexual assault, lacking training on the basic elements of the offence, and unaware of the available resources.

• (1415)

One of the problems appears to be that, although policies and protocols are in place, [as I've mentioned a couple of times] the number of incidents the military police system handles is far fewer than those in the civilian justice system. The various parties in the system are therefore caught in a deteriorating cycle: the way victims feel about their treatment by the military police system feeds under-reporting, and under-reporting leaves the military police unable to develop and maintain appropriate skills to manage these sensitive and important cases.

The ERA is further concerned that less serious incidents of sexual assault are given inadequate attention and consideration. Participants in the Review commented that when victims have reported less severe assaults, including unwelcome touching of breasts, buttocks, etc., they have been told by MPs that these incidents would not be prosecuted in the civilian justice system. The clear message is that the matter is not serious enough to be pursued. Whether or not such comments about the likelihood of prosecution before a civilian court are accurate, members of the CAF deserve fuller protection by the military justice system. Unless the incident reported is an isolated and benign one where the principle of proportionality dictates restraint, sexual assaults, even those that leave no physical injury, must be taken seriously. If criminal sanctions are inappropriate, the chain of command can resort to administrative or disciplinary action to send

a clear signal that the dignity of all members will be protected. Only strong sanctions, through military justice, disciplinary and administrative action, will deter further assaults. Both individual and general deterrence are important.

The ERA further notes that while not all assaults are of the same gravity, different victims will react differently to an assault, depending on their own particular experiences and psychological make-up. While an incident of unwelcome touching may leave no psychological impact on one person, this same conduct may cause serious psychological injury to another. The thin skull principle in Canadian law makes clear that an aggressor does not get to choose his victim; regardless of how severe an assault, the conduct constitutes an offence under the *Criminal Code*. Discounting incidents of sexual assault where there has been no physical injury is inconsistent with Canadian law, which views psychological harm as seriously as physical harm.

I'm sure all members of the committee are totally on side and understand that and want to do something about it.

Overall, the ERA found that the difficulties met by victims of sexual assault have a damaging effect not only on the individual victims—who do not achieve resolution to serious and traumatic incidents—but on the CAF as a whole. When incidents of sexual assault go unresolved, this negatively impacts the CAF both because individual members have been harmed, and because it perpetuates the perception that the CAF does not take such incidents seriously.

With regard to data collection, as I mentioned earlier, the data is showing very many cases but not very many complaints.

As with sexual harassment, there is very poor collection of data regarding incidents of sexual assault in the CAF. Since sexual assaults go widely unreported, the data does not in any way reflect the actual rate of occurrence. Even where complaints are laid, the fact of a sexual assault will often be buried in the court record. For example, if the accused pleads guilty to an alcohol-related charge, or to conduct to the prejudice of good order and discipline, only a careful review of the sentence will, in some cases, indicate that the conduct or underlying issue involved acts of a sexual nature.

• (1420)

Mr. James Bezan: I have a point of order, Madam Chair.

The Chair: Go ahead, Mr. Bezan.

Mr. James Bezan: I'd just say that this isn't relevant to our motion at hand of calling Katie Telford. I know the Liberals are more interested in protecting Ms. Telford than protecting our armed forces, but I believe that Mr. Bagnell has gotten ahead of himself.

Our next study will be on military justice systems. We'll be reviewing military justice systems at that point in time. That would be good evidence to present at that time, but the relevance of whether or not Katie Telford should appear as a witness I think is what is at hand today.

The Chair: Well, I think there are some arguments for more witnesses and some arguments that there are enough witnesses and enough testimony and recommendations. This really is the core of the matter.

Please, M. Bagnell, just finish up where you are, and then we'll carry on. Thank you.

Hon. Larry Bagnell: I don't have too much more, but I don't think any committee member who seriously wants to help the victims thinks that this is inappropriate information or thinks that we should be discussing things as opposed to the witnesses. As I said, there are a whole bunch of witnesses related to the appointment of General Vance and the serious situation while an investigation was under way who could be called, but this doesn't help the victims.

I appreciate Mr. Bezan's comment. Yes, hopefully we can have this testimony put forward to our next study so that it doesn't have to be repeated, because some of it would be very helpful. The information that I'm providing is related to feedback and study on sexual assault, which is related to sexual misconduct in the military, which is the exact subject of our study.

As I said, I don't have too much more to go on this section.

Tracking the occurrence—

• (1425)

The Chair: All right, thank you.

Oh, I thought you were finished, Mr. Bagnell.

Hon. Larry Bagnell: No, sorry.

Tracking the occurrence and outcome of incidents of sexual assault is essential to determine if the CAF's policies are functioning to improve the conduct of its members, both on an individual and systemic basis.

I'll just quickly finish off the last bit here:

In any event, even where a case of sexual assault is referred to civilian authorities, the CAF should carry out its own parallel assessment as to whether any administrative sanctions should be imposed (for example, suspension, demotion, release from the CAF, etc.). The ERA was informed that the [military police] maintains a shadow file for all incidents involving CAF members that are processed by civilian authorities. The CAF is therefore in a position to impose administrative measures on a perpetrator. The imposition of administrative sanctions is important in demonstrating to members the seriousness with which the CAF...

To achieve consistency in administrative measures, the CAF should establish guidelines to help guide COs. Factors to be taken into account in determining the appropriate sanction should include not only the personal circumstances of the offender and the nature of the incident, but the organization's over-arching goal of creating a more inclusive organizational culture that is less hostile to women and LGBTQ [2—I added the "2"] members.

As was the motivation for this input and the part A of this that I put at the previous meeting, I don't think there are any members on the committee who do not think these are the serious issues we should be trying to get to the bottom of and make the most effective recommendations on that we can to help the minister, to give him moral authority. He can and will go ahead without us. He's heard this stuff, the various input from the victims, from the Deschamps report.

Ms. Arbour will make the very important recommendations on some of the important things we've heard during the course of this study, particularly on the independent process, but also I think that would have an effect on the repercussions related to reporting, which is one of the three major items, and of course the culture.

As I said, there could be.... We wanted to stay on the investigation of the one General Vance investigation, one of hundreds of potential perpetrators. The seriousness of it has been investigated

since 2015, because of his appointment while there were charges. All those witnesses could be called, but the point I've been making since the beginning, and Mr. Baker's point, is that we should get on with solving the serious input we've had from the victims and dealing with structural change.

As I think Ms. Romanado said, this didn't just occur recently. This is a long-time, systemic change both in our military, and as Mr. Spengemann said, in many militaries.

This committee actually could be part of leading the way on solving this systemic problem from decades back if we get on with that right away and give the minister some more moral authority for the direction he has been moving in since he was appointed. I listed at the beginning of my input a number of things he's done, unparalleled things he's done, to address sexual misconduct.

I'll continue to be very happy if we can make the structural changes necessary to deal with the culture and the reporting and the independence. If I can be part of that, I will be very happy. If we don't get it done....

I think all of the committee members I've heard from have mentioned it in their input at some time and really want to do that too.

That's the basis of my input.

Thank you, Madam Chair.

The Chair: Thank you, Mr. Bagnell.

We'll go on to Madame Vandenberg, and then Mr. Spengemann and Mr. Garrison.

Ms. Anita Vandenberg: Thank you very much, Madam Chair.

I would like to start in terms of some of the things that are out there that are inaccurate about what is going on in this meeting right now, for those who might be watching.

First of all—

• (1430)

Mrs. Cheryl Gallant: Madam Chair, I don't know if the sound system was working properly. I heard Mr. Bagnell say that charges were made in 2015 against Vance, and I don't know if he was—

Ms. Anita Vandenberg: That's debate, Madam Chair. I was speaking.

The Chair: That's debate, I'm afraid.

Mrs. Cheryl Gallant: There were no charges that I'm aware of. Were there? Did he mean the rumour that we acted upon, as opposed to what the Liberals did, which was not act when an actual act was—

Ms. Anita Vandenberg: Madam Chair, I think I have the floor.

The Chair: Madame Gallant, that's debate.

Carry on, Madame Vandenberg.

Ms. Anita Vandenberg: Thank you.

I want to start by talking about some of the things that are out there that are actually not accurate about what's going on here at the committee.

I know that there have been mentions by some of the opposition members of a shutdown of this committee. I think it should be clear to those who are watching that we had a motion, and the motion was simply to get recommendations in on time so that we could actually have a report. Those recommendations have already gone in for this particular study.

I would also note that there are ongoing military police investigations into the subjects of this study. This is not an investigation. We are not shutting down any investigation. That is the job of the military police. It is not the job of politicians to conduct investigations.

This particular study not only has gone well beyond the initially envisaged two to three days but has gone on almost three months at this point, Madam Chair. We have sat the regular hours of this committee. We've also sat 15 hours of extraordinary, extra meetings on this particular study. There has been a tremendous amount.... We've put forward witnesses who have given us very, very good recommendations, recommendations that I very much hope are going to have the possibility of being tabled in the House so that the government can take action on them.

I would also note that on Monday, we had an in camera meeting where we studied a draft report that has been sitting since pretty much right after Christmas. I think it is important that we get some of the important work of this committee done. We all submitted the names of witnesses at the beginning of this study, as is always done, and those witnesses have been heard from. I think that at this point to continue adding by motion, one by one, extra witnesses just to drag on this study is not doing anything for the women and men of the Canadian Armed Forces.

I would also point out that in addition to the draft report we were looking at on the CAF and COVID, we also have a draft report sitting on mental health. We heard witnesses who gave incredibly difficult and very compelling testimony about their experiences in mental health. It would not be doing them justice if we end up continuing to drag on this particular study well past the point where we have actually put in the recommendations for this study and not get the study out on mental health, and I know that all members have some very powerful recommendations on that.

Also, Madam Chair, we have our next planned study, which I would very much like to start right away. It is our study on military justice. We've heard from survivors. We have heard from academics and from members of the CAF. We have heard that the military justice system is very much the key to trying to reform the experiences that women and men have when they come forward. We even heard testimony in the status of women committee, which, by the way, also studied this and also heard from all of the witnesses that were put forward by all parties. Frankly, there was some incredibly powerful testimony in that status of women committee, and I hope that this committee will also be putting forward recommendations.

Even Major Kellie Brennan at the status of women committee said in her remarks that her "third truth is that the military justice system needs reform. It needs reform in how we conduct military

investigations and how we often revictimize the women who have the courage to come forward. My focus would be on education, and making sure that the person who investigates can lay the charge, can bring that evidence to court and not just refer the charge, meaning that the people who are entrusted with an investigation are the people who can effect the change. We also have to know what that looks like to women. What is justice for women?"

Madam Chair, my feeling at this point is that we really need to get on and start with that vitally important military justice study so that we can get the kind of information, testimony and recommendations that we need to move forward.

I would also note, Madam Chair, that we have now heard in this study from all of the relevant players. We have now heard from the Clerk of the Privy Council, who said that the PCO took carriage of this matter and that everybody acted in good faith. We have heard from Janine Sherman, the secretary to the cabinet, who said that she tried very hard to get the kind of evidence she needed so that she could continue an investigation, but that evidence wasn't there.

• (1435)

I think what we need to do is this. Throughout all of this process, we now know pretty much what has happened here. In 2018, there was an email. We know this now through the media and through other sources, but we know that there was an email in 2018. That email had a sexually suggestive comment and was couched as a joke, but I think the members of our committee and those who are present today understand very well that a sexually suggestive comment that is couched as some kind of a joke is not funny. It is not something that you can just brush off. It is intended to cause harm. It is intended to diminish. It is intended to demean. When it's done in front of others, it is extremely harmful because it is about power and it is not funny. I do believe the members who are present in the committee today understand this very well.

I'm not diminishing the seriousness of that kind of allegation. However, what we know is that the woman who received that email did not want to pursue an investigation. There are members of this committee who have accused me of victim-blaming just because I stood up for the right of the survivor and the person coming forward who's impacted to have the right to give their consent. That is not victim-blaming; that is respect for consent.

This particular person did not give permission to the ombudsperson to give that email to the appropriate authorities who wanted to investigate. That is in the Privy Council Office. The highest public servant in the land was given carriage of this and concluded that there was not a threshold of evidence.

Again, I would like to quote some testimony that was heard in the status of women committee from Brigadier-General Simon Trudeau, who is the provost marshal of the Canadian Armed Forces. He said that when a complaint is referred to the CFNIS, first they have to determine whether it meets the threshold to trigger a police investigation. There has to be a threshold. Everybody knows that you can want to investigate and you can want to hold people to account, but if there is no threshold....

Let's look at what all of our testimony has shown here: that PCO, which is the authority, should never be a political office. What we've seen throughout is that all of the political staff and the political elected people have, all throughout this, made sure that it was not a political office that actually investigated this situation. That is vitally important, because politicians can make mistakes. We are not investigators.

One mistake I would point to is that one of the opposition members said in question period that somehow they should have gone to General Vance and asked him about this confidential complaint. The last thing you do when you have a victim who wants to remain confidential is go and tip off the person they're complaining about. That person could probably fairly easily figure out who it is, and that opens up the vulnerability for the person who wanted to remain confidential. It's the last thing you do. That's why politicians should not be the ones who conduct these investigations. We might be well intentioned, but we are not trained and we are not the appropriate place.

It went to the Privy Council Office, and at that point there was not a name of a person. They didn't have the name of the person who received the email. They did not have the nature of it. They did not have any evidence. Therefore, at that point, in the words of Mr. Wernick, there was an impasse. That's what we know. We know exactly what happened.

Mr. Wernick said, and I believe this, that everybody acted in good faith. The key issue here is why the person didn't feel safe to come forward. That has been the focus.

• (1440)

That has been what I have been working on, what the minister has been working on, what the government has been working on and what this committee and other committees have been working on. How do we create an environment where women, men, transgender and non-binary serving members, as well as members of the civilian staff of DND, feel they can safely come forward and feel, when they come forward, they will get a just outcome and not face the kind of impunity that we have seen or that many people have said they have experienced?

Our committee is at a crossroads right now. We have some very important work we could do.

By the way, with regard to Mr. Garrison's comment that we could start comparing comparative failures, we could do that. We could. We know that in 2018 there was a confidential complaint. We didn't know exactly what it was. However, we do know that in 2015, when the previous Conservative government was in power, before General Vance was sworn in and the change of command ceremony happened for him to become the chief of the defence staff and while he was being vetted, there was knowledge of different complaints. They had to do with Gagetown and with a relationship he had with a subordinate. We know there were rumours at that time and we know that the Leader of the Opposition, Mr. O'Toole, knew of those rumours and that his chief of staff knew of those rumours. We know this from Mr. Novak's testimony.

They brought this information to the Privy Council Office, which was very similar to the process we followed in 2018. In the testimo-

ny we heard from Mr. Novak, he said there was an investigation and that if the investigation had shown there was any wrongdoing, they were prepared to cancel General Vance's appointment as chief of the defence staff. We just found out this week, from a news article—and I find this very disturbing because, remember, this is before he was appointed—that just days after the Conservatives appointed General Vance, the investigation was suddenly dropped. An access to information request came out this week saying that the commanding officer of the military police felt they were under pressure. We don't know who put them under pressure, but we do know that suddenly, on the day of the change of command ceremony for General Vance, there was.... He was under active investigation. It was a CFNIS investigation, a military police investigation. After the change of command ceremony, it took another four days before the investigation was suddenly ended.

I may be incorrect, but I believe that to end a military police investigation by CFNIS, the chief of the defence staff has to sign off on it. I may be incorrect on that, but he was then, at that point, the chief of the defence staff.

I think we could, if we wanted to, bring Mr. Novak back. He said that this was investigated before General Vance was appointed and that he wouldn't have been appointed if there had been any kind of bad outcome in the investigation. However, we know now that it was going on at the time that he was appointed.

There is another thing I find really difficult about this. I've been talking to survivors. Last weekend, on Saturday, I had a conversation with a survivor. I've had a lot of conversations and we've had a lot of round tables, so I've heard from many people over the course of this process. However, this particular conversation has stuck with me. It has shaken me. The person knows who they are, if they're listening to this testimony. One of the worst parts of what this individual told me was that when this person's attacker, the alleged rapist in this case, was under investigation, that person was promoted while the investigation was open, to get them out.

• (1445)

One of the first things that this individual said to me was that there needs to be a blanket policy that if somebody is under current investigation, they can't be promoted.

As we now see in the media—and we could spend a lot of time in this committee trying to get to the bottom of this—that is exactly what happened with the Harper government when Jonathan Vance was promoted while an open investigation was ongoing. The people who experienced this kind of misconduct deserve a lot better than that.

I'm hearing what survivors have said, and I'm hearing what Mr. Garrison has said as well about the fact that we all failed. All governments, for many years, have failed the women and men and transgender and non-binary and racialized and LGBTQ2 members of our Canadian Armed Forces. We have failed them, and the last thing I want to do is to have this committee descending into finger-pointing and politics.

I do believe that we have important recommendations to get out. We have two important reports. Mental health is very intricately related to this, and I do think we need to get that mental health report out. I also think that we need to get on to the study on military justice so that we can participate in the other studies that are ongoing.

Justice Fish is working right now on a review of the military justice system, and we have a number of others, including the announcement that we made yesterday about Madam Arbour. Some of her terms of reference include looking at the military justice system—and may I add, Madam Arbour is a personal hero of mine.

I was working over 20 years ago in the former Yugoslavia. I worked in Bosnia for six months. I worked in Kosovo for a year. I did a lot of work travelling back and forth to the region, and I met a lot of the survivors there. It is because of Madam Arbour's work—we all know her as a former Supreme Court Justice in Canada, but in fact, her work at The Hague in the criminal tribunal on the former Yugoslavia and Rwanda was a seminal turning point—that rape was allowed to be defined under international law as a war crime. She is the person who made sure that there was no impunity for the atrocities that occurred in those regions of the world, and that the perpetrators were held to account. Now she is the one we have entrusted to define how we are going to move ahead and get this right.

I know there's been a lot of criticism that, “Well, it's just another review.” I know that Madame Deschamps' report was six years ago and we didn't do enough fast enough to implement that.

We have done many things. We put forward legislation, Bill C-77, which was also in yesterday's announcement. We are now going to be moving ahead on making sure that it will be possible for people to provide their input anonymously on how we can get those regulations right on the declaration of victims' rights, which we passed in the previous Parliament.

We have also established a whole new institution, the SMRCs, the sexual misconduct response centres, and have put that under the Department of Defence. It's not in the chain of command. It's under the department, and yes, there were probably well-intentioned individuals in the department and in ministry who thought that was enough, and we now know that it wasn't. We know now, as we've heard from all of the testimony, that it has to be outside the chain of command.

• (1450)

We assigned the external comprehensive review to Madam Arbour, who is going to be looking into an independent, external reporting system outside of the chain of command. She's going to review policies, procedures, programs, practices and culture. She's going to review systemic issues and culture change, the military justice system and the system of rewards and promotions. Again, this is something that is very important. We saw, when Mr. O'Toole was aware of some rumours on this, that when it went to the NIS, General Vance was promoted while that investigation was still open. This is one thing we need to look at. How do we promote and reward, making sure that people who display these behaviours and do this kind of thing do not get rewarded and promoted?

I would also like to note that Madame Deschamps herself yesterday made a statement. I'd like to read for you the statement she made about the appointment of Madam Arbour. She said: “I welcome the appointment of Madam Arbour. From what I read, her mandate appears to be broader than the one that I was given. This would not be a mere repetition of what I did.”

Yes, we know that all governments, all of us, for 40 years... I had somebody phone me and tell me about something that had happened to her 40 years ago in the military. This has been decades-long...

I think we need to move on to our study on military justice. I think we need to focus on the mental health study that is already drafted and that we just need to come to a consensus on and table in the House. I think we need to focus on the survivors. I think that after three months, after all of the testimony we've heard, I... We could continue down this road and we could call witness after witness. We have a list; of course we have one. We could call the person who said in 2015 that he felt he was under “pressure”. We could call all of these people, but you know what? We're rising above it, because it is time that we focus on the survivors. It is time that we move ahead with the good work of this committee. I believe that is exactly what we need to do.

Thank you, Madam Chair.

The Chair: All right. Thank you very much, Madam Vandenberg.

Mr. Spengemann, please.

Mr. Sven Spengemann: Madam Chair, thank you very much. With your indulgence and the committee's indulgence, I'd like to make a brief intervention on the question of trust.

Going back to what Mr. Garrison said a number of interventions ago, I think trust is front and centre in so many ways. Trust is what drives the effectiveness, the health and the reputation of any organization. Trust takes a long time to build, and it takes a very, very short time to destroy, threaten or erode it. That's what we're facing in the Canadian Armed Forces. That's, as I've alluded to, what a number of other jurisdictions are facing.

I want to point out to the committee that trust takes a number of different forms. It's trust among serving members. It's trust across ranks. It's trust across genders. It's trust across the entire spectrum of equity, diversity and inclusion within the Canadian Armed Forces. It's also trust vis-à-vis civilian employees, trust that recruits have by exploring whether or not they would want to join the Canadian Forces. It's trust between militaries. Equally important, it's trust as we talk, as members of this committee, among ourselves. In that respect, I think it is important that we overcome partisanship to the greatest possible extent and start to get to the same side of the table to tackle the problem together. I think the conversation this afternoon is taking us in that direction, so I'm encouraged and optimistic by what I've heard so far, Madam Chair.

Let me start this brief intervention with a quote. I'm going to quote a tweet from Minister Sajjan that was sent literally 24 hours ago, yesterday afternoon. He wrote on Twitter:

Every day our @CanadianForces members risk their lives to support our allies, partners & friends.

But it is clear that we have not lived up to our responsibility to protect members from sexual misconduct.

That is our Minister of National Defence, Harjit Sajjan, who's testified to this committee for a six-hour period.

Prime Minister Trudeau has taken questions on this issue in the House. With respect to the allegations involving the former chief of the defence staff under the tenure of our government, as colleagues have pointed out in previous interventions—I won't repeat all the details—it is clear that the evidentiary threshold that's required has not been reached. It has not been reached because the preference, the strong preference, of the complainant was that she did not trust the system to the extent that she would want to come forward.

Madam Chair, even if it had been reached, we have received strong evidence from witnesses submitted by all members, by all parties, on this committee that it is not appropriate for a minister, for a prime minister, to then take action to launch an investigation, to influence an investigative process, but that the right process is to bring this to the attention of the proper regulatory and investigative authorities. That's the state of evidence as it is before the committee.

A minute ago, my colleague Ms. Vandenbeld mentioned some new information that came to the committee's attention with respect to the former chief of the defence staff. In an article about a week ago, he is reported to have claimed that he was untouchable, that he owned the Canadian Forces National Investigation Service. We then found out that there was an investigation that, subsequent to his appointment, was stopped some four days afterwards.

The appointment of the former chief of the defence staff took place under the Stephen Harper government and members of his cabinet, including Erin O'Toole, who was then minister of veterans affairs. I say this not because it is a partisan conclusion; it's not. It's no more partisan.... It is non-partisan in the same sense that the discussion with respect to the former chief of the defence staff and the allegations of misconduct from 2018 forward are not partisan. They occurred under the Trudeau government, but we heard very emphatically that elected officials do not have a role in the investigative process. To the same effect, that would hold true of Prime Minister Harper and of Erin O'Toole in his then capacity.

However, the trans-partisan interest on the part of every official and every member of this committee should be to find out how and why a chief of the defence staff who claimed to own the Canadian Forces National Investigation Service was then somehow, all of a sudden, let off the hook four days later because, subsequent to his appointment, an investigation was dropped. That is a question that is non-partisan. That is a structural question with respect to the power structures in the Canadian Forces. That is a question that needs to be answered. Recommendations need to be put forward, as my colleague in her previous intervention pointed out, to the effect that a serving member of the Canadian Forces who is under investigation may not or should not be promoted during that investigation. That is one clear recommendation that colleagues could react to, that we could put forward. That's the kind of track that we should move forward on as members of this committee united in our quest to restore trust in the Canadian Armed Forces.

Madam Chair, if you'll permit me, I'll say just a brief closing word on the question of trust. Trust also extends, as was pointed out in previous testimony, to the leadership role that the Canadian Forces play in so many parts of the world, and to the potential for the Canadian Forces to continue to lead on questions of gender equality, diversity and inclusion.

• (1455)

We're out front on the Elsie initiative, on the initiatives around women, peace and security. We have recognized that when we empower women in the Canadian Forces, in peacekeeping operations, in NATO operations, we do the right thing morally because women have a right to serve as much as every other gender, but we also achieve much better peacekeeping and operational outcomes. It is that trust also that we should focus on. It isn't only limited to what the Canadian Forces do within our borders; it is the leadership role that they can and should project around the world. That is really where the committee should and could direct its attention.

I encourage all of us, as we have moved towards in conversation this afternoon, to come to the same side of the table on this problem. It cuts across two governments. It isn't solved yet. We have a very authoritative leading, eminent thinker who has been empowered to write a report and to give us her recommendations. Parallel with that, we can keep pace. We can potentially even move some recommendations out front and achieve some changes out front as she does her work.

With that, I'll turn it back to you and thank you for the time.

The Chair: All right.

We'll move on to Mr. Garrison, please.

Mr. Randall Garrison: Thank you very much, Madam Chair.

I understand that we're coming to the end of our normal scheduled time for this committee and that the House of Commons, as usual, especially on a Friday, will have trouble maintaining resources for interpretation and other necessary services. Therefore, I'm hoping that you could take note of the speakers' list that exists now. I would hope to be able to speak when we resume on this topic, but at this point, I will move to suspend the committee to its normal meeting time, Monday morning, when we return to this motion.

• (1500)

The Chair: Mr. Garrison, are you making a motion to adjourn?

Mr. Randall Garrison: No, I am not. I am making a motion to suspend until Monday morning at our normal time.

The Chair: Let me look into that.

Ms. Anita Vandenbeld: Madam Chair, could you suspend for two minutes, just to figure it out? It would be helpful.

Mrs. Cheryl Gallant: On a point of order, you can't move a motion on a motion.

Ms. Anita Vandenberg: No, it's not a motion. I'm just asking the chair, while we're discussing the motion, to suspend for a couple of minutes.

The Chair: No, we're trying to decide whether the motion is in order. In the meantime, I can suspend for two minutes. There's no trouble doing that, so I'll go ahead.

We're suspended for two minutes.

• (1500) _____ (Pause) _____

• (1510)

The Chair: Okay. We've been able to determine that a motion from the floor for suspension is not a normal proceeding. A motion from the floor to adjourn is a normal proceeding and, therefore, is in order, but a motion to suspend is not.

I'm sorry, Mr. Garrison.

Mr. Randall Garrison: Okay. Thank you very much, Madam Chair. I appreciate your advice.

I move that we continue discussion on the motion on the floor at our next scheduled meeting on Monday and that we do now adjourn.

The Chair: Okay. I think we would have to give people time to consider that as well.

Monday, if we could just stand by.... What do we have on Monday?

Ms. Anita Vandenberg: Madam Chair, is that admissible, to...?

Mr. James Bezan: As a point of order, I would call that a substantive motion, so it would be debatable, but it's providing direction to the committee to continue this meeting on Monday and let the current meeting adjourn, so I'd say that it is admissible.

You could [*Technical difficulty—Editor*].

The Chair: I'm going to suspend again. Thank you.

• (1510) _____ (Pause) _____

• (1515)

The Chair: Okay.

Would you like to speak to this, Mr. Garrison? Explain what you're asking so that we perfectly understand what's before us now.

Mr. Randall Garrison: Well, I'm attempting to accomplish the same thing as with my first motion. We have exhausted our normally scheduled time. The House of Commons has limited resources. We strain all of the staff during COVID all of the time. My suggestion is.... We have not dealt with this matter, and I won't go into reasons why we have not. My motion is that we return to this matter on Monday morning during our regularly scheduled time and that we do now adjourn. It's fairly simple and fairly straightforward.

The Chair: All right.

Does anybody else want to weigh in on this?

Okay. Go ahead, Mr.—let's see—

Mrs. Cheryl Gallant: I have a point of order.

Are we done being suspended now? Are we now back in public?

Thank you.

The Chair: Yes.

All right. Let me check this. So, it was....

Mr. Bagnell, do you want to speak to this particular issue, or is that left over?

Okay, go ahead, Mr. Bezan.

Mr. James Bezan: Thank you, Madam Chair.

I just want clarity for the committee. I understand the intent of Mr. Garrison's motion: that we continue the debate on this motion on Monday morning. I just want to make sure that the conditions surrounding this meeting are the conditions that we use in the meeting on Monday: that it's in public, that's it televised, and that we start off with the motion. If I have to retable that motion on Monday morning, I'm more than happy to do it, but I want to make sure that those are the conditions of bringing on the motion. I appreciate why Mr. Garrison wants to adjourn: in the interest of our support staff, particularly the interpreters. I know how strenuous that job can be, interpreting members for extended periods of time. We'll support that as long as we're under the understanding that this continues on. We do need to get to a resolution on having Katie Telford appear before this committee.

[*Translation*]

The Chair: Mr. Barsalou-Duval, you have the floor.

Mr. Xavier Barsalou-Duval: Thank you, Madam Chair.

There is one technical point that I don't quite understand. I gather that if we continue the debate, after a certain time, we can no longer ask for a suspension.

Could you tell me why we cannot ask for a suspension at 4 p.m. or 5 p.m., for example, and why we should ask for it now if we want to do so?

I agree that we should be able to exhaust the subject matter before we shut down the debate, whether today or another day, in terms of the committee business. But I'm trying to understand why we couldn't suspend later if we decide to continue the debate.

I would like a clarification on that.

• (1520)

[*English*]

Mr. James Bezan: Madam Chair, on Mr. Barsalou-Duval's comment that in the past you have suspended meetings for days on end until we resumed at a regular time, I think he was asking if we can continue the debate, and then you could suspend when you determine that it's enough, and we'll continue on Monday.

Mr. Yvan Baker: Mr. Bezan, I don't remember your being given the floor.

Mr. James Bezan: Well, as vice-chair, I can step in.

The Chair: All right. Come on now. It's not a normal procedure. It's not a normal motion for a suspension to come from the floor, right? We're giving them a headache. Listen, I think this is something that people will want to clearly understand before we go down this road, myself included.

We all know what was scheduled on Monday. Monday was scheduled to be draft reports on mental health, CAF and COVID-19. This decision will mean that we will not be doing those reports. My understanding—and I want to make sure that everyone's clear—is that it means we will not be doing those draft reports on Monday. Instead, we will be doing this particular motion. This could impact...over the long term. I think those reports are very important to get out, and if we're going to make that decision, then everybody should understand completely what the decision is. That's why I'm trying to get some kind of clarity here, okay?

Mrs. Cheryl Gallant: Pardon me, Madam Chair, if I may speak.

We spent almost the two hours of this meeting discussing the recommendations in the report that will be generated from the study we are talking about today. Perhaps we can reallocate the time that we already spent today so that we will stay on our eventual timeline.

The Chair: You know, Madam Gallant, everyone has a right to participate in the debate. Everybody does. You might not like what they have to say, but debate is about people putting opposite points of view on the table. That, I think, is where we are now. There are different points of view.

Sometimes, I think debate is really critical and important, but if we're going to have an impact on our ability to actually produce reports, then I think people, when they're making decisions and are going to do a vote, need to understand completely what they are voting for or against. That's what I'm trying to get, that level of clarity.

All right. The clerk just told me that it won't be considered a substantive motion because there's already a motion on the floor. Our choices are to carry on the debate or to adjourn. Unfortunately, that motion is not in order because there's already another motion on the floor. That was the kind of detail we were trying to get, to make sure we understood this.

I'm sorry, Mr. Garrison.

Mr. Randall Garrison: Okay, Madam Chair, then I think I need to go back and challenge your decision that we cannot suspend.

I challenge the chair's decision.

Ms. Anita Vandenberg: Madam Chair, could we hear from the clerk? I heard what the clerk said to you but I don't think the other members did. I think we might want to hear what the clerk said.

Madam Chair, are we suspended?

The Chair: No.

Ms. Anita Vandenberg: Okay. My understanding is that there are only three dilatory motions: a motion to adjourn the meeting, a motion to adjourn the debate and a motion to change the order of business. That would mean that if a motion is not dilatory and is substantive, it can't be debated at the same time as a substantive motion, which I believe was your ruling. I heard the clerk say that to you. I'm wondering if the members could hear what I overheard.

My apologies. I'm in the room and they're not, and I don't think it's fair that I heard what the clerk said and they didn't. Essentially, a motion can't be debated when you have a debatable motion on the floor, and there are only three dilatory motions, one of which is to adjourn.

• (1525)

The Clerk: To address the issue, allow me to say the following. The motion that the sitting be suspended can be moved. It can be treated the same way as a motion to adjourn. Then the chair uses their discretion as to when to resume.

• (1530)

The Chair: It's not in the books, so it's not a dilatory motion as outlined in the books. We have to make sure that in whatever we're doing, we at least try to follow the intent of things. I get that, so I want to make sure that people clearly understand the decision they are making.

Mr. Randall Garrison: Madam Chair, I believe I still have the floor, and having heard now from the clerk that a motion to suspend is in order, I would like to return to that motion. That is what I intended this whole time. I move that the committee now suspend.

The Chair: There's another motion on the floor, Mr. Garrison. There's another active motion on the floor.

Mr. Randall Garrison: This is not a substantive motion. We're receiving advice from our parliamentary experts that it is completely in order and is not a substantive motion. I'm therefore challenging your decision if you're saying it's out of order.

Mr. James Bezan: On a point of order, Madam Chair, I want to make sure we know which motion we're dealing with at this point in time. I know there's a challenge to the chair, and I agree with that, but I want to make sure that we're on the same page as to the motion.

The Chair: You and me both, Mr. Bezan.

I'm going to suspend. We'll let everybody have a look at this, get advice and read the book, and we'll come back in five minutes.

We're suspended.

• (1530)

(Pause)

• (1550)

The Chair: Okay, I think we might have a way forward.

They're still talking about it. It's going further, whether how much in order this is or not, but I am getting the impression that it's the will of the committee to suspend.

Do you want to speak, Mr. Bezan or Mr. Barsalou-Duval, either one of you?

Mr. Garrison, are you good?

Mr. James Bezan: Just again for clarity.... You're suspending, and then Monday morning we start off with this debate.

The Chair: That's the thing, Mr. Bezan. You cannot have conditions attached.

Mr. James Bezan: I know, but if you're suspending, the meeting continues on Monday. Is that clear?

The Chair: It cannot have conditions attached, Mr. Bezan.

A voice: Can it have the intent to continue?

The Chair: It cannot have conditions attached.

A voice: Okay, yes, but we're going to continue it, though, right?

Mr. James Bezan: I'm just asking for clarity, Madam Chair. I'm not putting conditions.... I'm just asking for clarity since you're suggesting that you'll suspend the meeting, which I'm okay with.

However, for clarity purposes, I just want to make sure that if you are suspending, then this meeting continues on Monday morning.

The Chair: What it does do, Mr. Bezan, is make it clear that the will of the committee is to supersede the work of reviewing those draft reports. That's what you need to understand.

• (1555)

Mr. James Bezan: That's what I do understand.

The Chair: It will supersede our work plan, and it means that those draft reports might not get done. That's what it means.

I want it to be perfectly clear. If you give me the direction to suspend, I will do so, but that's what it means. It supersedes the work that we need to do to get those draft reports published. Okay?

Is it the will of the committee to suspend?

[The meeting was suspended at 3:56 p.m. See Minutes of Proceedings]

• (18100)

The Chair: Good afternoon, everyone.

I call this meeting back to order.

[Translation]

Good afternoon and welcome, everyone.

[English]

This is a resumption of meeting number 28 of the House of Commons Standing Committee on National Defence, which started on Friday, April 30, 2021.

[Translation]

Today's meeting is taking place in a hybrid format, pursuant to the House order of January 25, 2021. Members are attending in person or remotely using the Zoom application. The proceedings will be made available via the House of Commons website. For your information, the webcast will always show the person speaking, rather than the entirety of the committee.

[English]

If interpretation is lost, please inform me immediately, and we will ensure that it is properly restored before resuming the proceedings.

I remind all members that all comments should be addressed through the chair. When speaking, please speak slowly and clearly, and when you are not speaking, your mike should be on mute.

With regard to the speaking list, we will continue with our usual practice.

We are resuming debate on Mr. Bezan's motion.

Go ahead, Mr. Bezan.

• (18105)

Mr. James Bezan: Madam Chair, based upon the presence of Ms. Telford at committee, I withdraw my motion so that we can carry on with hearing from Ms. Telford.

The Chair: Thank you very much, Mr. Bezan.

We still need unanimous consent to withdraw the motion.

Some hon. members: Agreed.

(Motion withdrawn)

The Chair: Pursuant to Standing Order 108(2) and the motion adopted by the committee on Tuesday, February 9, 2021, the committee is resuming its study addressing sexual misconduct Issues in the Canadian Armed Forces, including the allegations against former chief of the defence staff Jonathan Vance.

With us today by video conference is Ms. Katie Telford, chief of staff to the Prime Minister.

Welcome, Ms. Telford. I would now invite you to make your opening statement.

Thank you.

Ms. Katie Telford (Chief of Staff to the Prime Minister, Office of the Prime Minister): Thank you, Madam Chair. Good afternoon, members of the committee.

Thank you for your important work looking into how to address sexual misconduct in the Canadian Armed Forces.

[Translation]

I understand that you invited me to this meeting to tell you what I know about the information that the ombudsman raised with Minister Sajjan about former Chief of the Defence Staff Jonathan Vance. I am here to provide a clear account of how this matter was brought to my attention, as the Prime Minister's Chief of Staff, and the steps that followed after I became aware.

[English]

On March 2, 2018, I was told by Elder Marques that the then-defence ombudsman, Gary Walbourne, had pulled the Minister of National Defence aside after a meeting had ended to raise an allegation of personal misconduct against then-chief of defence staff Jonathan Vance.

Elder told me that Minister Sajjan's chief of staff was seeking advice from our office on how to proceed in order to ensure that the allegations were properly addressed. Elder updated me and the Clerk of the Privy Council about this conversation immediately, and I was of course very concerned.

The clerk advised us that PCO, not political staff or politicians, should follow up on the matter. He said he would engage Janine Sherman, deputy secretary to the cabinet, who is responsible for senior personnel, which includes advising on Governor in Council appointees and handling advice on any complaints made against them.

As you have already heard, I was not given the substance or the details of the allegation, and as you have already heard, my office and the minister were not given the substance or the details of the allegation. We did not know what the complaint was about. Regardless, I operated as though it could be serious.

As the clerk recommended, PCO was the appropriate body to follow up with the ombudsman and to provide advice back to the minister on next steps. Through Ms. Sherman, PCO provided advice to Minister Sajjan and his office. Specifically, her advice was for the minister to contact Mr. Walbourne and to redirect him to the Privy Council Office. The minister did this right away.

Elder was engaged with PCO, who had taken carriage of this issue, and I trusted him to ensure that all appropriate steps were being taken by the correct people, and he kept me updated.

I was later told that despite repeated attempts by PCO, Mr. Walbourne would not provide any information on the allegation, and that without any details, they were unable to do anything. I was assured that they would remain engaged and would advise us if they were able to obtain any information at all.

I was, however, troubled by this result. I understood that Elder was pressing PCO to see whether anything else could be done, but the answer was no. I wanted to make sure not only that this didn't get dropped if the complainant wanted to proceed but that no one was in harm's way. That's why I talked to Elder, who asked the appropriate officials in PCO to ensure that no one's safety was at risk, and I was told that there was no safety issue. Although I remained concerned, there was simply no information at all.

[Translation]

I have certainly wondered what else could have been done. It breaks my heart to think that anyone, any woman, not only had to endure harassment and inappropriate behaviour, but did not have a safe place to talk about it and get justice or support.

I want to reiterate that you can't build a safe workplace without having a safe place for people to report misconduct. That is why the work of this committee could be so important.

• (18110)

[English]

At the time, the situation we were faced with was that we had clearly been told that this matter should be handled by the PCO and that it would be inappropriate for political staff or politicians to be directly involved. The last thing I wanted to do was to deny agency to the complainant or put their privacy or safety at risk, or to compromise an independent process that was supposed to be there to get at the truth.

This matter was brought to the attention of the clerk. My office was engaged to ensure the appropriate officials were following up. Our role was to facilitate the minister's office in getting the direction they needed from officials on next steps. Based on the advice we received, that was where our involvement in the matter had to end.

[Translation]

Almost exactly three years later, in March 2021, we all learned about the nature of the complaint in public media reports. It was the first time I had heard any details about the 2018 complaint. As you can imagine, I have been thinking about the whole thing a lot lately.

[English]

I've thought about the amazing women of the armed forces, some of whom I am so honoured to have spent time with. I've replayed our conversations and I've thought about what more I could have asked them or what else I could have done to create a safer space. I've thought about the many actions the government has taken in the last five years and realized how much more there is to do.

I have wondered if I could have pushed harder on the advice for implementing the Deschamps report. Could I have pushed harder at the stock-take with the Prime Minister that pulled together the leadership of the armed forces and all the leadership of the S and I community to specifically speak about action in regard to gender and inclusion?

I have wondered if I could have seen through General Vance's briefing that appeared to show progress on fighting sexual misconduct in the military, including at that stock-take, where, when the Prime Minister asked who wanted to start, the general was the first to speak up and seemed to have a plan.

I have wondered if I should have further questioned the general when he told me about his commitment to #MeToo not long after this movement and awakening began; when he told me how frustrated he was that orders were not enough to bring about change; when he told me that it was personal for him too.

Above all, though, I have thought about the brave women and men of the Canadian Armed Forces who face unthinkable and unacceptable harassment and sexual misconduct in the line of duty.

[*Translation*]

Clearly, the current system is not working and must change. Clearly, a lot of work still needs to be done to ensure that survivors can speak out and receive the support they need, and that appropriate investigations can be conducted.

[*English*]

The measures we have taken since being in government have not gone far enough, nor have they moved fast enough. That's why we recently announced new funding to work to eliminate sexual misconduct and gender-based violence in the Canadian Armed Forces. It's why we're moving forward to implement new external oversight mechanisms to bring greater independence to the processes of reporting and adjudicating sexual misconduct within the military.

The bottom line is this: Women and men in uniform must have a system that works and that they can trust. Until we get there, I will not stop pushing to make that happen.

[*Translation*]

Being a feminist is not really part of the official job description of a Chief of Staff, but I believe it should be. With the support of the Prime Minister, I have made it an essential part of my job. That's why I have put so much energy and countless hours into it, just as I have done with so many other accomplishments of this government.

Over the past five years, we have invested in shelters and services for women fleeing violence. We have created a national strategy to end gender-based violence. We have appointed a Canadian Ambassador for Women, Peace and Security. We have invested millions of dollars to review tens of thousands of assault cases that had been dropped because they were considered unfounded. This is another example where we have learned a lot because of extensive public reporting on the issue.

[*English*]

In our own offices, we have brought in systems and processes to protect staff for the first time, systems that I hope allow people to come forward—and some already have—to get the support they need and that take allegations seriously. Much more has been worked on, and there is still much more to do.

Let me conclude by saying this: I am a feminist, and yes, I believe that “Time's Up”. These are, for me, not just words or slogans or about a brand. This is certainly not about partisanship. This is about why I get up in the morning to do the work that I do, the core of who I am and what I fight for. I will never stand down on my advocacy or shrink from giving the best advice I can with the information I have.

It is unacceptable that women and men in uniform do not have confidence in the institutions that they are a part of. That's because the system, for far too long, has allowed perpetrators to hide in HR processes while denying survivors the support they need.

There is no silver bullet here. What the #MeToo movement is uncovering and discovering is sometimes messy and complicated, because systemic discrimination is entrenched. As we work to fix it, we won't always be right. It is exhausting and emotional work, and triggering for many, including, I'm sure, many of you. It's personal and professional, and it's work that must be done.

I was at breakfast with General Whitecross a few years ago. I remember her saying to me that if the Prime Minister and I were serious about making life better for women, we had to be ready to put everything on the table. That is what we have always tried to do and what we will continue to do. However, if I may, I'll take this opportunity to say to General Whitecross, and to all the other incredible women and men who have served and who continue to serve our country in the armed forces, that I know there is even more we can do and must do. I am recommitting to doing everything I can to assist with that.

I would encourage all members to focus on clarifying with me now the facts on what was known and not known and what could be done and could not be done three years ago, so that we can all move forward on the extremely significant and challenging work ahead. We owe that much to the survivors.

• (18115)

[*Translation*]

I'll be pleased to answer your questions.

[*English*]

The Chair: Thank you very much, Ms. Telford.

I will now open the floor for questions.

First up is Mr. Bezan, please.

Mr. James Bezan: Thank you, Madam Chair.

Thank you, Ms. Telford, for appearing today.

As you know, there's been a lot of talk about this. Both Mr. Wernick and Mr. Marques have testified that they understood that this was a sexual misconduct allegation. Even official documentation from PCO and PMO said that it was sexual harassment.

Who made the decision not to inform the Prime Minister about these allegations?

Ms. Katie Telford: I'll start by pointing out that in the testimony of Mr. Marques, Mr. Wernick and Ms. Sherman, they all spoke about not knowing the nature of the complaint. They had no details of the complaint. They did not know what the complaint was.

I'll just remind you of what I did and what I am aware of. I can tell you what I did do—

Mr. James Bezan: Who made the decision not to tell the Prime Minister?

Ms. Katie Telford: What happened was that the minister sought advice on how to deal with this unusual circumstance through his office to my office, and I sought the appropriate advice and the appropriate person to give him that advice. In this case, it was the Privy Council Office.

Mr. James Bezan: Did you make the decision to keep this away from the Prime Minister, even while this was going on through March 2018, yes or no?

Ms. Katie Telford: No. I'll tell you what happened in early March 2018.

The minister, through his office, contacted my office to seek advice, and we sought the appropriate advice from the Privy Council Office. The Clerk of the Privy Council at the time said that the appropriate people to follow up with were in his office. Actually, as you heard from Ms. Sherman, from the clerk, I believe, and from Mr. Marques, the first step they took was to assist the minister and then to recommend to the minister that he redirect the ombuds-person to the Privy Council Office.

Mr. James Bezan: You knew there were allegations against General Vance, so only one of three options is true. One, you made a decision not to tell the Prime Minister. Two, the Clerk of the Privy Council made the decision not to tell the Prime Minister. You two both tell the Prime Minister everything every day on multiple occasions.

Or is it number three, which is that Prime Minister Justin Trudeau has told you, and has put out an edict, not to make him aware of personal misconduct issues of anyone who is an order in council appointee?

Which one is it?

Ms. Katie Telford: It's none of those. The minister contacted our office to get advice on how to deal with this unusual circumstance that he'd been faced with. He contacted us immediately. We immediately followed up. We immediately took it seriously because of the potential of what it could be. We didn't know what it was, so we took the appropriate steps to figure out who the appropriate people were to talk to and follow up—

• (18120)

Mr. James Bezan: Your appropriate steps amounted to nothing. You guys took no steps and didn't protect the complainant here. You left General Vance in position.

Who did you conclude with or instruct not to tell the Prime Minister about these allegations? Was it Michael Wernick? Was it Elder Marques? Was it Minister Sajjan? Who did you conclude with to keep our Prime Minister in the dark?

Ms. Katie Telford: Actually, the first concern was about the complainant. That's why it was really important for us to think about who the appropriate person was to do the follow-up in this unusual circumstance. The appropriate people were not politicians and political staff, but the Privy Council Office, which handles—as I believe Ms. Sherman, the deputy secretary to the cabinet, talked to you about—Governor in Council appointments on any number of things, including issues around discipline.

Mr. James Bezan: We're talking here about personal misconduct, sexual misconduct. These issues need to be dealt with. They're personnel issues. These are order in council appointments, and they fall under your portfolio and purview in the advice that you give to the Prime Minister.

Are there any other personal misconduct issues that you decided not to inform Justin Trudeau about, yes or no? Is it one, five, 10 times that you've kept him in the dark on issues of personal misconduct?

Ms. Katie Telford: I want to remind you about what we knew and didn't know in March 2018. As I said in my opening statement, all we knew was that the ombudsperson, at the end of the meeting, pulled the minister aside and suggested that he had a complaint and an envelope, as I understand it. The minister immediately sought advice and wanted to ensure the appropriate next steps were followed, and that's what we did.

Mr. James Bezan: We know all this, Ms. Telford.

Ms. Katie Telford: Well, you seemed confused about it, so I wanted to clarify it.

Mr. James Bezan: No. You guys dropped the ball. That's what's happened here.

Let's get to the personal misconduct issue that you didn't follow up on. On what day did you inform Justin Trudeau about the allegations against Admiral Art McDonald, the chief of the defence staff? What date did that happen?

Ms. Katie Telford: I'll remind you what my role was in this. I was informed of what was happening and I wanted to ensure the appropriate steps were being followed immediately and that it was being taken seriously, because we didn't know what it was, and that the appropriate people were following up. We were doing all of this to ensure that the complainant was being protected.

Mr. James Bezan: When did you tell the Prime Minister that Admiral Art McDonald stepped aside because of allegations against him? Did you ask him to step aside?

Ms. Katie Telford: I'm not sure how that is relevant here, but the clerk does—

Mr. James Bezan: Well, this is part of our study as well. We're considering sexual allegations against chiefs of the defence staff, plural. We have Art McDonald and we have Jonathan Vance. In both cases it seems different avenues were taken. In one, because it was reported to the media, you guys reacted. In the other, you guys covered it up because nobody else knew about it, which is true.

Ms. Katie Telford: No.

I want to remind you what we knew in March 2018. We knew of the existence of a complaint from the ombudsperson that he passed on—

Mr. James Bezan: Well, you just testified that you had many conversations with Michael Wernick and Elder Marques. Both Michael Wernick and Elder Marques have said at committee that they understood this was a sexual misconduct and sexual harassment issue. In those conversations, how many times did you actually—

The Chair: I let you go over time, Mr. Bezan. We're already at six and a half minutes. I tried to let it go to finish this, but we're not going to get everyone a turn if we do that, so I'm afraid I'll have to go on to Mr. Baker.

Mr. Yvan Baker: Thanks very much, Madam Chair.

Ms. Telford, I'd like to thank you for being here today to answer the committee's questions.

I want to make sure that we all understand what happened here.

In your opening statement, you addressed the fact that the minister's chief of staff called your office seeking advice on behalf of the minister. Would you say that's a normal thing that happens over the course of a workday?

Ms. Katie Telford: Yes. It is very normal for the chiefs of staff of all ministers to call—whether it's me, my office or any member of the broader senior staff—about any number of issues to seek advice, think about and coordinate, depending on what the issue is, what next steps could be. We each have different experiences and we try to share them with one another. It's all to keep improving the way we do our jobs.

Mr. Yvan Baker: Yes, of course.

You've told this committee that the Prime Minister's senior adviser then sought advice from the Clerk of the Privy Council. Is my understanding of your statement correct?

• (18125)

Ms. Katie Telford: Yes. Mr. Elder Marques was working with the clerk, as I understand it, and the clerk put him in touch with the deputy secretary to the cabinet. He said she was best placed to help do the follow-up on this. Actually, she took the lead on the follow-up because he determined and she determined that it was appropriate for the Privy Council Office to be doing this follow-up. It's why they advised the minister and his office to redirect the ombudsperson to the Privy Council Office.

Mr. Yvan Baker: You've only spoken to this a bit, but I'm going to ask this question anyway.

You've stated—and as we've heard from current and former senior public servants at this committee—that the Privy Council Office was the appropriate authority and institution, and particularly the deputy secretary to the cabinet, to look into this issue, meaning not only to provide advice to the minister but also to do the active follow-up with the ombudsman. Is that your recollection?

Ms. Katie Telford: Yes, and I think that can be seen through the documents that have been made public as well. The deputy secretary to the cabinet followed up and redirected. She suggested to the minister that the ombudsperson be redirected to her, and as she has

testified before committee, she then engaged with the ombudsperson's office from that point.

Mr. Yvan Baker: Something really struck me in your opening statement today. You said you were advised that this matter should be handled by the Privy Council Office and that later you were told the Privy Council Office was unable to get further information to facilitate its work on this matter.

Based on the advice you received, is this where your involvement and that of your office ceased?

Ms. Katie Telford: Yes, other than what I mentioned in my opening statement. Elder was giving me updates and saying there was nothing further they could find out and therefore nothing they could advise or act on any further. I talked to Elder about.... We both discussed if there was any way we could get assurance that this was not a safety issue, and then we got that confirmation.

Mr. Yvan Baker: At this committee we've heard about an allegation in 2018, and we've also discussed what has since become public three years later. Is it correct to say that you didn't know details at the time, in 2018, and that in fact you only know them now because they have been reported publicly in the past few months?

Ms. Katie Telford: That is completely correct.

In the last number of months, there were different articles, and a lot of people were insinuating which one was or wasn't about the complaint that had come forward. It wasn't until a March news story specifically reported on it that we knew it was the complaint the ombudsperson was referring to. That was the very first time I knew anything at all about the complaint.

Mr. Yvan Baker: You have testified here that the current system isn't working and that change is needed. That's something we have heard at this committee over and over again.

Is it accurate to say that beyond the work the government has done, further steps are now being taken?

Ms. Katie Telford: Yes. I think it would also be fair to say that many more steps will still need to be taken. Many steps were taken in the first four years of this government and following the launch of Operation Honour. However, as I said in my opening statement, and as you've heard from the Prime Minister, the minister and I'm sure from members of this committee and others who have testified, obviously there is so much more to do. It didn't go far enough and hasn't moved fast enough, and that's what we all need to be focused on now.

Mr. Yvan Baker: Have you ever refused to appear before this committee?

Ms. Katie Telford: No, I haven't. I understand that you were discussing an invitation. I would have accepted to come earlier this week, but I didn't want this connected in any way, shape or form to the opposition day motion that was going on earlier this week. I was glad to accept this invitation following the vote on Wednesday.

Mr. Yvan Baker: We have heard a lot from the Conservatives on this matter, but in my view they seem to be ignoring history.

Is it your understanding that the process followed here when an allegation was brought forward is the same as the process used under the previous Conservative government, specifically when a rumour was brought to the attention of Mr. O'Toole, who was then Minister of Veterans Affairs?

Ms. Katie Telford: Yes, to the extent that they went to the Privy Council Office, as I understand through testimony before this committee, which is how I have learned about these things as well. I believe in that case they went through the national security adviser, because he was chairing the selection process for the next chief of the defence staff. That made sense at that time, so yes, I believe they did the same thing that we did, which is report to the appropriate officials.

A significant distinction, though, is in the content of the information or extent of the information. We didn't even have a rumour to go on in this situation. I think there are ways to act on and follow up on rumours; we knew there was a complaint, period.

• (18130)

Mr. Yvan Baker: Thank you very much.

The Chair: Thank you very much.

[Translation]

Mr. Barsalou-Duval, you have the floor.

Mr. Xavier Barsalou-Duval: Thank you, Madam Chair.

Ms. Telford, you mentioned in your opening remarks that you were first briefed on the situation on March 2 by Elder Marques. Is that correct?

Ms. Katie Telford: Yes, that's right.

Mr. Xavier Barsalou-Duval: In his testimony, Mr. Marques instead indicated that it was you or your assistant who would have contacted him to inform him of the situation. How can you explain the difference between your two testimonies?

Ms. Katie Telford: Thank you for the question.

Because I want to make sure I answer it and explain it well, I will do it in English.

[English]

It's pretty commonplace, as I said in answer to an earlier question, for a chief of staff to call in seeking advice. I don't recall whether the chief of staff and I spoke directly in the first instance or she spoke to my office and a voice mail was left and it was passed on in that manner to Mr. Marques. However, the first time I learned about the substance of what was going on was through Mr. Marques when he debriefed me on his conversation with the chief of staff to the Minister of Defence on March 2.

[Translation]

Mr. Xavier Barsalou-Duval: That's a bit vague. You say you think you heard rumours before, but that ultimately, the first time you really heard about it was from Mr. Marques.

I'm trying to understand. Mr. Marques says he took the initiative to go and talk to Michael Wernick, who then went to Janine Sherman. That might have some logic to it, because he could have said that he was mandated as an advisor, that he took extra steps. How-

ever, at the end of the day, the person who makes the decisions in the Prime Minister's Office is the chief of staff, so that is you.

How could Mr. Marques have made this decision without being ordered to do so by you?

[English]

Ms. Katie Telford: If you mean how he made the decision on whether to go to the deputy secretary to the cabinet, first of all, Mr. Marques was a very senior staffer and, as he testified, was keeping me updated and apprised of the next steps he was taking. After he informed me about what was going on, he spoke to the clerk, which the clerk has also testified to, and the clerk brought in the deputy secretary to the cabinet to get involved. This all happened within the course of hours, really. This was something we acted on immediately because we were taking it very seriously.

[Translation]

Mr. Xavier Barsalou-Duval: In your testimony, you also say that you were not aware of the sexual nature of the allegations. Yet we saw in the press that according to some of the emails that were leaked, the Privy Council Office knew that the allegations were sexual in nature. We also saw that the ombudsman reportedly tried again, and told the minister that the allegations were sexual in nature.

If the Privy Council Office and the ombudsman were aware and in communication with the Prime Minister's Office, how is it that the Prime Minister's Office did not know that the allegations were sexual in nature?

[English]

Ms. Katie Telford: I can speak to what I know, and I can also look at the testimony of the previous witnesses, as I have. I believe that the clerk, Ms. Sherman, Mr. Marques and Minister Sajjan have all spoken to the fact that they didn't know the nature of the complaint. As Elder Marques said, because we didn't know what it was about, there was a possibility that it could be a sexual allegation. That's why we were taking it so seriously at the beginning. It's also why I followed up when I had no further information after some follow-up, and why I went to the safety concern question. I got assurance that it wasn't a safety concern.

• (18135)

[Translation]

Mr. Xavier Barsalou-Duval: Thank you, but I find it a little hard to believe given that we see something else in the media. I would be surprised if the Privy Council Office didn't tell you that the allegations were sexual in nature, because that's what it says and that's what we see in the press. You'll forgive me for being skeptical.

When did you first talk to the Prime Minister about this issue? How did he react? My understanding is that you never spoke to him about the file in 2018.

Was he happy to know that you kept the information from him?

[English]

Ms. Katie Telford: There are a few things there, but I'd like to start with your skepticism, which I understand given recent news reports, as you said.

I think it has been hard for everyone involved to separate what information we have been given in the last number of months from the information we did not have in March 2018. That is where some of the confusion and reason for skepticism exists and where we've had to.... Everybody has had to look at exactly who knew what and when, and I know this committee has been working hard at this. What I can assure you is that the Prime Minister, like me, learned for the first time what the complaint was and anything about the complaint when it was reported in the media in March 2021.

[Translation]

Mr. Xavier Barsalou-Duval: Did you discuss this issue with the Prime Minister after March 2021? How did he react when he knew that you had withheld the information from him, that you had kept the file from him?

[English]

Ms. Katie Telford: We have, of course, discussed the news stories that have come out in the last couple of months. We have been particularly focused on what they mean in terms of the action that needs to be taken to protect survivors. Thankfully, some of them—and I'm sure, unfortunately, there are many more—are coming out, speaking publicly and sharing their stories so that we will better know how to act so that we can support them. That is what we are staying focused on.

[Translation]

Mr. Xavier Barsalou-Duval: So, the Prime Minister—

[English]

The Chair: I'm afraid we're already at six minutes and 20 seconds, so we'll have to cut it off there.

Mr. Garrison, go ahead.

Mr. Randall Garrison: Thank you very much, Madam Chair.

Thank you, Ms. Telford, for being with us today. I must admit that I'm a bit bemused by why my colleagues in the Liberal Party turned somersaults to prevent the invitation from being issued to you.

I'm still a little perplexed about something you told us, and let me start with the issue of safety, which you rightfully raised. We know that if women are going to be able to serve equally in the Canadian Armed Forces, there has to be a sense of safety.

You said that you didn't know the nature of the complaint and didn't have any details, yet you asked if it was a question of safety and were assured that it was not. How could you know that if you knew nothing about the nature of the complaint or its detail?

Ms. Katie Telford: It's a fair question. I can only tell you what I know. I asked that question because I was getting no information, because it seemed that nothing further could be done and because I was very concerned and was taking this very seriously. I was then given this assurance. That's all I can speak to.

Mr. Randall Garrison: I'm going to leave that there, although it is an interesting question how someone could assure you of that. I trust you'll follow up on that.

In a statement you made just a few minutes ago in answer to a question, you said you knew that the minister had been offered an envelope. There is a tendency to refer to the allegations of misconduct against General Vance as rumours, but these were not rumours. This was a complaint that was brought to the attention of the ombudsman, for which there was evidence of both the nature of the complaint and the details of that complaint. These were offered to the minister and he refused to look at them.

You indicated that you were aware of that. When were you aware of the fact that the Minister of National Defence refused to look at the evidence of the complaint that was offered by the ombudsman?

Ms. Katie Telford: I would like to remind you that the only reason you or any of us know what was in the envelope is the public reporting in March 2021. In March 2018, I was aware, I believe from the original brief that I received on this, that there was an envelope. I had absolutely no idea what was in it, nor did anybody else, and this was one of the reasons we were determined to take the appropriate steps to follow up.

• (18140)

Mr. Randall Garrison: However, that information was clearly offered to the Minister of National Defence, so it seems peculiar that you didn't take the shortest route to finding out by asking him to have a look at the evidence he was being offered.

Just a minute ago, you also said that, at the time, you knew it was possible that the allegation was of sexual misconduct. Given that Madame Deschamps' report existed and said that sexual misconduct was basically rampant in the Canadian military, didn't this ring an alarm bell with you? I ask because this was a complaint against the person in charge of rooting out sexual misconduct in the military. It would seem to me that you would want to make sure that this was not what the complaint was about. Quite apart from the complainant, this is about the policies and procedures of the Canadian Armed Forces for dealing with sexual misconduct.

Did you not think it would be important to figure out at that time whether or not this was a sexual misconduct complaint?

Ms. Katie Telford: There are a couple of things there, and I want to try to deal with at least two of the things you've touched on.

Why not the shortest route, as you suggested it? I remind you that the minister came to seek advice after this unusual circumstance, through his office. The advice given by the independent Privy Council Office, which manages human resources across Government in Council appointments, was to redirect the ombudsperson to the Privy Council Office. Unless you are suggesting we ignore that advice.... That is the advice we were given for next steps, by the appropriate people.

Mr. Randall Garrison: We've had no testimony saying they told him he could not look at that evidence. They suggested another path, but no one has testified here saying they advised the minister he could not look at that evidence. We have not heard that in this committee.

Ms. Katie Telford: Certainly, the advice to me and to Mr. Marquis—to Elder—at the time was that it should be the Privy Council Office, responsible for the management of Governor in Council appointments across government, looking into these things. I don't think you would want political staff, let alone politicians, looking into...doing their own investigations.

Mr. Randall Garrison: No one is suggesting that the minister should have investigated; what we are saying, and I'm certainly saying it very clearly, is that he did need to find out whether there was a sexual misconduct complaint against the chief of the defence staff, who was in charge of rooting out sexual misconduct in the Canadian military. This is not just, and I don't want to demean any other complaints, a run-of-the-mill complaint about sexual misconduct; this is against the person who is in charge of rooting it out in the Canadian military, which is what makes this different from all the others.

Ms. Katie Telford: I would remind you that we didn't know the nature of the complaint at all at the time. That is why we were trying to take the appropriate steps to follow up. We were taking it very seriously, however, right from the get-go.

I would also remind you that this is one of the reasons I did ask that safety question and get assurance on it.

The Chair: All right. Thank you—

Mr. Randall Garrison: Can I just ask one more quick question?

The Chair: Okay, make it a quick one.

Mr. Randall Garrison: If you didn't think this was a sexual misconduct complaint, what kind of complaint did you think it was?

Ms. Katie Telford: I think you even actually asserted just a moment ago that there are many other types of complaints, so I'm not going to get into speculating on what they could have been, but there are many different types of complaints that can come forward.

The Chair: Thank you very much.

We will move on to Ms. Alleslev, please.

Ms. Leona Alleslev (Aurora—Oak Ridges—Richmond Hill, CPC): Thank you very much, Madam Chair.

Once again, from March 2 until March 16, who made the decision not to tell the Prime Minister?

Ms. Katie Telford: Let me just remind you, through the chair, that on March 2, I was learning about this complaint. I was immediately acting and taking it very seriously.

Ms. Leona Alleslev: Once you learned about the complaint, you had to make a decision to tell the Prime Minister or not.

Who made the decision?

Ms. Katie Telford: No. Actually, I would remind you that I didn't learn about the.... I knew nothing about the complaint. I knew there was something, that the ombudsperson said they had a com-

plaint that they apparently couldn't work on and they raised with the minister—

Ms. Leona Alleslev: When you found out about the complaint, who made the decision not to tell the Prime Minister?

Ms. Katie Telford: When we found out about the unusual circumstance that the minister found himself in, we immediately took it seriously. We immediately took action with the appropriate people who should follow up on it.

• (18145)

Ms. Leona Alleslev: You took it seriously but did not tell the Prime Minister.

Who made the decision not to tell the Prime Minister?

Ms. Katie Telford: Madam Chair, on March 2, I learned that the minister was seeking advice—

Ms. Leona Alleslev: Then you knew. Okay, then you knew—

The Chair: I'm going to interrupt here.

Mr. Yvan Baker: On a point of order, Chair, the witness isn't being allowed to answer.

The Chair: The interpreters are pulling their hair out, so please, if you ask a question, wait for the answer and then you can ask another question. All right? We're making it very difficult for them.

Go ahead, Madam Alleslev. You can ask your question.

Ms. Leona Alleslev: Madam Chair, the witness is not answering the question.

Who made the decision not to tell the Prime Minister of a serious allegation against the chief of the defence staff?

Ms. Katie Telford: Madam Chair, at the time, what I was wanting to ensure was done to protect the complainant was that the proper next steps were taken. That's what I did immediately, and that's what I took seriously. Then there was no more information to be had, as I've told you, except for the fact that I did get assurance that there was not a safety issue.

Ms. Leona Alleslev: Madam Chair, we heard from the Clerk of the Privy Council that there was a memo to the Prime Minister and you discussed whether or not to extend his tenure. Who made the decision not to tell the Prime Minister of the allegations against the chief of the defence staff?

Ms. Katie Telford: Madam Chair, I'd like to correct that. I believe the member is misinformed, because there was not a note that went to the Prime Minister about extending the tenure of the chief of the defence staff. There actually are not term lengths for the tenure of the chief of the defence staff. He serves at the pleasure of....

Ms. Leona Alleslev: Who made the decision not to tell the Prime Minister—not when he received a pay raise through a Governor in Council, and not when there was a memo to the Prime Minister discussing options for him to be replaced before the next election? On multiple occasions, who made the decision not to tell the Prime Minister about these serious allegations?

Ms. Katie Telford: I believe, Madam Chair, that the member is actually referring to the performance management system that the Privy Council Office has in place. In a memo to do the performance management system, or a decision note that came directly from the clerk to the Prime Minister, there were discussions, which were not usually in the performance management system.

There were some options around succession planning—

Ms. Leona Alleslev: Madam Chair.

Mr. Yvan Baker: Point of order, Madam Chair.

The Chair: Madam Alleslev, please allow the witness to answer the question.

Ms. Leona Alleslev: There is only one question, Madam Chair.

The Chair: Madam Alleslev, please allow the witness to answer the question.

Ms. Katie Telford: I would just like to correct the member, Madam Chair, that in the briefing note, it was talking about succession planning and actually providing options, none of which were imminent around the chief of the defence staff, and planning ahead.

Ms. Leona Alleslev: Thank you.

You're saying that someone did inform the Prime Minister of the serious allegations against the CDS.

Ms. Katie Telford: Madam Chair, I'm not sure what the member is referring to here.

Ms. Leona Alleslev: I'm asking, was the Prime Minister made aware of the serious allegations against the chief of the defence staff?

Ms. Katie Telford: Madam Chair, the Prime Minister—

Ms. Leona Alleslev: Yes or no.

Ms. Katie Telford: —became aware of the allegation, the nature of the allegation, the substance of the allegation, in March 2021, when it was publicly reported, and we all learned the details and the nature of the complaint.

The Chair: Thank you. We're at five minutes now.

We'll move on to Mr. Spengemann, please.

Mr. Sven Spengemann: Thank you very much, Madam Chair. Welcome to the committee, Ms. Telford.

If you will indulge me for a moment, I just want to put a couple of points on the record. I think there was some discussion earlier with respect to the nature of the action, and whether or not it was sexual in nature.

Three witnesses appeared before this committee, and I just want to put on the record what they said.

Elder Marques testified before us on April 19. He said:

I believe I was told that the issue was an issue of personal misconduct.... I think my presumption was certainly that it could be of a sexual nature, but I don't think I was actually given that information specifically.

The former Clerk of the Privy Council, Michael Wernick, in testimony before our committee on April 6, stated:

I learned of the specific allegations earlier this year in the media reports. I was not aware of the specifics of the allegation. I became aware of them this year.

Finally, Ms. Sherman, deputy secretary to the cabinet, testified before us on March 26, and said:

As I have mentioned, based on my conversation with the former ombudsman, I did not have information about the nature of the complaint or specifics that would have enabled further action.

That's just for the record for the benefit of colleagues, Madam Chair, and our witness as well, and I thank you.

Ms. Telford, if I can just take you back to your opening remarks, you focused on the role of the public service when it comes to seeking advice and conducting a follow-up, specifically in this case, the Privy Council Office. You noted that PCO assured you that it was the most appropriate body to look into this.

We also heard directly several times from PCO officials, including about the central role they play when it came to Governor in Council appointments, of which the former CDS was one.

Could you expand on this a bit more? If political staff—and you made reference to this earlier—were charged with overseeing this type of circumstance with an appointee, do you think this would be seen as a legitimate process, when it comes to trust in the public service, trust in the Canadian Forces and trust in investigative processes?

Would we have that, when we give this kind of scenario to political staff or elected officials, as you pointed out?

• (18150)

Ms. Katie Telford: Thank you, Madam Chair.

I think that given how difficult it has been, even of late, for all of us to keep partisanship out of these discussions, it's just a further demonstration of how important it is for there to be independent and objective people who are.... It is why the public service is there, and also to manage ongoing Governor in Council appointments that go perhaps beyond the life of a government.

They are there to manage. They are also experts in doing this. They have spent their careers in becoming experts in the areas in which they work. I have deep respect for the advice they give, and it's why we followed their advice in this case.

Mr. Sven Spengemann: Thank you very much, Ms. Telford.

I want to take you back to the conversation about Elder Marques. We heard from Mr. Marques recently on his role and his engagement with the PCO.

I understand at the time, Mr. Marques, as you described, was a very senior member of your staff in the Prime Minister's Office.

Going back to the ordinary course of business in PMO, would you consider it the normal process for you to ask a senior member of your office to seek advice from PCO and then to keep you updated with respect to any developments that flow from that?

Ms. Katie Telford: Absolutely.

We have an incredible and hard-working group of senior staff, who have worked extremely hard for many years now, and Mr. Marques was definitely one of those staff. He unfortunately doesn't work with us anymore, but he is somebody I could turn to to follow up on any number of files or phone calls from chiefs of staff who needed advice on something.

It was completely normal and par for the course to then...whether it was to wander upstairs from here, where the Privy Council offices are, or to pick up the phone and call our counterparts in the Privy Council Office for advice. That is how things work, day in and day out.

Mr. Sven Spengemann: Thank you, Ms. Telford.

I only have about 30 seconds, but I'm wondering if you could briefly give us your reflections on your reaction when the word came back that really nothing more could be done in this case; nothing came back from PCO that would help in any way, or from the ombudsperson.

How did you react to that conclusion?

Ms. Katie Telford: I was concerned, as I think I said in my opening statement. I was troubled by it, and that's why Elder and I talked through if there was anything else we could suggest to them to do, or anything else that could give us any sense of what this was about.

He did keep pushing and still couldn't...and then we asked a question around whether we could at least be given any assurance around whether it was a safety issue or safety-related issue, and we were assured it was not.

The Chair: All right. Thank you.

Mr. Sven Spengemann: Thank you, Ms. Telford. I think that's my time for this round.

Thank you, Madam Chair.

The Chair: That's your time, Mr. Spengemann.

[*Translation*]

Mr. Barsalou-Duval, you have the floor.

Mr. Xavier Barsalou-Duval: Thank you, Madam Chair.

Unless I am mistaken, the chief of staff to the Prime Minister generally attends cabinet meetings.

The ombudsman first spoke to Minister Sajjan. Did the minister talk to you about the case at any time? Have you had any interaction with him?

[*English*]

Ms. Katie Telford: "Participate in" might not be the right word. I do have the great privilege of sitting in cabinet meetings at a table to the side of the room.

In terms of Minister Sajjan and whether he and I spoke to this at the time, no, I don't believe we did.

His office contacted us on his behalf immediately, and we then immediately followed up, or had the Privy Council follow up, rather, to give him the advice that he was seeking.

• (18155)

[*Translation*]

Mr. Xavier Barsalou-Duval: So you never had a conversation with Mr. Sajjan about General Vance?

[*English*]

Ms. Katie Telford: Certainly I have had conversations over the years with the minister about General Vance, but not on this specifically.

[*Translation*]

Mr. Xavier Barsalou-Duval: I still find it surprising, because the allegations against General Vance are serious, and you are the Prime Minister's chief of staff.

His chief of staff contacted you. It seems to me that it's a cumbersome process to have to wait your turn in line, when he could have interacted directly with you.

At the time when the Privy Council Office was unable to get information, did you ever think to ask Mr. Sajjan to meet with the ombudsman? He refused any meeting afterwards and refused to read the documents.

Did you not recommend that he read the documents?

[*English*]

Ms. Katie Telford: There are a few things. I treated what I was told about like it could be a serious allegation, but I didn't know how serious it was or was not. I had absolutely no information on it. I just want to make that very clear, because I know that that has been confusing for us all, as a lot of information has come out recently. I want to remind us of what we did and didn't know in March 2018.

Second, in terms of lots of phoning around, which does feel like day-to-day life here—it is a lot of emails, phoning and meetings in my job, as I often say—why didn't I speak to Minister Sajjan? I'm not sure there was any more information on this that he and I could have appropriately discussed. I had...via Elder Marques and the chief of staff at National Defence, what had transpired. We sought advice on that.

The advice on that, to your last point—

[*Translation*]

Mr. Xavier Barsalou-Duval: Do you still trust Mr. Sajjan?

The Chair: Mr. Barsalou-Duval, your time is up.

[*English*]

We move on to Mr. Garrison, please.

Mr. Randall Garrison: Thank you very much, Madam Chair.

I think what's clear to us now is that the phenomenon that Madame Deschamps identified of there not being a good path for complainants and not being consequences for perpetrators of sexual misconduct in the military was definitely illustrated by this allegation against the chief of the defence staff. It would seem to me that, as I said, alarm bells should have gone off when it was a possible complaint of sexual misconduct against the chief of the defence staff, and it would seem to me that this should have been job one for the Minister of Defence.

I had a look at the mandate letters that were issued by the Prime Minister to the Minister of Defence. The first one makes no mention of a sexual misconduct issue whatsoever, even after the previous government had already received Madame Deschamps' report. The next two, in 2019 and 2021, make a bland statement about making sure there's a workplace free of sexual harassment. At no time did the Prime Minister direct the Minister of Defence to implement the recommendations of the Deschamps commission.

Can you explain why this direction was not given to the Minister of Defence?

Ms. Katie Telford: Unfortunately, I don't have the mandate letter from 2015 in front of me, but I actually do believe there is language, not perhaps specific to the Deschamps report, but there is certainly language around efforts around inclusion. I believe it's even as specific as—I'm going on a bit of a distance of memory here—addressing, certainly, inclusion issues and perhaps even harassment. Regardless of what was in the mandate letter, I can tell you about the work that was being done over the course of the first mandate, and I referenced some of that in my opening statement.

We actually had a stocktaking with the leadership of the S and I community, security and intelligence services. Actually, it was a meeting led by the Prime Minister, with Minister Sajjan and a number of other relevant ministers who were there. I can remember Minister Sajjan speaking at that committee about the enormity of pulling everyone together to specifically talk about inclusion, and looking for plans. We asked for the numbers in advance so that we weren't simply looking at numbers, that we were looking at action plans.

As I said in my opening statement, I am not here to say any of that was perfect. There is clearly so much more work that needs to be done. I've been doing a lot of reflecting on that meeting, and the meetings that followed and the work that followed, on what more could have been done. You're right, more needed to be done and more needs to be done.

• (18200)

Mr. Randall Garrison: Madame Deschamps' report specifically called for creating an independent complaints process, and also for a centre for providing services to survivors that was independent of the chain of command. Neither of those happened.

Yes, a sexual misconduct support centre was set up, but it was not independent of the chain of command administratively; and no independent complaints mechanism was created.

No matter what else was going on, how could those two key recommendations have been neglected by this government for six years?

Ms. Katie Telford: Madam Chair, I actually did find it in my notes, so I would just like to put it on the record that, yes, in the mandate letter in 2015, there was a line that said, "establish and maintain a workplace free from harassment and discrimination." Let me also concede that obviously there is so much more work to be done on that front. I'm not trying to suggest we have accomplished that, by any means, at this point.

In terms of why the Deschamps report was not fully implemented, we've heard a lot about that of late. You've heard me reflecting on that personally. There were debates on what more could have been done in the first mandate, but as you yourself said, many steps were taken. There clearly are more that need to be taken, and taken quickly, though. I believe that's why...or I don't believe, I know, that's why I was party to the discussions as to why the recent announcement ensures that actions can be taken very quickly as Madam Arbour makes recommendations.

The Chair: All right. Thank you very much.

We'll move on.

[Translation]

Mr. Paul-Hus, you have the floor.

Mr. Pierre Paul-Hus (Charlesbourg—Haute-Saint-Charles, CPC): Thank you, Madam Chair.

Ms. Telford, with all due respect, I find your comments today to be completely inconsistent.

If you are telling the truth, you are confirming that on March 2, 2018, you did not see fit to inform the Prime Minister of the allegations. You say that you were not aware of the nature of the allegations, when there are several emails that prove that the Privy Council Office knew that these were allegations of sexual misconduct.

So I would like to know what happened in July. Michael Wernick, the former clerk of the Privy Council Office, confirmed that a memo was sent to the Prime Minister recommending that General Vance's salary be increased and that he be paid hazard pay. This document was sent by Mr. Wernick to the Prime Minister, so you must have it.

Can you provide it to us?

[English]

Ms. Katie Telford: I would be happy to follow up on that. I would need to consult with the Privy Council Office on that note that they provided to the Prime Minister.

[Translation]

Mr. Pierre Paul-Hus: Thank you.

I would like the committee to receive it before May 30.

By March 2, Mr. Wernick was aware of the allegations. A few months later, he recommended that a pay raise be given to General Vance. He discussed this with you and the Prime Minister. At that point, would it not have been appropriate to discuss the allegations?

Given that the information was known in July, that the ombudsman had filed a complaint and even resigned because of your reaction, was it not appropriate to talk with the Prime Minister about the problem with General Vance before giving him a pay raise and allowing him to continue to fulfill his mandate?

[English]

Ms. Katie Telford: I am not aware, and I certainly was not aware then, that the ombudsperson resigned because of anything that you're suggesting.

This note that you're referring to—as I was trying to correct your colleague on earlier—was a note through the usual performance management system that is managed through the Privy Council Office, through the deputy secretary—

[Translation]

Mr. Pierre Paul-Hus: Ms. Telford, you say that you were not aware that in March, as a result of what happened, the Canadian Forces ombudsman sent a letter of resignation, because he was very surprised by the situation. As chief of staff to the Prime Minister of Canada, you say that you did not know that the Ombudsman for National Defence and the Canadian Armed Forces had sent a letter of resignation. That kind of information is pretty important, in my opinion.

Let's go back to the discussions. We were talking about the recommendations that the chief of staff continue to serve and that he receive a salary increase. You and the clerk were aware that a few months before, in March, allegations had been made against him. Shouldn't that have been discussed with the Prime Minister?

At the beginning, you said it was not the responsibility of politicians to deal with such a case. I'm sorry to contradict you, but it is the Prime Minister who appoints the chief of staff and is responsible. So we are talking about the role of the Prime Minister with respect to the chief of staff.

Don't you think it would have been important to discuss this with the Prime Minister at that time?

• (18205)

[English]

Ms. Katie Telford: You're asking about the performance pay system. I just want to be clear that you're referring to a raise and a bonus.

There is a performance pay system whereby all eligible Governor in Council appointees go through an annual performance management process. There is a set of agreed-upon principles that they use to assess this performance. The performance management program is quite extensive. It covers all of the deputy ministers and associate deputies.

[Translation]

Mr. Pierre Paul-Hus: Ms. Telford—

[English]

Ms. Katie Telford: Yes.

[Translation]

Mr. Pierre Paul-Hus: I understand that, Ms. Telford. I am talking to you about when the clerk sent the recommendation to the Prime Minister. At that point, there has to be an authorization. Does the Prime Minister have to sign it?

How does it work in those cases, whether it is to authorize or deny such a request?

[English]

Ms. Katie Telford: Yes, the performance management note was a note from the clerk for the Prime Minister. The clerk provided all of the relevant information that applied through the performance management process in that note.

As you know, I went to the Privy Council Office in March 2018, as the first staff.... Actually, Mr. Marques went to the Privy Council Office as an immediate first step, so they had all of the information on this—

[Translation]

Mr. Pierre Paul-Hus: You are not answering my question, Ms. Telford.

I want to know if the Prime Minister has to sign—

[English]

Mr. Yvan Baker: I have a point of order, Chair.

The Chair: Go ahead, Mr. Baker.

Mr. Yvan Baker: Mr. Paul-Hus is consistently interrupting the witness, and I'm not able to hear her responses as a result. I'd ask that you ask the member to allow the witness to finish her answers before asking his next question.

The Chair: All right. Thank you.

Go ahead, Mr. Paul-Hus.

[Translation]

Mr. Pierre Paul-Hus: Madam Chair, if you will allow me more time, I will gladly wait until the interpretation is over.

Ms. Telford, I am going back to my question. I would like to know if the Prime Minister signed off on authorizing the pay raise for General Vance.

[English]

Ms. Katie Telford: Yes, I believe he approved that note, an order in council note.

[Translation]

Mr. Pierre Paul-Hus: As his chief of staff, I'm sure you know how this works under normal circumstances.

Did the Prime Minister or anyone else, through the automatic signature device, sign off? Was that done, yes or no?

[English]

Ms. Katie Telford: Did I autopen the note? No.

[*Translation*]

Mr. Pierre Paul-Hus: So the Prime Minister did sign off. That means that he followed Mr. Wernick's recommendations and there was no discussion about whether there was a contentious issue in General Vance's performance file, such as the complaint filed by the ombudsman. Is that correct?

[*English*]

Ms. Katie Telford: Let me just remind you what was to be or not to be discussed.

There was a complaint brought forward in March 2018 to the ombudsperson that he said existed to the minister, and we knew nothing else about it. We didn't know the nature of the complaint, the substance of the complaint or the details of the complaint, so I'm not sure what you would have us discuss.

However, the details and nature—

[*Translation*]

Mr. Pierre Paul-Hus: Why does an email dated March 2 mention—

[*English*]

Ms. Katie Telford: —of the complaint were not, because we did not—

[*Translation*]

The Chair: Your time is up. In fact, we are down to six and a half minutes.

[*English*]

I did let you go a bit longer.

[*Translation*]

Mr. Robillard, you have the floor.

Mr. Yves Robillard (Marc-Aurèle-Fortin, Lib.): Thank you, Madam Chair.

Good afternoon, Ms. Telford. Thank you for your spontaneous presence today.

As we consider what has happened in 2018 and the many survivors who have come forward this year with stories about their own experiences during their service, are there any additional thoughts that you would like to share with this committee based on what you know now or thoughts you have had since?

You mentioned that you have thought about this issue many times over the past few weeks, and I know the committee would like to hear your thoughts.

[*English*]

Ms. Katie Telford: I would not claim to be an expert on what all the best next steps are, but I am someone who has spent many years now caring deeply and passionately specifically about these issues and about issues of supporting, empowering and protecting women.

Over the past five years in particular, since I have been in government and in this role, I have had the great privilege of getting to know a number of women in the armed forces, and particularly a number of the senior women in the armed forces, whom I've been

able to have conversations with. I have learned so much from them, though as I said in my opening statement, I've reflected on how much more I need to learn from them and how much harder we have to work at providing them with a space where they can be heard and where actions can be taken. We need people outside of the system as well to force the change, because it clearly cannot all happen within the armed forces alone.

I have a lot of hope for the work that Madame Arbour is going to do, but we all need to stay focused on this in the meantime, including this committee, I hope.

• (18210)

[*Translation*]

Mr. Yves Robillard: Ms. Telford, I understand that you have had the opportunity to sit down with women in the Canadian Armed Forces and have had direct conversations with these courageous women. I can only imagine the powerful words they have said to you and the effect those words have had on you and the actions of our government.

I believe it is these voices that we must listen to first and foremost when decisions are made about exactly how to move forward and restore trust in the process.

[*English*]

Ms. Katie Telford: I think that's right. The staff who work closely with me know that there was one breakfast meeting I would never miss. It wasn't really a meeting; it was a breakfast. It was a working breakfast with some of the members of the armed forces known as the Awesome Women with Rank. They were the most senior women in the armed forces who got together and shared with me some of their stories.

As I said in my opening, I've reflected a lot on what I did and didn't learn from them, because maybe there were different ways I could have asked questions or created an even safer space for some of the conversations, or maybe not. These are the things one reflects on after the fact.

However, I did learn so much in those conversations. There were stories about what it was like to try to.... I know there are members of this committee who can speak to these stories as well, but I learned from them stories about what it was like to try to find child care on bases and stories about uniform issues. We talked about power and power dynamics within the armed forces as they relate to gender and beyond gender.

I've reflected publicly that I felt really honoured to be there. I have also reflected on whether, if I hadn't been a woman as chief of staff, I would have been welcomed at that breakfast. I knew that I was particularly privileged to be in a position that I could go into a room like that. I was especially pleased when one of them suggested—and we made it happen—to invite the Prime Minister to join them one morning. It's actually a day that I have previously referred to as one of my favourite days on the job.

The Chair: All right. Thank you very much, Mr. Robillard.

Committee members, if I am fierce with time, we might be able to get two complete rounds in, but it means I have to be fierce.

All right, are we ready? Okay. Thanks.

We'll go to Madam Gallant, please.

Mrs. Cheryl Gallant: Thank you, Madam Chair, and through you, to the witness.

Did you personally let his signature go on those documents while knowing that there were open allegations against the CDS ?

Ms. Katie Telford: To be clear, Madam Chair—

Mrs. Cheryl Gallant: I'm sorry; a yes or no is cool.

Ms. Katie Telford: I just want to remind you what we did and didn't know at that time.

Mrs. Cheryl Gallant: You've made that statement several times. I just want to know.... You personally let him make his signature on that at-risk pay approval without his knowing, and you knew he didn't know. Was it your decision not to tell him before he signed?

Ms. Katie Telford: I want to remind you about what we did and didn't know at the time, which is that we didn't know anything about this complaint. We didn't know the substance, the nature or the details of the complaint.

Mrs. Cheryl Gallant: But the Prime Minister was never told of any serious allegation about General Vance, so who made that decision?

Ms. Katie Telford: I want to remind you that while I took the information extremely seriously, the minister, through his office, brought it to my office. We then passed it to the Privy Council Office, which took carriage of it. We actually didn't know the seriousness or the nature of the complaint—

Mrs. Cheryl Gallant: The Prime Minister was deliberating on the succession plan for the CDS, yet was not told of the allegations against him? Who made that decision?

• (18215)

Ms. Katie Telford: The performance management program is quite expansive and consults quite a number of people. It's a program that's in place for all senior officials across the public service, including deputy ministers and associates.

Mrs. Cheryl Gallant: We know that, Madam Telford, and thank you, but while considering approving a pay raise for General Vance, the Prime Minister was never told of serious allegations against him. Who made the decision not to tell the Prime Minister?

Ms. Katie Telford: Madam Chair, through you, I would just remind us of what we knew, which was we didn't know anything about the allegation at the time or the complaint at the time—

Mrs. Cheryl Gallant: You knew there was an allegation—

Mr. Yvan Baker: I have a point of order, Madam Chair—

The Chair: Madam Gallant, please allow the witness to finish what she is saying first, and then for your next—

Mrs. Cheryl Gallant: Just a yes or no is what we need to know.

The Chair: Madam Gallant—

Mr. Yvan Baker: I have a point of order, Madam Chair, a point of order.

The Chair: Okay, go ahead, Mr. Baker.

Mr. Yvan Baker: Madam Gallant, like her colleague previously, is not allowing the witness to answer questions. Ms. Telford has information and I believe is attempting to answer the question. I would like to hear the answer and the folks at home would like to hear the answer. I would ask that you ask Madam Gallant to allow Ms. Telford to finish her answers before asking her next question.

The Chair: Thank you.

Go ahead, Ms. Telford, if you'd like to finish your answer, please.

Ms. Katie Telford: I'll say two things. It's important to remember that there wasn't an allegation in terms of any content around an allegation to speak of. There was a complaint that the ombudsman raised with Minister Sajjan that he was not able to do anything with, that we were not able to do anything with, and that the Privy Council wasn't able to do anything with, and it's the Privy Council Office that puts together the performance management program, executes on that program—

Mrs. Cheryl Gallant: Okay, thank you. It was the Privy Council Office, then, that decided not to let the Prime Minister know. My only question is who made that decision, so the answer is the name of a person.

Ms. Katie Telford: The answer is that there wasn't an allegation in terms of something for which there was.... We didn't know the nature of the allegation or the contents, the details—

Mrs. Cheryl Gallant: You knew there was an allegation—

Mr. Yvan Baker: On a point of order, Madam Chair—

The Chair: Madam Gallant—

Mr. Sven Spengemann: Madam Chair, I have a point of order.

The Chair: Okay, go ahead, Mr. Spengemann.

Mr. Sven Spengemann: Madam Chair, there's an additional consideration to the point that was raised repeatedly by my colleague Mr. Baker, which is that it's impossible for interpretation to follow when a member is talking over top of a witness. I would ask you once again to encourage this particular member to let the witness answer.

The Chair: All right. Thank you.

Go ahead, Madam Gallant, if you have a follow-on question.

Mrs. Cheryl Gallant: My question is this: Who decided not to tell the Prime Minister of the existence of an allegation against the general?

Ms. Katie Telford: Madam Chair, through you to the member, I would just again say we didn't have any information about the allegation. We didn't know anything about it. It was something on which all the appropriate follow-up is done through the appropriate people, and the appropriate people to do that follow-up were the Privy Council Office. I believe the Privy Council has all of the required information also to inform the performance management process, which they also manage.

Mrs. Cheryl Gallant: But the minister knew the full nature—

The Chair: Thank you very much.

We will go on to Mr. Bagnell, please.

Hon. Larry Bagnell: Thank you, Madam Chair.

I just want to make a couple of comments before I go to my questions.

First of all, there were some things said from other members that don't really jibe with the evidence we've had today. One thing was the words "dropped the ball". When you turn something over for an investigation in almost record speed, you've hardly dropped the ball or covered up. The words "covered up" were used once. What could be covered up when it was turned over to investigators and investigators did everything they could with actually no information?

Also, the word "serious" has been mentioned at various times. It certainly was a serious allegation, but we didn't find that out until this year. At the time, as numerous witnesses said, they had no idea what the allegation was or if it was serious or not, so just to make sure....

There has also been discussion about all the things that have been done since the Deschamps report. Both today and previously there's been some discussion on a number of things and actions that have been taken. Of course, everyone admits that it's not enough.

I just want to add to that list a very strong administrative directive, DAOD 9005-1, which I read in detail about a month ago. It really does make serious changes to the directives, the whole direction to the members of the military, to try to address this serious systemic problem.

Going on from all those moves that have been made, those improvements that have been made, which certainly haven't solved the problem yet, budget 2021 included a substantial investment to address the very issues we are discussing at committee today. I can imagine the very active discussions on this matter when the government was working on the budget, and that questions around how the budget could be tooled to support much-needed cultural change were no doubt top of mind.

Obviously funding alone is not enough, nor is it a silver bullet, but the budgets reflect the government's values, and it was clear in this budget that the government was taking this matter seriously. This is a \$236-million investment to eliminate sexual misconduct and gender-based violence in the Canadian Forces.

Ms. Telford, I know you cannot divulge the cabinet process or those deliberations that led to supporting this funding in the budget, but I'm wondering if you have any reflections from that process about the value of this investment and what you think you can do, and any other thoughts that might be relevant on this subject.

• (18220)

Ms. Katie Telford: Thank you, Madam Chair.

I can speak to some of the conversations outside of cabinet that I was privy to in preparation for the announcement, and some of the steps that have been taken in recent weeks.

I can't yet speak to the value, because that's in the future, but I really hope they will be valuable steps. They were certainly taken with the intention that they would lead to real action, and quickly.

It's why it was clearly described that Madam Arbour would have the capacity to make recommendations throughout her time working on this extremely important subject, and the government committed to following through on those recommendations as they came forward.

I think it was an extraordinarily important decision for the government to address what has been a concern, I think, in so many areas, but especially in an area of this import, which is to ensure that this isn't just another report. This is an assurance that there will be action, and the question really is going to be which actions are next.

We've shown that the funding is there and the commitment is there. An incredibly powerful and credible person, who happens to be a woman, has been put in charge of making sure that the right recommendations are given. As I said, the commitment is there to take action on any of those recommendations, and all of those recommendations.

The Chair: All right. Thank you very much.

We'll go on to

[*Translation*]

Mr. Barsalou-Duval, you have the floor.

Mr. Xavier Barsalou-Duval: Thank you, Madam Chair.

What has amazed me since the beginning of this study is that every time we hear from a witness, they tell us it's not their fault. They tell us that the reason they didn't go further is because they couldn't go further.

I can't tell you, Ms. Telford, how many times we've heard that, whether it's from you or from Mr. Marques or Ms. Sherman or Mr. Wernick or Mr. Sajjan. It's like this is a systemic problem. No one would have been able to fix it or get to the bottom of it. At least, that's what we understand from the version of events that your government is giving us.

What I can't figure out is why Mr. Sajjan refused to see the information that the ombudsman wanted to present to him. If he had agreed to see the information, he would have had all the evidence he needed to fire Mr. Vance. It would have been settled, and we wouldn't even be talking about it today.

Don't you think that's where the problem comes from, finally?

Do you still have confidence in Mr. Sajjan as Minister of Defence?

[*English*]

Ms. Katie Telford: I will absolutely and directly address your question, but I want to start with your skepticism about it being a systemic problem.

I think you've touched on exactly the right thing in your lead-up to that comment, in that this is complicated. There was clearly not someone that this woman, whom we learned about in March 2021, felt was safe or appropriate for her to go in 2018, or whenever it was, when she first approached the ombudsperson—

• (18225)

[Translation]

Mr. Xavier Barsalou-Duval: Thank you.

I understand. I'm not saying there isn't a systemic problem, but there are people in the system, and there are people who make bad decisions. That's why I'm asking you if you still have confidence in Mr. Sajjan as defence minister.

[English]

Ms. Katie Telford: I don't know anybody who is more passionate. There are a few of us who tried perhaps to give him a run for this, but no one is more passionate about inclusion. He stands for not only inclusion but bringing his lived experience to the job—

[Translation]

Mr. Xavier Barsalou-Duval: Thank you, but I have one last question for you, and I don't have much time left.

[English]

Ms. Katie Telford: —and in this instance, he was faced with such an unusual circumstance, and his first step was to seek advice.

[Translation]

Mr. Xavier Barsalou-Duval: I understand that you have confidence in Mr. Sajjan, but I would like to be able to ask my question.

Mr. Yves Robillard: Madam Chair, on a point of order.

[English]

The Chair: All right. Do you have a quick question, Mr. Barsalou-Duval?

[Translation]

Mr. Xavier Barsalou-Duval: Yes, thank you, Madam Chair.

Earlier, Ms. Telford, when I asked you how the Prime Minister reacted when he heard the news when you had a conversation about General Vance this year, you told me that he said, with his hand on his heart, that we need to find a solution to the problem of misconduct in the military.

Did he not ask you for details about the problem?

Did he not ask you why you did not inform him?

Wasn't he angry with you?

[English]

Ms. Katie Telford: I don't believe.... Some of those were your words and not mine.

That said, what the Prime Minister and I did talk about, when we first learned in March 2021 what the complaint was that was brought to the ombudsperson in 2018, was that it added to what.... It's going to inform our path forward. It tells us one more way, because we now know what the complaint was from back then, so it tells us one more way in which we need to tackle the very subject that this committee is looking into.

The Chair: All right. Thank you.

We'll move on to Mr. Garrison, please.

Mr. Randall Garrison: Thank you very much, Madam Chair.

Ms. Telford, I do stand corrected. The same phrase, “Work with senior leaders of the Canadian Armed Forces to establish and maintain a workplace free from harassment”, does appear in the 2015 mandate letter. I just plead small font.

It's clear that none of the letters referred to Madam Deschamps' key recommendations or their implementation. You've mentioned a lot of initiatives that were taken since the Liberals became government, but here's where we are. On April 26 of this year, the Department of National Defence tabled a report in Parliament on Operation Honour's lack of success. It reported 581 reports of sexual assault over the term of Operation Honour, which was about five years, and 221 incidents of sexual harassment were logged in that same period.

We know that these incidents are under-reported. This means that currently, in the Canadian Armed Forces, incidents of sexual assault and sexual harassment are happening at least once every two days. I find the failure to tackle those key recommendations of Madam Deschamps shocking at this point.

What do we say to people serving in the Canadian Forces now? We're going to start another study, and there will be some interim recommendations. This is a crisis, and if this were any other institution, we would have seen far more extensive action by now, including replacing those who failed to deal with this problem.

Ms. Katie Telford: I would correct one bit, which is that there was, I believe—in terms of your suggestion that the recommendations of the Deschamps report weren't followed—some work flowing from the Deschamps report. There absolutely was.

Having said that, not all of it was done, and I think we all know that. I won't get into all of that. More of it needs to be done, and that is what I hope everyone is going to be doing. I certainly commit to working on this and making it a priority in the coming weeks, let alone months.

That's the kind of time frame we should be talking about—weeks and months, even though it is going to ultimately take longer than that for an entire system to change. As has been discussed at this committee, this is a systemic problem. This is not a simple or straightforward problem, as we know from many areas.

You mentioned the data and the numbers that have come out in the report. I have mixed reaction to them. It is always horrifying when you hear that women or men are not safe in their work environment. At the same time, collecting that data and having that data to inform the work going forward is actually a step in the process of moving forward.

Having data—

• (18230)

The Chair: Thanks.

Mr. Garrison, do you have one last quick question, please?

Mr. Randall Garrison: Just quickly, when mandate letters are issued, is there any follow-up later? Does the Prime Minister go back to ministers on issues like this one, on which he said, three times, to work on a harassment-free workplace? Has the Prime Minister gone back to the minister to say, “You clearly haven’t accomplished what I asked you to do here”?”

Ms. Katie Telford: Absolutely, there is follow-up on mandate letters. Actually, there is a unit within the Privy Council Office that was brought in under this government and under the leadership of the former clerk. It’s the results and delivery unit. Part of what they do is keep track of work against these different projects.

The Chair: Thank you.

Mr. Bezan is next, please.

Mr. James Bezan: Thank you, Madam Chair.

Ms. Telford, you decided not to do anything with this complaint. We know that the ombudsman offered evidence to Minister Sajjan. You could have looked at those details. The minister had a chance to take those details and act upon them, but you made the decision not to act.

The defence ombudsman testified here at committee, and he said that these were allegations of sexual misconduct. We know that there were emails going back and forth between the Privy Council Office and political staffers, and they all talked about these as issues of sexual harassment. That is the term they used, so many people knew.

Why didn’t you tell the Prime Minister?

Ms. Katie Telford: First, Madam Chair, I would like to correct the member when he says that I did not do anything. I actually acted immediately upon learning of the existence of a complaint that I knew nothing about. I did not have this complaint in my possession. I didn’t know the nature or the details of this complaint, and yet I acted immediately and I took it very seriously—

Mr. James Bezan: But you must have known something, Ms. Telford. You said—

[*Translation*]

Mr. Yves Robillard: Point of order, Madam Chair.

[*English*]

The Chair: Go ahead, Mr. Robillard.

[*Translation*]

Mr. Yves Robillard: I am tired of not being able to hear Ms. Telford’s answers. As members of Parliament, we have the right to participate fully in this committee, and I wish the opposition members would not take that privilege away from me.

The Chair: Thank you, Mr. Robillard.

[*English*]

We’ll go back to you, Mr. Bezan, please.

Mr. James Bezan: I hope that doesn’t take away from my time, Madam Chair.

The Chair: Yes, it does.

Mr. James Bezan: No, it doesn’t. It’s a point of order. It stops the clock.

Madam Chair, I’ll say this. You know, Ms. Telford says she doesn’t know what was in the evidence, yet she’s already made the decision that this allegation didn’t involve a safety issue. We know from testimony from Elder Marques, who was here, that they spoke. As Ms. Telford earlier said, they spoke many times about this issue. By May 5 there were lots of emails talking about this as sexual harassment.

Again, Ms. Telford, based upon all the evidence that we already have, why didn’t you inform the Prime Minister?

Ms. Katie Telford: Once again, Madam Chair, through you, I would just like to correct the member. I did not make a decision that this was not a safety issue. That was a question that I asked. That was something I wanted assurance about, because it was out of concern; it was that I didn’t know anything else.

Actually, these were the actions that I was taking to try to ensure that a complainant was protected, followed up on, supported in whatever ways I had the ability to find—

Mr. James Bezan: But that never happened.

Ms. Katie Telford: —that did not include my becoming the investigator in this. That would have been entirely inappropriate for political staff or politicians of this government to have started an investigation—

Mr. James Bezan: But we know that there was no investigation.

Mr. Yvan Baker: I have a point of order, Madam Chair.

Mr. James Bezan: Look, if we allow all these points of order—

The Chair: Go ahead.

Mr. James Bezan: —and if we allow the witness—

Mr. Yvan Baker: On a point of order, Madam Chair.

Mr. James Bezan: —to continue to just talk out the clock—

Mr. Yvan Baker: I have a point of order.

The Chair: Go ahead, Mr. Baker.

Mr. Yvan Baker: Mr. Bezan once again is interrupting the witness in her responses to our questions. Ms. Telford is trying to respond. I would ask you to direct Mr. Bezan to allow her to answer so that I can hear her responses, the folks at home can hear the responses, and the interpreters, who are interpreting for us, can do their work.

The Chair: Thank you, Mr. Baker.

We will go back to you, Mr. Bezan.

Mr. James Bezan: Thank you, Madam Chair.

Ms. Telford, how many times a day would you meet with the Prime Minister?

Ms. Katie Telford: It entirely depends on the day.

Mr. James Bezan: How many times would the Privy Council clerk meet with the Prime Minister on issues on a regular type of day?

Ms. Katie Telford: It very much depends on the day. I can tell you that during the pandemic, which we are currently still very much in, every day is different.

• (18235)

Mr. James Bezan: But both the Privy Council Office clerk, as well as you as chief of staff, have unfettered access to the Prime Minister.

There are many times, I suspect, that you talk about national defence issues, including with regard to General Vance. Why, at any one of those points in time, didn't you brief the Prime Minister on these allegations? Whether there's a sexual context or not, there are allegations against the chief of the defence staff. Shouldn't the Prime Minister have known about those allegations?

Ms. Katie Telford: Madam Chair, the member refers to them as plural allegations now, too.

I just want to remind all of you that at the time we were told about a complaint that we knew nothing about, we acted on immediately. We took it seriously because we didn't know what it was about and we wanted to take it seriously. Having learned in March 2021, I think, what it was about, I think it's further evidence as to why it's important to always take these complaints as seriously as you can, and to do as much as you can, which is what we did in March 2018—

Mr. James Bezan: I would think, though—

Ms. Katie Telford: —and unfortunately we couldn't find out any further information at the time.

Mr. James Bezan: I think at that point—

The Chair: All right. Thank you very much.

We go on to Madame Vandenberg, please.

Ms. Anita Vandenberg: Thank you very much, Madam Chair.

Thank you for being here, Ms. Telford.

I have heard the minister and the Prime Minister say on many occasions that while they have taken important steps to address these serious and long-standing challenges, it's clear they haven't done enough, nor have they moved fast enough.

I appreciate those words. I know they're not easy to say, but they are very important to acknowledge. That's how we move forward and that's how we do more.

It is clear that more needs to be done and is being done, but what about time? I'm wondering if you have any thoughts on the speed of that work and how we can make sure that it happens quickly, recognizing the urgency of the situation for so many women and men in the Canadian Armed Forces.

Ms. Katie Telford: Madam Chair, I think we need to move as quickly as we can. I think that's why it's important that as part of the announcements that were made recently, there were multiple steps taken, and there are multiple tracks being worked on to ensure that as much as possible can be done as quickly as possible.

There was the appointment within the armed forces around culture change. There was the appointment of Madam Arbour, outside the armed forces, whose recommendations can be acted on as she

makes the recommendations, and our commitment as a government is to do that. In addition to that, there's the work the committee's doing.

In addition to that, I think we have to continue to be open to what else we can do. It's how I have always tried to operate and how I know this government has always tried to operate. How I got to know some of the members of the armed forces was in their seeing both my passion, I think, and my curiosity at wanting to learn more, and so I had the great privilege of being let in. Obviously I didn't know everything that I'm now learning, but I certainly have learned a lot, and I hope to continue to learn and continue to act on those lessons as I learn them.

Ms. Anita Vandenberg: Thank you, Ms. Telford.

The opposition today, and particularly the Conservatives, have continued to question why you didn't raise this matter with the Prime Minister. What I'm hearing from you quite clearly is that you and Mr. Marques were told by the clerk that the Privy Council Office was the appropriate place for this matter to be looked into further and that it was not up to politicians or their staff to investigate allegations. Further, you were updated on that process and learned that despite PCO's efforts and attempts, the ombudsman had not provided the necessary information for PCO to take the matter any further. From there, it was clear that despite further attempts from your office to see what more could be done, PCO had hit a wall. Despite that, you were concerned. You wanted to ensure the individual who had come forward would be safe in their workplace.

In sum, it was clear that this was a matter for PCO. PCO was unable to get any substantial information from the ombudsman to look into the matter further, and based on the advice you received, there was nothing more that could be done.

Is that a fair interpretation of what we've heard today? Is there anything you'd like to add to that?

Ms. Katie Telford: Madam Chair, that is a fair interpretation. There's only one thing I would add, because often the comparison or contrast is made to what we've been learning and your committee has been learning about what happened with rumours and anonymous emails and things that came forward under the previous government. I think it's really important to notice where they are similar and where they are distinct.

Where they are distinct is that they had content that was still being followed up on the public service side. That was the appropriate place for the follow-up to happen, as officials who have come before you have already said. They had content to follow up on, but we didn't know anything, nor could the public service find out anything that they could follow up on.

• (18240)

Ms. Anita Vandenberg: Thank you so much, Ms. Telford. I can imagine, knowing you, how concerning this would have been for you. I know that your own feelings were not obviously top of mind, and that despite not knowing the nature of the allegation, you still would have had the individual who made it front and centre in your considerations. I know that those also would have been shared by your staff.

Not knowing who the person was or how you could directly reach out and help would have been quite difficult for you. Is that a fair comment?

Ms. Katie Telford: Well, even more than that, Madam Chair, knowing nothing is.... I have been in situations when I have received anonymous complaints, as the previous government did. They received an anonymous complaint. They had a rumour. They had things they could follow up on and figure out how to wrap their minds around. In this case, we didn't have any information other than that all the appropriate steps were taken to try to follow up, to try to do our best to see if there was anything more we could do to support the person involved, to support whatever outcome they were looking for, depending on what the complaint was.

I think all of those steps were taken, but that was the best we could do with what we had, which was very, very little at the time.

The Chair: Thank you.

This is the last round. We don't have enough time to do a full round, so I would suggest that the five-minute questions get cut down to three minutes and that the 2.5-minute questions stay the way they are.

Are we all right with that? Okay.

Madam Alleslev, you have three minutes, please.

Ms. Leona Alleslev: Thank you, Madam Chair.

Ms. Telford, there is multiple email evidence that shows that the Privy Council Office and the Prime Minister's Office staff were using the term "sexual harassment". Who made the decision not to tell the Prime Minister?

Ms. Katie Telford: Madam Chair, I would just clarify two things on this point. One is the testimony that has already been referenced by all of the same people who were involved, and more than the number of people who were involved, in the emails that I believe the member is referring to. None of them, while they thought it was possible it could be a—

Ms. Leona Alleslev: It doesn't say "possible".

Ms. Katie Telford: —a complaint of a sexual nature, they themselves didn't know the nature of the complaint. They have all come here and come on the record and said that.

Ms. Leona Alleslev: But you didn't know the substance, so you also didn't know that it wasn't, and the evidence says the term "sexual harassment".

Who made the decision not to inform the Prime Minister?

Ms. Katie Telford: Madam Chair, I know I am repeating myself here, but the member is alleging something that is not the case.

What everyone has said who has come before committee, and what I can—

Ms. Leona Alleslev: That's not the case. That's not the case—

Ms. Katie Telford: I will only speak about myself—

Ms. Leona Alleslev: —that the email evidence—

Mr. Sven Spengemann: I have a point of order, Madam Chair.

The Chair: Go ahead, Mr. Spengemann.

Mr. Sven Spengemann: I'm just going to repeat the same point that I made previously. I'm sure my colleague listened to it. It's impossible for interpretation to follow an exchange when a member talks over top of a witness.

The Chair: Thank you, Mr. Spengemann.

Go ahead, Madam Alleslev.

Ms. Leona Alleslev: Ms. Telford, what made you think you had the authority to decide not to tell the Prime Minister about these serious allegations against the chief of the defence staff?

Ms. Katie Telford: I believe, Madam Chair, the member is now asking what my responsibility in this is. I can tell you that my responsibility, I believed, was to respond to the request coming from the minister.

As I said earlier in this committee, while this request was a particularly unusual one that I was concerned about, a request often comes in from chiefs of staff and ministers for advice on how they should react in this circumstance or what next steps they should take—

Ms. Leona Alleslev: Ms. Telford—

Ms. Katie Telford: —or what our point of view is, and—

Ms. Leona Alleslev: Ms. Telford—

Ms. Katie Telford: —that is the advice that I made sure to get him from the appropriate people in place.

Ms. Leona Alleslev: Ms. Telford, there is email evidence saying it was sexual harassment in nature. Who made the decision not to tell the Prime Minister?

Ms. Katie Telford: Madam Chair, the member is referring to emails between people who I believe have spoken before this committee. Those same individuals have said that they didn't have any details or any knowledge of the substance of this complaint.

• (18245)

Ms. Leona Alleslev: And yet—

The Chair: Thank you.

We'll go on to Mr. Baker, please.

Mr. Yvan Baker: Thank you very much, Madam Chair.

Thank you very much, Ms. Telford, for being with us today.

I want to thank you for being here today, and I want to express my sincere disappointment in the Conservative members of this committee and their caucus and their House for their extreme partisanship. Not only that, but they know that the Conservative government, and Mr. O'Toole himself, followed the exact same—

Mr. James Bezan: I have a point of order, Madam Chair.

The Chair: Go ahead, Mr. Bezan.

Mr. James Bezan: I don't think it's appropriate that Mr. Baker uses his time to attack other members of this committee, especially after they filibustered—

Mr. Sven Spengemann: It's debate, Madam Chair. It's not a point of order.

The Chair: Mr. Bezan—

Mr. James Bezan: It's very much a point of order, because he's besmirching our reputation—

The Chair: Stop, Mr. Bezan.

Mr. James Bezan: —and it's irresponsible.

I'd also say at the same time that the Liberals have been using their time to—

The Chair: Mr. Bezan—

Ms. Anita Vandenberg: Madam Chair—

The Chair: Mr. Bezan, please.

We'll go back to Mr. Baker, please.

Mr. Yvan Baker: I'm disappointed to hear that from Mr. Bezan, who has spent the entire time on this committee focusing his time on criticizing others instead of addressing the issue of sexual harassment and assault in the Canadian military.

I want to express my disappointment with the Conservative members of this committee and their caucus in the House for their extreme partisanship, and it's not only that: They know that the Conservative government, and Mr. O'Toole himself, followed the exact same process, except that the Conservative government actually appointed General Vance while an active investigation into his conduct was under way. I think that's really important to highlight here.

Ms. Telford, to wrap it up, you took on a great deal of responsibility when you stepped into the role of chief of staff to the Prime Minister. I don't think you imagined you'd get the kind of attention that you have in recent days. I know you and I know your values. I imagine they are likely why you have decided to come here today to speak to the issues at hand and to help this committee in its work.

Ultimately, I believe it's our committee's responsibility to find a way forward. I believe we on this committee have an opportunity to provide recommendations so that every woman and man who decides to serve Canadians in the armed forces has the support they need and can come forward with the confidence that any allegation of sexual misconduct will be taken seriously.

As you know, it's no small task. I know Madam Arbour will play a key role, and her recommendations will be critical. I also believe our committee has the opportunity to make a difference.

Would you care to comment on that at all or share your thoughts?

Ms. Katie Telford: I have a couple of quick thoughts, realizing the time.

I would start by saying that his has been an extraordinarily difficult week in an extraordinarily difficult time already. I appreciate what Parliament decided in their vote on Wednesday.

I was pleased to come here. What has motivated me through this week has been focusing on an issue that I am incredibly passionate about and that I feel extremely strongly about. I do know that all of you do too. I know that Parliament does. I know that if we can all put our collective minds together, we can truly make the change happen that the women and men in our Canadian Armed Forces, and some of you here who have served in the Canadian Armed Forces, all deserve to see happen. That is what we need to stay focused on. We need to stay focused on that before almost anything else and certainly before partisanship. I think that has been the most disappointing thing that I have experienced this week as someone who, since I was a little girl, has revered that place up on the Hill from where I am now.

I really hope we can all focus on what this committee is studying right now, which is sexual misconduct and how we address it in the armed forces.

Mr. Yvan Baker: Thank you very much.

The Chair: Thank you.

[*Translation*]

Mr. Barsalou-Duval, you have the floor.

Mr. Xavier Barsalou-Duval: Thank you, Madam Chair.

Ms. Telford, you have said throughout the meeting that you were not aware of the details of the sexual misconduct allegations against General Vance. However, I think it's well established now that the reason you didn't have those details is because there is a Minister of Defence in the person of Mr. Sajjan who never wanted to see those details. Unfortunately, this is the same defence minister who did not implement the recommendations of the Deschamps report.

Don't you find that, at the end of the day, if the minister had done the right thing, we wouldn't be in this situation today?

Don't you think that, in some ways, your government ends up bearing the brunt of the loss of trust related to the treatment of women in the military?

• (18250)

[*English*]

Ms. Katie Telford: Let me try to work backwards through that, Madam Chair.

As I said in my opening statement, and as the member and I have discussed over the course of this committee hearing, this is a systemic problem or challenge for us all that dates back, unfortunately, to long before our government came to power. It is one that our government, as I established with one of the other members, has been trying to tackle since we first got into government, although, as we also have already established, much more needs to be done, and much more quickly.

To your point around Minister Sajjan, if I can address that, he was faced with this unusual circumstance, and his first instinct was to seek advice. The advice that we got from the appropriate officials was to redirect the ombudsperson to the Privy Council Office. I don't what else could have been done.

[*Translation*]

Mr. Xavier Barsalou-Duval: Thank you.

Ms. Telford, you reiterate that this is a systemic problem. I agree that there is a systemic problem, but the people who are part of the system make decisions. Your government, a Liberal government, had six years to implement the recommendations of the Deschamps report, and nothing was done.

Isn't this a statement of failure? Don't you also, in a way, bear the blame for this dysfunctional system?

[*English*]

Ms. Katie Telford: Madam Chair, as I think I already established with some of the other members of the committee, a lot actually was done in the last five years. There were a lot of steps taken right across the government, not only as it relates to the Canadian Armed Forces but specifically also as it relates to the Canadian Armed Forces and specifically related to the Deschamps report. As I already said and as this committee already knows, obviously not all of it was implemented, and more steps need to be taken as quickly as possible now.

The Chair: All right. Thank you very much.

We'll go on to Mr. Garrison, please.

Mr. Randall Garrison: Thank you very much, Madam Chair.

I think it's now clear what we've learned at committee—that is, that there was an accusation of sexual misconduct against General Vance, that there was no investigation, and that there were no consequences for him as a result of that.

We've also heard a lot about what happened in the intervening time to try to tackle sexual misconduct in the military. It's clear that those measures were ineffective, and it may have something to do with the fact that the person in charge had an obvious conflict of interest, because we now know he has been subject to multiple allegations of sexual misconduct.

We have a ministerial system of government here, but no one has taken responsibility either for the failure to investigate General Vance and leaving him in office or for the general failure to make progress on sexual misconduct in the military.

Therefore, my question really is, how can we make progress? How can we go forward? How can we give confidence to those who are serving in the military now that sexual misconduct will be taken seriously, if there have been no consequences for the senior military leaders and no minister has ever taken responsibility?

Ms. Katie Telford: I'm going to work forward through your comments there.

I just want to clarify that at the beginning of your comments, you said it has been established that it was a sexual allegation. I just want to be clear that what the complaint was and everything about

it was established when there was public reporting in March of 2021. Some of the other things you said, therefore, were not reflective of things we could act on between 2018 and 2021.

In terms of accountability, I hope that I and the many others who have come before this committee are a form of accountability. I hope that the women and men of the armed forces who may be watching this see the commitment from me and my colleagues, and from all of you, on the actions we're going to take. I believe Parliament has very much been holding us to account and that the women and men of the armed forces also have the capacity to do that through the systems that are being put in place now.

Mr. Randall Garrison: Ms. Telford, I thank you again for being at the committee and for your willingness to show up today. I look forward to seeing the signs from this government that this is being treated on an urgent basis so that women, members of the LGBTQ community and racialized Canadians can all feel that the Canadian Forces is a place they can serve with pride and serve equally.

I thank you for being here today. I'll conclude my questions there.

Ms. Katie Telford: Thank you.

• (18255)

The Chair: All right. Thank you very much.

We'll go on to the last questioner.

[*Translation*]

Mr. Paul-Hus, you have the floor.

Mr. Pierre Paul-Hus: Thank you, Madam Chair.

Ms. Telford, I would like to get a final confirmation. You tell us that you were unaware of the sexual harassment allegations against Jonathan Vance in March 2018. Yet, an internal email from the Privy Council Office confirms that a response was sent to Minister Sajjan's office to indicate that there had been allegations of sexual harassment.

You are the chief of staff, and no one told you that these were allegations of sexual harassment in March 2018, yet the correspondence from the Privy Council Office confirms this.

Is that right or wrong?

[*English*]

Ms. Katie Telford: As I believe you just said, that is an email from the Privy Council Office or within the Privy Council Office. You've had members from the Privy Council Office, including the two top officials involved there, come before your committee and confirm to you that they did not know what the nature or the details of the complaint were. We did operate from the beginning, though. We acted quickly and immediately, knowing that was a possibility, and—

[*Translation*]

Mr. Pierre Paul-Hus: Ms. Telford—

[*English*]

Ms. Katie Telford: Yes?

[*Translation*]

Mr. Pierre Paul-Hus: Ms. Telford, I have in my possession an email from Janine Sherman dated March 2, 2018, which was sent at 5:09 p.m. This email was sent on a Friday at 5:00 p.m., as is often the case in such situations.

This email offers a response, and it mentions that this is a very sensitive case and should be kept confidential. It confirms that these are allegations of sexual harassment. It does not refer to misconduct, but harassment. The email is here and if you don't have it, I can send it to you.

Despite this evidence that could not be more tangible, you confirm that you did not know in March 2018 that a sexual harassment complaint had been filed against Jonathan Vance. Is this correct?

[*English*]

Ms. Katie Telford: Madam Chair, I can tell you what I know, or what I knew, as I have tried to do over the course of this committee.

What I knew at the time is obviously different from what I know now, and it's different now because of public reporting. At the time, I knew that there was a complaint. I knew there was just the possibility that it could be this, because I didn't know any details about the complaint.

[*Translation*]

Mr. Pierre Paul-Hus: You didn't know the details, obviously, but you knew it was a sexual harassment complaint, because the Privy Council Office knew. Correct?

[*English*]

Ms. Katie Telford: Madam Chair, as I've said—my apologies if I didn't repeat myself the same way as I did every other time over the course of the committee—I didn't know the nature of the complaint. I did not know the substance of the complaint. I did not know the details of the complaint. I didn't have any... I didn't know where the complaint came from. I didn't know why it went to the ombudsperson or why the ombudsperson raised it with the minister. I knew very, very little, Madam Chair.

[*Translation*]

Mr. Pierre Paul-Hus: All right.

However, Michael Wernick knew this because he was the Clerk of the Privy Council Office. In addition, Ms. Sherman worked for Mr. Wernick. Is that correct?

[*English*]

The Chair: Thank you. The time is up.

Madam Vandenberg, you have two minutes remaining. Go ahead.

Ms. Anita Vandenberg: Thank you, Madam Chair.

I want to thank Ms. Telford for being here.

From one feminist to another, your commitment to giving women agency and to ensuring they are heard and listened to is something I've personally seen, particularly in the first three years of our first mandate, when I was the chair of the women's caucus. You have always provided the full support of your office to what women are saying.

I would like you to comment, in the last minute that we have, about what that means to you—what feminism means—and your own reflections on what has happened here.

Ms. Katie Telford: Those are big questions, but I will try to be very brief, knowing the time.

For me, it means, in all different forms, us trying to achieve gender equality, whether it be in the economic, social or security fields. It is why we've had meetings across all of those different areas, inside and outside the public service, to see what we could do to provide greater support to increasing the number of women in all of these different fields, including in the security and intelligence areas, and also how to make sure that when they do sign up, when they do put their hands up, they are provided the supports that they need and deserve, so that they can remain, so that they can be empowered, so that they can be promoted, so that another woman can walk in the door behind me.

It's a lot, but it's something that I believe reaches far beyond partisanship, and it's something that we can all work towards. It should be a really important objective for us all.

● (18300)

The Chair: All right.

Thank you very much, Ms. Telford, for those inspirational final words.

You have our gratitude for the time that you spent with us today, and we wish you very well. Take good care.

Ms. Katie Telford: Thank you, Madam Chair.

Thank you, everyone.

The Chair: All right. Are we good to adjourn, people? It is three o'clock.

Some hon. members: Agreed.

The Chair: The meeting is adjourned.

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