

Dissenting opinion of the Liberal Party of Canada

On March 28th, 2022, the House of Commons Standing Committee on Access to Information, Privacy and Ethics (the Committee) set aside its important work to debate and pass a motion to re-table a report from the 43rd Parliament (the Report), which the majority of the current Committee members had no contribution in drafting. This Report had been tabled in the previous parliament with a dissent from Liberal members which is included in this dissenting report. The previous dissenting report reads as follows:

In November 16, 2020, the House of Commons Standing Committee on Access to Information, Privacy and Ethics (the Committee) adopted a motion to study the issues of conflict of interest and the Lobbying Act in relation to pandemic spending, and more specifically on the awarding of some of the contracts, including the one related to the Canada Student Service Grant. The motion reads as follows:

That, pursuant to Standing Order 108(3)(h), this committee undertake a study into issues of conflict of interest and the Lobbying Act in relation to pandemic spending;

that this study continue our work relating to the Canada Student Service Grant, including this committee's work to review the safeguards to prevent conflicts of interest in federal government expenditures; government spending, WE Charity and the Canada Student Service Grant; and the administration of the Canada Student Service Grant and WE Charity;

and that this study include:

- a. the consideration of all aspects of the government's involvement with Baylis Medical Company Inc., as well as former Liberal Member of Parliament Frank Baylis, including the awarding of a procurement contract for medical devices;
- b. an examination into Palantir Canada's relationship with the government including the breach of the Conflict of Interest Act by its president and former Canadian ambassador to the U.S. David MacNaughton;
- c. the committee study mainly, contracts with regards to speeches of Justin Trudeau and Sophie Grégoire Trudeau within the framework of activities organized by Speakers' Spotlight since October 14, 2008;
- d. that the committee invite Speakers' Spotlight representatives to testify about all files related to speeches organized since October 14, 2008, for Justin Trudeau and Sophie Grégoire-Trudeau;
- e. that an order be issued to Speakers' Spotlight to obtain a copy of all records related to speeches organized since October 14, 2008, for Justin Trudeau and Sophie Grégoire Trudeau—including, for each speech, the amounts paid, any expenses reimbursed and the name of the company, organization, person or entity that organized it;
- f. that the documents listed in section (e) be delivered to the clerk of the committee within seven days of the adoption of this motion and that their consideration be in camera;
- g. that for the consideration of documents studied during in camera meetings:
 - i. only committee members be allowed to participate;

- ii. no mobile or electronic device be allowed in the room during these meetings;
- iii. numbered hard copies of documents be given to committee members by the clerk at the beginning of each meeting scheduled for that purpose and that these copies be given to the clerk at the end of each meeting;
- iv. copies of documents be kept in the clerk's office and that outside of meetings committee members can only view them by going to the clerk's office, and no mobile or electronic device be in the room during the consultation of documents; and

that the committee report its findings to the House with recommendations to better permit the government to conduct the business of government with public confidence in its integrity.

We note that We Charity announced its withdrawal from the CSSG contribution agreement on July 3, 2020, several months before the adoption of said motion. Therefore, neither We charity, nor We foundation were ever able to fulfill their obligations and provide the program to Canadian students.

The Liberal members of the Committee supported and participated in this study given the importance of ensuring that the rules of the Conflict of Interest and Lobbying Acts are fully respected, even in the context of a pandemic. The Liberal members were also keen in examining, reviewing, and modifying if necessary, the safeguards in place in order to prevent conflicts of interest in federal government expenditures as well as the provisions of the Lobbying Act.

We must point out that opposition members and/or their colleagues presented many aspects of the November 2020 motion adopted by our committee before other Standing Committees in the summer and fall of 2020. Indeed, over 5,000 related documents, emails and testimonies were transmitted and delivered to other Standing Committees. It became evident that we would replicate the work undertaken by other committees and that this was a political ploy by opposition members to fish for information in order to discredit the work of the government.

Some the witnesses invited by opposition members to our committee offered non-relevant testimony that centered on issues of a litigious nature between themselves and before the courts. The issues raised and discussed did not involve the government nor did it fall within the scope of the motion. Clearly the objective was aimed to add drama before the media limelight, desperately trying to keep the story alive, as Canadians were indifferent.

Furthermore, opposition members refused to accept testimony from Associate Minister of Finance and Minister of Middle Class Prosperity, the Honorable Mona Fortier, who appeared before the Committee to answer questions in the place of political staff members who had been ordered to appear. Given that political staff members are not elected, nor do they make political decisions, it was appropriate for a Minister of the Crown to appear before the Committee, but opposition members refused to hear from her.

During this time, the Committee members also learned that the main portions of the study were being independently investigated by the Conflict of Interest and Ethics (COIE) Commissioner and the Commissioner of Lobbying. For example:

- a. Rick Jamieson, president of FTI Professional Grade Inc. told the Committee that the idea of seeking a contract from the Federal government to produce ventilators was his alone. Mr. Jamieson, a Conservative donor, was quoted as saying “I did not know Mr. Baylis, number one, and number two, it never dawned on me that politics would ever into my relationships with my subcontractors.” There was no evidence of Baylis Medical being in breach of the Lobbying Act. As for Frank Baylis himself, the COIE Commissioner told the committee that as a former member of Parliament, Mr. Baylis is no longer subject to the Conflict of Interest Code.
- b. In March 2021, the Commissioner of Lobbying released her investigation report concerning Mr. MacNaughton, President of Palantir Canada. She concluded he had not contravened the restrictions on lobbying to which he was subject as a former designated public office holder.
- c. With regards to Justin Trudeau, we include a link below to the COIE Commissioner’s report dated May 13, 2021, which concludes that Mr. Trudeau did not contravene the Conflict of Interest Act. In reading the report, we learned that the complaints were brought forward by two opposition members of this Committee in June and July 2020 using much of the same grounds found again in the motion adopted November 16, 2020-forcing concurrent parallel investigations.

Unfortunately, the numerous tactics used by the opposition members both during and outside of committee work, stalled the completion of the study, subjected individuals to personal and material damages, and undermined the credibility and role of the COIE Commissioner.

Indeed, it was the public harassment and violent threats against witnesses called to testify for this study that were especially troubling. As noted in paragraph 10 of the study report, WE Charity co-founder Craig Kielburger reported multiple intimidation and death threats against him and his family, including his elderly parents, during the duration of the multiple studies being conducted by parliamentary committees on the CSSG. Long-time owners of the non-partisan agency Speakers’ Spotlight, Martin and Farah Perelmutter, and their employees were also subjected to persistent and escalating online harassment and physical intimidation as noted in paragraph 59 of the study report. This started in August 2020 when Conservative MPs began publicly calling on the company to disclose speaking fees earned over the past 12 years by the prime minister, his wife, mother and brother- even though that would mean Speakers’ Spotlight would be contravening privacy laws. Former Chair Conservative MP David Sweet apologized to the Perelmuters on behalf of our Committee but the Conservative members in question have yet to do so.

Other witnesses were subjected to public criticism and reputational slurs because of their efforts to produce vital medical equipment. Given the pandemic restrictions, it was difficult for witnesses to rapidly comply with voluminous and detailed document requests, in one case due to a grave illness, but nevertheless some committee members openly questioned the integrity of individuals whose only “crime” was to work for or be remotely connected with an entity connected to the CSSG or the Liberals.

Our Recommendations

The Liberal members welcomed the expert testimony of current and former Parliamentary Commissioners as well as academics and practitioners in the fields of organizational ethics and oversight which provided much needed objective context to the unfortunate partisan nature of our study. Given the wasted time and resources spent by Parliamentary committees conducting their own witch-hunts, it is of note that that in spite of pandemic restrictions the COIE Commissioner conducted confidential, thorough and fair investigations into the accusations against both former Finance Minister Morneau and Prime Minister Trudeau and that his findings, including the complete exoneration of the Prime Minister, were duly reported to the House before the Committee's own study was completed.

Liberal members recognize the need to ensure the integrity of emergency spending decisions. However, many of the recommendations adopted by the opposition members are either unhelpful or outside the scope of this study.

Instead we recommend the following:

- a. That the Standing Committee on Access to Information, Privacy and Ethics conduct, at the earliest opportunity, a full statutory review of the Conflict of Interest Act with appropriate recommendations
- b. That the Standing Committee on Access to Information, Privacy and Ethics conduct, at the earliest opportunity, a full statutory review of the Lobbying Act with appropriate recommendations
- c. That the Standing Committee on Access to Information, Privacy and Ethics refrain from conducting parallel investigations with any independent Office of Parliament into the conduct of members of Parliament, either directly or by proxy.

The Liberal members of the Committee would like to thank the House of Commons analysts and clerks for their hard work on this important study as well as the expert testimony of witnesses that helped inform the substance of this report.

Having reviewed the Report, Liberal members of the Committee in this 44th Parliament question the objectives of opposition members in the re-tabling of the Report. Liberal members of the Committee reaffirm the recommendations made by the dissenting report outlined above and demand from opposition parties to set aside toxic partisan politics and commit to working on issues that actually matter to Canadians with respect to the ever-evolving landscape of technology and its implications on the privacy of Canadians.