



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

44th PARLIAMENT, 1st SESSION

House of Commons Debates

Official Report
(Hansard)

Volume 151 No. 002
Tuesday, November 23, 2021

Speaker: The Honourable Anthony Rota



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HOUSE OF COMMONS

Tuesday, November 23, 2021

The House met at 12:15 p.m.

Prayer

• (1215)
[English]

OPENING OF PARLIAMENT

A message was delivered by the Usher of the Black Rod as follows:

Mr. Speaker, Her Excellency the Governor General desires the immediate attendance of this honourable House in the chamber of the Senate.

Accordingly, the Speaker with the House went up to the Senate chamber:

And the House being returned to the Commons chamber:

The Speaker: I have the honour to report that, the House having attended on Her Excellency the Governor General in the Senate chamber, I informed Her Excellency that the choice of Speaker has fallen on me and, in your names and on your behalf, I made the usual claim for your privileges, which Her Excellency was pleased to confirm to you.

* * *

• (1415)
[Translation]

ORDER PAPER

The Speaker: I wish to inform the House that in accordance with the representation made by the government, pursuant to Standing Order 55(1), I have caused to be published a special Order Paper giving notice of a government bill and a government motion.

• (1420)
[English]

I therefore table the document in question.

* * *

OATHS OF OFFICE

Right Hon. Justin Trudeau (Prime Minister, Lib.) moved for leave to introduce Bill C-1, An Act respecting the administration of oaths of office.

(Motions deemed adopted and bill read the first time)

SPEECH FROM THE THRONE

The Speaker: I have the honour to inform the House that when this House did attend Her Excellency this day in the Senate chamber, Her Excellency was pleased to make a speech to both Houses of Parliament. To prevent mistakes, I have obtained a copy, which is as follows:

Honourable Senators,

Members of the House of Commons,

Congratulations to each of you and welcome to all the new Parliamentarians who will together with their colleagues make their mark on Canada.

I would like to acknowledge that we are gathered on the unceded territory of the Algonquin Anishinabe people.

This land acknowledgement is not a symbolic declaration. It is our true history. In each of your own ridings, I encourage you to seek out the truth, and to learn about the lived realities in First Nations, Inuit and Métis communities. Although each community is distinct, we all share a desire to chart a way forward together towards reconciliation.

The discovery of unmarked graves of children who died in the residential school system shows how the actions of governments and institutions of the past have devastated Indigenous Peoples and continue to impact them today. We cannot hide from these discoveries; they open deep wounds.

Despite the profound pain, there is hope. There is hope in the every day. Reconciliation is not a single act, nor does it have an end date. It is a lifelong journey of healing, respect and understanding. We need to embrace the diversity of Canada and demonstrate respect and understanding for all peoples every day.

Already, I have seen how Canadians are committed to reconciliation. Indigenous Peoples are reclaiming our history, stories, culture and language through action. Non-Indigenous Peoples are coming to understand and accept the true impact of the past and the pain suffered by generations of Indigenous Peoples. Together they are walking the path towards reconciliation.

We must turn the guilt we carry into action.

Action on reconciliation.

Action on our collective health and well-being.

Action on climate change.

Opening of Parliament

Our Earth is in danger. From a warming Arctic to the increasing devastation of natural disasters, our land and our people need help. We must move talk into action and adapt where we must. We cannot afford to wait.

From the grief and pain of residential schools to the fear of threats to our natural environment to the profound impacts of the COVID-19 pandemic, this past year has been hard on all of us.

I want to thank all workers across Canada, especially those in health care, for their efforts to keep us safe and healthy, and offer my deepest condolences to those who have experienced loss of loved ones during the pandemic. It has touched us all, including those in this chamber who lost a cherished colleague just a few days ago, Senator Forest-Niesing. To her family and to all of you, my deepest sympathies.

The pandemic has shown us that we need to put a focus on mental health in the same way as physical well-being because they are inseparable.

As you begin this 44th Parliament of Canada, and as we recover from the effects of the pandemic and build a better relationship between Indigenous Peoples and non-Indigenous Peoples, I urge you to transform discussion into concrete results for us and for our country.

Collaborate with and listen to each other.

Listen to the diverse voices who speak a multitude of languages and who shape this country.

Confronting the hard questions will not always be easy or comfortable — and it will require conviction — but it is necessary. The outcome will be a sustainable, united Canada, for you, for me, for our children, and for every generation to come.

Opening

As we speak, British Columbians are facing immeasurable challenges as their homes, their communities, and their wellbeing are impacted by terrible flooding.

But in a time of crisis, we know how Canadians respond. We step up and we are there for each other.

And the Government will continue to be there for the people of British Columbia.

In 2020, Canadians did not know they would face the crisis of a once-in-a-century pandemic. But, as always, no one should be surprised by how Canadians responded.

We adapted. We helped one another. And we stayed true to our values.

Values like compassion, courage, and determination.

Values like democracy.

And in this difficult time, Canadians made a democratic choice.

Their direction is clear: not only do they want Parliamentarians to work together to put this pandemic behind us, they also want bold, concrete solutions to meet the other challenges we face.

Growing an economy that works for everyone.

Fighting climate change.

Moving forward on the path of reconciliation.

Making sure our communities are safe, healthy, and inclusive.

Yes, the decade got off to an incredibly difficult start, but this is the time to rebuild.

This is the moment for Parliamentarians to work together to get big things done, and shape a better future for our kids.

This is the moment to build a healthier today and tomorrow

Priority number one remains getting the pandemic under control. The best way to do that is vaccination.

Already, the Government has mandated vaccination for federal and federally-regulated workers, and for everyone travelling within Canada by plane, train, or ship. It has also ensured a standardized Canadian proof of vaccination for domestic and international use.

The Government is securing next generation COVID-19 vaccines, boosters, and doses for kids from 5 to 11.

And around the world, Canada will continue working with its partners to ensure fair and equitable access to vaccines and other resources.

To build a healthy future, we must also strengthen our healthcare system and public health supports for all Canadians, especially seniors, veterans, persons with disabilities, vulnerable members of our communities, and those who have faced discrimination by the very system that is meant to heal.

There is work to be done. On accessibility. On care in rural communities. On delayed procedures. On mental health and addiction treatment. On long-term care. On improving data collection across health systems to inform future decisions and get the best possible results.

The Government will work collaboratively with provinces, territories, and other partners to deliver real results on what Canadians need.

This is the moment to grow a more resilient economy

The best thing we can do for the economy remains ending the pandemic for good. But as we do, we should rebuild an economy that works for everyone. At the height of the lockdowns, the Government made historic, necessary investments so families could keep paying the rent and small businesses could stay afloat.

Now, with one of the most successful vaccination campaigns in the world, and employment back to pre-pandemic levels, the Government is moving to more targeted support, while prudently managing spending.

To ensure no one is left behind, support will be extended or added for industries that continue to struggle.

At the same time, the Government will also continue making life more affordable for all Canadians.

Inflation is a challenge that countries around the world are facing. And while Canada's economic performance is better than many of our partners, we must keep tackling the rising cost of living. To do that, the Government's plan includes two major priorities: housing and child care.

Whether it is building more units per year, increasing affordable housing, or ending chronic homelessness, the Government is committed to working with its partners to get real results.

For example, the Housing Accelerator Fund will help municipalities build more and better, faster.

The Government will also help families buy their first home sooner with a more flexible First-Time Home Buyer's Incentive, a new Rent-to-Own program, and by reducing the closing costs for first-time buyers.

Supporting families will make life more affordable for the middle class and people working hard to join it.

The Canada Child Benefit has already helped lift hundreds of thousands of children out of poverty and will continue increasing to keep up with the cost of living.

The Government will also continue building the first-ever Canada-wide early learning and child care system. By the end of 2022, average fees for regulated child care will be cut in half in most of the provinces and territories. And in some places, this will even happen as early as the start of the year. Families will save thousands of dollars.

Four jurisdictions have not yet reached agreements on child care. Two are territories with unique infrastructure challenges, and the Government will keep working together to ensure we meet the needs of the North. The Government will continue working with the remaining two provinces to finalize agreements that will deliver \$10-a-day child care for families who so badly need it.

Investing in affordable child care – just like housing – is not just good for families. It helps grow the entire economy. And so does immigration.

That is why the Government will continue increasing immigration levels and reducing wait times, while supporting family reunification and delivering a world-leading refugee resettlement program.

This is the moment for bolder climate action

Building a resilient economy means investing in people. But the work does not stop there.

After all, growing the economy and protecting the environment go hand in hand.

By focusing on innovation and good, green jobs, and by working with like-minded countries – we will build a more resilient, sustainable, and competitive economy.

Opening of Parliament

As a country, we want to be leaders in producing the world's cleanest steel, aluminum, building products, cars, and planes. Not only do we have the raw materials and energy to do that, most importantly, we have skilled, hard-working Canadians to power these industries.

As we move forward on the economy of the future, no worker or region will be left behind. The Government will bring together provinces, territories, municipalities, and Indigenous communities, as well as labour and the private sector, to tap into global capital and attract investors.

Canada will emerge from this generational challenge stronger and more prosperous.

The Government is taking real action to fight climate change. Now, we must go further, faster.

That means moving to cap and cut oil and gas sector emissions, while accelerating our path to a 100 percent net-zero electricity future.

Investing in public transit and mandating the sale of zero emissions vehicles will help us breathe cleaner air.

Increasing the price on pollution while putting more money back in Canadians' pockets will deliver a cleaner environment and a stronger economy.

Protecting our land and oceans will address biodiversity loss. In this work, the Government will continue to strengthen its partnership with First Nations, Inuit, and Métis, to protect nature and respect their traditional knowledge.

Creating the Canada Water Agency will safeguard that vital resource and support our farmers.

And to address the realities communities across the country already face, the Government will also strengthen action to prevent and prepare for floods, wildfires, droughts, coastline erosion, and other extreme weather worsened by climate change. The Government will be there to build back in communities devastated by these events. This will include the development of Canada's first-ever National Adaptation Strategy.

This is the moment to fight harder for safer communities

While we address climate change –

While we fight COVID-19 and its consequences –

While we grow our economy for everyone –

We cannot turn away from other challenges.

Gun violence is on the rise in many of our biggest cities.

Opening of Parliament

While investing in prevention and supporting the work of law enforcement, we must also continue to strengthen gun control.

The Government has taken important actions like introducing lifetime background checks.

The Government will now put forward measures like a mandatory buyback of banned assault-style weapons, and move forward with any province or territory that wants to ban handguns.

During the pandemic, we have also seen an unacceptable rise in violence against women and girls.

The Government is committed to moving forward with a 10-year National Action Plan on gender-based violence, and will continue to support organizations providing critical services.

When someone in our country is targeted because of their gender, or who they love, or where they come from, the way they pray, the language they speak, or the colour of their skin, we are all diminished.

Everyone should be – and feel – safe.

The Government will continue combatting hate and racism, including with a renewed Anti-Racism Strategy.

This is the moment to stand up for diversity and inclusion

Canadians understand that equity, justice, and diversity are the means and the ends to living together.

Fighting systemic racism, sexism, discrimination, misconduct, and abuse, including in our core institutions, will remain a key priority.

The Government will also continue to reform the criminal justice system and policing.

This is the moment to rebuild for everyone. The Government will continue to invest in the empowerment of Black and racialized Canadians, and Indigenous Peoples. It will also continue to fight harmful content online, and stand up for LGBTQ2 communities while completing the ban on conversion therapy.

As Canadians, our two official languages are part of who we are.

It is essential to support official language minority communities, and to protect and promote French outside and inside Quebec.

The Government will reintroduce the proposed Act for the Substantive Equality of French and English and the Strengthening of the *Official Languages Act*.

To support Canadian culture and creative industries, the Government will also reintroduce legislation to reform the *Broadcasting Act* and ensure web giants pay their fair share for the creation and promotion of Canadian content.

This is the moment to move faster on the path of reconciliation

This year, Canadians were horrified by the discovery of unmarked graves at former residential schools.

We know that reconciliation cannot come without truth. As the Government continues to respond to the Calls to Action, it will invest in that truth, including with the creation of a national monument to honour survivors, and with the appointment of a Special Interlocutor to further advance justice on residential schools.

To support communities, the Government will also invest significantly in a distinctions-based mental health and wellness strategy, guided by Indigenous Peoples, survivors, and their families.

Everyone in our country deserves to be safe.

That is why the Government will accelerate work with Indigenous partners to address the national tragedy of Missing and Murdered Indigenous Women, Girls and 2SLGBTQIA+ People.

The Government will also make sure communities have the support they need to keep families together, while ensuring fair and equitable compensation for those harmed by the First Nations Child and Family Services program.

Reconciliation requires a whole-of-government approach, breaking down barriers, and rethinking how to accelerate our work. Whether it is eliminating all remaining long-term drinking water advisories or implementing the United Nations Declaration on the Rights of Indigenous Peoples, the Government is committed to closing the gaps that far too many First Nations, Inuit and Métis communities still face today.

This is the moment to fight for a secure, just, and equitable world

The last 19 months have underscored that we live in a deeply interconnected world.

Canada must stand up on the pressing challenges of our time, through our own commitments and by increasing our engagement with international partners, coalitions, and organizations.

In the face of rising authoritarianism and great power competition, Canada must reinforce international peace and security, the rule of law, democracy, and respect for human rights.

Canada's prosperity – and middle class jobs – depend on preserving and expanding open, rules-based trade and ensuring our supply chains are strong and resilient.

At home, the Government will continue to protect Canadians from threats to our communities, our society, and our democracy.

A changing world requires adapting and expanding diplomatic engagement. Canada will continue working with key allies and partners, while making deliberate efforts to deepen partnerships in the Indo-Pacific and across the Arctic.

Increasing Canada's foreign assistance budget each year, and investing in sustainable, equitable, and feminist development that benefits the world's most vulnerable and promotes gender equality will continue to be priorities.

We will always stand up for a brighter future for all.

Conclusion

This decade is still young. With compassion, courage, and determination, we have the power to make it better than how it started.

But that can only happen by standing together.

Parliamentarians, never before has so much depended on your ability to deliver results for Canadians.

That is what people expect and need from you.

In addition to ending this pandemic, their priorities for this 44th Parliament are clear: a more resilient economy, and a cleaner and healthier future for all of our kids.

I do not doubt that you will honour the trust that has been placed in you.

Members of the House of Commons, you will be asked to appropriate the funds to carry out the services and expenditures authorized by Parliament. Members of the Senate and Members of the House of Commons, may you be equal to the profound trust bestowed on you by Canadians, and may Divine Providence guide you in all your duties.

[*Translation*]

Right Hon. Justin Trudeau (Prime Minister, Lib.): Mr. Speaker, I move:

That the Speech from the Throne delivered this day by Her Excellency the Governor General to both Houses of Parliament be taken into consideration later this day.

(Motion agreed to)

* * *

BUSINESS OF SUPPLY

Hon. Mona Fortier (President of the Treasury Board, Lib.): Mr. Speaker, I move:

That the business of supply be considered at the next sitting of the House.

(Motion agreed to)

[*English*]

The Speaker: It is my duty to inform the House that a total of two days will be allotted for the supply period ending December 10, 2021.

SPEECH FROM THE THRONE

[*English*]

ADDRESS IN REPLY

The House proceeded to the consideration of the speech delivered by Her Excellency the Governor General at the opening of the session.

The Address

Mr. Brendan Hanley (Yukon, Lib.): Mr. Speaker, *drin gwiinzii*. It is an honour to rise in this House as a newly elected member of Parliament. I would like to offer you my congratulations on being elected Speaker yesterday. I wish you well, and I know you will bring a steady hand to this House.

Before I begin, I would like to acknowledge that today we are standing on the unceded territory of the Algonquin Anishinabe people.

I would also like to pay homage to the 14 first nations of the Yukon. This is a proud moment for the Yukon and for the people who call it their home. We are proud of the stunning beauty of our territory. We are forever committed to the caring nature that binds our northern community together, and we are deeply gratified to call ourselves members of a wider family, a family of people who call Canada their home.

In the recent election, the people of Yukon honoured me with their trust to be their representative here in Ottawa. I thank them for giving me this chance. It is a privilege to be standing here in this House on behalf of the people of Yukon.

Today I would like to say clearly, as we move forward in this Parliament, that I will do my best to fulfill my campaign commitments. I will work hard to maintain a strong voice for the Yukon and for the north in Ottawa.

I believe it is important to note the significance of what has occurred today. The Speech from the Throne has just been delivered by someone from northern Canada. Indeed, we must pause to reflect on this. Today we have a Governor General who has made it her life's work to promote and increase recognition of indigenous rights and northern affairs. The symbolism of this cannot be overstated.

Regardless of where we live in Canada, as a northern country we are all northerners at heart. We are a country that in its heart aspires for goodness, reaches for growth and looks for the better path. As we begin this Parliament, these are values we can never forget. They are values we must always adhere to.

Today's Speech from the Throne comes nearly two years after the world was plunged into the biggest health and economic crisis of our lifetime. Here in Canada we had a choice. We could retreat in fear from COVID-19 or join hands and work together to confront the challenge. I am proud to say that Canadians met the challenge. I saw it first-hand in my job as the chief medical officer of health in Yukon.

I want to take this moment to give tribute to my colleagues, my CMOH colleagues and the chief public health officer of Canada, who I worked with over the last two years. I was proud to be part of a team with them.

The Address

I saw people who did not flinch from the challenge wherever they were, from those at kitchen tables throughout the communities of our nation, to the municipal officials who kept watch over our villages, towns and cities. I saw first nation, Inuit and Métis leaders and elders, the leaders who oversaw our provinces and our territories, and those right here in Ottawa, where public servants and politicians from all parties worked together to accomplish what once seemed unthinkable.

We worked together to ensure that families had food on the table and roofs over their heads. We followed public health advisories, and we understood the need to wear a mask and keep our distance. We worked together to mobilize an immunization program that quickly saw millions of Canadians vaccinated against COVID-19.

We have shown what we can do. We can do big things, and we can do them quickly. This is the lesson of COVID-19.

As we consider today's throne speech, let us remember that this is not the time to be timid. This is not the time to back away from the challenges that lie before us just because they seem too big to overcome. This is a time to take action. It is time to get things done for Canadians.

● (1425)

In that regard, our government has come forward with a throne speech that presents ambitious plans to tackle big challenges. They include action on the COVID-19 pandemic, climate change, indigenous reconciliation, economic recovery, mental health and addiction, child care, affordable housing, diversity, and safe communities. Let us review each of these areas one by one.

As I mentioned earlier, in my work as chief medical officer of health in the Yukon, I witnessed the power of what we can accomplish when a health crisis hits us. I saw how hard my public health colleagues worked in the Yukon and throughout the country.

[Translation]

This throne speech clearly indicates that the government's priority remains getting the pandemic under control. Make no mistake: The best way to do that is vaccination. Our government is committed to meeting that objective.

We have mandated vaccination for federal and federally regulated workers, and for everyone travelling within Canada by plane, train or ship. Our government is securing next generation COVID-19 vaccines, boosters and doses for kids from 5 to 11, much to many parents' relief.

The pandemic is definitely not over, but we are firmly on the path that will lead us to the end of this unprecedented journey.

[English]

Our experience over the last two years has reinforced a valuable lesson, which is that our health care system is vital to our quality of life. It is at the heart of how we conduct ourselves as a compassionate, caring people, so the throne speech stresses that we must strengthen our health care system, especially for seniors, veterans, persons with disabilities and those in our communities who are vulnerable. We have much work to do.

Health care needs to be more accessible to the many Canadians who are facing delays in their medical procedures. Our long-term care system needs reform. We must finally provide the mental health care services that many Canadians are waiting for, and we must address the other health crisis that has killed thousands of Canadians.

We must move quickly and with compassion to help the many Canadians who are in the grip of addiction to drugs. The opioids or toxic drugs crisis is a scourge we must address. Our neighbours, friends and family members are living with and dying from addiction. We must do everything we can to help them. Our government has signalled in the throne speech that it will do just that.

On another matter, we are all aware of the dangers that climate change poses to our country and the world. Our country is committed to pressing ahead with measures to reduce greenhouse gas emissions, and we are committed to doing so in a fashion that includes action to create green jobs and to build a sustainable economy that grows.

As the throne speech emphasized, we need to look to the future. We need to be world leaders in producing clean steel, aluminum, cars and planes. We can do this with our innovation and with a skilled workforce, and our government is committed to doing this the right way. We will leave no region behind. We will work with everyone: provinces, territories, municipalities, indigenous communities, business and labour.

As we move forward, we cannot turn our back on what needs to be done to fight climate change. We must move toward putting a cap on oil and gas emissions. We must invest in public transit, and we must put a price on pollution. We are committed to doing this, and to doing it right. It will be part of our generation's legacy to fight climate change and green our economy.

All Canadians are standing in support of British Columbians and our dear neighbours to the south in the wake of weather disasters they have experienced recently, including fires, flooding and mudslides. Our government will strengthen action to prepare for floods, wildfires, droughts, coastal erosion and other extreme weather events that are the result of climate change.

I would also like to highlight how the throne speech has focused on an important issue of affordability. Many Canadians are concerned about how they are going to pay their bills. During the pandemic, our government made sure Canadians and businesses were not left behind. As we transition out of the pandemic, we are moving to more targeted benefits, but we are still supporting those people working in industries that are still struggling. All the while, we are fully aware of the challenge that inflation poses for families. That is why we are moving to make life more affordable for Canadians.

• (1430)

We are doing this by making it more affordable for Canadians to own homes. The housing accelerator fund will help cities build homes faster, and the first-time home buyer incentive will help families, as will a new rent-to-own program.

We are also moving in another area to significantly reduce costs for families, and that is child care. For many years parents have struggled with rising child care costs. Our government introduced the Canada child benefit, which helped pull hundreds of thousands of children out of poverty.

Now we are moving to work with provinces and territories to create a Canada-wide early learning and child care system. By the end of next year, average child care fees will be cut in half in most of the participating provinces and territories.

We will continue to work toward reaching agreements with the two provinces that have not yet signed on. The goal of \$10-a-day quality child care for families is within reach.

As we move forward in this Parliament, all of us here have a duty to face a truth. That truth is that there is much more we need to do as a country on the path of reconciliation with indigenous peoples. The shock we all felt earlier this year when we learned about hundreds of graves of children at residential schools cannot be forgotten.

The throne speech commits our government to move faster on the path of reconciliation. We will continue to respond to the Truth and Reconciliation Commission's calls to action. We will create a national monument to honour survivors. We will appoint a special interlocutor to advance justice on residential schools, and we will invest in communities with help for a distinctions-based mental health strategy guided by indigenous peoples, survivors and their families.

The throne speech notes that, while we address these major challenges of COVID-19, climate change, the economy and more, we cannot forget that gun violence is on the rise in many of our major cities. Our government will continue to invest in prevention and in supporting our law enforcement agencies.

As we take these steps, we will take action to prevent the unacceptable rise in violence against women and girls. Our government will move forward with a 10-year national action plan on gender-based violence.

As the throne speech makes clear, we will fight all forms systemic racism, sexism and discrimination. Our government will invest in the empowerment of Black and racialized communities. We will fight harmful online content, and we will stand up to support 2SLGBTQQIA+ communities. We will accomplish what was left behind from the last Parliament. We will ban the disturbing practice of conversion therapy.

• (1435)

[*Translation*]

We will always stand up for diversity. I am proud to see that the throne speech emphasized the fact that our two official languages are part of who we are as Canadians. Our government's commit-

The Address

ment to supporting official language minority communities, including those in my territory, Yukon, is clear. We promise to protect and promote French within and outside Quebec, and we will act on that promise by reintroducing a bill to strengthen the Official Languages Act.

[*English*]

It is also important to know our government has signalled in the throne speech its strong support for the cultural sector. In that regard, we will reintroduce legislation to reform the Broadcasting Act so web giants pay their fair share for the creation and promotion of Canadian content.

On the world stage, Canada has always been a proud player. We stand up for our values, and we are respected for that. This will continue under our government.

The throne speech commits Canada to standing up to the pressing challenges of our time. Amidst the rise of authoritarianism, we will reinforce peace and security, the rule of law, democracy and respect for human rights.

At the same time, we will work to preserve and expand open, rules-based trade with strong and resilient supply chains. There is cause for hope and there is cause to be optimistic for our country. We are a nation that has accomplished, and can accomplish, great things. The throne speech has provided us with a road map for how to get it done.

Therefore I move, seconded by the hon. member for Pontiac, that the following address be presented to Her Excellency the Governor General of Canada:

[*Translation*]

To Her Excellency the Right Honourable Mary May Simon, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

[*English*]

May it please Your Excellency:

We, Her Majesty's most loyal and dutiful subjects, the House of Commons of Canada, in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

The Address

• (1440)

Ms. Melissa Lantsman (Thornhill, CPC): Mr. Speaker, it is an honour to rise in the House for the very first time as the member of Parliament for the riding of Thornhill, and I thank the member for his speech. I thank the voters of Thornhill who sent me to this place to ask questions on points that I really did not hear the member speak about. A 4.7% inflation rate is impacting families across Canada. Food is getting more expensive, gas and home heating are costing more, and housing prices continue to reach record highs.

Can the member opposite tell Canadians what measures in today's speech, in which inflation was mentioned a grand total of one time, will address the cost of living for my community of Thornhill?

Mr. Brendan Hanley: Mr. Speaker, I congratulate the member opposite on her recent election. Liberals are well aware of the threat of inflation and the answer is well embedded in the Speech from the Throne. This is about affordability—

The Speaker: I am just going to interrupt the hon. member for Yukon for a second. We are just starting off and I was hoping that we might have respect for each other. When someone is speaking on either side, I hope members have the decency to listen to what they have to say, whether it is a question, a comment or an answer.

The hon. member for Yukon.

Mr. Brendan Hanley: Mr. Speaker, the members opposite who were listening would have heard about affordability for Canadians being a key aspect of our path forward, as affordability of housing and affordability of child care.

[*Translation*]

Mr. Jean-Denis Garon (Mirabel, BQ): Mr. Speaker, allow me to use this first opportunity in the House to address the people of the great riding of Mirabel. I thank them for placing their trust in me. Allow me also to address my partner, my love, Dyhia. She supports me in this endeavour and joins me in this journey.

Finally, I would like to acknowledge my predecessor, Simon Marcil, for his commitment to our beautiful riding.

After the election, the people back home told me that they are glad that we have a minority government because they expect the parties to work together. As it happens, we line up with the Liberals on some issues, including climate change. During the election campaign, we ran on forcing the banks to publicly disclose their interests and their investments in activities that hurt the environment and have a lasting impact. Unfortunately, that proposal is missing from the Speech from the Throne.

Can I count on the full support of my dynamic colleague from Yukon to convince his government to add this proposal to its priorities?

• (1445)

Mr. Brendan Hanley: Mr. Speaker, I would like to congratulate the member on his recent election. I thank him for the question.

We are committed to bringing in climate change measures as soon as possible. We will consider all options, but we promised to take strong action right out of the gate.

[*English*]

Ms. Laurel Collins (Victoria, NDP): Mr. Speaker, I want to thank the people of Victoria for placing their trust in me. My home province of British Columbia is reeling after devastating floods. We saw climate-related fires and record-breaking heatwaves, but instead of taking real action on the climate crisis or investing in climate solutions, the current government has been increasing fossil fuel subsidies year after year. Instead of investing in supporting workers in a transition, it is handing out billions of dollars to the big companies fuelling the climate crisis.

Why is there no mention of eliminating fossil fuel subsidies? Why is there no mention of a just transition act? We heard a lot about climate action, but we have heard this before. We have the worst record of any G7 country. How are Canadians supposed to trust that these are not just more empty Liberal promises?

Mr. Brendan Hanley: Mr. Speaker, I again reflect on the tragedy that has affected British Columbia. As a Yukoner, I feel particularly close to the disaster in British Columbia and the losses that people have faced and are facing.

Perhaps the most compelling reason I decided to run for election was for firm action on climate change. The Liberal Party plan is the most ambitious and aggressive in Canadian history.

Mr. Ryan Williams (Bay of Quinte, CPC): Mr. Speaker, it is my pleasure to rise for the first time as Conservative MP for the Bay of Quinte. It is my hope that we keep sitting in the House.

In my riding, there are multiple issues facing Canadians including immigration, inflation, a lack of skilled labour and mental health, but nothing is as dire right now as housing. In Prince Edward County, house prices have increased 170% this year alone. Last month, the average house price was \$1.2 million, which is quite unaffordable. When we look at Belleville and Quinte West, house prices have doubled. At CFB Trenton, we currently have 300 men and women in uniform awaiting housing. Housing in the Liberal plan has just not worked in my region.

Speaking of respect, will the government commit to working with Conservatives on fixing this housing crisis once and for all?

The Address

Mr. Brendan Hanley: Mr. Speaker, again, I congratulate the member opposite and thank him for his question. The housing crisis is real and is the most common question that I heard during my campaign, whether in remote, rural Yukon or in our city of Whitehorse.

The answer to the housing crisis is clear: making housing more affordable. The plan is well outlined in the throne speech. The best way to address the housing crisis is to work together as parliamentarians to solve this pressing crisis that is affecting all Canadians from coast to coast to coast.

● (1450)

[*Translation*]

The Speaker: We have just enough time for one short question.

The hon. member for Terrebonne.

Ms. Nathalie Sinclair-Desgagné (Terrebonne, BQ): Mr. Speaker, I am so proud to be here today to represent the people of Terrebonne. I wanted to take a moment to thank them for electing me. I was pregnant, very pregnant, when they elected me. In doing so, they chose to send both a mom and female MP to Ottawa.

I am also proud to represent the Bloc Québécois, a party that always makes concrete proposals. That is precisely what was missing from the throne speech: concrete proposals and responses, particularly regarding how to move away from fossil fuels and address the climate crisis and the labour shortage. The throne speech did not provide any answers to those issues.

Mr. Brendan Hanley: Mr. Speaker, I thank the hon. member for her comments, but I did not hear a question there. If it was an invitation to work together for the well-being of Canadians, I am ready to do so.

Mrs. Sophie Chatel (Pontiac, Lib.): Mr. Speaker, I want to begin by acknowledging that we are gathered on the traditional unceded territory of the Algonquin Anishinabe people.

This is my first time rising in the House. I would like to start by congratulating you on your election, Mr. Speaker. I would also like to thank you for what you said yesterday about respect and listening. That really resonated with me. You also stressed the importance of setting an example for the young people who are listening to us and of creating an atmosphere in the House where women can express themselves fully and completely.

I am honoured to have been elected by my community. I want to thank the people of Pontiac, a microcosm of the Canadian mosaic with its French-speaking and English-speaking rural communities, indigenous communities and a very multicultural urban element. I thank them all for their trust.

I would also like to thank my family and friends, who supported my first foray into politics.

Before I became an MP, I worked for the OECD, where we mainly sought to ensure that countries around the world agree to ensure that large multinationals pay their fair share of taxes. I also worked in the public service, and I would like to take this opportunity to commend all of my colleagues who have been working very hard to provide outstanding service to Canadians, particularly during the pandemic.

It is even more important to talk about taxation today. Given that we are emerging from a pandemic and facing significant climate change, it is important that the wealthy, the large multinationals and all those who are successful share and act in such a way that we are able to overcome the pandemic and fight this significant climate change together.

Like many communities in Canada, the communities in Pontiac are tight-knit. They have been very resilient during the pandemic and I am sure that they will be able to deal with all of the other challenges. Being an MP is about more than just listening to and representing people. It is about acting as a liaison between Canadian politics and local initiatives.

Since 2015, the Liberal government has been working to protect the environment and grow the economy. It has also been supporting families and growing the middle class. We can be very proud of the work that has been accomplished.

However, there is still a lot of work to be done. Major challenges lie ahead. To overcome them, we need to work with our colleagues in the other parties, as well as with the provinces and territories. As we develop our policies, we must include indigenous communities every step of the way, not to mention the municipalities, which will be on the front lines of implementing our climate plans. We must work together to build a stronger, greener, fairer and more resilient Canada.

As Her Excellency the Governor General said in the Speech from the Throne, our priorities for this 44th Parliament are clear. We will work together to end the pandemic, while building a more resilient economy and a greener future, so that generations to come can enjoy what we have enjoyed.

In 2020, the COVID-19 pandemic turned our country upside down. Canadians have gone through some very difficult times. I would like to offer my sincere condolences to all those who have lost loved ones during this pandemic.

● (1455)

I also want to thank the health care workers for their ongoing efforts to support our communities. Our government knows that the best tool for keeping this pandemic under control and putting an end to it is vaccination. We made sure to have enough doses for all Canadians to get them vaccinated quickly. What is more, we have reached another important step in the fight against COVID-19, the approval of vaccines for children 5 to 11.

We have brought in measures to end this pandemic, including requiring proof of vaccination and making vaccination mandatory for federal employees and anyone travelling by plane, train, or boat. We will continue to move forward together and strengthen the health care system by working with the provinces and territories.

The Address

As we all know, one of the biggest challenges of our time is fighting climate change. Like my hon. colleague from Yukon, that is why I am here in the House. Since 2015, the government has put a price on pollution, one of the highest in the world. We set a goal to be carbon neutral by 2050. We have banned the sale of new gas-powered vehicles by 2035 and invested more than \$100 billion in climate action and the green recovery.

Canadians are already feeling the effects of climate change and are very worried about what global warming will bring. Indeed, before the recent floods, British Columbians were battling forest fires this summer. We also endured our share of disasters in Pontiac, not to mention the whole issue of melting Arctic ice. Canada is responding to global warming by developing the first-ever national adaptation strategy.

In the throne speech, our government has committed to capping and cutting oil and gas sector emissions, while accelerating our path to net zero. We have committed to protecting our land and oceans, and to creating the Canada water agency to protect this vital resource.

Members of Parliament are in a position to galvanize people in support of local initiatives to implement Canada's climate plan, and my team and I did exactly that this week when we launched an initiative to build a green and prosperous Pontiac.

[*English*]

Our government knows that fighting climate change and economic growth go hand in hand. Canada is a world leader and will continue to be a world leader in the production of steel, aluminum and the batteries essential for the production of our electric vehicles. We will be a leader in tomorrow's economy. For the sake of future generations, we must do everything in our power to ensure that climate action is at the heart of every one of our policy decisions.

[*Translation*]

The pandemic has devastated the global economy. Our Liberal government was there to support businesses, organizations and Canadians so that we could face this unprecedented crisis together. Canada's job numbers are back to pre-pandemic levels.

● (1500)

Our government will move to targeted support while prudently managing spending. We are well aware that the cost of living is increasing around the world. As mentioned in the throne speech, to address this challenge, the government will build more housing through a new fund for municipalities. It will help families buy their first home and increase the stock of affordable housing. I will work hard to also ensure that the voice of rural communities is heard on this file.

In addition, the Canada child benefit helped lift thousands of children out of poverty. Our government will continue increasing this payment so it will keep up with the cost of living. We will continue building the first-ever Canada-wide early learning and child care system. Canadian families will finally have access to affordable \$10-a-day child care. This will make it possible for women to return to the labour market and enjoy financial independence.

Quebec has seen far too many femicides since early 2021. Violence against women and girls has become more severe during this pandemic. The government is committed to moving forward with a 10-year national action plan on gender-based violence and will continue to support organizations that work hard to provide critical services to women and girls across the country.

It is not just women and girls we must keep safe, but all Canadians. There has been a serious rise in gun violence in our cities. We are determined to eliminate this problem by implementing such measures as criminal background checks, the mandatory buyback of assault-style weapons and support for the provinces and territories that want to ban handguns in their jurisdictions.

I am sure that Canadians want a country in their own image, where human rights are not only respected but also promoted and supported. Although Canada is a leader in that respect, we still have work to do.

Our government believes that battling systemic racism and discrimination must be a priority. We have heard Canadians stand up courageously against the injustice they witness day after day. Sadly, there is no denying that systemic racism exists in Canada. As parliamentarians, we have a responsibility to talk about this situation and fight it. The government is committed to taking action. That is why we will keep working to advance the autonomy and prosperity of Black and racialized communities and indigenous peoples. Our government will also continue to reform the criminal justice system and policing to tackle the overrepresentation of racialized and indigenous individuals in Canadian prisons.

● (1505)

[*English*]

Our government will continue to combat harmful content online and will be a strong advocate for the LGBTQ2 community. Our government will complete its work on banning conversion therapy. These types of therapy are extremely harmful to the mental health and well-being of people. That is why we must ensure that such practices are illegal in Canada.

[*Translation*]

It is true that it is 2021, and attitudes and institutions have no doubt improved, but more than ever, we are talking about reconciliation and the importance of communicating and collaborating with indigenous peoples. As stated in the Speech from the Throne, reconciliation cannot come without truth.

The Address

Like many Canadians, I was deeply affected and frankly horrified by the discovery of the unmarked graves at former residential schools. The history of these young children and their families must not be forgotten. Together, we must continue to fight the injustices that indigenous peoples continue to suffer. One of the worst tragedies our country is facing is the murder and disappearance of indigenous women, girls and individuals in Canada.

Our government understands the importance of taking action and will accelerate work with its indigenous partners to address this national tragedy. As mentioned in the Speech from the Throne, reconciliation requires a whole-of-government approach to break down barriers and build a better world.

I am a proud Quebecker. French is the language I work in and the language I raised my children in. We know that we must ramp up our efforts to protect French in Quebec and in francophone communities outside Quebec, especially since we are in the minority in North America. I am reassured to see that our government has decided to reintroduce its bill for the substantive equality of French and English and the strengthening of the Official Languages Act.

It is essential to support official language minority communities and to promote French across the country. We can use arts and culture to protect and promote our official languages. As members know, the pandemic has been tough on these communities, on our artists. Our government will continue to support the cultural industry by introducing new legislation to reform the Broadcasting Act and ensure that web giants pay their fair share for the creation and promotion of Canadian content.

We live in a deeply interconnected world, and Canada must reinforce peace, international security, the rule of law, respect for human rights, and democracy. Canada will continue to prioritize increasing its foreign assistance budget each year and investing in sustainable development.

I want to conclude by emphasizing that Canadians elected us to work constructively and collaboratively on advancing their priorities. That is what I plan to do, and our government will as well. We are privileged to serve as members of Parliament. We must work as a team to serve Canadians from coast to coast to coast.

Together, we will overcome this pandemic. We will transition to a green economy, we will fight climate change together, and we will tackle many more challenges together.

• (1510)

Mrs. Dominique Vien (Bellechasse—Les Etchemins—Lévis, CPC): Mr. Speaker, I first want to say hello to you and to everyone. I am very pleased to be here today. Before I begin, I must give a special thanks to the people of Bellechasse—Les Etchemins—Lévis for putting their trust in me. I am honoured. This is the fifth time I have been elected in this riding.

The throne speech makes no mention of the labour shortage, and yet Canada is under a lot of pressure. The labour shortage is hurting our economy. All sectors are affected. Businesses have had to cut production and some have even had to turn down contracts. In my riding, 91 businesses have 1,402 job openings. Groupe Côté Inox, Exceldor and Plastiques Moore are three of these businesses. They

know this reality first-hand. That is on top of runaway inflation and surreal debt.

Why does the government still claim to be a credible economic actor? What will it do to fill our businesses' vacant positions? As my colleague was saying, we have the same number of jobs but no one to fill them.

Mrs. Sophie Chatel: Mr. Speaker, I thank my hon. colleague and congratulate her on being elected.

Together, Canadians have done extraordinary work to recover from the worst economic crisis since the Second World War. Only that tremendous effort enabled us to save our economy and maintain the progress we have made. Of course we still have work to do. We have all heard about the job shortage, and together we will find better solutions. For starters, we need to invest in immigration programs, make those processes easier, and ensure full employment in our communities. We all know that will be a challenge, and I hope I can count on my colleagues to help us overcome it.

• (1515)

Mr. René Villemure (Trois-Rivières, BQ): Mr. Speaker, a minute is all I need to comment on the throne speech, because saying that the speech had no substance whatsoever would be an understatement.

I want to acknowledge the people of Trois-Rivières who placed their trust in me. They put their trust and their future in the hands of someone else and I thank them for that. I also thank the volunteers who worked with me and without whom this would not have been possible.

Those issues that were urgent before the election are no less urgent today. Climate action is urgent. Just look at British Columbia. However, if the throne speech is any indication of the government's climate plan, then this government will miss the mark yet again.

Addressing illegal gun trafficking is urgent. Just look at Montreal. However, there was no indication in today's speech that the government is willing to do whatever it can to stop the violence.

We are at the very beginning of the session and the government already seems out of breath. The Bloc Québécois is reaching out once again, hoping that the government's measures are more than just words, words and more words.

Urgent action is needed. Will my colleague work with us to make sure that the government's policies are up to the task?

Mrs. Sophie Chatel: Mr. Speaker, I thank my hon. colleague from Trois-Rivières and I congratulate him on his election win.

Privilege

I have to say that the climate crisis is indeed at the heart of every action this government takes. This has been true since 2015 and will remain true going forward. It is also at the heart of our economic policies. We have already invested over \$100 billion in climate action, and we will increase the effectiveness of our measures. Working together to address this crisis is one of the ways we will achieve our goals.

With regard to guns, we are going to abolish assault-style weapons, and we will work with those provinces that want to restrict handguns. Violence in our cities and towns must stop.

[English]

Ms. Lori Idlout (Nunavut, NDP): *Uqaqtittiji, qujannamiik.*

First, it was incredible to hear a part of the throne speech delivered in Inuktitut. Canada is richer for it and my sincere congratulations to Her Excellency Mary May Simon. I love that a quilliq will lit beside her and that I could smell it from where I stood.

I also want to thank all the Nunavummiut who voted for me, supported me and trusted me to represent them in this House. *Qujannamiik.*

Uqaqtittiji, as I flew from community to community, one constant message was heard, “We need housing and we need it now.” As members are aware, Nunavut has been facing a housing crisis for decades. Nunavummiut have been seeking help from the federal government to build more and better quality housing.

Uqaqtittiji, I would like to know when the Liberal government is going to move from planning to actually funding more housing for Nunavummiut, first nations, Métis and Inuit across Canada.

Qujannamiik.

● (1520)

[Translation]

Mrs. Sophie Chatel: Mr. Speaker, the housing crisis is indeed a problem across Canada, but it is particularly serious in our indigenous communities.

[English]

It is important that the government acts on all fronts, and especially in our indigenous communities. I have two indigenous communities in my riding, and affordable housing is even more urgent in those communities.

We have committed as a government to do more on housing and more for indigenous communities facing various crises. Housing is one, but mental health is another crisis. We commit to work with the indigenous communities to resolve those crises.

Mrs. Shelby Kramp-Neuman (Hastings—Lennox and Addington, CPC): Mr. Speaker, I thank my family, the volunteers and the good people of Hastings—Lennox and Addington for granting me this great responsibility in sending me to this House.

The Liberal government has presided over record inflation. Sadly, this is crippling Canadian businesses, families and farms. Hastings—Lennox and Addington is not exempt from this. Out-of-control inflation, debt and the cost of living caused by the irresponsible Liberal government is unacceptable.

Many businesses, families and seniors in the communities in my riding are struggling and are on the brink of bankruptcy. They need meaningful leadership. They need help. Canadians deserve to know when the government will finally listen and take concrete action against this cost of living crisis.

Mrs. Sophie Chatel: Mr. Speaker, the Canadian economy was facing, along with the whole world, the worst crisis it has faced since World War II, and look at where we are now.

Look at where we are now. We are strong because of this government. We are stronger and we will build better, and we will build without leaving anyone behind. That is important.

Hon. Erin O’Toole (Leader of the Opposition, CPC): Mr. Speaker, as leader of the official opposition and leader of the Conservative Party, I want to take this opportunity to congratulate all members of the 44th Parliament for being here today and for some of the first questions we heard in this debate.

The Conservative opposition is concerned by what was not in the Speech from the Throne. We are concerned by the fact that millions of Canadians will continue to be left behind by the Liberal government, which has no plan to fight inflation, in a throne speech that recycles many of the lofty promises we heard six years ago.

[Translation]

Next week, I am going to give my response to the throne speech, and I am going to explain why members on this side of the House are concerned about what we heard today.

[English]

I will speak further about our response to Speech from the Throne, but right now, I move, seconded by the opposition House leader:

That the debate be now adjourned.

(Motion agreed to)

* * *

● (1525)

[Translation]

PRIVILEGE

ALLEGED NON-COMPLIANCE WITH AN ORDER OF THE HOUSE

Mr. Gérard Deltell (Louis-Saint-Laurent, CPC): Mr. Speaker, the last time the House met was on June 23.

At that time, a serious question of privilege had been raised, because the Liberal government had defied the order of the House to table documents related to the National Microbiology Laboratory in Winnipeg.

On June 23, my colleague, the whip for the official opposition, was the first to inform the House of an act that is completely unacceptable for any parliamentarian. For the first time in our parliamentary history, the government used the judiciary to attack the legislative branch. For the first time, the government used the justice system to prevent an order of the House from being adopted.

I remember it like it was yesterday. I was looking at my iPhone, and I saw that there was a case involving the Attorney General of Canada versus you, Mr. Speaker. Your name was there. It seemed so unbelievable that I had to check with my esteemed colleagues on the Conservative leadership team three times to make sure that what I was reading was true. It was unbelievable, but unfortunately it was true. The government was taking the House of Commons to court to prevent it from implementing a decision that had been duly voted upon by members.

June 23 will therefore always be a sad day for all parliamentarians.

I therefore rise today to once again raise this important question of privilege regarding the fundamental right of the House of Commons to enforce this decision.

[English]

What we have seen is totally unacceptable. Why, for the first time in Canadian parliamentary history, did we see the government knocking on the door of the justice system to make sure the House of Commons could not do what it had to do? I will always keep in my memory the famous picture of the document I saw on my iPhone with the Attorney General's name versus the Speaker's name. It was totally unacceptable, but that is the tradition of the current Liberal government and we cannot accept any part of that inside this House.

[Translation]

I would like to quote page 81 of *House of Commons Procedure and Practice*, third edition:

The House of Commons enjoys very wide latitude in maintaining its dignity and authority through the exercise of its contempt power. In other words, the House may consider any misconduct to be contempt and may deal with it accordingly.

What follows is interesting:

Instances of contempt in one Parliament may even be punished during another Parliament.

In concrete terms, the Prime Minister's decision to dissolve Parliament for his own personal gain and vanity resulted in an almost identical Parliament, but at a cost of \$600 million to Canadian taxpayers. All that for what amounted to a cabinet shuffle in the end. Dissolving Parliament does not kill a question of privilege.

[English]

I recognize that for many of us, our minds are still on the Speech from the Throne, which the Governor General just delivered, but I wanted to raise this question of privilege as soon as possible, bearing in mind your ruling on September 30, 2020.

Let me quote page 353 of the Debates, finding that the question of privilege that had been raised when the House opened on the third day of the session failed to meet the necessity for timeliness.

Privilege

I raise this important question of privilege at the first opportunity as it concerns not only the official opposition members, but all parliamentarians here in the House. The current government failed to recognize that the House is more important than anything else when we talk about parliamentary debate, parliamentary democracy and the parliamentary rights of the people who are sitting in the House.

• (1530)

[Translation]

Let us recall the facts surrounding the infamous Winnipeg lab scandal.

[English]

In March, the then president of the Public Health Agency of Canada, Iain Stewart, was a witness at the Special Committee on Canada-China Relations, where its members were unsatisfied with his answers. On March 31, the committee ordered the agency to produce certain documents. The agency would only partly comply with the order.

[Translation]

On May 10, the committee issued another order to give the agency a second chance, but the agency failed to abide by the order at two more committee meetings.

On June 2, the House adopted the motion that the Conservatives, the official opposition, moved in the House. The motion called on the House to issue an order for these documents.

[English]

The agency again refused to comply fully. The then Minister of Health claimed she had referred the matter to the National Security and Intelligence Committee of Parliamentarians.

[Translation]

I therefore raised a question of privilege on June 16, which the Chair allowed.

[English]

The Chair, recalling Mr. Speaker Milliken's historic ruling in respect of the Afghan detainee documents, ruled that the House had every right to compel the production of documents.

The Chair also ruled that, contrary to that case, which arose from a recklessly drafted Liberal opposition motion, the House had taken the necessary steps to balance parliamentary responsibility with the protection of national security and to promote dialogue with the government on this issue.

As for the Liberals' attempt to sidestep the House order with a referral to the National Security and Intelligence Committee of Parliamentarians, you stated clearly that it did not fulfill the House's order.

Privilege

In response, I moved a motion to find the agency in contempt and to order Mr. Stewart to appear at the bar of the House to receive on behalf of the agency the Speaker's admonishment, and to deliver the ordered documents. That motion was adopted by the House the following day.

On June 20, a day before he was due to appear at the bar, Mr. Stewart provided notice to the Attorney General, under section 38.01 of the Canada Evidence Act, that the agency "was required to disclose of sensitive or potentially injurious information in relation to a proceeding before the House of Commons and a special committee."

On June 21, Mr. Stewart appeared here, at the bar of the House of Commons, to receive the Speaker's historic admonishment on behalf of the agency.

However, the chair also received a letter from Mr. Stewart's counsel advising that Mr. Stewart was unable to produce the documents and as a consequence of his notice to the Attorney General, "statutory prohibition and disclosure remains in effect until either the Attorney General authorizes the disclosure or the Federal Court orders it."

[*Translation*]

We unfortunately came to learn that in this case, the Attorney General was on the government's side and not on the side of Canadians or even the House of Commons.

Because the government was systematically refusing to hand over the documents set out in the order issued by the House, I raised a second question of privilege, and I would like to have that question examined again.

[*English*]

In the interest of time, I will need to refer members to the fuller submissions, by which I mean the House on June 7, June 15, June 21 and June 23, concerning these matters, along with submissions of the chief opposition whip on June 21 and June 23. Beyond that, there have been subsequent developments on this file that I also hope to highlight.

On June 21, the then government house leader was the hon. member for Honoré-Mercier. I want to pay all my respects to my former counterpart. He wrote to the Chair and notified the House that, in the government's opinion, the House's power to send for persons, papers and records was subject to implicit statutory limitations.

To resolve the impasse, he proposed two options that were not forthcoming in response to any of the four earlier motions, including my first question of privilege. I will come back in a few minutes to those so-called options. Additionally, unknown to the chamber at the time, counsel, on the Attorney General's behalf, simultaneously applied to the Federal Court for an order under the Canada Evidence Act to prohibit disclosure of the remaining information.

That was done without the knowledge of the House of Commons.

We were then served with court documents. On June 23, the media reported on the government's Federal Court application, bringing it to public attention.

● (1535)

[*Translation*]

In response to several points of order on this matter, you stated the following in the House, and I quote from page 9062 of the Debates:

I want to confirm that the argument is that the legal system does not have any jurisdiction over the operations of the House. We are our own jurisdiction. That is something we will fight tooth and nail to protect, and we will continue to do that.

That is exactly what every parliamentarian should bear in mind, what every person who is duly elected by the people should know and bear in mind, especially those who have the privilege of exercising the supreme authority, in this case with respect to the executive. These people must bear in mind that they are first and foremost members elected by the people, that they are first and foremost accountable to the people and that, above all, they should not have shown contempt for the House of Commons as they did.

Fortunately, Mr. Speaker, you were there at the time, and you made the decisions and provided arguments that were quite appropriate in this terrible situation when the House of Commons was being attacked on all sides by the Liberal government.

[*English*]

Later that afternoon, the law clerk appeared as a witness before the health committee. In response to questions, he noted that, to his knowledge, the government's Federal Court application was an unprecedented court proceeding concerning a document production order. Then, he was instructed by the Speaker to challenge the Federal Court jurisdiction on the basis of parliamentary privilege, which vests in the House exclusive authority on that matter.

[*Translation*]

More troubling still is the fact that the government took advantage of the summer break to launch a direct attack on all 338 members of the House of Commons, including themselves, as it happens.

[*English*]

It was totally disrespectful the way the government at the time attacked the House of Commons while we were not sitting. By the way, just by a miracle, the government decided to postpone and shut down everything, and prorogue the House of Commons with an unnecessary election. This is the Liberal tradition, and never has any government gone so low in attacking the House of Commons.

A hearing on that motion was later scheduled for September 16 and 17, but when the Prime Minister called his cynical and self-serving general election, the government discontinued entirely its federal court application given that the House order fell with the dissolution of Parliament.

I want to share with the House how masterfully the Speaker's counsel, at paragraphs 25 to 29 of the motion, demolished the government's claim that the Canada Elections Act applies to the House order. It said:

“Only Parliament itself has the authority to abrogate, modify or limit parliamentary privilege. Any intention by Parliament to [do] so must be evidenced by clear and incontrovertible means. Section 38 of the [Canada Evidence Act] discloses no such intention. To the contrary, the clear intent of [section] 38 is that it does not apply to the House of Commons and its committees, which do not fall under the definition of ‘proceeding’ that is central to the [Canada Evidence Act] process.

“‘Proceeding’ under [section] 38 of the [Act] is defined to mean ‘a proceeding before a court, person or body with jurisdiction to compel the production of information’. Had Parliament intended for this definition to include the House and/or its committees, and thereby to abrogate, modify or limit its privilege to send for persons, papers or records, a clear and incontrovertible intention to do so would have been required. No such intention was demonstrated or expressed.

“Further, during debate in the House of Commons on the Bill that introduced [section] 38 into the [Act], the definition of ‘proceeding’ was amended with the explicit stated purposes, as confirmed by [Stephen Owen] the then-Parliamentary Secretary to the Minister of Justice and Attorney General of Canada ‘of clarifying [Parliament’s] intention that parliament’s privilege to send [for] persons, papers and records not be affected by this legislation’.

“The earlier proposed definition of the term ‘proceeding’ in the Bill would have applied the [Canada Evidence Act] process to Parliament by incorporating the definition of ‘judicial proceeding’ set out in [section] 118 of the Criminal Code that expressly included a proceeding ‘before the Senate or House of Commons or a committee’. The amendment to the Bill confirms Parliament’s intention that [section] 38 of the [Canada Evidence Act] not affect parliamentary privileges, including the power to send for persons, papers and records. The amendment was made specifically to recognize and affirm that parliamentary privilege was not affected by this legislation.

“Accordingly, the [Canada Evidence Act] process has no application to the House of Commons’ privileges, including its power to send for persons, papers and records, which remains unfettered.”

● (1540)

[*Translation*]

That was a very long quote, but it explains exactly what we are here for today. I would like to express my appreciation for those who, on behalf of all parliamentarians, chose to do the right thing to protect the right of all members, the right of the House of Commons and our privilege, which we must vigorously defend against people who irresponsibly take it upon themselves to attack Parliament’s authority. Unfortunately, those people are currently the Government of Canada, thirty-odd members of which find themselves in an incredible conflict of interest. Those people participated in a vote, and they lost, but they are challenging that decision in court even though they themselves are members of Parliament. As the documents submitted to the Federal Court have made abundantly clear, such actions are totally unacceptable.

I would like to note the questionable approach, to put it politely, behind the legal arguments the government has used throughout

Privilege

this entire saga. For one thing, it used the same sentence with two different possible meanings depending on its point of view. In Federal Court, the Attorney General stated that “a court, person or body with jurisdiction to compel the production of information”, as set out in section 38 of the Canada Evidence Act, includes orders of the House of Commons and its committees.

[*English*]

However, beforehand, the government had taken the view that the same phrase, that is, “a court, person or body with jurisdiction to compel the production of information”, as it appears in paragraph 8(2)(c) of the Privacy Act, does not capture parliamentary production orders.

My colleague, the hon. member for Wellington—Halton Hills, has often pointed to that exemption in the Privacy Act for a government to disclose information.

[*Translation*]

However, on May 10, Christian Roy, executive director and senior general counsel at the Department of Justice, told the Special Committee on Canada-China Relations:

Basically, we recognize the jurisdiction of committees to request documents and to call witnesses. That said, in terms of paragraph 8(2)(c), we’re talking about a jurisdiction to compel. There’s a difference of opinion here. We don’t recognize the committee’s jurisdiction to compel in this area.

Either the sentence includes the House and its committees or it does not. It cannot be both. They want to see which way the wind is blowing. In cruder terms, a person who is two-faced has twice as many cheeks to slap. That is exactly what the government was doing.

● (1545)

[*English*]

Turning back to the Speaker’s Federal Court motion, the stakes of the matter are very well articulated at paragraphs 30 and 31.

“The present Application seeks to involve the Federal Court in an impermissible intrusion upon the independence of the legislative branch, which would violate the fundamental constitutional principle of separation of powers.

“The concern is particularly acute here, where the Attorney General of Canada seeks to have the court prevent the disclosure of documents requested by the House of Commons ‘except as previously authorized’ by the government. This is antithetical to the House of Commons’ central role of holding government to account and strikes at the core of parliamentary privilege that serves to protect the House of Commons’ ability to fulfill its constitutional functions without outside interference.”

Bearing in mind this clear and compelling argument, this is where a lawyer might say, “I rest my case.”

Privilege

[Translation]

However, there are other elements we must take into account. The fact that the government openly defied the authority of the House of Commons constitutes a prima facie attack on Parliament and its most fundamental rights.

To fully understand what is going on, we must gauge the magnitude of the utterly unacceptable act this government committed. That calls for a little history lesson. Let us go way back in time so we can contextualize today's debate.

This incident happened in 1704 in England's House of Commons and is known as *Ashby v. White*.

[English]

It asserted that “any attempt to challenge its jurisdiction would amount to a breach of privilege,” as explained at paragraph 16.2 of the 25th edition of *Erskine May*.

Subsequently, in *Stockdale v. Hansard*, a case well known in the law of parliamentary privilege in relation to the House's right to print papers, a select committee, appointed by the House of Commons of the United Kingdom to consider this litigation, recommended at paragraph 78 of its report:

That by the law and privileges of Parliament, this House has the sole and exclusive jurisdiction to determine upon the existence and extent of its privileges; and that the institution or prosecution of any action, suit, or other proceedings, for the purpose of bringing them into discussion or decision before any court or tribunal, elsewhere than in Parliament, is a high breach of such privilege, and renders all parties concerned therein amenable to its just displeasure, and to the punishment consequent thereon.

This recommendation was subsequently adopted by the Commons on May 30, 1837.

In the initial litigation, Messrs. Hansard lost. As a result, as paragraph 16.3 of *Erskine May* explains, the House “agreed that, in case of future actions, the firm should not plead and that the parties should suffer for their contempt of the resolutions and defiance of the House's authority.”

All of that is to say that the very action of openly challenging the House's authority in court is, in my view, a contempt of the House with established precedents backing up that perspective.

[Translation]

As I said, that was the first time in the history of Canada's Parliament that a government did such a thing, and it is appalling. Worse still, we are clearly fully aware that this remains a precedent buried deep in our British parliamentary system—

The Speaker: Order. The hon. member for Ajax on a point of order.

[English]

Hon. Mark Holland: Mr. Speaker, we are in a new Parliament. All proceedings in the previous Parliament ended at dissolution. The facts that the member is raising were the subject of discussion in the previous Parliament, and those studies and motions are no longer in effect. I would therefore assert that a motion or committee report would be necessary in order to proceed with the point of order. It is premature; it is not in order at this time.

The Speaker: I want to outline something. We have a question of privilege and I have been getting a lot of details. This is not riding on the point of order, but I want to remind the hon. members that it is to give us an idea that there is something we can pursue and it is prima facie, that is, there is a case that we can pursue after. What I am hearing is that more of a full case is being argued, with a lot of details that I think we do not need. Let me rephrase that: We do not need them at this time. I am sorry; I saw the look on the hon. member's face.

At this time, I would like to ask the hon. member to be concise and wrap up, and then we can move on from there.

The hon. member for Ajax does have a good point. This is from the previous Parliament. However, if someone wants to bring it up again, we have to bring it up as prima facie, determine whether it is a case and take it from there.

I will go back to the hon. member for Louis-Saint-Laurent and let him wrap up.

Mr. Gérard Deltell: Mr. Speaker, first of all, I can assure you that it is not my face that is speaking; I speak when I have something to say. However, I appreciate the fact that you are looking closely at the reactions of members of the House of Commons.

I want to say to my counterpart that I welcome him in his new role. I am a veteran here because I was here before. I am joking because I know that he has a lot of experience, more than me, and I appreciate the fact that he is the new House leader. I am sure we will have a lot of fun.

That said, I welcome everybody in the House and invite them to be very attentive to what we have to say, because what we are talking about is why we are here in the House of Commons. The member raised a point of order, but I just answered that point of order a few minutes ago. I invite him to read again what I had to say. I am sure he will find an answer to his point of order.

[Translation]

I will quickly summarize what I want to say about that. The argument that the government will likely raise is that it made the House an offer, but that offer does not stand up, especially since the government itself revoked it.

There are many other elements to address. Most of them were submitted to the court under your authority, meaning the authority of the House of Commons, when this government decided to take legal action against the House. We did not know about these elements before the House rose on June 23.

That is why we intend to remind the House of the key elements of this situation. Never in the history of Canada has a government used the justice system to diminish the role of the House of Commons and prevent the House from doing its job. That is a very serious concern because Canadians want to know what happened at the National Microbiology Laboratory in Winnipeg.

Never in the history of Canada has the executive branch used the judiciary to attack the legislative branch. However, there is an example of that in modern history. It happened in July 1974 when a document released at 1600 Pennsylvania Avenue in Washington triggered the Watergate scandal.

• (1550)

[English]

It was United States v. Nixon.

[Translation]

The President of the United States went to court to prevent elected representatives from Congress from accessing certain documents. That is exactly what the Canadian government is doing right now, and I would like to remind it of one thing: the President of the United States left office after that ordeal.

The Speaker: I thank the hon. member. The Chair will take all of that into consideration and come back to the House with a ruling.

The hon. member for La Prairie is rising on the same matter. We are trying to determine whether there is a question of privilege and I would like to remind the hon. member, before I recognize him, to be as brief as possible.

Mr. Alain Therrien (La Prairie, BQ): Mr. Speaker, I would like to respond to the question of privilege raised by my hon. colleague from Louis-Saint-Laurent. Could I have four or five minutes to speak, or is that too long? I would like to explain the Bloc Québécois's position.

The Speaker: I would ask the member to be very brief.

Mr. Alain Therrien: Mr. Speaker, I would like to bring to your attention certain points that I believe are essential for your consideration with regard to my colleague's question of privilege.

On the last day of the last Parliament, you promised the House that in the event of its dissolution should the government call a general election, the Speaker of the House of the new Parliament would review and rule on the questions of privilege that remained unanswered.

We are currently debating one such question regarding the failure by the president of the Public Health Agency of Canada to table documents requested by a formal order of the House on June 2, 2021. I believe that this question needs to be given priority, especially given its importance in maintaining the authority and dignity of the House of Commons and protecting constitutional rights, both the collective rights and privileges of the House and those of elected representatives as individuals.

I want to remind the House of two points. First, the government failed to comply with the orders issued by the Special Committee on Canada-China Relations on March 31 and May 10, 2021, and the orders issued by the House of Commons on June 2 and June 17, 2021. Second, the Speaker admonished the Public Health Agency of Canada's top bureaucrat for contempt. It is quite worrisome that the Liberal government's response to the House of Commons' order was to take legal action against the House in Federal Court to seal the requested documents. For all these reasons, we cannot let this stand.

Privilege

I repeat that this is about protecting the authority and dignity of our institution, and the Speaker has a duty to protect the constitutional rights of the legislative branch. The authors of the third edition of *House of Commons Procedure and Practice* addressed this point on page 82, stating that disobedience of a legitimate command of the House must be considered contempt, especially when a witness without reasonable excuse refuses to provide information or produce papers required by the House.

I would like to quote what you said on June 21 about this matter:

The privileges held by the House of Commons are an integral part of the Constitution Act, 1867, and the Parliament of Canada Act. These rights include the right to require the production of documents. Under the Standing Orders of the House of Commons, committees of the House exercise these same rights when carrying out their respective mandates.

Although he was ordered to produce documents at least four times, the president of the Public Health Agency of Canada failed to respect the will of the House, which is significant, and voluntarily failed to produce the requested documents relating to the security breaches at the National Microbiology Laboratory in Winnipeg and the firing of the two scientists from the lab.

The June 17 order was very clear that two things had to happen. First, the president of the Public Health Agency of Canada, Mr. Stewart, was to attend at the bar to receive the deserved admonishment for the repeated failure to comply with the previous orders of the Special Committee on Canada-China Relations. Second, he was to table the required documents, which, unfortunately, has not yet happened.

We debated it at length on the last day of the previous Parliament. The arguments that were made and the references that were mentioned give Parliament the full authority to use its power to enforce the orders adopted by the majority.

In closing, given the foregoing comments, we ask you to protect the parliamentary rights and privileges of the House and the elected representatives who make it up, to preserve the authority and the dignity of the House, which is no small matter, and to rule accordingly under the circumstances so that the order of June 17, 2021, is duly respected and the documents are properly submitted to the House.

The Bloc Québécois therefore supports the official opposition's proposal in this regard.

• (1555)

[English]

Hon. Mark Holland (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I will say to the opposition House leader that absolutely we have excellent conversations. I appreciate the opportunity to begin working with him. I congratulate him on his reappointment to that position.

Privilege

To the opposition House leader of the Bloc, who was just speaking, we similarly have had very strong conversations, as we have with the House leader for the NDP. I think we will have ample opportunity to be able to discuss these matters in detail.

The problem that arises, and this was the point I made earlier, is that in the absence of a motion or a committee report that would be necessary to proceed in this, it is simply premature.

I would state that this is not to be before the House at this time. This is not a matter that should be dealt with here, at this moment. However, I would encourage the House leaders, who are going to be meeting in about an hour, to continue the conversation in that forum, as that would be the appropriate place to continue the conversation.

The Speaker: It is nice to hear that discussions are going on and about to happen, and hopefully they are fruitful.

The hon. member for Vancouver Kingsway is rising on a point of order as well.

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, I actually rise to speak to the point of privilege raised by my hon. colleague from the official opposition. Before I start, I would take this opportunity to thank the wonderful people of Vancouver Kingsway for doing me the honour and privilege of electing me to represent them. I will be mercifully brief and concise.

Yesterday, on the opening day of the 44th Parliament, we heard repeated invocations from all sides of this House about the need to honour and respect this institution and each other. We were reminded of the foundational principles of this place. Those principles include democracy, the rule of law and the supremacy of Parliament. No government of any stripe is entitled to ignore these fundamental principles of our nation. To do so is an act of autocracy and a repudiation of the basic tenets of our nation, for which so many fought and died.

If a majority of members in this place vote to produce documents that they deem necessary to carry out their duty to the people they represent, who elected them to be here, then this must be complied with. This is regardless of how embarrassing or inconvenient a government of the day may find such a request. Indeed, that is often when it is most important to comply.

It is about accountability. It is about transparency and it is about respect for Parliament. New Democrats will always support these cherished cornerstones of responsible government. As such, we support this claim of privilege and respectfully ask you to uphold it in our name.

• (1600)

The Speaker: I want to thank the hon. member for being brief and concise, the way that it should be.

The hon. member for Saanich—Gulf Islands is rising on this issue as well.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I will be even more brief and concise than my friend from Vancouver Kingsway to say on the record that the Green Party is equally concerned and supports the concerns of the hon. member for Louis-Saint-Laurent, the hon. member for La Prairie and the hon. member

for Vancouver Kingsway. Time has gone by, and it is hard to assert that this matter is premature.

The Speaker: Before beginning with the hon. member for Barrie—Innisfil, I just received something here about the Speaker's role and exactly what the Speaker is supposed to do.

It ought to be explained that the issue that is before the Speaker is not finding of fact. It is simply whether a first impression of the issue that is before the House warrants priority consideration over all other matters of the day that are put before the House. I just want to make sure that we understand exactly what the process is and why we are bringing it up. We make sure that the issue is very pressing and then we run with it. When any new items come up, we want to make sure they are important, and that is something that the Speaker will have to rule on and determine.

I am not saying it is or it is not. I am just saying this is the process and I want to make sure everyone understands so we do not go into too many details that will not leave us anything to debate afterwards.

The hon. member for Barrie—Innisfil.

ALLEGATIONS CONCERNING THE CLERK OF THE HOUSE

Mr. John Brassard (Barrie—Innisfil, CPC): Mr. Speaker, let me begin by congratulating you on your election as Speaker. As we all know, it comes with a tremendous amount of responsibility to conduct oneself in an impartial manner, and I have the utmost confidence in your ability to do that. Congratulations once again.

I am rising on a question of privilege today concerning the very troubling allegations published this month respecting the Clerk of the House. I am sure we have all watched or read Ashley Burke's reporting on these matters. It was based on at least 10 different credible sources as well as primary documents, but it is important to put the most pertinent details on the record of the House.

Broadly speaking, the allegations fall into one of two distinct but no less troubling categories. One concerns a management style that has led to a rapid loss of top talent and deep experience from the table, and the other concerns demonstrations of partisanship through the Clerk's comments and actions.

I understand that some of the complainants' letters, cries for help really, have even recently made it into some Parliament Hill inboxes, and it is my respectful view that all told, these allegations amount to a prima facie case of privilege, which the House must address urgently.

I will be focusing on the partisanship allegations, but I cannot turn a blind eye to what the CBC confirmed. Three senior figures at the table took sick leave and then early retirement, while a fourth senior official is now on sick leave, owing to the Clerk's management style.

According to CBC, Colette Labrecque-Riel—

The Speaker: I am disturbed by the attack on individuals in our administration from either side. Something we have to look at is that these items are personnel items and normally dealt with at the Board of Internal Economy. To attack someone with allegations who is already in our administration I find very troubling. I feel that if the hon. member wants to deal with that item, I would feel much more comfortable and would ask him to have his members of the Board of Internal Economy bring it forward and actually look into the facts rather than the allegations that are being brought forward.

To attack someone who cannot defend themselves in the chamber, I feel, is very troubling, and I must stop that attack. I ask the member to talk to his representatives on the Board of Internal Economy so that we can look into it deeper, find out what the facts are and then proceed from there.

• (1605)

Mr. John Brassard: Mr. Speaker, as I stated at the outset, the allegations are extremely disturbing and troubling. If we are going to go back and forth on this, I think—

The Speaker: I will let the hon. government House leader rise on this question of privilege.

Hon. Mark Holland (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, let us not start this Parliament in this way, by attacking servants of the House. There is a forum for this. You have stated that that forum is the Board of Internal Economy. That is where we deal with personnel matters. We do not deal in this chamber in parlaying in rumours and things that people received in their inboxes, with all due respect to the member across the aisle.

Every individual who works for this place, particularly those who are servants of this place and do not have the ability to defend themselves or stand in their places to give their side of the story, should have these matters adjudicated in camera, with the opportunity for all of the facts to be present as opposed to a one-sided smear of an individual who is trying to serve this place and to do so with distinction and honour.

Mr. Speaker, we have heard enough. Please let us end this.

Hon. Michelle Rempel Garner (Calgary Nose Hill, CPC): Mr. Speaker, congratulations on your role.

I would make this argument. Allegations have come to light about somebody who is serving in this room's capacity to serve the House. Those allegations speak to our privilege as members, in that some of the allegations that I believe my colleague will address speak to investigations that did not come to light. These did not happen at the Board of Internal Economy. The allegations that have also come to light since the dissolution of the last Parliament relate to the ability of the House to address sexual harassment issues, including from former members of staff.

At the start of this Parliament, it is imperative that we understand if the House has the ability, under the leadership of this person, to conduct appropriate investigations and ensure that sovereignty is maintained. This is not just a breach of a staff member's privilege, but it is a breach of my privilege.

Privilege

On the 100th anniversary of the first woman being elected to the House of Commons, I would argue that systemic misogyny and the inability of the House to adequately address sexual harassment issues is in fact a breach of privilege. I believe what my colleague is about to do is to explore and give you, Mr. Speaker, evidence to consider whether or not this is the case.

The time to do this is now, at the start of the first Parliament. The allegations that have come to light over the last several weeks deeply suggest that something is wrong and something is amiss, and that the typical processes through the Board of Internal Economy, in which someone in this room has a significant role, are not able to function. That in and of itself is a case of privilege.

On this point of order I would say, respectfully, Mr. Speaker, out of respect for this institution, as well as a note to my colleague to be concise in his arguments, that this is something we absolutely must address in this place, particularly for the people at home who cannot speak here and who have been impacted by this. You were very right in saying that there are people here who do not have a voice and this place is for us to give a voice to them.

Mr. Speaker, respectfully, and again to my colleagues, I ask that they bring these matters up in fact-based, non-partisan facts. We are dealing with the ability of the House to function in this Parliament. I am deeply troubled by it. I am also tired of having to stand up and give the same speech in the same iteration over and over again. I would ask respectfully that my colleague be allowed to continue. I will probably add to his argument. I would ask my colleague to be concise in his argument, but this must be addressed. Light must be shone on it. It is only to be done in this place.

The Speaker: Just so that the hon. member has some background here, sexual harassment is something that is being dealt with as part of the agenda in the next Board of Internal Economy meeting. Looking at the facts is very important.

The hon. member for Banff—Airdrie.

• (1610)

Mr. Blake Richards (Banff—Airdrie, CPC): On that same point of order, when a member rises in this place to bring forward a point of privilege, that is to bring arguments before you, Mr. Speaker, to give you the opportunity to determine whether there is in fact a breach of privileges. It is not for the government House leader or anyone else in this place to determine the validity of that point of privilege. He can certainly make his arguments, if he wishes, when the member making the point of privilege has finished making his points.

As my colleague has just indicated, obviously whatever would have occurred at the Board of Internal Economy has not managed to resolve this matter. If it is a breach of members' privileges, this is the place for it to be dealt with. I would also remind the House that the Clerk is in fact appointed by the House, not by the Board of Internal Economy. There is an argument that needs to be made here in the House.

Privilege

I think it is important that this member be heard, and that he has the opportunity to bring forward his points so that you, Mr. Speaker, can properly determine this. It is not for anyone else to make that determination. I think he should be allowed the opportunity to make his points so that you can determine whether there is in fact a breach of privilege.

The Speaker: I want to thank the hon. member for that point, and I agree with him on the point of process and how the Clerk is appointed. That is something that gets decided by members, and that is something we can look at.

However, when it comes to personnel issues, I feel very strongly that these should be dealt with at the Board of Internal Economy. When these come up, they should be dealt with there by all members. There is representation from all sides on that one.

I will let the hon. member for Barrie—Innisfil continue, but I want to ask for less innuendo. Just stick to the facts, please. That is all I ask, to say something that we can prove. We want to see the facts.

I will ask the hon. member for Barrie—Innisfil to continue.

Mr. John Brassard: Mr. Speaker, the arguments that have been made are profound on the part of the privilege and the rights of members. The Speaker will recall that some very serious allegations have been made that I believe breach the rights and privileges of members, not the least of which is a table officer acting in a partisan manner.

I am not attempting to bring those issues in a manner that exacerbates the kinds of challenges that exist. What I am trying to do is lay out the facts as we now know them so the Speaker can make a *prima facie* case of the rights and privileges of the members being dealt with.

At the end of what I am presenting, I offer an option and a solution that the Speaker can act on, but in the absence of presenting the facts as we know them and the facts as they came out, it is awfully difficult for me to talk in terms that would give the Speaker a better understanding to make a decision that is in the best interests of the House. We are dealing with not just the rights and privileges of our members, but also the confidence in the ability of our democracy and our democratic institutions to function in the manner in which they should.

Some of those accusations, as salacious as they are and as uncomfortable as they may be, are very important points I need to make in this discourse to the Speaker. I would ask for some latitude with that and ask that I continue to lay these out not as a way to disrespect a certain individual but to present the information that is in front of me, and that has been presented to all of us as members, as it relates to our rights and privileges.

I will continue in the manner in which I started, which is to lay out this case to suggest that the rights and privileges of members have been breached as they relate to the functioning of our democracy.

As I continue, according to CBC, Colette Labrecque-Riel, a former clerk assistant, wrote to the Speaker that—

• (1615)

The Speaker: We have a point of order from the hon. government House leader.

Hon. Mark Holland: Mr. Speaker, this is a terrible precedent. If we are going to adjudicate claims or rumours of harassment in this forum, where there is parliamentary privilege and where the individuals in question cannot defend themselves, it is an abhorrent precedent. We have the Board of Internal Economy. We have a process for this.

I stand not only because of this situation, but for any person who would ever wish to serve the House and who could imagine themselves in a situation where their accuser was given the opportunity to fully display the arguments of the accusation, but the person who was being accused was afforded no opportunity of defence or to produce their evidence. There is a process for that, called *in camera*. It is called the ability to examine these facts.

I remind members that we are talking about the Clerk of the House of Commons, a servant of 40 years whose integrity is being questioned at this moment. On the allegations, a third-party independent report was done that stated the attacks on his integrity and honesty were “baseless”.

To litigate these matters in the House without the opportunity for the individual in question to stand and defend himself or to produce evidence to the contrary is an abhorrent violation of what any employee should expect in terms of protection so these matters can be looked at. There is a precedent being established in this chamber right now. There is a line being crossed.

I ask the Speaker to please, for the sake of this place and the people who would serve it, to stop this absolute farce from continuing.

Hon. Michelle Rempel Garner: Mr. Speaker, I am rising on the same point of order.

For what it is worth, I think you may have a point on perhaps not reiterating the entirety of the allegations that have been reported to the CBC. However, I would ask that you understand that these are material to the case that is about to be made. I am not a member of the Board of Internal Economy. I would like to speak to this point of privilege from a different angle than perhaps my colleague will, but I think it is important that you hear him speak to what he believes the breach of privilege is. This is the time to do it, at the start of this Parliament. I am acutely aware, personally, of the ramifications I might have in my role because of questioning someone in a position of power such as the person we are discussing. I understand what that might mean for me given the import of his role in the House of Commons.

I would not be doing this lightly if I did not feel it material to the functioning of the House going forward. I would ask you respectfully to allow my colleague to continue. I would perhaps strongly agree with you that my colleague keep his argument tight to the matter at hand and only refer to the allegations and assumptions as we know them, but we are allowed to make the case of privilege.

The Speaker: These are allegations. The facts should be found and discovered. I would be very happy to put this on the agenda, as the Chair of the Board of Internal Economy, to be dealt with in the right process. It is something that I would be very comfortable with. An open chamber such as this is not the right place to debate this issue. That is my view of it. The whip of the opposition is on the Board of Internal Economy.

Does the hon. member for Banff—Airdrie have something to add to that? Does he agree with me?

• (1620)

Mr. Blake Richards: Mr. Speaker, I would agree that it is probably best that the member gets to what he sees is the breach of privilege. It is important, and it should be important, that he gets an opportunity to lay out the facts. Perhaps that will happen at a later date should you find a prima facie case. However, I think it is important that you hear what he sees is a breach of privilege before you make a ruling. It is critically important that you give him the opportunity to do that concisely and quickly because that is important before you make a ruling.

The Speaker: The hon. member for Barrie—Innisfil must keep it very concise and to the point. Please do not bring up allegations that have not been proven. We are talking about a personnel issue. When personnel issues are dealt with they need to be dealt with in the Board of Internal Economy, normally as in camera items because they involve personnel. Most big corporations, private corporations and small companies do not discuss personnel issues in public. I honestly feel very strongly about this.

I will let the hon. member for Barrie—Innisfil continue. Again, you have a very quick point to make. As I said, you have my word that it will go to the Board of Internal Economy as part of the agenda and be dealt with in the right process.

Mr. John Brassard: Mr. Speaker, before I continue, I would like to ask for unanimous consent to table copies of the relevant PCO documents that were disclosed through access to information. I would like unanimous consent for that.

The Speaker: Do I have unanimous consent?

Some hon. members: No.

The Speaker: I am afraid we do not have unanimous consent.

I will let the hon. member for Barrie—Innisfil continue.

Mr. John Brassard: Mr. Speaker, without laying out properly the facts of this case as we know them, it is awfully difficult to present a prima facie case, but regrettably a cloud has been placed upon the House administration, and it certainly has given Conservatives cause to reflect on what extent to which we can collaborate. In fact, the same paranoia is, as we have seen, among House officials themselves.

In my view, the House could and should refer this whole mess to the procedure and House affairs committee for full and proper investigation. As much as some of the reactions of the media have referred to some secret external review, it has been completely uncontented in the reporting that this review has never considered any of the partisan revelations that have come to light.

Privilege

To that end, we should bear in mind the words of Mr. Speaker Milliken's February 1, 2002 ruling, at page 8582 of the Debates, where he said:

...in view of the gravity of the matter, I have concluded that the situation before us where the House is left with two versions of events is one that merits further consideration by an appropriate committee, if only to clear the air.

Surely, when it appears that perhaps one side is not aligned with this, all sides should agree that the air needs to be cleared here. That is why the Conservatives last week asked for the Liberals to release all correspondence and records they had with the clerk so we could see whether the allegations were true or just how big that pipeline was, yet the Liberals have not been forthcoming to this point, which speaks volumes. That is why stronger tools are now needed to clear the air.

A parliamentary committee is a strong vehicle to do just that, as Mr. Speaker Milliken ruled on October 15, 2001, at page 6085 of Debates:

There is a body that is well equipped to commit acts of inquisition, and that is the Standing Committee on Procedure and House Affairs, which has a fearsome chairman, quite able to extract information from witnesses who appear before the committee, with the aid of the capable members who form that committee of the House.

The House must stand up for its own dignity and self-respect. If you find a prima facie case of privilege, Mr. Speaker, I am prepared, as I said earlier, to move the appropriate motion for a committee study. This is the only way, I am afraid, that the cloud can be cleared and these foundation-shaking allegations can be either confirmed or purged so we can get to the real business of Parliament.

• (1625)

[*Translation*]

The Speaker: The hon. member for Saint-Jean on a point of order.

Ms. Christine Normandin (Saint-Jean, BQ): Mr. Speaker, I will be brief. I want to pick up on what my colleague from Calgary Nose Hill said. She talked about people who worked on Parliament Hill, people who chose to dedicate themselves to serving democracy. They deserve a safe workplace free from inappropriate behaviour, bullying and harassment. We owe them that much. As to the point of order, we owe it to ourselves too. These people support our work as parliamentarians. They are the ones who support us as we exercise our parliamentary privilege. That is what this is about.

Regarding the allegations that were made, we believe it would be appropriate for the Board of Internal Economy to investigate. We have talked about this. We have to be able to determine whether measures were implemented to punish the subjects of harassment complaints. The Board of Internal Economy has a mission and authority under the Parliament of Canada Act, the Standing Orders of the House of Commons and the Parliamentary Employment and Staff Relations Act, so it must investigate and report to the House.

Privilege

That is the only way for us to ensure that the authorities who have the power to act in such circumstances, namely, the Privy Council, the Prime Minister and you, Mr. Speaker, in your capacity as Speaker of the House and chair of the Board of Internal Economy, acted promptly. We need to know how those authorities applied the appropriate measures to be apprised quickly of the allegations, to stop the unacceptable behaviours and, if need be, to punish the perpetrators.

In conclusion, we would like the Board of Internal Economy to be given the mandate to investigate and report to the House as quickly as possible.

[*English*]

The Speaker: The hon. member for Calgary Nose Hill.

Hon. Michelle Rempel Garner: Mr. Speaker, I would like to add to my colleague's argument with additional evidence. It is not allegations, but additional rational. I would like to argue that the Board of Internal Economy is not, in fact, the place to have this happen.

Adding to the argument of my colleague from Barrie—Innisfil, I would argue that my privilege as a member has been breached here, because it is arguably not safe to work here. The allegations that have surfaced could be put into two silos. There are other silos, but these are the ones I want to address.

The first silo is that there is a toxic workplace culture in House administration, and there was no appropriate vehicle by which to air that problem and have appropriate human resources' actions taken. That is very clear by the CBC report. Given that, moving that review into private under the auspices of the person by which the allegations are levelled is completely inappropriate by any human resources standard. The process that we have to deal with a circumstance like this, respectfully, would be PROC, or referred to a committee for study.

The second silo that I would argue with respect to it not being safe to work here is that there were serious allegations that came to light about a former staff member against a former member of Parliament wherein she stated in reports that House administration steered her toward mediation when she felt that a full complaint was warranted. That flies directly in the face of the Board of Internal Economy's policy on workplace harassment. In fact, members can find it on page 12. House administration should never have steered a complainant toward an example.

Given the fact that there are allegations of toxic workplace culture within House administration that the human resources department is part of—

• (1630)

Hon. Mark Holland: Mr. Speaker, I rise on a point of order. Is this what we are doing? Are we hearing evidence on this case? I am hearing the member opposite posit a number of different items that she is stating as fact that, again, there is no opportunity to respond to or hear other evidence of. Is this what we are doing? I just want to understand what the ruling is in this matter.

The Speaker: I will come back to the House with a ruling. I have made a commitment to bring this to the Board of Internal Economy to get down to the bottom of it one way or another. I

think that is a fair offer. I want to bring that to the board, find out what is going on and then come back with a ruling before that. I just need some time to process it.

We have points of order all over. We will go to the hon. member for Banff—Airdrie and then come back to the member for Calgary Nose Hill.

Mr. Blake Richards: Mr. Speaker, I appreciate and know that your intentions here are good, that you are looking to find a way to resolve the matter, and that is appreciated. I know that is important to you as well.

If what I am hearing is right, the member is trying to make the arguments and make the case that she believes there is another avenue that should be taken. I do think it is important for you, before making a ruling, to hear her out and hear why she believes there is a different avenue that should be taken. I hope she does not intend speak at great length, but it is important that we hear her arguments for why another avenue is the better alternative. It is important that you hear that, Mr. Speaker, before making a ruling.

The Speaker: If the hon. member for Calgary Nose Hill can make her point, then I will take it into consideration and come back to the House with a ruling.

The hon. member for Calgary Nose Hill.

Hon. Michelle Rempel Garner: Mr. Speaker, I do not feel the Board of Internal Economy, which is largely a closed-door process, is appropriate to deal with the breach of privilege that I am raising today. My privilege is breached because it is not safe to work here by virtue of other people not finding it safe work here. Frankly, I have raised this issue in numerous forms over the entirety of my decade in this place. A decade into working here, I still do not feel like it is safe to work here.

With respect, I do not think shunting this issue into a closed-door committee, when there are people at home who have not had justice, is appropriate. I just cannot stress this enough.

I would argue that should an open-door process find it appropriate to review personnel decisions or new processes in House administration through the Board of Internal Economy, that this is a route we should take. However, at this point in time, be it within political parties of all stripes in this place but certainly now within the House itself, there are no assurances for anybody coming forward with harassment that this will be taken seriously. This has to be done not in a closed-door committee, but in an appropriate parliamentary committee. That is the only way this will be addressed.

My privilege, and all our privileges, are breached, because we are doing the emotional labour of dealing with unwanted touching, sexual harassment and workplace harassment instead of doing our jobs, and that is the definition of privilege being breached. It has to be done outside of the Board of Internal Economy, and light has to be shone on this.

I do not want to be doing this. I want to be talking about other things today, but I am tired of this. Therefore, on the 100th anniversary of women being elected in Parliament, we should not shunt this to a closed-door committee. We should put it out in public. I beg that of you, Mr. Speaker.

[Translation]

Mr. Peter Julian (New Westminster—Burnaby, NDP): Mr. Speaker, as you mentioned earlier, we agree that this is a very serious matter. We are talking about issues pertaining to human resources, how our employees are treated and of course the impartiality of the House of Commons. All these issues are extremely serious and involve serious allegations.

We believe that the Board of Internal Economy is in fact in the best position to address these matters. These are important matters. I know that is not lost on you, Mr. Speaker. You have already told us that you are taking this very seriously. I think all members agree on that. The Board of Internal Economy is in the best position to consider these matters, since it is the body responsible for human resources.

• (1635)

[English]

We are talking about serious allegations. They need to be treated seriously. We believe the Board of Internal Economy is the right place to have those discussions that must surely follow the interventions today.

The Speaker: I want to thank the hon. members.

I think what we are hearing is partially process. What is going with the hon. member for Calgary Nose Hill has one implication and the other one is on a particular case. If members do not mind, I would not mind taking some time in going over this and returning with a judgment at some point in, hopefully, the next week. It is something that takes a lot of time and consideration, so we do the right thing and not go in the wrong direction and have the wrong allegations or facts twisted so we end up in the wrong place. All of us want this place to be safe, and sexual harassment is something we take very seriously on the Hill.

ACCESS BY MEMBERS TO THE HOUSE OF COMMONS PRECINCT

Mr. Blake Richards (Banff—Airdrie, CPC): Mr. Speaker, I also rise on a question of privilege. However, as this is my first time rising in this Parliament, I would like to congratulate you on your election as Speaker. I know you will face a number of challenges, as you did in the last Parliament, and that you will handle them with the same tact, grace and dignity that you always have. Congratulations from this side of the House on your continuing role in the chair.

I also want to express my appreciation to the voters of Banff—Airdrie for giving me another opportunity to represent them in this place. No matter how many times one is elected to serve, it is always an immense honour.

I am rising on a question of privilege that relates to the decision of the Board of Internal Economy that was announced on the evening of October 19. I will quote from that decision:

Privilege

Speaker of the House of Commons and Chair of the Board of Internal Economy, reports that the Board has determined that, effective Monday, November 22, 2021, individuals must be fully vaccinated against COVID-19 to be allowed within the House of Commons Precinct. This requirement will apply to any person who wishes to enter the House of Commons Precinct, including Members...

In media comments the following day, I said that the Conservatives could not agree to seven members of Parliament, and I was referring to the non-Conservative members of the board, meeting in secret and deciding which of the 338 members of this House, who had just been elected by Canadians, could enter this chamber to represent their constituents.

Members will recall that, once upon a time, the Liberals were boasting about the Board of Internal Economy meetings being open by default and talking about the great transparency they were going to bring to them. Instead, in this case, we ended up with a decision that has very sweeping constitutional implications being made behind closed doors under a very vague agenda heading referring to legal employment matters. Frankly, that could have meant practically anything to anyone who was looking at the board's website.

As the board meeting was held in camera, members will appreciate that I will have to be cautious in what I say about those deliberations, but one of the traditions of the board is that it operates on a consensus basis. Votes are, in fact, very rare. I think there have been fewer than a handful of them in the past decade or two.

There are a lot of good reasons for consensus decision-making at the board. That model is important there. Not the least of these reasons is that, when a decision is made, every member of the board can then go back to his or her caucus and simply explain the decision without having to betray the in camera discussions that took place.

I will say that the opposition House leader and I abstained from the vote on that board decision, given that we believed that the board lacked the jurisdiction to limit members' access to parliamentary proceedings. I am challenging that lack of jurisdiction here today by way of this question of privilege—

• (1640)

Hon. Mark Holland (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the proceedings of the Board of Internal Economy are in camera, and therefore, the discussions about votes of the Board of Internal Economy are supposed to similarly be in camera.

Mr. Warren Steinley (Regina—Lewvan, CPC): Mr. Speaker, the government House leader has been on his feet several times. Just because he does not like what opposition members are saying does not mean that it is not fair. In fact, the member for Banff—Airdrie made the point that he would not discuss anything that was in camera at the Board of Internal Economy, so I think he should be able to continue with his remarks.

Privilege

The Speaker: I do not want to get involved in the debate. To be honest, I have just called upon the clerks to ask if reporting on a vote and how people voted in camera would be a breach.

I will let the hon. member continue. I will listen in, consult and see where everything is going.

Mr. Blake Richards: Mr. Speaker, I was not attempting to reveal the votes of other members. I was simply indicating that I abstained from the vote.

I want to make one thing really clear right now. This question of privilege does not relate in any way to disputing vaccines or their very vital role in conquering the COVID-19 pandemic. What I am challenging is the authority of the—

The Speaker: I have consulted with the clerk, and it is a fine line, but basically the hon. member for Banff—Airdrie is saying that he did not vote.

There is a fine line between saying what happened in the board and what did not happen, so I want to caution everyone. What happened was in camera. Please keep that in mind.

The hon. member for Banff—Airdrie has the floor.

Mr. Blake Richards: Mr. Speaker, I respect that, and as I have indicated, I will be cautious.

I want to make it clear that I am questioning the jurisdiction of the board to be able to make that decision, not the decision itself, because I do believe vaccines are critically important in conquering COVID-19. Conservatives have said the entire time that vaccines are the safest and most effective way to reduce the spread of COVID-19 and prevent serious illness. We encourage every Canadian who can to get vaccinated because vaccines are our ticket out of this wretched pandemic. I want to make that very clear.

This is why we have been so persistent in critiquing the government's efforts in the procurement of vaccines and why we were urging the Liberals to ensure more Canadians had access to get jabs in their arms sooner.

Unlike the Prime Minister, who should be ashamed of himself for politicizing vaccines and dividing Canadians, Conservatives abided by all of the public health guidelines during the recent election campaign. This is also why the Leader of the Opposition announced—

The Speaker: I want to clarify with the hon. member that we are getting into a debate. I just want the facts of the case. If he could stick to that, I would appreciate it.

The hon. member for Banff—Airdrie has the floor.

Mr. Blake Richards: Mr. Speaker, I understand it is as important to establish what it is not about as it is to establish what it is about, so I will take the point and move on. I think I have made clear what it is not about. Certainly, it is not about the efficacy or the importance of vaccines. I will make that clear.

What I am rising about today is this. I believe the Board of Internal Economy's decision represents a major breach of the ancient privileges of the House and in fact could set a very troublesome precedent.

Following the Prime Minister's lead, some pundits have been quick to claim that this issue is about some politicians looking out for their own self interest, but as pages 59 and 60 of the *House of Commons Procedure and Practice*, third edition, remind us:

The privileges of the Commons are designed to safeguard the rights of each and every elector.

That is critically important, because barely two months ago the electors it refers to chose the 338 people who sit in the House of Commons to represent them here.

Page 60 of Bosc and Gagnon quotes from the 20th edition of Erskine May's parliamentary procedure that:

The privileges of Parliament are rights, which are "absolutely necessary for the due execution of its powers". They are enjoyed by individual Members because the House cannot perform its functions without unimpeded use of the services of its Members.

A similar point is made by Joseph Maingot on page 12 of his second edition of *Parliamentary Privilege in Canada*. The privileges that are implicated by the Board's decision are in fact to be found among the House's collective rights.

In particular, I point the Speaker to page 59 of Bosc and Gagnon, which explains:

The rights and powers of the House as a collectivity may be categorized as follows:

[The] exclusive right to regulate its own internal affairs (including its debates, proceedings and facilities);

and

[The] right to provide for its proper constitution, including the authority to maintain the attendance and service of its Members.

This right of the House to maintain the attendance and to have the service of its members finds expression in Standing Order 15, which states:

Every member, being cognizant of the provisions of the Parliament of Canada Act, is bound to attend the sittings of the House, unless otherwise occupied with parliamentary activities and functions or on public or official business.

I underscore that every member is bound to attend the sittings of the House. Some exceptions are indeed noted, but none of them suggests this expectation can be waved off by the Board of Internal Economy.

Bosc and Gagnon, at page 107, state:

In order to fulfill their parliamentary duties members should be able to go about their parliamentary business undisturbed....

Speakers have consistently upheld the right of the House to the services of its members free from intimidation, obstruction and interference.

The Standing Committee on Procedure and House Affairs, in its 66th report, presented in April of 1999, elaborated at paragraph 15:

One of the privileges of Members of the House of Commons is a right of unimpeded access to Parliament and the parliamentary precincts. Members are entitled to go about their parliamentary business undisturbed, and cannot be prevented from entering the chamber or a committee room for a parliamentary proceeding. This privilege...can be...traced back to at least the early eighteenth century, and is part of the heritage of all legislative bodies that trace their origins to the British parliamentary tradition. It is based on the pre-eminent right of the House to the attendance and service of its Members. Any obstruction of Members constitutes a breach of privilege and a contempt of the House of Commons.

There can be no doubt that the board's decision constitutes or purports to be an obstruction to members of the House and their ability to come here for its sittings, and, once our committees are struck, potentially for their meetings as well.

That leads me to the comments of Bosc and Gagnon at page 110, which state:

In circumstances where members claim to be physically obstructed, impeded, interfered with or intimidated in the performance of their parliamentary functions, the Speaker is apt to find that a prima facie breach of privilege had occurred. Incidents involving physical obstruction...either impeding Members' access to the parliamentary precinct or blocking their free movement within the precinct...have been found to be prima facie cases of privilege.

Indeed, Bosc and Gagnon, at page 86, remind us that:

The denial of access of members to the parliamentary precinct has been found to constitute contempt of the House on several occasions.

● (1645)

While those instances typically relate to security activities or maybe organized protests, for example, the occasions afforded the procedure and House affairs committee offer several different opportunities to shed light on how critical these rights of the House actually are.

For example, the committee wrote in its 21st report tabled in January 2005 that:

The denial of access to Members of the House—even if temporary—is unacceptable, and constitutes a contempt of the House. Members must not be impeded or interfered with while on their way to the chamber or when going about their parliamentary business. To permit this would interfere with the operation of the House of Commons and undermine the preeminent right of the House to the services of its members.

That report was subsequently concurred in by the House on May 17, 2005.

The procedure and House affairs committee later wrote, this time in its 26th report, tabled in May of 2012 that:

As part of the parliamentary privilege, Members of the House of Commons have the right of unimpeded and unfettered access to the parliamentary precincts, and are entitled to go about their parliamentary duties and functions undisturbed and without any form of interference.

The same point was made almost word for word by the committee in its 34th report presented in March 2015 and in another 34th report, this time presented in June 2017. In fact, I pause to observe that I was actually a member of the committee for both of those reports. It was clear to me, from my participation during those committee deliberations, that there was a growing impatience in the parliamentary community with members being thwarted in their efforts to come to the House. That is why I was so surprised to see, only a few years later, the Board of Internal Economy take such a casual approach to imposing barriers without sufficient accommodations for MPs being able to come to the chamber.

Privilege

The earlier attitudes that I have spoken of can be found, for example, in the 2012 report of the procedure and House affairs committee, which restated the obligations and expectations of those regulating access to Parliament, including this observation:

First, Members of the House of Commons should not, in any case, be denied or delayed access to the Hill and the precinct when they are known to be Members.

Speaker Regan, in an April 6, 2017, ruling, which would eventually lead to the 2017 report that I cited earlier, commented at page 10246 of the Debates. He said:

The importance of the matter of members' access to the precinct, particularly when there are votes for members to attend, cannot be overstated. It bears repeating that even a temporary denial of access, whether there is a vote or not, cannot be tolerated.

The 2017 report, meanwhile, noted that:

In line with past precedents, the Committee strongly believes that the right of unimpeded access for parliamentarians to the parliamentary precinct is of the utmost importance and that obstruction or interference with Members engaged in parliamentary business cannot be condoned.

We are left with a trail of precedents, which goes directly to the right of this House to have the attendance and service of its members. Now, some may say that the board's decision should be upheld because it is about safety. I agree that in pandemic times it is right that we should take appropriate precautions. However, that does not mean the rights of Parliament should just be tossed out, but rather it is incumbent upon us to find an appropriate balance. Even for physical security operations, which I am sure we can all agree are very important activities around here, it does not mean that Parliament's rights are expected to yield.

Mr. Speaker, one of your predecessors, the hon. member for Regina—Qu'Appelle, in a March 15, 2012, ruling at page 6333 of the Debates, indeed made the point that "...the implementation of security measures cannot override the right of members to unfettered access to the parliamentary precinct, free from obstruction or interference."

Earlier, I mentioned that the House itself also has rights to control its own internal affairs. Bosc and Gagnon, for example, comment on page 122 that:

It is well established that, by extension, the House has complete and sole authority to regulate and administer its precinct, without outside interference, including controlling access to the buildings.

The authorities are also clear that these rights may be reconciled when they conflict with members' rights to come here to represent their constituents. Indeed, that is where the balancing act that I am suggesting comes into play.

● (1650)

For their part, Bosc and Gagnon, at pages 87 and 88, note:

...the individual Member's rights are subordinate to those of the House as a whole...is extremely rare, however, that the rights of the House collectively will be used to override those of an individual.

Maingot adds, at pages 13 and 14:

While it will be seen that the Member enjoys all the immunity necessary to perform his parliamentary work, this privilege or right...is nevertheless subject to the practices and procedures of the House.

Privilege

The real crux of the question before us, then, is who has the proper and lawful authority to impose limits or controls on those individual rights. Perhaps I could offer an analogy.

I am standing here today in a suit and tie, partly because, according to the customs and usual practices of the House, I must do so in order to be recognized to speak. If I were to take my tie off, Mr. Speaker, you would not recognize me and I could not speak, yet I would not suggest that my rights were breached.

The difference between the tie requirement in my analogy and the vaccine requirement of the board is that one is the established practice of the House and the other was decided by some outside body and imposed on all MPs. Yes, that outside body might be composed of MPs, but it does not constitute all MPs and therefore cannot be the House.

Parliament and even judicial authorities recognize that the control of the precinct vests in the House and, on its behalf, the Speaker.

Madam Justice Charron, for a unanimous Ontario Court of Appeal in the 1999 *Zündel v. Boudria* decision, held, at paragraph 18:

In my view, it should be self-evident that control over the premises occupied by the House of Commons for the purpose of performing the Members' parliamentary work is a necessary adjunct to the proper functioning of Parliament. Surely, someone must be in control of the premises. Who better than the Speaker, who historically has exercised this control for the House? In my view, the courts would be overstepping legitimate constitutional bounds if they sought to interfere with the power of the House to control access to its own premises.

Notice that Madam Justice Charron referred to the House and the Speaker, and not to the Board of Internal Economy and the chair of the board.

I will be as brief as I can, Mr. Speaker, but there are a number of things that I have to address to ensure that you can properly make the ruling based on what is and is not.

Mr. Speaker Milliken, May 10, 2006, at page 1189 of the Debates, remarked:

...it is my role as Speaker to protect the House's control over its premises and to protect the access of members to these premises...

Mr. Speaker Regan, in his April 6, 2017 ruling, noted at page 10245 of the Debates:

As Speaker, it is my role to ensure that the privileges of the House and the individual privileges of members are protected, including that of freedom from obstruction; for it is that privilege of unfettered access to the parliamentary precinct which ensures that members are able to discharge their responsibilities as elected representatives.

It is worth bearing in mind, of course, the words also of Bosc and Gagnon, at page 317, that the Speaker is the chief servant of the House, and that it is your responsibility, Mr. Speaker, "to act as the guardian of the rights and privileges of Members and of the House as an institution."

The Speaker of the House also, of course, serves as the *ex officio* chair of the Board of Internal Economy, but that is, I would suggest to you, a different legal and constitutional capacity that you have as Speaker.

Indeed, the November 2 *Globe and Mail* article describes a distinction between these two roles, with particular regard to the board

decision I am speaking about today, based on an interview with you, Mr. Speaker. It states:

In his defence, [the Speaker] said he only chairs the board and decisions, including that one, are made by MPs who sit on the board.

That is to say that the Speaker, when acting as chair of the Board of Internal Economy, is not acting directly in his or her constitutional capacity as the guardian of the House's rights and privileges or as the House's delegate for managing the precinct. In any event, on the basis of that *Globe and Mail* interview, it is fair to say that the chair of the board's October 19 meeting certainly did not see it otherwise. Since you, Mr. Speaker, distanced yourself from ownership of the board's decision, the question becomes whether the board itself has the authority.

● (1655)

In my respectful opinion, the Board of Internal Economy simply does not have the statutory authority or the delegated authority from the House to make a decision like this one with such sweeping implications. If members will allow me, I would like to talk about what some of those implications are. I will do it as briefly as I can.

Section 52.3 of the Parliament of Canada Act prescribes the board's authority: "The Board shall act on all financial and administrative matters respecting (a) the House of Commons, its premises, its services and its staff; and (b) the members of the House of Commons."

This is an important part of the argument. In my respectful view, those administrative matters concern items like staffing policies, office use guidelines, IT regulations and things like that. They do not touch upon the procedural concerns of the chamber. The former senior legal counsel of the House, Steve Chaplin, shared that view in a recent interview with the *National Post*, when he commented, "There is no business or jurisdiction for the Board to interfere with the proceedings in the House, including members' attendance and participation.... Privileges are constitutional and, at the end of the day, the independence of the House to carry out its functions and how this is done is for the House to decide."

Indeed, I would submit to members the background to the adoption of section 52.3 bears out that interpretation, and I just want to share that background. It originated from the recommendation in the fourth report of the Special Committee on the Review of the Parliament of Canada Act, often known as the Danis committee. That report was presented to and concurred in by the House on June 1, 1990. The context of paragraph (b) concerning members of the House is explained by the Danis committee at page—

● (1700)

The Speaker: I will interrupt the hon. member.

I believe I have enough information to determine whether it is a *prima facie* case, and I will get back to the House.

I want to thank the hon. member for the very detailed presentation, and a case that has been made. I just want to say that I believe I have enough details and enough facts there. I do not need any more. If he wants to just wrap it up in 30 seconds we will move on, and the hon member for Salaberry—Suroît would like to comment on that as well.

Mr. Blake Richards: Mr. Speaker, I do believe there are, in fact, other elements that I wanted to touch on, and I intended to do it as briefly as I could, but I will respect the Speaker's ruling, as I must.

I am thankful for the chance to wrap up, because I think it is important that I have this opportunity to at least indicate what I see as a potential remedy in this situation. If you were to find a prima facie case of privilege, I would then have other arguments I should make.

However, we are still in the midst of a pandemic. I think we all hope we are in the home stretch of it, so action is certainly necessary. That is why I would not propose that we refer this issue to the procedure and House affairs committee for a time-consuming study or for analysis. Similarly, I would not want to waste our time pronouncing the board, the Speaker, the Parliamentary Protective Service or anyone else in contempt of the House over this situation.

Time and action are of the essence here. If you find a prima facie case, I intend to put forward a motion that would allow the House directly to pronounce itself on a vaccination or test mandate for members to access the precinct. I think this is a balance we can strike.

In closing, I would urge that the Speaker find that the board decision represents a breach of the House's rights to control its own internal affairs and to have the attendance and services of its members, because of the obstruction imposed upon the members' rights to unfettered access throughout the precinct.

There is an argument to be made that this could be, in fact, an academic debate, given that all members are vaccinated and have access to the precinct, but I do not think that it is academic, because it is precedent that we are talking about here, as well.

These are very weighty and very serious concerns with very serious public safety and also constitutional implications. I know it is important that we have a ruling on this, whether it is seen as academic in the current context or not.

I know you will certainly do what is right by the House, and I look forward to the opportunity to put forward such a motion to find that appropriate balance.

The Speaker: I want to thank the hon. member. I believe we have a number of different comments on this one as well. We will go to the hon. member for Salaberry—Suroît, followed by the hon. member for New Westminster—Burnaby and then over to the government House leader.

[Translation]

Mrs. Claude DeBellefeuille (Salaberry—Suroît, BQ): Mr. Speaker, I would like to share certain points that we believe must be considered with regard to the question of privilege raised by the chief opposition whip.

Privilege

I would first like to say that the decision made by the Board of Internal Economy concerning vaccination of people on Parliament Hill was necessary and vital given the COVID-19 pandemic. As the administrative body of the House of Commons, it is evident that the Board of Internal Economy acted responsibly and in the interest of all by adopting this health measure proposed by scientists, which is proving to be very effective in overcoming the pandemic.

It is important to point out what motivated the board to require that those entering the parliamentary precinct be vaccinated. Need I remind the House that COVID-19 is responsible for the loss of thousands of lives nationwide?

As of early November, the death toll was almost 12,000 in Quebec, almost 30,000 in Canada and more than five million around the world.

We have a duty to reflect on the issues that have been generated and magnified by the pandemic, and we have a duty to do what is needed to address them. This is what we were elected to do. We must be sensible in carrying out our parliamentary duties in order to protect our democracy as much as possible for the good of society, for everyone here and for our children.

There is broad consensus among scientists that vaccination is one of the best ways to get through this pandemic, and we need to set an example. We have a duty to keep Parliament running so that we can do the legislative work we were elected to do. The parliamentary privilege that each one of us enjoys is offset by this duty.

The decision regarding proof of vaccination and access to the parliamentary precinct for members and their staff is a purely administrative one that we believe falls under the jurisdiction of the Board of Internal Economy. The authors of the third edition of *House of Commons Procedure and Practice* state on page 304 that the “powers and authority of the Board flow from provisions of the *Parliament of Canada Act*, the *Standing Orders of the House of Commons*, and the *Parliamentary Employment and Staff Relations Act*.” According to section 52.3 of the *Parliament of Canada Act*, the Board of Internal Economy “shall act on all financial and administrative matters respecting (a) the House of Commons, its premises, its services and its staff; and (b) the members of the House of Commons.”

It is therefore clear that the Board of Internal Economy can make administrative decisions that it deems are in the best interest of the House of Commons in order to ensure that parliamentary work can be done properly. It is in the very nature of an organization, whether it be public or private, to make decisions regarding the health measures to be implemented, taking into account public health recommendations and provincial government orders, in order to ensure the well-being of the organization and to protect staff, clients and service providers.

It is clear that the Board of Internal Economy has not only the power to require double vaccination on Parliament Hill but also, and most importantly, the duty to make the decision to add this public health measure to the other public health measures it has implemented over the past year. I would also point out that the Board of Internal Economy is an extension of the House of Commons.

Privilege

The Board of Internal Economy's composition ensures it remains non-partisan and balances the interests of the government and the opposition parties. The decision made by the majority of its members was made in accordance with the usual practices and the statutory and regulatory authorities.

It is worth noting that, in 2013, at the request of the House, the Standing Committee on Procedure and House Affairs considered whether to replace the Board of Internal Economy with an independent oversight body. The committee concluded that the Board's structure and mandate, as we know them, "is the most appropriate model". In our view, therefore, the Board of Internal Economy has the legitimacy to take action on such matters.

The official opposition is suggesting that the Board of Internal Economy's decision regarding the vaccination of MPs on Parliament Hill is a violation of parliamentary privilege.

• (1705)

We should consider the particular circumstances resulting from the pandemic. The decision to require vaccination was made for public health reasons. In this case, the administrative decision of the Board of Internal Economy does not in any way breach parliamentary privilege. Although in other circumstances we might agree that preventing certain members from accessing the House of Commons and Parliament Hill would constitute a breach of parliamentary privilege, the current pandemic leads us to conduct a more nuanced analysis of this privilege.

At this point, we must highlight the intrinsic objectives that led to the tradition of parliamentary privilege enshrined in the Constitution Act, 1867. On the one hand, Bosc and Gagnon say the following on page 75 of the third edition of *House of Commons Procedure and Practice*: "The collective privileges of the House of Commons and the individual privileges of its Members are not unlimited."

On the other hand, parliamentary privilege does not put the individual rights of members first to the detriment of collective rights of the House of Commons. The individual privileges of members when exercising their parliamentary duties should not contradict the purpose of the House as a deliberative and legislative assembly working on behalf of democracy.

Tradition and practice dictate that the collective rights of the House take precedence over the rights of parliamentarians as individuals in order to protect Parliament from any abuses by individual parliamentarians. Is it not the intrinsic purpose of parliamentary privilege to enable Parliament to do its work?

To determine whether the privilege of unvaccinated members has been breached, we must ask ourselves whether the repercussions of their presence on the Hill, due to the fact that they are not vaccinated, could hinder the legislative work and deliberations of the House of Commons.

Allowing members who are not adequately vaccinated onto the Hill in the middle of a pandemic could have an adverse or even disastrous effect on the proper functioning of the House in the event of an outbreak. Favouring the privilege of unvaccinated members could in fact breach the collective privilege of the House to fully and adequately carry out its work and hold debates. This would be

contrary to the interests of the public and society, which expect Parliament to operate as the seat of our democracy.

In reality, the purpose of requiring double vaccination is specifically to prevent the virus from spreading in Parliament and avoid having to stop or disrupt parliamentary activities. The Board of Internal Economy's decision to require members and staff to be vaccinated in order to work on Parliament Hill is entirely legitimate and necessary.

Furthermore, because the Constitution Act, 1867, refers to the usages and forms of the House of Commons of the Parliament of the United Kingdom to determine the extent of the privilege of the Canadian Parliament, it makes sense to look at whether other Commonwealth parliaments require their members to be vaccinated against COVID-19, notwithstanding parliamentary privilege.

In October, the Australian Parliament became the first Westminster government to require that members and staff be vaccinated in order to enter Parliament. A majority of Australian members adopted a motion to that effect in the House. If members do not comply with the vaccination requirement, they are suspended from the parliamentary precinct until the second sitting day of 2022.

The Scottish Parliament also ruled on vaccination for its members. The July 20, 2021, edition of *The Herald* reported that, during deliberations in the House, the Scottish Speaker said that there is nothing to stop a member from entering the House unless the House says otherwise. That is essentially what our own Board of Internal Economy has done.

Mr. Speaker, for all these reasons, we respectfully suggest that you immediately put the question to see whether the House supports the Board of Internal Economy's decision to require vaccination on Parliament Hill.

• (1710)

Mr. Peter Julian (New Westminster—Burnaby, NDP): Mr. Speaker, that action was taken by the Board of Internal Economy. I agree with my hon. colleague from Salaberry—Suroît who said that that decision makes sense.

Today we should be thinking about the 30,000 Canadians and five million people around the world who have died from COVID-19. This is a serious pandemic. We have not seen a pandemic this bad in over a century. Appropriate measures are needed to address this kind of pandemic. That is why I am surprised and disappointed by the question of privilege raised by my colleague, the official opposition whip. These decisions really are just common sense.

• (1715)

[English]

As we know, this Parliament and previous Parliaments have given specific instructions and bylaws to the Board of Internal Economy. The Board of Internal Economy bylaws that were fixed by Parliament specifically empower the board to “make policy decisions to govern the use of funds, goods, services and premises provided for the House, its committees and members”. Those bylaws, which come from Parliament and parliamentarians themselves, further define the premises as “any place provided for the use of the House of Commons, its committees, and members or the House Administration, and any place where the House or any of its committees sits”.

Parliament already gave those powers to the Board of Internal Economy. The Board of Internal Economy made an important decision to ensure the health and safety of members of Parliament, employees, whom we must respect at all times, and, most importantly, the public. There are 338 of us who come from all corners of Canada. Some of us are from high-transmission zones of COVID right now. There have been outbreaks in my communities of Burnaby and New Westminster, as you are well aware, Mr. Speaker. Some of us come from areas where there is very low transmission, but the reality is that all of us coming together into one room leaves the possibility that we can have transmission from one member of Parliament to the other, and that member of Parliament can take COVID back to their region, which may be a low-transmission zone but could effectively be impacted by the decisions that were made.

Therefore, the Board of Internal Economy made the decision that members of Parliament had to be double vaccinated or, in the case of medical contraindication, subject to regular testing with 48 hours' notice, to ensure they have a negative COVID test. These are smart policies that were put into place by the Board of Internal Economy.

I should add that we are asking Canadians now. We know, as members of Parliament, that when we got on planes, we had to show our confirmation of double vaccination. When we go to restaurants in Ottawa, we have to show confirmation of double vaccination. To say that the general public's contribution in the effort against COVID is showing their double vaccination but that somehow members of Parliament should not be inclined to do that just does not make any sense. We have a responsibility and a duty to protect the employees of the House of Commons, the House administration and everyone else with whom we come into contact.

My final point is that we have a responsibility to lead by example. There are 30,000 Canadians and five million people worldwide who have died from COVID. We have a responsibility, as members of Parliament, to lead by example and to ensure that we are showing the utmost adherence to good, solid public safety recommendations. Public health and safety need to be paramount in our minds at this time, when we have the pandemic and its deadly fourth wave ravaging certain communities, including mine.

We have an option as well. In this corner of the House, the leader of the NDP, the member for Burnaby South, has advocated for a hybrid Parliament, to ensure that we have the hybrid tools so that if any member of Parliament, for whatever reason, is unable to satisfy

Privilege

the vaccine requirement, if a member of Parliament needs to go into quarantine, or for any other reason, they can still actively participate, support and speak up for their constituents in this House of Commons. The NDP will continue to advocate for those hybrid tools to be used during this pandemic.

For all those reasons, I do not see a substance behind a question of privilege on this basis. It is smart, prudent public policy that was put into place by the Board of Internal Economy and is something that should be upheld.

• (1720)

Hon. Mark Holland (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, as I take my place here yesterday and today, I cannot help but reflect on how fortunate I am to be here and thank the good folks of Ajax for sending me to this place for the sixth time. In returning for the sixth time, I welcome this debate because it is an opportunity for us to have a discussion on the nature of privilege.

Of course, privilege is extended to us not because we are special but because we hold an important democratic function representing the people in our ridings. We have a duty, as was just articulated by the NDP House leader, to lead by example and to use that privilege for the purpose for which it was intended, to extend the betterment of Canadian citizens, their health and well-being, and ensure we comport ourselves in a way that inspires leadership in the rest of the country.

We hit a big milestone today: 90% of Canadians have at least one vaccine and over 86% have two. It is a remarkable achievement. It is remarkable because we have been able to frankly be much less divisive in our country than we have seen in other places.

Every time we debate this, and is why I lamented being here today, it makes it harder for that last 10% to get that first shot and harder for that last 14% to get that shot. It is my sincere hope we can dispose of this matter and stop talking about it so we can be united in our desire to see every single Canadian vaccinated so we can put this whole business of COVID behind us.

I look at this and my problem is really a couple-fold. One would hold out that the Board of Internal Economy is only seven members of Parliament. Those members are representatives of their respective parties and represent more than 70% of the elected will of the Canadian people.

Others have spoken about other mandates in place and how we should expect Parliament to be no different. I would actually say that this place has an extra special responsibility to make sure everybody is vaccinated here, specifically because we are criss-crossing from every part of the country, convening in this room, meeting for very long hours and then returning to every part of this country.

This is not the same situation as the local restaurant. There is no other workplace like this one. Therefore, we have to be even more careful in how we—

[Translation]

The Speaker: Order. There appears to be a problem with the interpretation.

Privilege

Now that the interpretation is working, the hon. Leader of the Government in the House of Commons.

Hon. Mark Holland: Mr. Speaker, questions of privilege are not just about individual members; they are about the collective interest and health of all members. What happens if a member has a health problem? That is why we are having these in camera discussions at the Board of Internal Economy. People's personal situations and health status must be discussed in private.

[English]

We have members in this place who may be immunocompromised, people who are actually put at very real, elevated risk compared to others because of a communicable disease. What about their privilege? I do not hear the Conservative members talking about the privilege of members who are in that very vulnerable state.

This place is not just about our privilege. As I stand here, I see members of the House administration. I see pages. I know there are people who are doing translation. There are journalists. What about their health? What about their privilege to have their health protected? At what point do we set rules to make sure that the privilege of an individual does not compromise the safety and health of others?

We know that this chamber is full of rules and full of things that would infringe upon our individual privilege. The whip spoke about the fact that I have to wear this tie. He is absolutely right; that is a rule, and I suppose that is an infringement of my privilege if I did not feel like wearing a tie. So are dress codes, limited hours and limited debate. I was just talking to the member for Winnipeg North, who was telling me a story of a member who walked into the Manitoba legislature with a knife and had to be told that their privilege did not include carrying a knife.

There are limits on our privileges in this place. Those limits are present at all times. I would submit to you, Mr. Speaker, that they most certainly are present during a pandemic. We are in a public health crisis. We would expect all workplaces to have these provisions. I am, frankly, disappointed that we are talking about this, because all of these conversations miss the single most important fact, which is that with unanimity we could have avoided all of this. We could simply have agreed that vaccines, in this place, on the parliamentary precinct, are the right thing to do. Instead, we are continuing to debate this for reasons that frankly, I have to say, are confusing to me.

If these moral arguments do not hold sway and if the concern of privilege for others does not hold sway, I will refer specifically to some items within the Parliament of Canada Act and elsewhere that demonstrate the Board of Internal Economy's ability to have authority to decide vaccination requirements within this House.

I would like to draw to the attention of members section 52.3 of the Parliament of Canada Act, which states, in respect of the functions of the Board of Internal Economy:

- The Board shall act on all financial and administrative matters respecting
- (a) the House of Commons, its premises, its services and its staff; and
 - (b) the members of the House of Commons.

The Board of Internal Economy has a legislated mandate to act on administrative matters for the House and its members.

I would also like to draw the attention of members to Government Motion No. 1, which the government gave notice of today on the special Order Paper, and which was shared last week with all parties. Motion No. 1 directly addresses the matter of ensuring that members who participate in the deliberation of this House in person must be fully vaccinated or have a legitimate medical reason for not being vaccinated. This is a fundamental issue of the collective privileges of the House.

● (1725)

[Translation]

I can assure members that this matter will be debated as soon as possible to send a clear message that the health and safety of members who participate in person are of the utmost importance to the government members and, by extension, the House.

I would point out that not only does the Board of Internal Economy have the authority to make the sensible decision it has made, but also this matter will be debated and voted on in the next few days, which will further resolve the point raised by the opposition member.

[English]

In closing, I would like to cite a salient point made in the 2014 edition of Erskine May's *A treatise on the law, privileges, proceedings and usage of Parliament*, at page 203. It states that certain rights and immunities, such as freedom from arrest or freedom of speech, belong primarily to the individual members of each House and exist because the House cannot perform its functions without unimpeded use of the services of its members.

It goes on:

Other rights and immunities, such as the power to punish for contempt and the power to regulate its own constitution, belong primarily to each House as a collective body, for the protection of its Members and the vindication of its own authority and dignity. Fundamentally, however, it is only as a means to the effective discharge of the collective functions of the House that the individual privileges are enjoyed by Members.

That last quote is most pertinent to this situation. The question of the relationship between individual privileges and our collective privileges is a fundamental issue for this House to determine. That is precisely what the government is proposing to accomplish through Government Motion No. 1.

● (1730)

As the last point, even if the party opposite continues to protest in this way, there is a very simple solution, which the House leader for the NDP has indicated, and that is an extension of the hybrid measures which would allow the members who are unvaccinated in their caucus to participate remotely and do so in a way that is safe and does not in any way impugn their privilege. They are in the odd position of disenfranchising their own members by saying they are both against having this hybrid provision and also having this position on vaccines, which I find strange.

This matter is clear. Absolutely the board has the authority and collective privilege has to be respected in this place.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I speak as a member in a party that does not have a seat on the Board of Internal Economy in support the decision the Board of Internal Economy has made.

I speak also as someone who, being in the House for the last two days, does not feel safe to use the opposition lobby. It is overcrowded. Even with masks, we need to maintain physical distance. We need to be careful. I am particularly vulnerable and feel vulnerable in that space, because I am not confident that all the other people sharing it are double vaccinated. We are members of Parliament from four parties in that space and I feel my privileges to do my work as a member of Parliament are impeded by not being able to use the opposition lobby until matters of public health and safety are completely and rigorously observed in this place.

I speak in support of the member for Salaberry—Suroît, the member for New Westminster—Burnaby and the hon. government House leader. This matter should not be burdening us now. We need to feel that public health measures are rigorously enforced here.

Parenthetically, at COP26, they had strict measures of wearing masks, keeping physical distancing and every single person, 35,000, did daily COVID lateral flow tests to once again ensure we were all safe together. We should all support these measures.

Mr. John Brassard: Mr. Speaker, it is clear by the discussions today that there was a lot of unfinished business in Parliament as a result of the election and clearly there is new business as well. When the House began its summer adjournment, the Chair had before it a question—

The Speaker: I am sorry. I do not mean to interrupt the hon. member, but this is a new item not having to do with what we were discussing.

I will wrap up after the hon. member for Saanich—Gulf Islands spoke. I will take it under consideration and come back to the House. I just wanted to wrap that up to ensure it was taken care of.

The hon. member for Barrie—Innisfil can start from the top. My apologies.

ALLEGED BREACHES OF PRIVILEGE PRESENTED IN THE SECOND REPORT OF THE STANDING COMMITTEE ON ACCESS TO INFORMATION, PRIVACY AND ETHICS

Mr. John Brassard (Barrie—Innisfil, CPC): Thank you, Mr. Speaker. This is in relation to a letter and a question of privilege related to the 43rd Parliament, which I wrote to you about, and I rise today just to be perfectly clear.

When the House began its summer adjournment, the Chair had before it a question of privilege, which the hon. member for Leeds—Grenville—Thousand Islands and Rideau Lakes had raised on June 10, with respect to the second report of the Standing Committee on Access to Information, Privacy and Ethics that had been presented to the House that morning. The then government House leader's parliamentary secretary told the House that he would come back within a week with a response, but the Liberals remained perfectly silent throughout June.

Privilege

Before a ruling could be delivered, the Prime Minister called an unnecessary federal election in pursuit of his own ambitions for power. By rising today, I am seeking to revive this question of privilege.

As you recently heard from my House leader, Mr. Speaker, it is a well-established principle that one Parliament may address a contempt that was committed against one of its predecessors. He also spoke about importance of raising this matter today in keeping with the spirit of your ruling from last autumn.

Since there has been some turnover in the membership of the House since June, I will give a recap of the issues raised in the original question of privilege.

Very extensive submissions were put forward on June 10, so I would refer the Chair to those including—

● (1735)

Hon. Mark Holland (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I rise on a point of order. I was up earlier on this, but, as this is a matter from the previous Parliament that would have concluded at dissolution, I do not believe it comes forward here. Therefore, I am not opposed to the member raising it, but I believe it is premature to be doing so here.

I would have to assert that a motion or committee report would be necessary for this matter to be considered. It is premature. We are dealing with a lot of matters that are from the previous Parliament. I do not believe that members can simply bring matters in here and avert that process, and I would seek the Speaker's ruling on such.

The Speaker: I will let the hon. member for Barrie—Innisfil continue. In the meantime, I will consult with the table to make sure we are not breaking any rules and that we are following the proper procedure.

The hon. member for Barrie—Innisfil.

Mr. John Brassard: Mr. Speaker, again, I would refer you, in keeping with the spirit of your ruling from last autumn, with respect to these issues. In any event, members can be reassured that my comments will be much shorter than the two hours or so of submissions that were made back in June.

On March 25, this House adopted an order requiring the attendance of three witnesses before the ethics committee: Rick Theis, the Prime Minister's director of policy and cabinet affairs, was to appear on March 29; Amitpal Singh, the Deputy Prime Minister's policy adviser, was to appear on March 31; and Ben Chin, the Prime Minister's senior adviser, was to appear on April 8. The order also contemplated that the Prime Minister could appear on behalf of any or all of those individuals. In the end, as confirmed in appendix A of the second report, none of them appeared before the ethics committee.

Privilege

On page 82 of the *House of Commons Procedure and Practice*, third edition, various categories of known contempts of Parliament are noted, including, “without reasonable excuse, failing to attend before the House or a committee after being summoned to do so” and, “without reasonable excuse, disobeying a lawful order of the House or a committee”.

Parliamentary Privilege in Canada, second edition, at page 239, outlines the importance of treating Mr. Theis, Mr. Singh and Mr. Chin's disregard of the March 25 order of the House as contempt. It states:

Disobedience to rules or orders represents an affront to the dignity of the House, and accordingly the House could take action, not simply for satisfaction but to ensure that the House of Commons is held in the respect necessary for its authority to be vindicated. Without proper respect, the House of Commons could not function.

A moment ago I quoted Bosc and Gagnon's caveat of “without reasonable excuse”. I would argue that could be addressed very quickly considering that none of the three witnesses offered any excuse for their absences. I do acknowledge that two cabinet ministers wrote to the ethics committee's chair to indicate they would appear on behalf of the witnesses, but that does not constitute an excuse from the witnesses personally. In the alternative, I would say it does not amount to a reasonable excuse.

In the present case, it is quite clear the House adopted an order and the order was breached completely, since there was no effort by the witnesses to comply with it in any way, nor was any excuse advanced by them to be weighed by the House or for the committee to assess and report its findings.

I now wish to turn to the government's role in preventing Mr. Theis, Mr. Singh and Mr. Chin from appearing as witnesses at the ethics committee. The government has freely admitted to this course of conduct, both in advance and at the time of the scheduled appearances. In his remarks to the House on March 25, the then government House leader said, at page 5234 of the Debates, “I say here today that ministers will instruct their staff not to appear when called before committees and that the government will send ministers instead to account for their actions.”

The Speaker: I am wondering if the hon. member could get to the point. I am trying to understand how this is applicable to this Parliament. It sounds like there is an argument for overlap.

I would like to make sure this is something that is applicable to this Parliament, that we are not arguing a past Parliament, and that this is pertinent to this Parliament. I am sure the hon. member can do that.

The hon. member for Barrie—Innisfil.

Mr. John Brassard: Mr. Speaker, as I said at the onset, there was an opportunity for the government House leader to respond. He had indicated to Parliament that he would respond within a week of the point of privilege being presented by the member for Leeds—Grenville—Thousand Islands and Rideau Lakes. The government House leader did not respond, and in the spirit of a ruling that you made last autumn, it was suggested and ruled upon that at the earliest convenience of the House reconvening, a point of privilege could be raised from the previous point of privilege. That is the basis upon which I am presenting this point of privilege, and I be-

lieve, in the spirit of what you decided, that I should continue with it.

In advance of the committee's March 29 meeting, the then government House leader sent a letter to the chair of the ethics committee, further to his statement to the House the week before, writing, “Accordingly, Mr Rick Theis, Director of Policy to the Prime Minister, has been instructed to not appear before the committee. In his place, I will attend the meeting on behalf of the government on Monday, March 29th.”

I would add that the ethics committee did not accept the then government House leader as a substitute witness in satisfaction of the order. Indeed, the committee, at its March 29 meeting, adopted a motion that states, “in relation to its study on questions of conflict of interest and lobbying in relation to pandemic spending, the committee invite [the minister] to appear.” He was treated as a separate witness, invited independently of and without any link to the March 25 House order.

When the then government House leader appeared at the committee, he said, at page 13 of the evidence, “Based on the instructions I gave the other day, it was clear to Mr. Theis and other individuals that they wouldn't appear before committees and would be replaced by the appropriate ministers”.

The minister even acknowledged, at page 8 of the evidence, that this was an unsatisfactory arrangement to the majority of the House, when he said, “I am aware that some of the members of this committee would rather be hearing from a staff member from the Prime Minister's Office, Mr. Rick Theis, but as I told the House last week and I want to make clear again, we fundamentally disagree with the decision”.

The then associate minister of finance would go on to write the ethics committee chair similar letters in advance of Mr. Singh's March 31 scheduled appearance and Mr. Chin's April 8 scheduled appearance.

A few moments ago, I referred to Bosc and Gagnon itemizing, at page 82, a list of known contempts of Parliament. I would add the following two, which have particular bearing here: “interfering with or obstructing a person who is carrying out a lawful order of the House or a committee” and “intimidating, preventing or hindering a witness from giving evidence or giving evidence in full to the House or a committee”. Bosc and Gagnon add, at page 1080, “Tampering with a witness or in any way attempting to deter a witness from giving evidence may constitute a breach of parliamentary privilege.”

Quite clearly, Messrs. Theis, Singh and Chin were obstructed, deterred, prevented from and maybe even hindered in their ability of carrying out a lawful order of the House of Commons. Parliament's right to hear from the witnesses it has chosen, without obstruction, has been consistently asserted, dating back to February 21, 1700, when the English House of Commons adopted a resolution that said:

Privilege

That if it shall appear that any person hath been tampering with any Witness, in respect of his evidence to be given to this House, or any Committee thereof, or directly or indirectly hath endeavoured to deter or hinder any person from appearing or giving evidence, the same is declared to be a high crime and misdemeanour; and this House will proceed with the utmost severity against such offender.

Much more recently, in Mr. Speaker Milliken's highly celebrated ruling on Afghan detainee documents, on April 27, 2010, he made some less well-remembered comments on witness matters, including, at page 2041 of the Debates, "the procedural authorities are clear that interference with witnesses may constitute a contempt."

Beyond the matter of the government's so-called instructions at page 13 of the ethics committee's March 29 evidence, the then government House—

• (1740)

Hon. Mark Holland: Mr. Speaker, I am rising on a point of order.

I will read something that I believe is relevant to this:

All items on the Order Paper including government and private Members' bills die. The government's obligation to provide answers to written questions, to respond to petitions or to produce papers requested by the House also ends with dissolution.

Committees cease to exist until the House reconstitutes them following the election. All orders of reference expire, and the Chairs and Vice-Chairs of all committees cease to hold office. The government is no longer required to provide responses to committee reports.

I continue to make this point. We have indulged many points that have crossed the line and have gone on for quite some length. Again, this is not the place, not the time and not how this should be dealt with.

• (1745)

Mr. Gérard Deltell (Louis-Saint-Laurent, CPC): Mr. Speaker, on the point of order raised by my government counterpart, I want to raise the fact that this is exactly what the Speaker said just two minutes ago, that we have to address it correctly. He said, quoting from memory, "I am sure the hon. member can do that." Let the member express himself. I am sure he will follow the rules established by the Speaker of the House.

The Acting Speaker (Mr. Chris d'Entremont): I will ask the member for Barrie—Innisfil to sum up.

Mr. John Brassard: Mr. Speaker, respectfully, it is difficult to sum up this question of privilege if the facts are not laid out and if the Chair is not reminded of some of the points that were brought up.

In the first intervention on this question of privilege as it related to the previous Parliament, the member for Leeds—Grenville—Thousand Islands and Rideau Lakes went on for two hours about this, laying out foundationally where the privilege had been broken. There is a need, respectfully, to summarize for the Chair exactly what the basis of this breach of privilege is. I would ask for some indulgence on this because it would be awfully difficult for me to go to the back end, as was the previous case, and really lay this out.

I will note that when the explanation was made to the Chair as to why it was important to lay out these facts in addition to what was not dealt with in the last Parliament and the Speaker's own spirit of the ruling that it be presented at the first possible opportunity, that

is precisely what I am doing here. I want to thank the Speaker for that.

Much more recently, in Mr. Speaker Milliken's highly celebrated ruling, which I will repeat because this is the point where I was cut off, on the Afghan detainee documents on April 27, 2010, he made some much less well-remembered comments on witness matters, including at page 2041 of the Debates, where he stated, "the procedural authorities are clear that interference with witnesses may constitute a contempt." Beyond the matter of the government's so-called instructions, at page 13 of the ethics committee's March 29 evidence, the then government House leader made the claim, "ministerial responsibility means that a minister can replace an employee who reports to the minister, not to Parliament." That is just not so. In fact it is, in my view, a gross misstatement of several constitutional principles. Ministerial staff enjoy no special status when it comes to being summoned as a witness.

Page 981 of Bosc and Gagnon states quite clearly, "The Standing Orders place no explicit limitation on this power. In theory, it applies to any person on Canadian soil." While very limited categories of persons do have immunity from appearing, the Law Clerk and Parliamentary Counsel advanced the point that there is no immunity for political staff when they appeared before the ethics committee on April 12 and the committee thought fit, in appendix A of its second report, to include a summary of the evidence:

Mr. Dufresne stated that political staff and public servants have no immunity, by virtue of their positions, from requests to testify before parliamentary committees. He also suggested that the topics of discussion and the different roles that ministers and political staff play have been factors for deciding which person is the more appropriate witness to testify on a given topic.

In 2013, the United Kingdom Parliament's joint committee on parliamentary privilege considered a government green paper on parliamentary privilege, which, among other things, asked—

The Speaker: The hon. member has done very detailed work and it is very much appreciated, but at this point we are trying to establish whether there is a prima facie case. I would ask the hon. member to be more concise and let us know exactly what he is looking for and then we can rule on it.

The hon. member for Barrie—Innisfil.

Mr. John Brassard: Mr. Speaker, I will refer you to the two-hour presentation from the member for Leeds—Grenville—Thousand Islands and Rideau Lakes. I will also, with respect, sum up what the prima facie case is here.

It is my respectful submission that seven prima facie contempts have been made here: One concerns each of the three witnesses who failed to appear before the ethics committee, one concerns the government's instructions to each of the three witnesses to disobey an order of the House of Commons and, finally, one concerns the misleading or prevaricating evidence given by the member for Waterloo to the two committees.

Privilege

I had not had an opportunity until this point to lay that out. I will again, Mr. Speaker, refer you to the member for Leeds—Grenville—Thousand Islands and Rideau Lakes.

I have presented two points of privilege today. In fact, I believe that my privilege as a member to present these points of privilege has been violated. I have been interrupted many times during circumstances where I have been presenting very factually the cases as they related to the previous point of privilege and to this point of privilege.

I will turn to you, Mr. Speaker, as the guardian of the rights and privileges of this Parliament because I know that a lot rests on your shoulders. My grievances here are not some partisan Liberal or Conservative dispute. They are far more fundamental than that. For those at the heart of the balance between the legislature and the executive in this case, it is about more than party politics. The centuries of parliamentary and constitutional evolution to which we are the inheritors centre on the struggle between the King and parliament. In the end, parliamentary supremacy was established as a bedrock principle of our democracy. From time to time, we are called upon to speak up for and defend these ancient but utterly critical principles of the democratic system that we enjoy as Canadians. I know that you will make the right decision in this case.

As uncomfortable as these situations are for the government, it is paramount that we defend our democracy and that we defend our democratic institutions. You are the guardian of that, Mr. Speaker. It is for that reason I rise today, not just on the other issue, but on this one as well. I ask that you defend those principles.

• (1750)

[*Translation*]

Ms. Christine Normandin: Mr. Speaker, I would like to ask you to be kind enough to remind me that a member does not need to invoke the right of reply to speak in the future. However, if such is not the case, then I would like to invoke the right of reply for the Bloc Québécois.

The Speaker: I thank the member. We have taken note of that.

[*English*]

Mr. Matthew Green (Hamilton Centre, NDP): Mr. Speaker, it is an honour and a privilege to be here representing my constituents of Hamilton Centre who have imbued me with this very serious duty of coming to the House of Commons to exercise our parliamentary privileges: ones that have been outlined by the hon. member for Barrie—Innisfil as perhaps being in question or under attack. A lot has been said on many of these points of privilege here today.

I want to congratulate you on your preferment, and I would share that when we elected you yesterday, Mr. Speaker, we did so knowing that we were trying to set a direction for the course of this 44th Parliament that would respect the rights and privileges of every member present in the House.

In trying to learn more about these privileges, I have turned to the jurisprudence, much in the same way my colleagues have, referencing Derek Lee's *The Power of Parliamentary Houses to Send for Persons, Papers and Records: A Sourcebook on the Law of Precedent of Parliamentary Subpoena Powers for Canadian and other Houses*. I am sure it is on the Speaker's shelf, along with a

long list of other jurisprudence that goes back to the 1600s and protects our rights and assures that in this Westminster parliamentary system, we have a balance of power on both sides of the House.

I rise as a New Democrat and think this is an important consideration for your priority, Mr. Speaker, when setting the tone for this 44th Parliament because the Liberal government did have a penchant for circumventing the rules and, in many cases, violating the parliamentary privileges of members of the House of Commons. That has been outlined seven times in this particular point of privilege, three times previously in other points, and multiple times in the last session of Parliament, when you had to intervene in legal proceedings, which was unprecedented.

With this particular case, as committees are being struck it is going to be especially important for you, Mr. Speaker, to provide a clear ruling to show the government and the opposition how seriously we are going to take the jurisprudence on our parliamentary privilege. Because we had a government that chose to run out the clock on the last session, to prorogue it and use procedures to frustrate the basic application of our parliamentary privileges, I believe we would be better off if this was prioritized in a ruling brought forward that clearly defends, with proper evidence, the right for us to use our subpoenas, and to send for documents and records as has been accorded through the historical practices and usages of the House.

Without getting into details or arguing the points and principles of this particular case, I would suggest that this case ought to be used as a precedent for future potential circumventions of our privilege.

I will state in closing that a precedent will be set either way, because a non-decision in this case is also a precedent. It will actually reward, in some instances, the government side's behaviour of circumventing what is, I think, a very clear and well-laid-out longstanding tradition of respecting our parliamentary privileges.

With that, I rise as a member of the New Democratic Party in support of the hon. member for Barrie—Innisfil. I ask that you put express priority particularly on the matter of principle and privilege that has been raised today, because it will send a message to the government about what it is able to get away with in the months to come. I look forward to the Speaker's very learned decision on the matter.

• (1755)

The Speaker: I want to thank the hon. members for their input and their information. I will be returning to the House with a judgment as soon as possible.

[*Translation*]

ACCESS BY MEMBERS TO THE HOUSE OF COMMONS PRECINCT

Mrs. Claude DeBellefeuille (Salaberry—Suroît, BQ): Mr. Speaker, I would like to share with you a major concern that my Bloc Québécois colleagues and I share regarding the health and safety of members of the House and parliamentary staff. This concern is a direct result of the Conservative Party's lukewarm position on whether it is effective and necessary for its members to be vaccinated against COVID-19.

Since the Board of Internal Economy made its decision to require those on Parliament Hill to be double vaccinated, the Conservative Party has been keeping the public and parliamentarians in the dark by refusing to disclose whether its members have been vaccinated.

The Leader of the Opposition stated that all of his members would be in the House of Commons since they were vaccinated or had medical exemptions. However, he is refusing to say how many members have exemptions.

Science and public health officials are requiring people to be vaccinated in order to have access to many public places across the country, and they keep saying that the best way to protect against the spread of COVID-19 is for the vast majority of the population to be properly vaccinated.

Rumours have been going around since yesterday that about one-third of the Conservative members produced vaccine exemptions to be allowed on the Hill without being vaccinated. Seeing as how we are in a pandemic, the Conservative Party's refusal to disclose its members' vaccination status makes no sense in our view.

We believe every member of Parliament who has made the responsible choice to get vaccinated to protect the lives and health of their fellow citizens, their loved ones and their colleagues has the right to know which parliamentarians are not adequately vaccinated so they can keep their distance to avoid being infected and potentially infecting others.

We think this secrecy on the part of the official opposition is totally irresponsible and a direct violation of the House's parliamentary privilege. This seems like a good time to remind the House that the ultimate aim of parliamentary privilege is to ensure that the House of Commons can conduct its proceedings effectively and get its democratic work done.

In accordance with tradition and practice, the collective privilege of the House takes precedence over the parliamentary privilege of individual MPs. The reason for that is to protect Parliament from any abuses by individual parliamentarians.

Privilege

According to a Library of Parliament note dated November 12 on mandatory immunization and parliamentary privilege, the ultimate purpose of parliamentary privilege is to enable the institution to do its work.

Allowing members who are not fully vaccinated on the Hill because they have submitted a medical exemption directly contradicts the Board of Internal Economy's goal of making Parliament Hill a safe place for people to work.

Allowing unvaccinated members to access Parliament Hill undermines the health and safety of all members and our fellow citizens. It poses a real risk to both public health and the proper functioning of the House of Commons.

Parliamentary privilege must not in any way include the ability to jeopardize the health of other members or their ability to work. It is one thing for elected officials to renounce exemplary health practices, but it is quite another for them to renounce precaution, especially if it means putting their colleagues and the employees of the House at risk. This would be incredibly irresponsible.

Therefore we are asking that the House order the House Administration and the Board of Internal Economy, which oversees the House Administration, to take the measures required to rectify the situation and ensure that all members present on Parliament Hill are adequately vaccinated to ensure the health and safety of the House.

• (1800)

The Speaker: I would like to thank the hon. member for her proposal. I will come back to the House with a ruling shortly.

[*English*]

Hon. Mark Holland (Leader of the Government in the House of Commons, Lib.) moved:

That the House do now adjourn.

The Speaker: Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

[*Translation*]

The Speaker: the House stands adjourned until tomorrow at 2 p.m. pursuant to Standing Order 24(1).

(The House adjourned at 6:03 p.m.)

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