



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

44th PARLIAMENT, 1st SESSION

Standing Committee on Access to Information, Privacy and Ethics

EVIDENCE

NUMBER 098

Wednesday, January 17, 2024

Chair: Mr. John Brassard



Standing Committee on Access to Information, Privacy and Ethics

Wednesday, January 17, 2024

• (1035)

[English]

The Chair (Mr. John Brassard (Barrie—Innisfil, CPC)): Good morning, everyone. I apologize for the delay.

I call this meeting to order.

[Translation]

Welcome to meeting number 98 of the House of Commons Standing Committee on Access to Information, Privacy and Ethics.

Today's meeting is taking place in a hybrid format, pursuant to the Standing Orders of the House. Members are attending in person in the room and remotely using the Zoom application.

[English]

Pursuant to Standing Order 106(4), the committee is meeting, at the request of four members, to discuss the request to undertake a study of the Prime Minister's vacation to Jamaica.

I would like to remind all members to not put their earpieces next to the microphones, as it causes feedback and potential injury. That being said, the floor is open.

Mr. Barrett, go ahead, please.

Mr. Michael Barrett (Leeds—Grenville—Thousand Islands and Rideau Lakes, CPC): Thanks very much, Mr. Chair. Good morning to you and colleagues.

I hope everyone had a restful time with family and was able to catch up with and connect with their communities.

It was a challenging Christmas for many Canadians. We saw record food bank use and, of course, people facing challenges with their home heating bills. I just want to quickly go over a couple of headlines, and then I have a motion that I would like to put forward to the committee.

Some of the headlines we saw over this Christmas were “High prices, tight budgets have Canadians trimming how they'll celebrate this Christmas”, “Montreal soup kitchen may have to stop feeding homeless for first time since 1877”, “‘All I’m doing...is working and paying bills.’ Why some are leaving Canada for more affordable countries” and “The rising cost of living means this mom of 3 goes hungry so her kids can eat”. It has been a challenging time for many people, and it's heartbreaking to see the struggles that our fellow Canadians are going through.

Here are two more headlines: “Trudeau's office won't answer questions on \$84,000 vacation” and “Trudeau given free stay

at \$9,300-a-night luxury Jamaican villa over Christmas holidays”. This is, of course, what brings us here, and those numbers are staggering. We have an \$84,000 vacation when the median Canadian household income is about \$70,000.

The problem begins with the first explanation the Prime Minister's Office gave about this vacation. This isn't a question about a prime minister being deserving of a vacation or anyone being deserving of a vacation. If they're able to afford it and they have the time and their health, it's wonderful that they're able to do that.

The problem is that the first answer the Prime Minister's Office gave to Canadians about this was the Prime Minister was paying for the vacation. It wasn't until the media followed up, learned about the cost of the destination and asked who was paying for it.... The answer was that, in fact, the Prime Minister was not paying for this vacation.

We started with the Prime Minister saying he was paying for it, and then saying it was being gifted to him.

That's a remarkable gift: \$84,000. The question of whether or not a prime minister should be accepting gifts worth \$84,000 is one that, perhaps, an eventual study at this committee could consider—whether it's ever appropriate.

The story changed again and the Prime Minister offered a third version of events, saying he was staying with friends at their place and he wasn't paying for it. We know that the Prime Minister's Office said the Conflict of Interest and Ethics Commissioner cleared the vacation.

The Ethics Commissioner has since said that's not a function they provide. They don't pre-clear vacations. The Ethics Commissioner cannot release the correspondence between the Prime Minister and his office without the authority, an instruction or a production order to do so. That can be resolved by the Prime Minister furnishing Parliament and Canadians with that correspondence and releasing it, demonstrating that the third story we got from the Prime Minister was, in fact, the same story he gave the Ethics Commissioner.

The question is this: Was the Ethics Commissioner deceived or misled in any way? We need to get to the bottom of that.

The best way to do that would be to have the Conflict of Interest and Ethics Commissioner come to this committee. We could look at a number of things, but the precision of what we need to accomplish.... The reason we're here is to deal with this specific event and this \$84,000 gift. It happened to take the form of a vacation.

That's why I have the following motion to move. I have it in both official languages. The clerk should have received a copy of it.

• (1040)

Very simply, Chair, I move:

That the Interim Conflict of Interest and Ethics Commissioner appear at the earliest opportunity regarding the Prime Minister's vacation to Jamaica.

The Chair: Thank you, Mr. Barrett.

The motion has been moved. The clerk has advised me that she has sent it to the members of the committee in both official languages.

I suspect, Mr. Barrett, just for clarity, that's for one meeting. Is that correct? It's just for one meeting.

Mr. Michael Barrett: Yes.

The Chair: Okay.

The motion has been moved. I have Mr. Brock, followed by Ms. Khalid and then Ms. Damoff after that.

Go ahead, Mr. Brock.

Mr. Larry Brock (Brantford—Brant, CPC): Thank you, Mr. Chair.

I'd like to start at the outset by wishing all my colleagues a happy new year. I hope everyone had an enjoyable, relaxing time away from the Hill. A few of us are unfortunately back earlier than we anticipated, but this is an important issue—and not only for parliamentarians. It's an important issue for Canadians.

As my colleague Mr. Barrett indicated, 2024 has not started off on a new footing. It's essentially the same sort of issue that Canadians were dealing with in 2023 and 2022, and that's the issue of affordability. Personally, I know that many members of my constituency wrote to me and expressed their astonishment at how tone deaf this Prime Minister and this Liberal government were, in light of all of the issues that Canadians are facing, that they would find it appropriate that he accept an \$84,000 gift for an extremely extravagant holiday in Jamaica.

I think we are all of the same belief—and I believe all Canadians are of the same belief, Mr. Chair—that the Prime Minister is indeed worthy of a vacation. He is indeed worthy of spending quality time with his family. He was born of privilege. He maintains a lifestyle of privilege. It's no shock to anyone here at this committee or in the House or across Canada that he is well connected in terms of friends and other associates around the world, and he probably enjoys staying at locations that offer some of the finer things in life.

As a starting point, we don't begrudge that. What we do begrudge is how a particular issue such as this has blown up to such an extent that it now has the makings of a scandal. This was really a non-issue from the get-go. If the Prime Minister and his office were completely transparent as to who sourced this particular vacation,

how it was communicated to the Prime Minister and all the terms associated with his accepting the offer to stay at this luxurious villa, and had he been up front with Parliament—had he been up front with Canadians—right from the outset, I don't think we'd be here today, but the Prime Minister and his office have compounded this particular issue such that we, as parliamentarians, are here asking for clarification.

As you know, Mr. Chair, this isn't a one-off. This is a pattern of conduct with this Prime Minister and his office to mislead Canadians. Setting aside the controversy surrounding his trip to the Aga Khan's island and how he was found guilty of breaching the ethics guidelines, he promised Canadians, in the House, that he would do better, that he would communicate in advance with the Conflict of Interest and Ethics Commissioner and be up front, because the hallmark of the Trudeau brand, the hallmark of the Trudeau government, is transparency. That's what he promised Canadians during the 2015 general election. He said that if voted for him, you would have the most open, transparent and accountable government this country has ever seen.

Has that happened, Mr. Chair? Absolutely not. I really don't know if anyone on the Liberal bench—and certainly the Prime Minister—even understands the definition of transparency.

Most recently, the government shuffled some positions. One of the shuffled positions was that of the House leader, the government House leader who is now occupying that position, by the name of Steve MacKinnon. Steve MacKinnon was asked by the press with respect to this vacation. He indicated as follows: "The Prime Minister followed all the rules and, in fact, got his travel plans pre-approved by the commissioner." We know that's a lie. It's misleading. It was deliberate.

• (1045)

It was intentional on Mr. MacKinnon's part to mislead Canadians, because now we know that the Office of the Conflict of Interest and Ethics Commissioner does not pre-approve and give permission to vacation. The issue is whether or not the form of a gift qualifies as an acceptable one under the act.

Steve MacKinnon, the government House leader, went on in a different interview to say as follows:

"I think Canadians don't want to deny the prime minister the ability to take a Christmas vacation with his family, and that's what he did," MacKinnon told reporters last week. "All of the rules have been followed, and the law has—as one of its fundamental pillars—transparency, which is of course the reason why we're discussing this today. The prime minister has acted transparently."

Are we to accept the House leader's word for that? I think that would be negligent. I don't think we would be doing our job as His Majesty's loyal opposition to accept that at face value in light of the fact that the office has since rebutted the position taken by the Prime Minister and his office that this was pre-approved.

There's a lot of smoke here, Mr. Chair, and I'm sure there is a fire burning. We need to find out its source. As I indicated, this is not a one-off. It is a series of missteps by this government. I talked about the Aga Khan vacation. We then had the dress-up clown show in India.

We then had the issue surrounding the very first Truth and Reconciliation Day. Again, one of the hallmarks of the Trudeau brand and our Prime Minister in the 2015 election was his pronouncement that no other relationship was more important to Canada than its relationship with indigenous Canadians. He created the very first Truth and Reconciliation Day after the discovery of the unmarked graves in Kamloops. This was an important milestone in the history of this country and an effort to broker reconciliation between non-indigenous and indigenous alike.

What did the Prime Minister do? The Prime Minister instructed his office to lie to Canadians to say that he was in Canada engaging in private meetings, when in fact some sleuths in the Canadian public were able to track his flight and realized that he wasn't in Ottawa. He was en route to B.C. to take a surfing vacation on a day—

• (1050)

Ms. Pam Damoff (Oakville North—Burlington, Lib.): I have a point of order, Chair.

The Chair: Go ahead, Ms. Damoff, on your point of order as it relates to the Standing Orders. I'd just like some clarification on that, if you don't mind.

Ms. Pam Damoff: Yes. Twice now the member has said that the Prime Minister lied. I think we all know that this is not allowed under parliamentary rules. I just wondered, Chair, if you could remind the honourable member that he can't say the Prime Minister lied.

Thank you.

The Chair: Thank you, Ms. Damoff.

I would ask Mr. Brock to be a little bit more judicious with his words.

Thank you.

Mr. Larry Brock: The Prime Minister was deceitful to Canadians, Mr. Chair. Instead of telling the truth, he said he was in Ottawa engaged in private meetings, when in fact he furthered his own selfish private interests by taking a surfing vacation on the very first day that he created. It was embarrassing. It was shameful. It was an event that should not have happened.

Again, these are things that I wanted to bring to the attention of this committee, that this Jamaican Christmas vacation now is not a one-off. It displays a pattern of miscommunication and deceit by the Prime Minister's Office, giving three different versions of the truth as to what they communicated to the Conflict of Interest and Ethics Commissioner. We as parliamentarians, but more importantly Canadians from coast to coast to coast, need some daylight shed on this issue.

For all those reasons, I support my colleague's motion.

The Chair: Thank you, Mr. Brock.

On the motion, I do have a list. I have Ms. Khalid, followed by Ms. Damoff.

[*Translation*]

Then it will be Mr. Gourde's turn, followed by Ms. Fortier.

[*English*]

Ms. Khalid, go ahead. You have the floor on the motion.

Ms. Iqra Khalid (Mississauga—Erin Mills, Lib.): Thank you very much, Mr. Chair.

On the motion, I think it's important for us to understand the context of it, so if it's okay with you, and through you, Mr. Chair, I'd like to ask Mr. Barrett about this. I know that he has written a letter to the Conflict of Interest and Ethics Commissioner. I'm just wondering if he got a response and what that response was.

If that's okay, Chair, once I get the answer from Mr. Barrett I'd like to take the floor back.

The Chair: Mr. Barrett, do you have a response for Ms. Khalid or not?

Mr. Michael Barrett: I'd say that the most relevant point from the commissioner's response was that he's not able to share correspondence—if there was any—between the Prime Minister's Office and his office.

Hearing from the Ethics Commissioner and then being able to make a decision as a committee on whether we are going to have documents produced and whether we are going to have a review of the act are all things that we can do, but they are not things the commissioner can do proactively.

• (1055)

The Chair: Thank you.

Go ahead, Ms. Khalid. You have the floor.

Ms. Iqra Khalid: Thank you very much for that, Mr. Chair.

I'm quite perplexed, actually. We give the Conflict of Interest and Ethics Commissioner the ability and the privilege to look into the affairs of and consult with each member of Parliament and each elected official to help and guide us in how we conduct our affairs in the most ethical and transparent manner.

Since Mr. Barrett wrote to the Ethics Commissioner on this specific issue, it would be nice to see—because this matter is now before the committee—what the actual response was. I would love for Mr. Barrett to share with the whole committee how the Ethics Commissioner responded to him on these questions that we are all deliberating on right now during this emergency 106(4) meeting.

I'm hoping that Mr. Barrett, of his own accord, will share and forward—whether it's through the clerk or to all of our committee members—what the exact response was. It calls into question how we conduct ourselves as members of Parliament, the importance of the transparency with which we operate and the importance of making sure that there is trust in democratic institutions.

Over these past couple of days, I've delved into this question of what the difference is between taking a vacation with a family friend—having consulted with the Ethics Commissioner or let them know you're about to do this—and then paying back the cost of the flights for it versus going on a trip with a Hungarian think tank to the United Kingdom and having thousands of dollars' worth of fine food.

Where is that line? How do we really understand and appreciate what our role as members of Parliament is and what the role of the Conflict of Interest Act is?

Whether it's important or not to members of the opposition, I think this is an important question for us to expand on to understand the nature of this study. It's important to understand and appreciate that this is not just about one person; this is about an institution. It is about how we conduct ourselves and how we ensure that transparency and the obligation to Canadians exist in how we operate as members of Parliament, given that we are in a place of privilege where we have the opportunity to make policy and advocate on certain issues and what influences those issues.

I wonder if a Hungarian think tank would like to influence how we operate here in Parliament, and whether a steak would influence what the Conservatives wanted to advocate for. Perhaps this matter requires a deep understanding of how the Conflict of Interest Act really operates within our Parliament, how we can ensure that transparency exists and that we continue to maintain trust in our democratic institutions, and how we conduct ourselves as members of Parliament.

As I continue to opine on this, Mr. Chair, Mr. Brock referred to the House leader and the new House leader. I want to wish the former House leader, Karina Gould, a very blessed maternity leave as she goes on to have a baby and really reconnect with her own family, and Mr. MacKinnon takes on her role in an acting capacity as she builds her family.

Thank you, Mr. Chair.

The Chair: Thank you, Ms. Khalid.

Next, we're going to Ms. Damoff on the motion.

You have the floor. Go ahead, please.

Ms. Pam Damoff: Thank you so much, Chair.

Colleagues, it's nice to see you. I'm wishing you all the best for the new year.

When Mr. Barrett began the introduction to his motion, he talked about affordability. You know, that's a concern Canadians have. There's absolutely no doubt about that. That's why as a government we have brought in reduced child care fees. If you think that isn't helping families, I know that for my own family, the reduction of fees by half here in Ontario has made a huge difference. That's not

just for my family but also for families all across the country. In fact, yesterday I was at the YWCA in Hamilton to see their child care centre and to talk to the staff about people who have been living in poverty who are now able to access child care.

When it comes to housing, the opposition always neglects to mention that the Leader of the Opposition lives in government-subsidized housing and then goes out and talks about how we're not doing anything. Monday I was in Burlington, Ontario, to announce \$21 million for the City of Burlington to accelerate housing in that city. Last month in my riding, we announced \$55 million for apartments. There are low-interest loans for developers to be able to build rental units in Oakville. Affordability is an issue. We acknowledge that, and that's why we are working towards that.

One of the things Mr. Barrett and Mr. Brock talked about was the Conflict of Interest and Ethics Commissioner. Mr. Barrett said that, in his response, the commissioner said they wouldn't be releasing any documents, and rightly so. As members of Parliament, we all expect that when we speak to the Ethics Commissioner, that information will be held confidential. There's an expectation that when we have those conversations, when we lay out something that we want an opinion on, that's not going to be made public. In fact, if that were to change and those documents were to be made public, quite frankly no one would consult with the commissioner, because there would be a fear that privileged, private and other information could be made public in the future.

That's a fundamental aspect of that office. In fact, as a parliamentary secretary, I have to file a report with the Ethics Commissioner annually. There's no way that it would be appropriate for those kinds of documents to be made public, nor would it be appropriate, anytime any MP or the Prime Minister consulted with that office, that those conversations would be made public. There's an expectation that they will be private.

That's critically important for us to remember. The Prime Minister did communicate with the office before his trip this Christmas. Rightly so, the office has said that it can't share that information.

Mr. Chair, I know that others want to speak to this motion, so I will leave it there for now. Thank you.

• (1100)

The Chair: Thank you, Ms. Damoff.

[*Translation*]

Mr. Gourde, you have the floor.

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

Good morning to all my House of Commons colleagues.

I was one of the people who signed the letter requesting a meeting to plan a parliamentary investigation into the Prime Minister's vacation. Before the holidays, I was surprised to learn through the media that he stayed in a \$9,300-a-night villa—

[English]

Mr. John Aldag (Cloverdale—Langley City, Lib.): On a point of order, Mr. Chair, I'm not getting the translation despite having chosen English on Zoom. I'm just wondering if we could have that looked into and corrected before we proceed.

Thank you.

[Translation]

The Chair: Mr. Gourde, can you say a few words for the interpreters?

Mr. Jacques Gourde: Yes, no problem.

I will start over and focus on the part that I feel is really important, which is the concerns raised in the media before the holidays—

The Chair: Thank you, Mr. Gourde.

[English]

Mr. Aldag, my understanding is that it's working. I'm not sure.... You said you were on English, but can you just double-check that for us, please?

• (1105)

Mr. John Aldag: Yes, I'm on English, and I'm not hearing the interpretation. There was something very brief in the background. It's like it's picking up another microphone, but it is the floor audio that I'm hearing despite being on English here.

The Chair: Our indication in the room is that the interpretation is working. I'm not sure what the problem is on your end, but what we can do is maybe get a technician to give Mr.—

Mr. John Aldag: If they would like to give me a call, I'll just go back on mute and we'll sort it out.

It's an important conversation, and I want to make sure that I'm fully following it. My French is a work-in-progress. I just want to make sure that we're plugged in.

The Chair: Yes. I want to make sure that you're following it, as well, Mr. Aldag.

[Translation]

I apologize, Mr. Gourde.

We will suspend the meeting for a few moments while we correct Mr. Aldag's issue.

Mr. Jacques Gourde: No problem.

The Chair: It will only take a minute. Thank you.

• (1105)

_____ (Pause) _____

• (1115)

[English]

The Chair: We are back. We believe we have the technical issue with the interpretation fixed.

[Translation]

We will now resume the discussion.

Mr. Gourde, you have the floor on the motion.

Mr. Jacques Gourde: Thank you very much, Mr. Chair.

I will come back to the motion and the concerns I had about the Prime Minister's trip when, before the holiday season, I learned through the media that one night at that luxury villa in Jamaica cost \$9,300 and that the Prime Minister would be staying there for eight nights in a row. In total, this represents a cost of \$84,000. However, as we know very well, the median family income in Canada is about \$70,000 a year. So this trip represents a lot of money, in our opinion.

Then there's something else that I found worrisome.

Just before Christmas, on December 22, the Prime Minister's Office sent out a message that the Prime Minister's family was willing to pay for this trip. That implied that there was a way to remedy the situation.

Over the holidays, Canadians no doubt talked about the Prime Minister's trip. Some defended the Prime Minister by saying that he was going to pay for his trip after all.

Right after the holidays, another message from the Prime Minister's Office informed us that he and his family would not be paying for their trip because the luxury villa they stayed at belonged to friends. The villa is no doubt rented out to others, so that's probably how the media found out what the cost per night was. However, according to the Conflict of Interest and Ethics Commissioner, we're not allowed to receive gifts of that kind. Even if it's free, the value of the gift must be determined. In this case, it's well above the maximum value permitted for a gift, which is \$40.

After January 4, another message from the Prime Minister's Office, dated January 10, implied that the Prime Minister's family had stayed at a friend's principal residence.

So we see the messages changing. It's as if they are trying to exonerate themselves and get out of their conflict of interest and ethics obligations. The new Leader of the Government in the House of Commons puts the blame on the Conflict of Interest and Ethics Commissioner, who apparently approved the Prime Minister's trip. However, the commissioner seems to be saying that it's not his job to approve or not approve such a trip.

Put all those events together, and our impression is that the Prime Minister is taking Canadians for a ride, if you will pardon the travel pun. That's the situation we're in. This isn't the first time the Prime Minister has run into trouble with respect to his travels during the holiday season.

We don't want to stop the Prime Minister from taking a vacation; he probably needs a vacation, just like everyone else. However, when vacations come as gifts of this magnitude, many things can be suspected.

I will therefore support my colleague Mr. Barrett's motion. It's important that the committee hear from the commissioner so he can make some clarifications. Did he or didn't he sign off on it? Can he or can't he authorize something like this? It would also be interesting to find out how the conversation went between the two parties. We can't shirk our legal responsibilities by putting the blame on the Conflict of Interest and Ethics Commissioner.

It's important that we pass this motion. I hope that all my colleagues on the committee will support it and help us keep moving in that direction. I'd like to thank them in advance.

• (1120)

The Chair: Thank you, Mr. Gourde.

We will continue the debate on the motion. Next up is Ms. Fortier.

Hon. Mona Fortier (Ottawa—Vanier, Lib.): Thank you, Mr. Chair.

I, too, would like to wish everyone a happy new year and a productive year ahead. I know that we have our work cut out for us on the Standing Committee on Access to Information, Privacy and Ethics. I'm eager to begin the studies we decided on before the holidays, but for the time being, we're discussing the subject raised this morning.

It's important that we take the opportunity Mr. Barrett's motion provides to ask the commissioner to come and explain to us the rules governing travel in the Conflict of Interest Act. As my colleague Ms. Khalid pointed out, this is a democratic institution, so we need to make sure we're following the rules.

It's also important to note that the Prime Minister was travelling with a friend. It wasn't a trip with a Hungarian think tank, for example, as my colleague mentioned earlier. I think the commissioner would have a lot to say about some other members choosing to take a trip with a Hungarian think tank. However, we're talking about a trip with a friend. So I think my colleagues have clearly understood the explanations provided.

Mr. Barrett's motion asks that we hear from the Conflict of Interest and Ethics Commissioner for one meeting, if I understood correctly. More specifically, it would be to ask him questions about the travel rules set out in the Conflict of Interest Act, in order to better understand the situation. In my opinion, that would be the most useful thing for the committee.

I'd therefore like to move an amendment, so that the motion requests that the interim Conflict of Interest and Ethics Commissioner appear for one meeting regarding the travel rules set out in the Conflict of Interest Act.

The Chair: Could you say the amendment again, please?

Hon. Mona Fortier: Would you prefer that I say it in French or in English?

The Chair: Say it again in French, if you like.

Hon. Mona Fortier: Okay.

I move that the interim Conflict of Interest and Ethics Commissioner appear for one meeting regarding the travel rules set out in the Conflict of Interest Act.

The Chair: Thank you, Ms. Fortier.

Give me a moment to consult with the clerk on your proposed amendment.

• (1125)

[English]

Madame Fortier, this is where I need clarification. The amendment itself is not clear. Are you asking for an additional meeting for the Conflict of Interest and Ethics Commissioner to come in and discuss this issue, or are you amending it to replace what Mr. Barrett has presented?

[Translation]

Hon. Mona Fortier: The purpose of the amendment is to clarify the reason why we would call the commissioner to appear, which is to discuss the travel rules set out in the Conflict of Interest Act. So we would remove the part about the trip to Jamaica. The amendment also seeks to specify that it would be for one meeting, since that was not in Mr. Barrett's motion.

[English]

The Chair: The difficulty with that is that it substantially changes Mr. Barrett's motion. The difficulty I have with that is that the motion Mr. Barrett has presented is very specific to the Jamaica trip. Your motion would substantially change that.

Hon. Mona Fortier: We would keep "That the Interim Conflict of Interest and Ethics Commissioner appear" and add "for one meeting regarding the rules for travel in the Conflict of Interest Act", so we would take out the words "at the earliest opportunity regarding the Prime Minister's vacation to Jamaica" and replace them with "for one meeting regarding the rules for travel"—which is a definition of vacationing—"in the Conflict of Interest Act."

The Chair: Just give me a second, if you don't mind.

Thank you. I just needed some clarification, because it is a substantive amendment to Mr. Barrett's motion. Mr. Barrett's motion is specific to the trip to Jamaica. The purpose of this meeting today as it relates to the request by the members is for the trip to Jamaica. Are you suggesting, then...?

[Translation]

Hon. Mona Fortier: I don't necessarily agree with you, Mr. Chair. We're talking about the interim Conflict of Interest and Ethics Commissioner. We all want to meet with him. I think we can agree on that.

[English]

The Chair: My question to you, then—and this is where I need clarification—is this: Are you suggesting that all questions would be open if the interim commissioner came before the committee, including the trip to Jamaica, or are you saying that that's...?

[Translation]

Hon. Mona Fortier: We're talking about travel rules, so it seems to me that includes trips of all kinds taken by members, including the Prime Minister.

[English]

The Chair: Okay.

I'm going to allow the amendment. The amendment is on the floor. Again, I needed clarification. We're dealing specifically with the trip to Jamaica today in the motion that was presented. If, when we come back, we have this one meeting with the commissioner and all trips are open, all sponsored travel, including travel with—

Hon. Mona Fortier: It would be travel under the act. We would add the act in there.

The Chair: I'm going to allow the amendment, so we're now debating the amendment moved by Madame Fortier.

Is there any discussion on this? I see Mr. Villemure.

[*Translation*]

I know you had your hand up first to speak to Mr. Barrett's motion. Do you want to speak to the amendment now, or do you want to speak to the motion later?

• (1130)

Mr. René Villemure (Trois-Rivières, BQ): I'd like to speak to the amendment now, but I will have something to say about the motion afterwards.

The Chair: Okay.

Go ahead, Mr. Villemure.

Mr. René Villemure: I like the spirit of the amendment. Having said that, trips or vacations are types of gifts. If we want the commissioner to come and meet with us, I think he'll have to explain his position or the rules set out in the law with respect to gifts, since travel and vacations can be gifts. Mr. von Finckenstein is a brilliant and fascinating person to hear from, and I'd just like us to make the most of his presence by not limiting the subject to travel, so that we don't have to come back in six months to talk about any other type of gift.

I'd suggest a small wording change so that the discussion is about gifts, travel, and vacations.

The Chair: Mr. Villemure is proposing a subamendment to include all gifts in Ms. Fortier's proposal.

Hon. Mona Fortier: I agree.

The Chair: Ms. Fortier agrees, but I still have to ask if anyone wishes to speak to the subamendment proposed by Mr. Villemure.

Mr. Michael Barrett: Mr. Blaikie wants to speak, and then I will.

[*English*]

The Chair: A subamendment has been moved, so we're dealing with that.

Because his hand is up, I'm going to go to Mr. Blaikie first on the subamendment moved by Mr. Villemure.

Mr. Blaikie, do you have any discussion on that?

[*Translation*]

Mr. Daniel Blaikie (Elmwood—Transcona, NDP): Yes. Thank you, Mr. Chair.

Would it be possible to take a few minutes to circulate a written version in both official languages of Ms. Fortier's amendment and Mr. Villemure's subamendment? A lot of changes have now been

proposed and, without the text, it's hard to suggest other changes to the motion. It would give us a clearer understanding of the proposed changes and the resulting motion.

The Chair: The clerk is currently working on the amendment and the subamendment. We will suspend the meeting for a few minutes until he circulates them.

• (1130)

(Pause)

• (1145)

[*English*]

The Chair: The meeting has been called back to order.

I want to thank the clerk for working on the double-amended motion.

It now reads, with the amendment and subamendment, “That the Interim Conflict of Interest and Ethics Commissioner appear for one meeting regarding the rules for gifts, vacations and travel in the Conflict of Interest Act and code.”

That double-amended motion has been sent to every member. The only thing that is missing in this is a timeline. You know I like to deal in timelines. I don't like to leave anything up in the air, so I'm going to suggest, if somebody wants to move this, that “at the earliest opportunity” be inserted somewhere in there so that we can deal with this in a manner that is quick and have a meeting in a relatively short period of time.

Mr. Blaikie, when we left, you were asking for the motion to be circulated as amended twice. It has been. Do you have any other comments on the subamendment? You still have the floor.

Mr. Daniel Blaikie: Sure. I will speak just a little, Mr. Chair.

Thank you very much. I appreciate the opportunity to address both the subject of the meeting and also these particular amendments and subamendment.

I just want to start by saying that I certainly do think this is an issue of interest to a lot of Canadians who see the size and scope of the bill for this vacation and can't help but be struck at the extent to which it's well outside the contemplation of most Canadians to think about spending that kind of money on a vacation. I think any time you get different and contradictory answers out of the leader of the government about something like this, it rightly raises a lot of questions and is cause for concern for Canadians. Then the question becomes how we get to the bottom of that.

There are two components to that.

There's the question of the extent to which the Conflict of Interest Commissioner is going to look into this. There's a process for that. I think one reason the trip to the Aga Khan's island is so well cemented in the minds of Canadians is that a non-partisan officer of Parliament looked into that trip and made a determination about whether or not it was appropriate under the act. It was determined that it in fact was not.

I think in that case the credibility of having a non-partisan officer of Parliament investigate a case and pronounce on it goes a long way to helping inform the conversation and the debate for Canadians. Whether it's a government politician or an opposition politician, Canadians are not wrongly skeptical of the claims of politicians regarding these things. They take some level of comfort and reassurance in having a non-partisan officer of Parliament investigate these matters and make a determination. That is important with respect to the law, but I think it's also important in terms of Canadians' own opinions and feeling that they have information they can trust and based upon which they can come to their own judgment on what actually happened. Then there's a subsequent judgment in their own mind about the political significance of that and what they think is important.

There's the question of whether the Conflict of Interest Commissioner is going to be looking at this. I think one of the ways to find that out is for the committee to have the opportunity to ask the Conflict of Interest Commissioner. I do think it's appropriate to have a meeting to which the Conflict of Interest Commissioner can come and, among other things, talk about whether or not the office is contemplating an investigation of this case. That would establish a non-partisan process.

Of course, in the absence of a non-partisan process—and we've had some of these conversations around public inquiries as well—I think Parliament becomes a more appropriate forum for pursuing some of these things. However, when you have a non-partisan process that Canadians tend to trust more and that tends to be more focused on the relative facts with less of the political circus-making that can sometimes happen around tables like these—and I don't think it will come as a shock to members around this table to know that or to hear that—I think that is of benefit to Canadians. At least it seems to me that an appropriate starting place is to have a meeting.

I like the idea of expanding the scope of the meeting. I think we've heard already—and of course I don't have the content of the full response to Mr. Barrett from the Conflict of Interest Commissioner—and we can glean from what he said so far that the commissioner maybe hasn't gone into the exact details of the case because of the nature of the act and the way it's set up. Given the way in which the commissioner is meant to give advice to parliamentarians on these things in a confidential way, I don't think we should be surprised if the Conflict of Interest Commissioner comes and, in response to detailed questions about this particular trip, says things like, “Well, I'm not at liberty to disclose that,” or, “I can't share that information.” I think it makes sense to expand the scope of the visit to not exclude the question about the Jamaica trip. Obviously, that's why we're all here. There's a considerable amount of interest about it. I don't think that, if we were to set up that visit with the interim commissioner in a way that precluded questions about that, it would serve much of a useful purpose.

● (1150)

On the other hand, to have it be only about that also means that I think we may be setting ourselves up to get some quite unsatisfactory answers from the Conflict of Interest Commissioner and setting expectations that are more likely to produce more of a sense of

frustration for Canadians who are tuning in than to provide them with information that they think is useful.

Also, I think it is the case that what has happened in the case of Jamaica, just as when we talk about sponsored trips.... I think somebody referred to the trip last June by some Conservative MPs, with the \$600 for champagne. People hear about that and they're upset as well. All of this is governed by the same set of rules, largely. There are rules around sponsored travel. There are rules around gifts. All of these things govern the behaviour of MPs.

If there's a solution to this recurring...because I agree with my Conservative colleagues that there is a pattern of behaviour on the part of the Prime Minister. It may be that what he's doing is permitted by the rules. There's no rule that prohibits an expensive vacation, but there are rules that talk about what is appropriate to repay and what is not, or what rate you have to pay, so that even if you're taking a government jet, you pay the equivalent of a commercial flight. That was something that then prime minister Stephen Harper was quick to point out in 2011, when he went to Boston for a Stanley Cup game in a government jet. That was his defence at the time: “Look, I'm reimbursing the commercial rate—that's what the rules say.”

There's a whole set of rules and infrastructure that govern the behaviour both of members of Parliament in this respect and of government members. Especially because there seems to be a recurring pattern of behaviour—yes, with this Prime Minister, but also with the previous governments, which behaved similarly under the existing rules—we have to talk about those rules as well, if we're hoping to get to some kind of lasting solution or to a place where Canadians aren't regularly reading in the news about sensational trips that cause them to feel that something untoward is going on, or whether the price tag of the vacation itself is what people are upset about and object to.

Also, there's this question of, “Well, you know, I was staying with a friend.” Was it a gift or not a gift? If it was a gift, what does that mean in terms of either conflict of interest or a perception of conflict of interest, which is just as important when we're talking about conflict of interest? I think it's important to remind people on Parliament Hill of that, because sometimes it gets lost. It's not the fact of an actual conflict of interest that meets the threshold. It's also whether there's a reasonable perception of conflict of interest.

That's what it means to be held to a higher standard. It's something that my Conservative colleagues rightly pointed out. The Prime Minister made a lot of hay about this in 2015 when he was first elected: that he wanted to be holding himself to a higher standard and that he would hold members of his government to a higher standard. When you're holding yourself to a higher standard in respect of conflicts of interest, that means to hold yourself to the standard of perception of conflict of interest. When you accept an \$80,000 or \$90,000 stay at a very nice place somewhere in the world for a family vacation, there are questions that come up about whether a sense of reciprocal obligation is created by accepting a vacation like that.

All of that is to say that I don't think it makes sense to try to talk about this incident to the exclusion of the rules that govern all of our behaviour as members of Parliament in this regard, or the rules that govern government members more specifically, because there are additional rules for members of the government, commensurate with their additional responsibilities as members of the executive. We have to talk about that infrastructure. We have to talk about those rules as well as being able to ask questions about that particular case.

I will say again that I don't know if we'll get a lot of great answers, particularly if the office is contemplating an investigation. If they are, it seems to me that the committee will also have the opportunity to talk to the Conflict of Interest Commissioner after an investigation. Once the Conflict of Interest Commissioner has established some facts and rendered an opinion on it, that would certainly be an appropriate time for the committee to have the commissioner back. We should start with the first meeting, and we should expand the scope.

I have some hesitation for my own part, Mr. Chair, and I certainly respect where you're coming from on timelines. I also like timelines, but as a visitor to the committee, I'm always loath to negotiate timelines at committees where I'm not a regular member, just because as a visitor I don't have the same cognizance of what other things the committee is studying and how those things interact. For my part, I like the fact that there's no date at the moment, only so that the permanent NDP member of the committee, when he's available, can engage in those discussions around appropriate timing. However, I think it's understood that everyone would like to get to this quickly when Parliament resumes.

• (1155)

I will just say, as well, that I think it would behoove us to have some reference to the particular trip that we're talking about here. I want the expanded scope, but I'm not opposed to the idea that we would mention the Jamaica trip in the motion as well. Obviously, that's something that we're talking about; it's not a big deal to have it in there. If that's how the committee usually works and there's an understanding on that, that's fair enough. I certainly won't get in the way of it. I'm not opposed, in principle, to the idea of a mention alongside that expanded scope. Those things all together would contribute to the highest likelihood of having a productive meeting, whenever it happens. I would expect that it would be soon upon Parliament's return, which is only about 10 days away, in any event. As the Conservatives have said, there is a pattern of behaviour here. It's not a pattern of behaviour that I expect to end abruptly. I think it's likely to continue. These are long-standing rules that have been used not just by this government but by the last Conservative government, at least. When we talk about the relative urgency within a 10-day period, I'm not sure that this is something that can't wait for the 10 days to get to regular meetings of the committee. However, I really feel that permanent members of the committee are in the best position to decide that question.

I know that we're now kind of in an awkward place where we have an amendment and a subamendment. As a rule of the committee, we can't have further subamendments. I stand to be corrected if I'm wrong about that, but my understanding is that usually we can only amend and then subamend. Therefore, it seems to me that we

at least have to pass the subamendment in order to have another subamendment that would deal with the date. I think we could get into some long-winded procedural discussions that members may wish to avoid in one of the last weeks before returning to our regular business—or perhaps not. If we want to have a long-winded procedural discussion about how to move amendments and subamendments with respect to setting a date, you know I'm game for that in the time that we have available. Otherwise, I think that we'll have to pass at least one before we can introduce a discussion about the date. If the goal is to have a motion passed today that gives a mandate to the committee to extend an invitation to the commissioner after some talk, either at this table or informally, about the date on which that meeting would take place, then we may just want to get on with trying to pass a motion. That, of course, will be at the will of the committee.

I thank you, Mr. Chair, very much for the opportunity to just share some of my thoughts about why I think it's important to look at both the particular issue and the larger question of the rules that govern these kinds of vacations or sponsored trips or whatever—these things that come up that are of interest to Canadians—as well as my thoughts on the particular motions today and how the committee ought to proceed.

Thank you.

• (1200)

The Chair: Thank you, Mr. Blaikie. I appreciate your comments on the timeline.

In the past at this committee, we have, at least from the clerk's and the analysts' perspectives, found some difficulty if we don't actually put a timeline on it. What I'm going to suggest to the committee is that... Obviously, we don't want to put a specific date to it, but I would suggest, if we can find consensus, that we have it “at the earliest opportunity” when the House resumes. That would at least provide some clarity to the clerk and the analysts on the planning that we have to do for the meetings of the committee. If I can get some consensus from committee members, that would be great. We don't have to move an amendment. We just need some direction from the committee that as soon as possible after the House resumes... If we could find that consensus, then that would help us with some direction.

Ms. Khalid, I have you on the amendment. Are you discussing—

Ms. Iqra Khalid: It's on the point that you're talking about.

The Chair: Please go ahead.

Ms. Iqra Khalid: Thanks, Mr. Chair.

I think that maybe it's prudent for us to vote on the amendment and then the motion. Then we're talking about logistics in terms of timing. That is a conversation that we can have, perhaps, in a subcommittee meeting.

The Chair: In the context that Mr. Blaikie was talking about, I just thought that I would put that out to the committee for consideration. However, we can deal with that at the appropriate time.

We're still on the subamendment by Mr. Villemure. I don't see any further discussion. Can we find consensus on the subamendment from Mr. Villemure?

(Subamendment agreed to)

The Chair: Now we're on Madame Fortier's amendment, as amended, to Mr. Barrett's motion.

Mr. Barrett, you had your hand up.

Mr. Michael Barrett: We'll just move through this first.

The Chair: Okay. On the amendment of Madame Fortier, I'm looking to get some consensus from the committee members.

(Amendment as amended agreed to [*See Minutes of Proceedings*])

The Chair: Now we're back to the main motion as amended by the previous amendments.

Mr. Barrett, I will go to you on the main motion as amended. Go ahead, sir.

Mr. Michael Barrett: Thanks, Chair.

I want to emphasize that, with the amendment that happened, you previously clarified that the subject of the Jamaica gift would be fair game for that meeting. Can you confirm this is what you said?

The Chair: That's precisely what I said.

Mr. Michael Barrett: Okay.

The Chair: I think Mr. Villemure's subamendment addresses that particular issue—gifts, vacations and travel. To be very clear, that would be part of it.

Go ahead, Mr. Barrett.

Mr. Michael Barrett: Thank you for that clarification.

Mr. Villemure's subamendment was very helpful, because this is really a question about gifts. This is an \$84,000 gift.

I think it's important to re-emphasize what Mr. Blaikie said about not expecting that things are going to change any time soon. I want to offer you a quote from today from the Prime Minister. When asked about this, the Prime Minister said that he knew that, over the holidays, many Canadians stayed with friends, and he didn't see any questions about that.

That demonstrates either a disingenuous response or a complete lack of understanding of why this is an issue. It's an \$84,000 gift to a sitting prime minister, a minister of the Crown.

The precision in the motion as amended to talk about both the code and the act are fine, because MP travel is not the same as ministerial or prime ministerial travel. Now that it is opened up to include both, it's fine to have that conversation, but the question is not just that the Prime Minister went somewhere. It's that he accepted an \$84,000 gift. He didn't sleep on a couch at Uncle Buck's place.

I appreciate the amendments to the motion. I really don't think the seriousness of this has landed for Prime Minister Trudeau. I hope that hearing from the Ethics Commissioner will help reinforce the legal obligations that designated public office holders have with respect to the act.

• (1205)

The Chair: Thank you, Mr. Barrett.

[*Translation*]

Mr. Villemure, you may speak to the motion.

Mr. René Villemure: Thank you very much, Mr. Chair.

When it comes to ethics, we must always be careful to avoid prejudice. That's why it takes a good dose of humility to get to the bottom of things.

What troubles us all, of course, is that a number of versions of the same story were given by the Prime Minister's entourage or by the Prime Minister himself. The multiple versions are preventing us from determining what happened. We certainly cannot and should not take the commissioner's place. The commissioner must first respond to Mr. Barrett's letter, which will tell us whether or not an investigation will be held. It's up to him to tell us.

As far as we're concerned, we certainly shouldn't forget one thing: The Conflict of Interest Act was enacted in 2006 and the Conflict of Interest Code for Members of the House of Commons was written in 2007. Some revisions have been made, but the fact is, time does pass and circumstances do change. We would do well to ask the commissioner whether certain rules regarding gifts, travel and vacations should be reviewed, because the standard practice at one time may no longer be the standard practice today. You must understand that the wording of the law is imprinted, but life is not.

As a committee, we can also undertake a review of the act, should the commissioner agree to it. One thing's for sure, it's not up to us to investigate a particular situation once the commissioner has been informed of a problem and must himself rule on the merits of holding an investigation. As Mr. Blaikie said, I think at some point we will get the results of the commissioner's investigation and we can discuss it with him at that time.

For now, we need to be careful. We're theoretically operating without prejudice, but we're also faced with facts that don't all add up, and that doesn't sit well with us. I believe the commissioner is the only person who can ease this discomfort by explaining the rules on gifts, vacations and travel. We must also leave him to pursue his investigation as he sees fit. As Mr. Blaikie said, if he is currently conducting an investigation, he'll tell us he can't comment. However, that doesn't mean we can't start thinking about gifts, vacations and travel.

The Chair: Thank you, Mr. Villemure.

[*English*]

Mr. Blaikie, go ahead, please.

Mr. Daniel Blaikie: Thank you. I didn't want to pre-empt anyone else who hadn't had the opportunity to speak. I wanted to wait to raise my hand until it was clear that no one else wanted to speak.

I would like to test with the room one more time whether there is an understanding that we can ask the Conflict of Interest and Ethics Commissioner, when he appears, about the recent Jamaica trip, notwithstanding whatever answers the commissioner may be able to provide to the committee at that time.

There was a significant change in the wording of the motion. I want to make sure one last time that everyone in the room is satisfied that members who want to ask those questions will be able to ask those questions when the Conflict of Interest and Ethics Commissioner appears, so that level of comfort is there for everyone.

● (1210)

The Chair: Thank you, Mr. Blaikie.

It certainly is the chair's perspective, from the question from Mr. Barrett, that the trip to Jamaica would be on the table when the interim Ethics Commissioner does appear.

There are heads nodding in the room. I think everyone is very clear that the trip can be questioned to the Ethics Commissioner.

Mr. Daniel Blaikie: Thank you very much, Mr. Chair.

The Chair: We're on the main motion.

Again, I need an understanding from the room that we are going to deal with this at the earliest opportunity once the House resumes.

Okay.

Hon. Mona Fortier: We know that we have Mr. Villemure's study and we have the RCMP to deal with, which seemed to be urgent before. Do you want to have a subcommittee to discuss how to prioritize this?

The Chair: If it's the direction of the committee, we're going to do this at the earliest opportunity. You can leave it to me, the clerk and the analyst, when the House resumes, to determine when that's going to be.

Hon. Mona Fortier: My only issue is that Matt Green isn't here and he's part of the committee.

The Chair: I'll make sure that I circle back to Mr. Green after his trip to Gaza.

Do we have consensus on the main motion, as amended, or do we need a vote?

Mr. Daniel Blaikie: Could we have a recorded division, Mr. Chair?

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

The Chair: Mr. Barrett, please go ahead.

Mr. Michael Barrett: Thanks, Mr. Chair.

The question from Ms. Khalid earlier about correspondence with the Ethics Commissioner is important. We're looking for confirmation that what the Prime Minister's Office ultimately said to Canadians on the third attempt was the truth and, if that's the truth, that it's the same truth—if there can be more than one version of it—that was given to the Ethics Commissioner's office. Those are confidences that belong to the Prime Minister and only he can disclose what was said between the Ethics Commissioner's office and his office.

With that in mind and knowing that the Ethics Commissioner can't speak to things that are protected by those confidences, I move that:

The Committee order all correspondence including emails, text messages, messages sent on any electronic messaging applications, phone call logs, handwrit-

ten notes, memorandums, briefing materials and any documents produced regarding the Prime Minister's travel to Prospect Estate in Jamaica in 2023/24 and 2022/23, and that the Prime Minister's Office and Ethics Commissioner's office provide the Clerk of the Committee with these documents within seven days of this motion being adopted.

Mr. Chair, I've given that in both official languages to the clerk.

I think only with that information can we have a fulsome conversation with the Ethics Commissioner. The agreed-upon timeline to have that hearing, once the House resumes, would allow for this information to be received by the clerk prior to that. Because there's been a change in the story three times, we should find out whether there's been a deception made to the Ethics Commissioner.

● (1215)

The Chair: Thank you, Mr. Barrett.

The motion is in order and has been, or will be, circulated shortly to the committee members.

The Clerk of the Committee (Ms. Nancy Vohl): It's done.

The Chair: It's done, so you should have that in your mailbox.

We're on the motion as proposed by Mr. Barrett.

Ms. Khalid, go ahead, please. I'll see Ms. Damoff after that.

Ms. Iqra Khalid: Thank you, Chair.

Just to clarify, Mr. Barrett may have misunderstood what I asked earlier. My specific ask to Mr. Barrett was to seek a response, based on his consent, about his correspondence with the Ethics Commissioner on this specific topic that we have spent two hours discussing today. I asked how the Ethics Commissioner responded to him and whether we could see that correspondence. Mr. Barrett referred to part of that correspondence in his remarks later on, after I made the request.

I would again put it to Mr. Barrett, if he feels so willing.... If he wants to share what, specifically, the Ethics Commissioner said in his initial inquiry into this matter, I think it's quite on topic for the committee to see what that response was.

On the general topic of this motion, the Ethics Commissioner provides a bit of a consultation role to ensure that members of Parliament and elected officials are provided.... The Ethics Commissioner provides rules for and consultation on how to best act to ensure that there is continued trust in the democratic process. It is paramount to ensure that this solicitor-client privilege type of consultation continues to exist.

I think we would be setting a very bad precedent if we started to go down this road of asking the Ethics Commissioner, or any other elected official, to share their correspondence with the committee and make public their correspondence when the nature of that correspondence, regardless of what it is, is to seek advice from the Conflict of Interest and Ethics Commissioner to ensure that we are abiding by the rules, that we are conducting ourselves in a fair process, that we are conducting ourselves in a transparent process and that we are continuing to ensure not just a lack of a conflict of interest but also a perceived lack of a conflict of interest as well.

I think this motion to produce documents would set a very bad precedent. I'm sure Mr. Barrett would not like for his correspondence with the Ethics Commissioner and any advice he has sought from the Ethics Commissioner to become public and be presented to this committee, just as much as I think any member of Parliament—not just part of this committee but any member of Parliament—or any elected official would not like to see that private consultation becoming public.

Chair, given my remarks, I'm quite opposed to this. It's not because I have any doubt about what would come out of this correspondence or this release of documents, but it's more with respect to the precedent it would set in terms of that solicitor-client privilege and that ability for a member of Parliament to consult with the Ethics Commissioner's office, which is their role. Their role is to ensure that we are conducting ourselves, as elected officials, in a manner that not only complies with the code but also ensures that there is that perceived lack of a conflict of interest as well.

Thanks, Chair.

The Chair: Thank you, Ms. Khalid.

We're going to Ms. Damoff next.

Ms. Damoff, you have the floor. Go ahead, please.

Ms. Pam Damoff: Thank you, Chair. I'll be very brief.

I just want to put on the record that section 43 says the commissioner also provides “confidential advice to the Prime Minister” about conflict of interest and ethics issues. I'll underline “confidential”. I think my colleague Ms. Khalid spoke quite well about why this needs to be confidential, but it is in the act as well.

I'll leave it there and turn it over to the next speaker, Chair. Thank you.

• (1220)

The Chair: Thank you, Ms. Damoff.

[*Translation*]

Mr. Villemure, you have the floor.

Mr. René Villemure: Thank you very much, Mr. Chair.

Obviously, the commissioner can explain the rules to any parliamentarian who asks. The commissioner will not give his blessing, agree with or share his opinion on any specific case, but he is prepared to explain the rules. Then it will be up to the member in question to make up their own mind. However, to do so, the member would have had to provide a lot of confidential information, as Ms. Damoff just said. Confidentiality is precisely what allows trust to exist. We have to trust in the system in question.

As far as I'm concerned, I certainly won't be supporting Mr. Barrett's motion, because I find it absolutely disproportionate to what we need to accomplish here. I invite my colleagues to take the same position. Our job, and that of the commissioner, is to preserve trust in the system. Setting a precedent like this would be crazy.

The Chair: Thank you, Mr. Villemure.

[*English*]

Mr. Blaikie, go ahead. You have the floor.

Mr. Daniel Blaikie: Thank you very much, Mr. Chair.

I want to take a moment to express some reservations that I have. When we think about the Office of the Conflict of Interest and Ethics Commissioner, I think one of the important functions it serves is in addition to the function that I think Canadians know it most well for, which is to conduct investigations and pronounce on the conduct of either members of Parliament or members of the government, depending on the rules at play. Of course, that's where many of us as Canadians know the commissioner best. It's usually through interviews they're doing at either the outset of some kind of investigation that's been triggered or the conclusion of an investigation. I made reference earlier, for instance, to the Conflict of Interest and Ethics Commissioner's findings in respect of the Prime Minister's vacation at the island of the Aga Khan. Those are the moments in the work of the commissioner when Canadians get to know them best.

One of the really important day-to-day functions of the Conflict of Interest and Ethics Commissioner is to provide advice to members of Parliament if they think they might be in a situation of a conflict of interest, or if they've been offered something and they're not sure whether it runs afoul of the rules around gifts and things like that. I think we have to take very seriously the risk that, if parliamentary committees start ordering the production of communication between members of Parliament and the Conflict of Interest and Ethics Commissioner, we will undermine members' confidence in the idea that they can go to the commissioner to get advice on these kinds of matters. At that point, they have to wonder whether when they're sharing things....

They're going to the Conflict of Interest and Ethics Commissioner because they're concerned that if they were to proceed in a certain way and it became public it would be a problem, or that if they proceeded in a certain way and it didn't become public it would nevertheless break the rules. They're trying to do the right thing to make sure it doesn't become an issue. If members don't seek that advice, I think we'll create a political culture where we're more likely to see breaches of the rules because members don't feel they have a safe place to go for advice.

Now, all of that said, it's not to say that members are free to break the rules and not have it come to light. In fact, what this committee is doing is saying, hey, there's the perception that maybe a rule has been breached and that should be forwarded to the Conflict of Interest and Ethics Commissioner. That has been done by a member of this committee. That is the appropriate action. The committee has met in order to discuss this thing. The committee has agreed to call the commissioner here in order to talk about, as much as they can, this case, but I think also to find out whether the Conflict of Interest and Ethics Commissioner will be opening their own investigation.

The committee will have an opportunity, at the conclusion of an investigation, to talk to the commissioner. I think proactively and pre-emptively releasing all the communication between a member and the commissioner really risks undermining the confidence of members in the office, which means they won't go and seek the advice they should be seeking in order to help guide their behaviour.

At some point down the road, if the commissioner investigates it and it looks like they did a terrible job, which I think would be out of character.... As I said, with respect to the trip to the Aga Khan's island, I think a lot of people were satisfied with the level of work the office did. There have been other examples of people being satisfied with that work. If down the road it really felt like there was a need for further investigation to get to the bottom of that communication, the committee could consider that at that time.

For now, we already know that the Prime Minister's Office has been offering inconsistent answers. What's important to me is whether the Prime Minister broke these rules or not. What's important to me is whether the rules are good enough and whether we feel that the rules are adequate to the task of preventing members from accepting inappropriate gifts. Those are the things that we have called the commissioner to come and talk about.

We can already see that the Prime Minister's Office is doing a bad job of being accountable to Canadians. We can already see that the Prime Minister's Office has given inconsistent answers. We don't need to see the emails and potentially undermine the confidence that members have in the ethics office in order to establish that. That's established. The question now, notwithstanding the pontifications of the PMO and the position of the day, is whether those rules were broken, first of all, and whether those rules were adequate.

• (1225)

It seems to me that the committee has a track to answer those important questions—which are the questions—so for the moment, I think a pre-emptive document disclosure risks more than Canadians stand to gain from it.

I think hearing from the commissioner whether he intends to proceed with an investigation and what the scope of that investigation would be.... The committee should hear that before it decides to order up these documents, given what it could mean for the long-term integrity of and confidence in the Office of the Conflict of Interest and Ethics Commissioner.

The Chair: Thank you, Mr. Blaikie.

I see Ms. Khalid, followed by Mr. Duncan.

Go ahead, Ms. Khalid.

Ms. Iqra Khalid: Thanks, Chair.

I think Mr. Blaikie spoke quite eloquently about the precedent that such a disclosure would set. He spoke about the importance of members of Parliament and elected officials being able to rely on the Ethics Commissioner for true advice on how to better conduct themselves to ensure that there's transparency and that, based on their behaviour, they continue to build the public's trust. Also, to reiterate section 48 in terms of confidentiality, it's important to make sure that the relationship between these three stakeholders—the elected official, the Ethics Commissioner and the public—continues to find its balance.

I will leave it at that. Although I wanted to speak a little more, I will not, given that Mr. Blaikie has done such a great job highlighting the importance of this.

Again, I would reiterate that I do not support this motion, and I look forward to having the vote sooner rather than later.

The Chair: Mr. Duncan.

Mr. Eric Duncan (Stormont—Dundas—South Glengarry, CPC): Thank you, Mr. Chair.

I appreciate the chance to speak to and weigh in on Mr. Barrett's motion here today. There are a few points that I think are important for Canadians to understand and, frankly, to refute what the Liberals and the NDP are offering in terms of the standard that could be set here.

It's important to remind ourselves, particularly the Liberals and the NDP, that we are here in the circumstance of another scandal involving the Prime Minister taking vacations or taking gifts. In this case, it's the free gift of a vacation in a luxury rental of around \$85,000. The fact is that his story and the Prime Minister's Office's story have changed three times.

Let me give an example of the concern or frustration that I have with this. If I go to the Ethics Commissioner.... If the Prime Minister goes to the Ethics Commissioner and says, "I'm taking a vacation. Am I allowed?" and gets a yes, he says, "We already got pre-approval from the Ethics Commissioner."

The fact is that the story changed three times. It's important for Canadians and this committee to know—

Ms. Iqra Khalid: I have a point of order, Chair.

Mr. Eric Duncan: —and to see the documentation of what has happened in the changing story. What exactly did they provide as context to the Ethics Commissioner?

The Chair: I'm sorry, Mr. Duncan. We have a point of order from Ms. Khalid regarding the Standing Orders.

Which one is it?

Ms. Iqra Khalid: I just wanted to clarify one thing. The Ethics Commissioner does not give clearance but provides advice on how to.... I would just like to advise the member of that.

The Chair: That's a great point.

Go ahead, Mr. Duncan.

Mr. Eric Duncan: I find that very interesting, because it was the government House leader who used the word "pre-approved" and said he checked with the Ethics Commissioner, got advice and got guidance, but the important—

An hon. member: Advice and guidance, that's—

• (1230)

The Chair: Mr. Duncan has the floor.

Go ahead, Mr. Duncan, please.

Mr. Eric Duncan: It's especially telling that the Liberals are riled up about this, because the Prime Minister could proactively table the information to this committee to clarify. If there's nothing to see here, then trust but verify. Go and show what he asked and what information he provided to the Ethics Commissioner.

His story to Canadians changed three different times. What did he provide to the Ethics Commissioner? Did his story to the Ethics Commissioner change three times? I think that is very important.

If the Liberals are going to fight over whether it's advice or guidance, or the government House leader's use of pre-clearance or precheck—whatever it may be—the Prime Minister could address this proactively and provide those documents to show clarity and put an end to part of this. He refuses to do so, and now the Liberals and the NDP are refusing to do the same thing.

I would just say, Mr. Chair, to refute the points of the Liberals and NDP here, this is not a blanket opening of the advice being provided to any MP. We're doing this, we're here at this meeting today and we're having this conversation and these meetings because the Prime Minister changed his story three times.

It's important to know, when they said they talked—or whatever term they want to use—to the Ethics Commissioner, the context or lack thereof the Prime Minister gave. If the Prime Minister and his office gave the same changing story three times that he gave to Canadians, there's a problem here. We deserve to see the paper trail.

There should be no reason in this case.... Because the Prime Minister, again, changed his story three times, he should proactively provide it if there's nothing to hide. The fact that they are blocking this and hiding behind things, I think, has Canadians wondering what exactly is up.

The Chair: Go ahead, Madame Fortier.

[Translation]

Hon. Mona Fortier: I'll skip my turn. I'm ready to vote, Mr. Chair.

[English]

The Chair: Okay.

Mr. Blaikie has his hand up.

Go ahead, Mr. Blaikie.

Mr. Daniel Blaikie: Thank you very much, Mr. Chair.

This is just by way of a response to Mr. Duncan. I think one thing that he points out here—it is kind of odd to have the Liberals interject on this, because it was initially the story that came out of the House leader's office, I believe—is that the Conflict of Interest and Ethics Commissioner doesn't pre-approve things. I know this from my own experience. Folks offered me a \$20 ticket to something in the riding, and I contacted the commissioner's office. It doesn't seem like a big deal. It's a riding event. They are offering to have me come. Could I accept this \$20 ticket in order to get into this community event that I've been invited to? I was surprised at the fact that I couldn't get an answer one way or the other. I was happy to follow whatever the direction was, but there was no direction.

I can't imagine that the idea that a trip was pre-approved is true. I know that in my own case, even on something relatively straightforward, it was impossible to get an answer. I'm sharing that information with the committee. I didn't end up going to that particular event, as it happens, but I think it is important that I be able to make those consultations.

I don't think we need to see this documentation to know that the story is not a real story and that the answer proffered by the PMO is not the real answer. What I think matters is whether the Conflict of Interest and Ethics Commissioner looks into this. That's what matters. Is the Conflict of Interest and Ethics Commissioner going to look into this, and if so, what are the findings of the commissioner? I don't need to see a bunch of documents to know that three different stories out of the PMO in the space of two weeks means that our BS detectors should be firing. Absolutely they should be. It's why we're at this meeting. It's why there will continue to be discussion around this.

Is it ridiculous to have three different answers about the trip come out of government within two weeks? Yes, it is. There's no question. I don't need to order up documents to know that something ain't right with three different responses in two weeks about the same vacation. It's not about whether we get to the bottom of the fact that something isn't right and that the answers coming out of the PMO are not only not consistent but two of them, at least, must not be true. If any one of those three answers is true, the other two aren't. The question comes back to this: Were the rules followed, and are the rules adequate? The person to answer that is the Conflict of Interest and Ethics Commissioner, the very person we've already invited.

This isn't about a cover-up. This is about recognizing that... I appreciate that the Conservatives are saying that this is just one member, it's the leader of government and that's significant, but it is a precedent. They know very well how precedents work in this place. I hear Conservatives speak often about their love of the Westminster parliamentary system and common law and how that works. How that works is that, when you set the precedent of the committee pre-emptively ordering up communications that are supposed to be privileged from an office that is there, as a day-to-day function, to provide advice to members on what would be consistent with the code and what wouldn't, you risk creating a precedent that normalizes that practice. It can have a chilling effect on members' willingness to reach out and contact certain members.

There have been stories about Liberal and Conservative members, for instance, who have rental properties and, particularly in the context of debates about a housing crisis, how appropriate it is to have members who are commercial landlords weighing in on those issues. I respect that they may have gone to the Conflict of Interest and Ethics Commissioner to get advice on what their participation in those debates should be, what the appropriateness of those holdings are and how to properly disclose their holdings under those rules. I think it would be problematic if members felt like suddenly, when an issue flares up in the news, those otherwise confidential communications could be ordered up and made public by a parliamentary committee.

I do think it's part of our job to take that seriously. I don't think members who are trying to take that real concern seriously should be dismissed as covering up. There is a way to get the answers to the questions that matter, which are whether the rules were broken and whether they are adequate. Those are very public questions. They don't require us to risk the confidentiality of the Conflict of Interest and Ethics Commissioner's office and the culture of confidence in it among members in order to be able to have a fulsome discussion of those important questions: Were the rules broken, and are they adequate?

• (1235)

I obviously don't agree with Mr. Duncan's assessment of my own motives in respect of this. I think there are some very serious reasons for being skeptical of a pre-emptory document request. The person who ought to be investigating this or who has the rightful authority to investigate this is the Conflict of Interest Commissioner. If they're going to investigate this, they have access to those documents. They are aware of those communications.

Without knowing, first, whether the Conflict of Interest Commissioner is going to look into this, I don't think the committee should be ordering up these documents. The person who would investigate this, if they're going to go ahead—and, as I say, we don't know yet whether they are going ahead—would be the person with whom this correspondence happened, so the appropriate person to investigate this will actually have these documents or already has these documents, and I don't think the committee should be ordering them up before we even know whether the Conflict of Interest Commissioner is going to be investigating. That just seems to me to be putting the cart before the horse. It's not a cover-up; it's just being aware of what the appropriate procedures are and then acting in a way that supports them rather than undermining them.

The Chair: Thank you, Mr. Blaikie.

You said something earlier that I just need interpretation on. What's a BS detector?

Voices: Oh, oh!

The Chair: You don't have to say anything.

Mr. Daniel Blaikie: It's something we could all stand to invest a little more in around Parliament Hill, Mr. Chair.

The Chair: Thank you for clarifying that.

We're still on the main motion. I don't see any further hands, so we are going to call the vote. I'm going to pre-empt this by saying that we're going to seek a recorded vote. Mr. Barrett has requested that.

(Motion negatived: nays 7; yeas 3)

The Chair: The motion has been defeated.

I see Mr. Blaikie's hand up.

Please, go ahead.

• (1240)

Mr. Daniel Blaikie: Thank you very much, Mr. Chair.

I want to say thank you to all of my colleagues on the committee for having brought the issue forward and for having what I think was a good discussion about the most appropriate way for the committee to proceed in respect of this issue.

I notice now that we're past the time that we had scheduled for this meeting, and we've dealt with two motions, including a motion to call the Conflict of Interest and Ethics Commissioner to the committee to testify on this issue.

With that, Mr. Chair, I would like to move to adjourn.

The Chair: Mr. Blaikie moved a motion to adjourn.

Before we do that, I want to thank the clerk and the technicians for their work this week in making sure that this meeting happened after we received the letter. Thank you to the analysts as well.

Thank you, Madam Clerk.

We have a motion to adjourn. It is agreed.

The meeting is adjourned.

Published under the authority of the Speaker of
the House of Commons

SPEAKER'S PERMISSION

The proceedings of the House of Commons and its committees are hereby made available to provide greater public access. The parliamentary privilege of the House of Commons to control the publication and broadcast of the proceedings of the House of Commons and its committees is nonetheless reserved. All copyrights therein are also reserved.

Reproduction of the proceedings of the House of Commons and its committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the Copyright Act. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the Copyright Act.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Also available on the House of Commons website at the following address: <https://www.ourcommons.ca>

Publié en conformité de l'autorité
du Président de la Chambre des communes

PERMISSION DU PRÉSIDENT

Les délibérations de la Chambre des communes et de ses comités sont mises à la disposition du public pour mieux le renseigner. La Chambre conserve néanmoins son privilège parlementaire de contrôler la publication et la diffusion des délibérations et elle possède tous les droits d'auteur sur celles-ci.

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la Loi sur le droit d'auteur. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre des communes.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la Loi sur le droit d'auteur.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

Aussi disponible sur le site Web de la Chambre des communes à l'adresse suivante :
<https://www.noscommunes.ca>