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# Standing Committee on Finance

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Chair: The Honourable Wayne Easter





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Wednesday, October 21, 2020

• (1645)

[English]

**The Chair (Hon. Wayne Easter (Malpeque, Lib.)):** I call the meeting to order.

Welcome to meeting number two. We are on the subject of committee business.

Today's meeting is taking place in a hybrid format. That format is a little different from what we have been used to thus far.

Pursuant to the House order of September 23, proceedings will be made available via the House of Commons website. As you're aware, the webcast will show only the person who is speaking. I believe that most members know to use the buttons at the bottom to select the language they're using. If you're speaking in English, press "English". If you're speaking in French, press "French".

For members participating in person, proceed as you normally would with the in-person committee, but I have been asked to remind folks of the health protocols that are now in place on the Hill regarding masking and distancing. That's what we mean by a hybrid format. A number of us are in our offices or in our ridings, and some are in the committee room.

When speaking, please wait until I recognize you, as usual. If attending virtually, you will turn on your mike. If you're in person, where Gabriel is, your microphone will be controlled as it normally is by the proceedings and verifications officer.

With respect to the speaking list, the clerk and I will do our best—and that's a qualifier—to maintain a consolidated order of speaking for all members, whether they are participating virtually or in person.

At the last meeting, we were dealing with a subamendment by Mr. Gerretsen to an amendment by Mr. Kelly to an original motion by Mr. Poilievre.

I'm just wondering.... We would need unanimous consent to do this. I know that we're all concerned about the pre-budget consultations. I think everyone is. We're all getting calls. It's going to take a lot of prep work to get the pre-budget consultations organized by staff and get the committee lists together and the witnesses coming in. We're not going to be able to do the job we would normally do, I don't think, in any event, when we would normally have probably about 300 witnesses in person. Given the hybrid Parliament, the Zoom calls and the difficulty of getting time and rooms, this isn't normal for us.

I'm wondering if we could get unanimous consent to deal with the motion that Ms. Dzerowicz was going to bring forward on pre-budget consultations so that we could bring forward those 793 briefs and some people could start reading them and get that organized so that the clerks and other staff could organize the pre-budget consultations. Then we could come back to the subamendment to the amendment to the motion—

• (1650)

**Hon. Pierre Poilievre (Carleton, CPC):** Mr. Chair—

**The Chair:** —but we would need unanimous consent to do that.

Go ahead, Mr. Poilievre.

**Hon. Pierre Poilievre:** I would make a motion in the spirit of what you've suggested. I would move that we immediately vote on the motions with respect to the WE documents and the subamendments to those motions, so that once we've completed those within the next five minutes, we can immediately move on to the next order of business, which is from Ms. Dzerowicz.

**The Chair:** That wasn't the way I was putting it. I know—

**Hon. Pierre Poilievre:** Well, that's the way I'm putting it.

**The Chair:** I'm asking—

**Hon. Pierre Poilievre:** That's my motion.

**The Chair:** I'm asking.... It's not a motion. You can't put a motion right now.

**Hon. Pierre Poilievre:** I just did.

**The Chair:** No, you can't. It's not allowed.

I'm asking if there is—

**Hon. Pierre Poilievre:** Now you're obstructing pre-budget consultations on top of it.

**The Chair:** I'm asking if there is unanimous consent to do what I've suggested.

**Hon. Pierre Poilievre:** Well, you haven't moved it. There's no motion before us.

**The Chair:** No, no. I'm asking if there is unanimous consent to go to—

**Hon. Pierre Poilievre:** For what, though? Nobody's moved anything. You can't have unanimous consent for a motion that doesn't exist.

**The Chair:** Are you done, Pierre?

**Hon. Pierre Poilievre:** Well, it depends on what you have to say.

**The Chair:** If you are, we'll move on, or do you want to keep talking? Go ahead.

I'm asking if there is unanimous consent to bring forward the motion that Ms. Dzerowicz has proposed on pre-budget consultations, deal with that, and then come back to the motion we were dealing with the other day when the committee adjourned.

**Hon. Pierre Poilievre:** I just moved that we vote on the existing motions before the committee. Then we can go right to the pre-budget consultation motion.

**The Chair:** I asked if there's unanimous consent to go to Ms. Dzerowicz's motion. If there is or isn't—

**Hon. Pierre Poilievre:** Right. I'm the only one who has a motion on the floor at this point.

**The Chair:** No, you're.... I'm asking if there's unanimous consent. I gather there is not. Okay.

Then we will—

**Hon. Pierre Poilievre:** Oh, now we can't get to pre-budget consultation, because you're obstructing that too.

**Ms. Julie Dzerowicz (Davenport, Lib.):** I have a point of order, Mr. Chair.

**The Chair:** Well, you're continuing to disrupt, Pierre. Obviously, you don't want to go there. That's fine.

Ms. Dzerowicz, go ahead on your point of order.

**Hon. Pierre Poilievre:** [*Inaudible—Editor*]

**Ms. Julie Dzerowicz:** I introduced the motion on October 8, and then it was interrupted on a question of privilege by Mr. Poilievre. Technically, I have introduced a motion. It is on the floor. I probably want to change a couple of the dates on it, but it's exactly the pre-budget consultation motion.

Since it is on the floor, is it possible for me, as per what you suggested, to bring it forward?

**The Chair:** When we suspended, we were on the subamendment to the amendment to the motion. Without unanimous consent to go back to the pre-budget consultation motion, we can't do that. We'll have to deal with what's before us.

At this stage, I don't see unanimous consent, so we will have to go to the subamendment. I believe that's where we're at.

Go ahead, Mr. Poilievre.

**Hon. Pierre Poilievre:** Can I speak to the subamendment?

**The Chair:** You can. You can start—

**Hon. Pierre Poilievre:** Okay.

**The Chair:** —but we want to establish a speaking list. I believe Mr. Fraser was next. If Mr. Fraser is willing to let you go, we'll go with you, Mr. Poilievre, and then Mr. Fraser.

Could we start to establish a list from there? I didn't put up my hand-raising thing yet. We may have to turn to the clerk on this.

Go ahead, Mr. Poilievre.

**Hon. Pierre Poilievre:** Thank you, Mr. Chair.

**Mr. Ted Falk (Provencher, CPC):** On a point of order, Mr. Chair, I actually think Mr. Julian is next on the list.

**The Chair:** Well, at the last meeting, I believe it was Mr. Fraser after Mr. Gerretsen, and then Mr. Julian—I think.

**Mr. Ted Falk:** Does the speaking order continue on from meeting to meeting? How does that work?

**The Chair:** We should be going with the speaking list from the previous meeting, I believe. I'm not 100% sure on that, Mr. Falk, but I don't think anybody is—

• (1655)

**Mr. Ted Falk:** I think Mr. Julian will be brief anyway. Just leave him where he is.

**The Chair:** Okay. We'll go with....

Who wants to go first—Mr. Poilievre or Mr. Julian or Mr. Fraser? I'll leave it up to you folks.

**Mr. Sean Fraser (Central Nova, Lib.):** On a point of order, Mr. Chair, before we get into the speaking order stuff, there's one thing I'm curious about and need the clerk's advice on. There obviously are certain issues of commonality around document production between the motion, the amendment and the subamendment on the floor at this committee and the motion that was just voted on by the House.

I'm curious to know, from a procedural point of view, whether the clerk has advice on the impact of the vote that's just been taken in the House of Commons on the motion before this committee.

**The Chair:** Does the clerk want to make a comment on that?

I think, from where I sit, it's committee business, but go ahead, Madam Clerk.

**The Clerk of the Committee (Ms. Evelyn Lukyniuk):** I'm sorry, but I couldn't hear. As a reminder, members should put their microphones on mute when they are not speaking.

Unfortunately, Mr. Fraser, would you mind repeating?

**Mr. Sean Fraser:** No, I don't mind repeating. Thank you.

I'm just curious to know your advice with regard to the motion that's currently being debated at this committee, which has certain commonalities with the motion that was just voted on before the House of Commons. Does the vote that was just taken at the House of Commons have any impact on the motions before this committee?

**The Clerk:** No, they would not be related items.

**The Chair:** Yes, what happens in the House and what happens in the committee are basically two different areas.

I have on my list Mr. Poilievre, Mr. Julian, Mr. Fraser, Ms. Dzerowicz and Mr. Fragiskatos. Do we want to go with it this way? Okay.

Go ahead, Mr. Poilievre.

**Hon. Pierre Poilievre:** Thank you very much, Mr. Chair.

I have to say this circus that the Prime Minister has created gives rise to great suspicion about what he is hiding.

First we had the WE scandal, then the WE cover-up, then the WE prorogation, and then today, in order to try to cover it all up again, we had his threat of a “WElection”. The last thing we need right now is a “WElection”. We need to focus on the pandemic.

Canadians are suffering, millions are unemployed, our jobless rate is the highest in the G7, our deficit the biggest in the G20, and instead of working on those problems, this committee—

**Mr. Peter Fragiskatos (London North Centre, Lib.):** On a point of order, Mr. Chair—

**Hon. Pierre Poilievre:** —is playing games to try to prevent the truth from coming out in the WE scandal.

**Mr. Peter Fragiskatos:** Mr. Chair, I have a point of order.

**The Chair:** We have a point of order from Mr. Fragiskatos.

**Mr. Peter Fragiskatos:** The member ought to know, as finance critic, that the debt-to-GDP ratio is 48%, which comparably is extremely low—

**The Chair:** I don't think that—

**Mr. Peter Fragiskatos:** I just want the record to reflect the facts, Mr. Chair. As a committee, I think we deserve that.

**The Chair:** That's not a point of order.

We will go back to you, Mr. Poilievre.

**Hon. Pierre Poilievre:** The deficit is the largest in the G20 this year.

It is true that past governments have bequeathed good, solid financial health to this Prime Minister, but he's working with great haste to burn all of those riches and leave the present generation—forget future ones—empty-handed.

I'll go back to my original point.

What the hell is this government hiding so that they're prepared to shut Parliament down?

**The Chair:** Mr. Poilievre—

**Mr. Sean Fraser:** On a point of order—

**The Chair:** We'll go to your point of order, Mr. Fraser, but Mr. Poilievre, could we hear relevance to the subamendment?

What's your point of order, Mr. Fraser?

**Mr. Sean Fraser:** My point of order is on the use of unparliamentary language.

I think the honourable member knows the language he's using to make his point, while it may increase the number of people who watch his YouTube video, is not appropriate when we're sitting in a parliamentary setting.

Thank you.

**The Chair:** It's a valid point.

Go ahead, Mr. Poilievre.

● (1700)

**Hon. Pierre Poilievre:** Well, Mr. Chair, no one wants to go there, but the reality is that the government is going to some incredible lengths to hide some ugly truths.

If the Prime Minister was not afraid of what could come out in this scandal, he wouldn't have crippled three parliamentary committees with an endless stream of speeches about everything from Greek philosophers to cartoon characters in order to burn up committee time and prevent us from getting to motions that would release unredacted documents to the public. He wouldn't have shut Parliament for six weeks, nor would he have threatened an election today.

It's ironic that today in the House of Commons, in a related motion, Mr. Chair, the Prime Minister said he would call an election if a committee looked into the WE scandal.

He could not name a single, solitary policy objective that the opposition is hindering, so clearly this election threat has nothing to do with protecting Canadians in the pandemic and everything to do with protecting him from accountability.

I would ask members to quickly adopt the motion for my point of privilege, so that we can get the unredacted documents—

**The Chair:** Mr. Poilievre, I do hate to interrupt you, but we're not on your motion. We're on the subamendment to the amendment. I can't—

**Hon. Pierre Poilievre:** It's to the motion—

**The Chair:** It's the subamendment to the amendment to the motion—

**Hon. Pierre Poilievre:** That's right, so we.... Mr. Chair, you—

**The Chair:** We are speaking on the subamendment now, so it would be nice to have a little close relevance to that.

**Hon. Pierre Poilievre:** You can't comment on the subamendment to the amendment to the motion if you don't talk about the motion.

**The Chair:** You weren't on the motion.

**Hon. Pierre Poilievre:** You can't talk about a branch or a leaf if you don't talk about the tree.

**The Chair:** The trouble is you weren't talking about the tree, Pierre.

**Hon. Pierre Poilievre:** I was right in the root of the tree, and I'm trying to get to the root of this scandal.

**The Chair:** I tell you, the tree's a tall one. You're in the clouds.

**Hon. Pierre Poilievre:** Mr. Chair, it has some very deep roots that go deep in the ground.

**The Chair:** Go ahead.

**Hon. Pierre Poilievre:** I'm trying to expose those roots.

Mr. Chair, what is the government trying to hide in all this? Why would they go to such great lengths if there was nothing here? One can only imagine that the Prime Minister is waking up at two in the morning in cold sweats thinking about what might come out in this scandal, and that's why he has sent his MPs into this committee to filibuster for 20 hours when we should be talking about pre-budget consultations.

**Mr. Peter Fragiskatos:** Mr. Chair, I have a point of order.

**The Chair:** Go ahead, Mr. Fragiskatos.

**Mr. Peter Fragiskatos:** Yes. In correcting the record, the member talked about the deficit.

**Hon. Pierre Poilievre:** That's not a point of order.

**Mr. Peter Fragiskatos:** He forgot to mention that Canada has provided as much fiscal support for the economic recovery—

**Mr. Pat Kelly (Calgary Rocky Ridge, CPC):** Mr. Chair, this isn't a point of order.

**The Chair:** That's not a point of order, Mr. Fragiskatos.

Mr. Poilievre—

**Mr. Peter Fragiskatos:** No country has done more. I'm just quoting directly from where the member took his point.

**Mr. Peter Julian (New Westminster—Burnaby, NDP):** I have a point of order.

**Mr. Pat Kelly:** Get control.

**The Chair:** That's not a point of order, Mr. Fragiskatos.

Who else had a point of order? Was it Mr. Julian?

Go ahead.

**Mr. Peter Julian:** Yes.

[*Translation*]

**Mr. Gabriel Ste-Marie (Joliette, BQ):** I have a point of order, as well.

[*English*]

**Mr. Peter Julian:** Thank you, Mr. Chair.

I ask all members to respect members who are speaking. I don't think these interruptions at the finance committee are helpful or dignified.

**The Chair:** Thank you, Mr. Julian.

[*Translation*]

**Mr. Gabriel Ste-Marie:** I have a point of order, as well.

I'm here in the room with the interpreters, who are doing a wonderful job. When a ruckus like that breaks out, it's impossible for them to do their job, and those of us who speak only French can't follow the discussion. I would call on members to show a little more decorum, please.

Thank you.

[*English*]

**The Chair:** Thank you, Mr. Ste-Marie.

I'll go back to Mr. Poilievre, and a couple of points have been noted by Mr. Julian and Mr. Ste-Marie.

Go ahead, Mr. Poilievre.

**Hon. Pierre Poilievre:** This is a scandal in which the Prime Minister's family accepted half a million dollars, and then the Prime Minister turned around and gave the group that provided those funds half a billion dollars. That's a major Canadian scandal, and let me speak directly to him when I say Conservatives will not relent until the truth comes out in this scandal. He can threaten, he can bully, he can shut things down, but at the end of the day we will continue to do our jobs until we expose the truth, so let's get busy and pass this motion so we can see the unredacted documents, the unvarnished truth, and let Canadians judge accordingly.

Thank you.

• (1705)

**The Chair:** Thank you.

I'll go on to Mr. Julian. The floor is yours. Mr. Poilievre has finished.

**Mr. Peter Julian:** Thank you, Mr. Chair.

I'm not going to speak for long because I believe we need to go immediately to the votes on the subamendment and the amendment and stop the filibuster, but I am profoundly disturbed that the Prime Minister has basically done away with pre-budget hearings. He threatened an election, and of course that meant no pre-budget hearings at all.

I think to re-establish our responsibility we need to vote now on the subamendment on the amendment and on the motion of privilege and move on from there. That's our responsibility as a finance committee. Then we can have discussions around committee business.

**The Chair:** You're done, Peter? Good. Thank you.

Mr. Fraser is next on my list. Go ahead, Mr. Fraser.

**Mr. Sean Fraser:** Thank you, Mr. Chair.

I'll take a different view from my colleagues. One of the things that everyone seems to be saying is that they do want to get on with the work of the committee with respect to pre-budget consultations. If that were true, we would be doing them. I think it was made clear at the outset of this meeting when I think you made the eminently reasonable suggestion that we should seek unanimous consent to deal with Ms. Dzerowicz's motion.

One of the important factors behind this initiative is that the Standing Orders have a time limit within which this committee, should we choose to move forward with pre-budget consultations, has to make recommendations and table an associated report on the floor of the House of Commons. This is going to require significant effort by the staff of this committee after the work is done by committee members to hear from witnesses.

I think the sensible thing to do would be to jump right to the pre-budget consultation motion, and when we sort that out, return to issues that continue to be disputed by members of this committee.

One of the things that I take issue with, frankly, in both the motion that was debated yesterday and voted on just moments ago in the House of Commons and the motion and amendment that were put forward by the Conservatives at this committee is that they're saying they're willing to move ahead with the work of Parliament and allow the government to govern only if they first admit that they're all corrupt or if they're all willing to admit that the government and the independent public service have violated privileges of members of this committee.

I don't think it's a reasonable place to start. Frankly, I still maintain that this matter should never have been brought before this committee as a point of privilege, because I think the ordinary way to deal with this, particularly when we have the government saying we'd work in good faith, is to ask for co-operation from the government. Jumping straight to a point of privilege seems, in my view, to be premature.

Perhaps, before I get into my remarks—I know you surveyed the crowd informally—I would formally ask for unanimous consent so that this committee can immediately move to Ms. Dzerowicz's motion and determine whether we have the willingness of committee members to attend to that so we may return to it.

I expect I know where this is going, but we may as well make it official.

**Hon. Pierre Poilievre:** I have a friendly amendment.

**The Chair:** All right, does Mr. Fraser have unanimous consent?

**Hon. Pierre Poilievre:** Mr. Chair, with a friendly amendment—

**The Chair:** Does Mr. Fraser—

**Mr. Sean Fraser:** On a point of order, Mr. Chair, I'm seeking unanimous consent. I'm wondering, before we deal with amendments, if we have such consent.

**Hon. Pierre Poilievre:** You can't figure out if you have consent until you look at the amendment.

**The Chair:** Mr. Poilievre, come to order, please.

Is there unanimous consent?

**Hon. Pierre Poilievre:** Mr. Chair, sorry. I have a point of order, Mr. Chair. I have a point of order, a point of order.

**The Chair:** Well, let's hear your point of order.

**Hon. Pierre Poilievre:** I'm offering a friendly amendment that can get us onto the pre-budget consultation motion.

• (1710)

**The Chair:** No, that wasn't.... The member's question was whether there is—

**Hon. Pierre Poilievre:** If you're going to violate the process here, then no, you can't get unanimous consent.

**The Chair:** Mr. Poilievre, I am not violating the process. You were being disruptive—

**Hon. Pierre Poilievre:** That is not fair.

**The Chair:**—and Mr. Fraser asked if there was unanimous consent. It's a fair question.

**Hon. Pierre Poilievre:** No.

**The Chair:** Okay, there's not unanimous consent.

Mr. Fraser, the floor is yours.

**Mr. Sean Fraser:** Thank you, Mr. Chair.

Now that consent has been denied to move immediately to pre-budget consultations, I'm happy to get on with the debate on the subamendment to the amendment to the main motion of privilege that was put forward before this committee.

I think it would be helpful to understand where the procedural dispute comes from. Of course, the pre-budget consultation motion that I just referred to moments ago was put on the floor by my colleague Ms. Dzerowicz in a previous meeting. The motion would have sought to have this committee conduct pre-budget consultations as we typically do, although this year has been different, given the pandemic.

I've been hearing from dozens of local organizations and national organizations that want to come before this committee specifically to offer their testimony in support of different requests in advance of the next federal budget. Many of them had previously put forward suggestions in a pre-pandemic context, and Ms. Dzerowicz's motion, I think quite appropriately, would have been designed to allow those same groups to make amendments to their testimony or evidence to reflect the changing world we live in.

Frankly, I find it odd, given the complaints we've heard from members of the opposition, specifically the Conservatives, Mr. Chair, about the government moving forward with measures to help Canadians during a pandemic, when I understand the House of Commons was shut down for good reason: to protect the health of Canadians. Now, when given the opportunity to have multi-partisan oversight of suggestions from the public in advance of the government implementing an agenda on budgetary measures, I find a cognitive dissonance between the two positions the Conservatives seem to hold simultaneously. If they don't wish to take part in the pre-budget consultation, then the government will continue to engage with stakeholders on its own and move forward with the budget recommendations.

In any event, to go back to the matter at hand, that was the issue on the floor of the House of Commons. Mr. Poilievre interjected with the point of privilege that accuses the government and the public service of violating his privilege. He would have this committee find that and report it to the House. There was an error in the original motion that would have made it impossible for a technical reason. That had to do with the timing of the disclosure of documents the government provided to the finance committee in the first session of the 43rd Parliament. That, of course, was the subject of a ruling; you ruled it out of order because of that fatal mistake. The majority of members of this committee took a different view and chose to move ahead in any event.

The proposed amendment sought to remedy that defect by incorporating the evidence before this committee in the previous session of this Parliament into the evidentiary record in the present session of this Parliament. The subamendment sought to cure that defect. The subamendment specifically sought to address the problem, because we realized during the previous meeting of this committee that the evidentiary record dealt with two different sets of documents. One of them, very importantly, included the transmittal letters that came from each of the various departments that made disclosures to this committee and explained in detail why certain redactions were made to those documents. The efforts of the opposition in the previous meeting were to ensure that the evidentiary record this committee could consider did not include the transmittal letters that explained why the redactions had been made.

• (1715)

We had a few proposed subamendments. The first had to do with getting the clerk to compare the two sets of documents for their accuracy and, after a debate, that failed. The second proposed subamendment sought to deal with adding page annotations, I believe, so that there could be an easy comparison and the transmittal letters that provide important context could be on the record.

The third subamendment, which is the one that we are on now, has to do with the preparation of two complete sets of documents, both of which would be on the evidentiary record before this committee. This subamendment specifically would have allowed the transmittal letters to be on the record. That brings us to the present subamendment, which Mr. Gerretsen put forward. He moved:

That the committee requests the complete package of documents provided to the Office of the Law Clerk and Parliamentary Counsel of the House of Commons by relevant Deputy Ministers or the signatories of the transmittal letters, as well as the final package of documents that the Law Clerk and Parliamentary Counsel of the House of Commons approved for release, that both of the document packages be provided to the Committee no later than October 19, 2020—

—I think that ship has sailed—

—and that after the committee reviews the two different versions of documents, the committee invite each of the relevant Deputy Ministers or the signatories of the transmittal letters, as well as the Law Clerk and Parliamentary Counsel of the House of Commons, to give testimony regarding the redactions applied to the documents that were requested and granted in the motion adopted on July 7, 2020, and that until such a time as this testimony is complete, debate on the main motion and amendment from Pierre Poilievre be suspended and that the Chair be authorized to schedule these witnesses, and convene a meeting to resume debate on Pierre Poilievre's motion once these meetings have taken place.

It seems there are two problems with the refusal to support this subamendment. One is that it would have the evidentiary record remaining deficient and it would prevent folks from giving testimony to provide clarity specifically on why certain redactions were made, which is in accordance with ordinary practices of the public service. Second, it would allow us to avoid having this committee, or members of it, hold the committee hostage in its ability to conduct pre-budget consultations.

Effectively, the opposition is trying to have their cake and eat it too. They will say, “Give us everything we want, and then we'll allow you to do your work.” That simply cannot reasonably be construed as letting the committee do its work.

I think it would be quite reasonable for us—

**Mrs. Tamara Jansen (Cloverdale—Langley City, CPC):** On a point of order, I have just a quick question. He is suggesting that—

**The Chair:** Yes, go ahead, Ms. Jansen.

**Mrs. Tamara Jansen:** On a point of order, is he saying that Conservatives are saying that they're the only ones suggesting that the documents be given to the law clerk unredacted? I believe that was a committee motion that was agreed to.

**Mr. Sean Fraser:** Mr. Chair, I don't mean to prejudge your ruling. I'm not sure that it's a point of order and I didn't mean to necessarily make that suggestion in any event.

I think my point here, which I made at the end of my remarks, was more to do with putting the cart before the horse in terms of not letting pre-budget consultations proceed until documents had been provided.

If we want to revisit a previous order of this committee, I'm happy to do that. In fact, I expect we may, over the course of this meeting.

I don't know if you—

**The Chair:** No, go ahead. It's not really a point of order. It's more a request for information, but thank you for that point, Ms. Jansen.

Because it's confusing, I might remind Mr. Poilievre and Mr. Julian to take those raised hands down for another time if they're not still on the speakers list.

Go ahead, Mr. Fraser.

**Mr. Sean Fraser:** Certainly.

The problem we're dealing with right now, which the subamendment seeks to cure, is the fact that, as I mentioned, there would be incomplete disclosure to the committee if the main motion and/or amendment passed without the subamendment. Second is obviously the pre-budget consultation point that I made.

One of the things I don't believe to be appropriate is that the individuals who are being accused of violating the privileges held by members of this committee haven't been given an opportunity to defend themselves. They've made redactions in accordance with their legislative obligations.

I appreciate, and perhaps if I was mistaken earlier in understanding Ms. Jansen's point.... I don't deny what the initial motion said back in July, I think it was, but the civil service has difficulty disclosing documents even to the law clerk when the legislative obligations upon them prohibit the disclosure of certain kinds of information.

I spoke a bit about this natural tension that exists between legislation on the books in Canada and the previous order of this committee. These kinds of things do happen by times. Before we determine that they—

• (1720)

**Hon. Pierre Poilievre:** On a point of order, Mr. Chair, the member said that there are legislative obligations that restrict the committee's ability to acquire governmental documents. There are no such legislative restrictions. Parliament is supreme and has access to all of the information it seeks from government departments—

**The Chair:** I think it's a matter—

**An hon. member:** Mr. Chair, I don't believe that's a point of order.

**The Chair:** I know it's not a point of order; it's a matter of debate.

Go ahead.

**Mr. Sean Fraser:** Certainly, and perhaps I'll address that point before I'm done as well.

Where I was going with this point is that if we were to adopt the main motion or the amendment without the subamendment, we would not only be denying the opportunity for the civil service to explain why the redactions were made, but we would also specifically be excluding from evidence the explanation it had already given to this committee, but which has nevertheless not made it on to the evidentiary record before the committee. I don't think that's fair.

The rule at play here is one of due process. There's no question that this committee in Parliament, I should say more broadly, has the ability to control its own internal processes. However, I think we should refrain from disembarking from a long history, both in parliamentary democracy more broadly and our system of justice protecting due process. In fact, instead of dumping off the analysis without seeing complete information, I think the appropriate thing would be to ask the ministers responsible to make what disclosures remain outstanding.

The situation that we have here is impugning our professional public service, who remain non-partisan, for the jobs they have done. We heard directly from the Prime Minister, from the Prime Minister's chief of staff, from the then finance minister, from the Minister responsible for ESDC, and from staff. The process of accountability and, frankly, the transparency built throughout, is the kind of thing we had the opportunity to ask the ministers responsible about already. Now we're trying to pass judgment on the government's alleged violation of the committee's privileges based on documents from individual public servants who don't even have an opportunity to defend themselves, and without giving the opportunity for the minister responsible to actually offer the defence.

I know that honourable members on this committee are familiar with the concept of ministerial responsibility. In fact, the member from Carleton, in a previous Parliament, I believe it was in 2010, during a committee meeting said:

My comments will continue to focus on the conduct of political staff members and the importance of ministerial responsibility for that conduct. That is entirely pertinent to this motion, and if committee members disagree they will discard my arguments.

I'm going to quote continually the rules as they are written:

The individual or personal responsibility of the Minister derives from a time when in practice and not just in theory the Crown governed; Ministers merely

advised the Sovereign and were responsible to the Sovereign for their advice. The principle of individual ministerial responsibility holds that Ministers are accountable not only for their own actions as department heads, but also for the actions of their subordinates....

He went on, and I'm reading from the original quote:

The principle of individual ministerial responsibility holds that Ministers are accountable not only for their own actions as department heads, but also for the actions of their subordinates; individual ministerial responsibility provides the basis for accountability throughout the system. Virtually all departmental activity is carried out in the name of a Minister who, in turn, is responsible to Parliament for those acts.

Again:

Virtually all departmental activity is carried out in the name of the Minister who, in turn, is responsible to Parliament for those acts.

This is a continuing quote from the member in this committee. He continued:

We are Parliament in this committee, and it is ministers who are accountable to Parliament, according to the rules.

Ministers exercise power and are constitutionally responsible for the provision and conduct of government; Parliament holds them personally responsible for it.

The principle of collective ministerial responsibility, which is of a much more recent vintage, evolved when Ministers replaced the Sovereign as the decision-makers of government. Ministers are expected to take responsibility for, and defend, all Cabinet decisions. The principle provides stability within the framework of ministerial government by uniting the responsibilities of the individual Ministers under the collective responsibility of the Crown.

That latter point explains why Minister Baird is here to explain the conduct of a member of the Prime Minister's Office. Under the principle of collective responsibility, he, as a minister, a servant, is responsible in our system for defending the conduct of subordinates in this government. He has been so designated by the Prime Minister, who makes those designations by historic convention.

• (1725)

This is the foundation of our democratic system of government, Mr. Chair. It is not something that can be thrown away at a whim or dispensed with when a coalition of parties, through their numbers, seeks to undermine it in order to score a few short-term and myopic political points.

In the aftermath of the 2008 election, the coalition parties attempted to reverse the results of that vote. Now we are seeing them attempt to reverse the results of roughly 300 years of parliamentary tradition and replace it with a kangaroo court that would intimidate political staff members, whose responsibilities to this House flow through the ministers

Mr. Chair, the quote, I think, was well articulated at the time and is applicable today. What this committee is seeking to do, in the absence of the subamendment forming part of the motion to ultimately be adopted by this committee, is to attribute responsibility for violating the privileges of members of Parliament who serve on this committee to civil servants, by virtue of the evidentiary record that includes only testimony and emails that come specifically from civil servants. They won't even allow evidence from the head of the relevant departments or indeed the head of the civil service, the Clerk of the Privy Council, to be adduced into the evidentiary record. This would fly in the face of holding the minister responsible. I don't think it would be fair, frankly, to avoid an explanation from the government by the minister responsible by referring only to the documentary evidence that has been partially disclosed to this committee as a result of a technical difficulty during the uploading of the documents. Again, I'm referring specifically to the exclusion or attempted exclusion of the transmittal letters from the body of evidence that's before this committee.

With respect to the appropriateness of the redaction, I think the opportunity to explain is key. I think the transmittal letters would be essential, and I think that the government has demonstrated a willingness to work with this committee formally or informally, specifically when the Parliamentary Secretary to the House Leader made the invitation to say that if this committee is not satisfied with what it's received, the government would work in good faith with it.

There hasn't been an opportunity to even have that conversation directly with the government because there's this effort to have only a portion of the evidentiary record from the previous session of this Parliament introduced into the evidence currently before this committee.

The NDP had made the argument previously—and Mr. Poilievre has hinted at this as well—that because we have a supremacy over our ability to produce records, in fact...and the parliamentary law clerk made an allusion to this in the letter sent to members of this committee, but we also have letters specifically from the head of the public service, who explained that there are certain rules they are bound by. I think that attempting to reconcile those two points of view through conversation may in fact be a productive thing.

Specifically, Mr. Chair, the kinds of things that we're dealing with...and my colleague, Mr. Gerretsen went to great lengths to make these points during our previous meeting. If you read the transmittal letters, a lot of them say very similar things. The head of Canada's public service and the head of different departments have by and large explained that there were two kinds, two buckets, of documents each of which were treated differently by the motion this committee adopted back in July. Specifically, the motion states:

That, pursuant to Standing Order 108(1)(a), the Committee order that any contracts concluded with We Charity and Me to We, all briefing notes, memos and emails

—including the contribution agreement between the department and WE Charity—

from senior officials prepared for or sent to any Minister regarding the design and creation of the Canada Student Service Grant, as well as any written correspondence and records of other correspondence with We Charity and Me to We from March 2020 be provided to the Committee no later than August 8, 2020; that matters of Cabinet confidence and national security be excluded from the request;

—which is going to be important in just a moment—

● (1730)

and that any redactions necessary, including to protect the privacy of Canadian citizens and permanent residents whose names and personal information may be included in the documents, as well as public servants who have been providing assistance on this matter, be made by the Office of the Law Clerk and Parliamentary Counsel of the House of Commons.

The two categories outlined in that motion include, first, the documents that would be subjected to cabinet confidence or that may have national security implications. The second would be redactions that are designed to deal with the privacy and personal information of individuals who are not members of this committee.

The first category is an important one. Each of the transmittal letters indicated that no redactions were made for national security purposes, so that is not really an issue before the committee, and I don't think anyone would dispute that, but I've been surprised before.

The second heading under that bucket, if you will, is cabinet confidences. There are explanations in each of the transmittal letters that certain redactions had been made for the purpose of protecting cabinet confidence, but, in fact, we never requested documents that touched on cabinet confidences.

You'll recall, Mr. Chair, that our colleague Mr. Poilievre, during the middle of the summer, was waving around pages that, in fact, were heavily redacted. I won't dispute that; in fact, pages were redacted. I think that's obvious, but what he didn't tell anybody is that those were documents that specifically weren't asked for because they were subject to cabinet confidence. I think that's pretty important.

The reason that we redacted pages at all was that we chose to produce.... I shouldn't say “we”; the government chose to produce documents that were not asked for even though they were subject to cabinet confidences and produced the portion of it that were relevant to the WE Charity matters that this committee had been looking at.

If you go through the document, you can see details of cabinet meetings that were revealed to this committee even though we specifically said we did not want them. The remaining pages that follow some of those were, in fact, heavily redacted, but again, they may have touched on anything from—

**Hon. Pierre Poilievre:** Mr. Chair, on a point of order, I believe that if you seek it, you will find unanimous consent for the following motion: That the committee immediately move to votes on the subamendment, the amendment and the main motion that resulted from my earlier point of privilege—

**Mr. Sean Fraser:** Mr. Chair, can you move a motion on a point of order?

**The Chair:** You can't move a motion on a point of order.

Go ahead, Mr. Fraser.

● (1735)

**Mr. Sean Fraser:** Thank you, Mr. Chair.

I think you're procedurally correct in your assessment of the proposed motion.

In any event, we've covered the cabinet confidences and national security, which I think, as Mr. Gerretsen pointed out, cover many of the more heavily redacted versions. Again, for the sake of clarity, the reason that most of those redactions would have taken place is that they are subject to cabinet confidence, but in any event this committee, or I should say the finance committee in the previous session of this Parliament, specifically told the government that it didn't want documents that fell into that category.

The remaining category of redactions is really the only thing that is in dispute at this committee. Redactions were made that the motion suggested ought to have been made by the clerk. However the relevant deputy ministers, in accordance with the legislation they referred to in those transmittal letters, explained why those redactions took place and what efforts they made to obtain consent to divulge information that the statutes bar them from divulging.

For the most part it was personal contact information. Mr. Gerretsen went through at great length, page-by-page to demonstrate that among the redacted documents this committee asked, the redacted parts largely touched on the personal contact details of the independent public servants. Although I know Mr. Gerretsen had some fun during the committee meeting imputing motives in at least one instance, I don't think why someone may have been trying to—

**Mr. Peter Fragiskatos:** Mr. Chair, on a point of order, I'm not sure if it was the audio on my end, but could you have Mr. Fraser repeat the previous statement he made regarding personal information. I didn't hear it.

**The Chair:** It's not really a point of order, but if you care to, Mr. Fraser.

**Mr. Sean Fraser:** Peter, I trust you don't want me to start from the beginning, so I'll pick up at the last sentence.

**The Chair:** No, definitely not.

**Mr. Peter Fragiskatos:** Mr. Chair, I want just the previous few sentences.

**Mr. Sean Fraser:** No problem. I am coming near the end of my argument.

In any event, aside from the cabinet confidences, which we did not ask for but were provided anyway, the remaining category of redactions largely touches on personal information. I don't think this committee needs to see the phone numbers of public servants. I think it would be inappropriate. I do think that the public would benefit from going through the documents that have been provided to see the redactions for themselves.

Aside from those pages that we didn't ask for, these are minor redactions that touch on the personal information of Canada's professional and independent public service. I'd be happy to get into the redactions more specifically and in depth if we need to. I hope we don't need to go there.

For the time being, for those reasons, I think it's essential that the committee support the subamendment. It will allow us to see the total body of evidence, to quickly move to pre-budget consultations and return to the controversy on the specific motion as soon as we are done. Hopefully, it will allow the government an opportunity to work with this committee to give it the information it needs to bring a level of oversight to whichever spending programs we desire to review. In this particular instance, I don't think it's necessary to disclose the personal information of public servants as part of it.

Those are my comments for now, Mr. Chair.

**The Chair:** Thank you, Mr. Fraser.

Next on my list is Ms. Dzerowicz, followed by Mr. Fragiskatos.

**Ms. Julie Dzerowicz:** Thank you so much, Mr. Chair.

It's nice to see everybody.

I want to start by just addressing this off the top. I believe there was a comment earlier about the Prime Minister instructing us to do this filibuster. I don't know how other parties work, but our Prime Minister doesn't instruct our committees. I just wanted to indicate for the record that this is absolutely not true.

I can also personally say that I have zero desire to have this meeting go any longer than it needs to. I only have a great desire to move as quickly as we can to pre-budget consultations, which is why I was delighted that you, Mr. Chair, suggested right off the bat that we move right to a pre-budget consultation motion. You asked for unanimous consent, and I do want the record to formally show that there was no support from the Conservatives, no support from the NDP and no support from the Bloc Québécois for your ask in terms of unanimous consent for us to move directly to pre-budget consultations.

I also want to address a few of the comments that Mr. Poilievre started off with. He talks about a WE scandal. Saying one million times that there's a WE scandal doesn't make it true. There was no WE scandal. There were some legitimate concerns when WE was selected about how WE was selected. There was a motion that we as finance committee had agreed to study it in terms of how the decision came about and how much money was actually spent in providing that contract over to WE.

I want to remind everybody once again—I know I said this last time, but sometimes repetition is important—that for almost two months over the summer we met to actually deliberate on those questions. Again, transparency and oversight are absolutely critical. If there are questions, or if people think there are mistakes, it's absolutely important for us to be looking at that.

I do also want to remind the public, the media and anybody else who's listening that it isn't typical for committees to meet during the summer, but it was extraordinarily important for us. We're in a pandemic. I think that initially we were meeting as the finance committee to provide proper oversight of the emergency support programs, which is absolutely appropriate. Then, I think, when the decisions around WE being selected for the Canada summer student grant program came up, it was determined that it was important for us to look at it. I just want to remind people of what we heard, because, again, I want to continue to dispel the consistent sorts of statements about WE scandals or WE cover-ups. There was no corruption.

There was no corruption. We heard—under oath—from both of the Kielburgers, Craig and Marc Kielburger. We heard from Prime Minister Trudeau. We heard from Minister Morneau.

We heard that they're not friends. They don't have each other's phone numbers. They don't socialize. There was zero attempt by anybody in our government to be able to select WE for any personal benefit or to benefit people who might have been their friends. They're not personal friends.

We also heard very clearly that WE was selected by our civil servants. I was actually going through Rachel Wernick's testimony again. There was a day when we had Ms. Wernick come in. We had Ms. Gina Wilson come in on the same day, I believe, and we had Minister Bardish Chagger come in as well. Ms. Wernick very clearly stated that, given the fact that we had very specific parameters and very quick time frames, it was suggested by the bureaucrats, by herself, that WE could be the only organization that could actually deliver the program in the timeline and the time frame that we had asked them to do it in. That was validated by Ms. Wilson and also by our Clerk of the Privy Council, Mr. Shugart.

There was no misuse of funds. The other thing we were asked to look at was whether or not.... How much money did we spend on all this? What we heard for all of the monies at the time of our last meeting was that it was about to be returned. I think it was in a bank account, and I think they just needed some final details, but my understanding is that at this moment all of the dollars have been returned. We also heard that there was zero profit to WE. It was just costs that they were covering.

• (1740)

Then the contribution agreement was selected because of the expediency of actually being able to deliver the actual program. I don't know if there were 13 or 17, but there was an extraordinary number of checkpoints to try to ensure that there was accountability for any of the dollars that were actually given to WE for the delivery of the CSSG program and to ensure that it was actually doing what it was meant to be doing.

We talked about why it was rushed. We talked about why it was not a sole-source contract and why it was a contribution agreement. We also gave lots of examples of other contribution agreements. We also proved, time and time again, that it was absolutely for students, that we actually made this decision, in terms of selecting WE, because we absolutely wanted to support our students and that this was just one of many programs in the over \$9 billion we've actually allocated to support students in a number of different programs.

During our last session I did read out the names of some of those programs, and if we do have to go on for a long time this evening, I'll continue to read the full list of all the programs a little later. I'll talk a little bit more about this in a minute, although my colleague Mr. Fraser has done an excellent job talking about there being no cover-up in terms of the redacted document.

I also want to continue to remind everyone that there continue to be two independent investigations by two outstanding, long-term civil servants: our Auditor General—who will continue to provide oversight of the spending, including that for the CSSG program, all the other student programs and all the other programs that are currently under way—and the Ethics Commissioner, who is currently investigating both the former Minister of Finance, the Honourable

Bill Morneau, and our Prime Minister, to see whether there indeed was any type of ethics violation.

That is what we recall.

I also want to address Mr. Poilievre's other point around a WE cover-up. Again, mentioning a cover-up one million times does not make it a cover-up. There were 5,600 documents were released. It could be a little bit more. Maybe it was 5,693. I'm not quite sure of the exact number. I am just saying approximately 5,600 documents. They were released on the day that our Prime Minister announced the prorogation. Our Prime Minister made sure those documents were actually released publicly before he actually prorogued government.

I want to remind everybody that any of the redactions that were made to the 5,600 pages were made by our independent civil servants. That again has been validated by my colleague Mr. Fraser, or at least we have been reminded us about it. This subamendment that is before us right now seeks to address any issues there might be in terms of any political interference in making the decisions on what was to be redacted.

The subamendment is trying to say to bring forward those senior civil servants, whose job it was to do the redactions. Let's bring them before this committee. Let's also bring forward our parliamentary law clerk, as well as our parliamentary legal counsel, so this committee can actually ask questions, and so they can explain why the redactions happened and answer any questions that maybe have not been brought out into the open. That is what this subamendment to the amendment to the original motion is trying to do.

I want to point out once again the four key parts of this subamendment: the first is to suspend the main motion and the amendment that Mr. Poilievre has proposed. Again, it's just suspending it. It's not eliminating it. It's not putting it away. It's suspending it.

The second is to have the chair authorized to schedule meetings with the witnesses—which is what I had mentioned to you before—and invite the relevant deputy ministers or signatories of the transmittal letters—so those who were actually responsible for the actual redactions—as well as the law clerk and parliamentary counsel of the House of Commons.

The third part of it is that we resume debate, after we do those sessions, to debate Mr. Poilievre's motion once the meetings have actually taken place.

• (1745)

I don't want to have anybody think we're trying to cover up anything. I truly don't believe we're trying to cover up anything. I have complete confidence in all of our public servants. They have, to the best of their ability, sought to only redact those items that deal with cabinet confidentiality and any personal or other items that should not be disclosed, like conference call numbers, or any items that might be completely irrelevant to the issue at hand. I have 100% confidence in our public servants to be able to do that.

Now I want to go for a couple of minutes to what Mr. Julian mentioned, that we are trying to do away with the pre-budget consultations. I want to directly say to Mr. Julian that there was an opportunity at the onset of this meeting to support the chair's suggestion to us to vote on pre-budget consultations so that our clerk and her team could start calling witnesses and preparing for the meetings. We know that we have 793 submissions to come before this committee. There's a lot of work ahead, and it's important work that Canadians need us to do.

I think we have to make a decision as colleagues. Do we want to make our Parliament work? That includes the work here on this committee. I genuinely and truly believe that every one of us ran because we want to serve not only our local communities, but also our country, and we want to make much better the lives of the people we're honoured and privileged to serve. I think this particular moment is especially important because we're going through an unprecedented pandemic. It's a health crisis. It's an economic crisis. Canadians need us more than ever to step up and make our best efforts to help them and our country through this unpredictable time.

This committee can provide that space for the pre-budget consultations so we can hear some of the best ideas from those who are being impacted in both the short and long terms. We can also hear from some of our economic and financial leaders. I truly believe that if we make a decision today to move to pre-budget consultations, you would have very willing partners, at least on the government side, to move forward as fast as possible. I urge us to find a way to unanimously approve going right to a pre-budget consultation motion and moving as fast as possible to pre-budget consultations.

I also want to make reference to a letter that our government House leader has submitted to the House leaders of each the Bloc Québécois, the Conservative Party and the New Democratic Party. I know there were discussions behind the scenes about a special committee to oversee the investments in COVID-19. I'm not quite sure whether that's completely off the table. I would like to believe that maybe that could still be on the table. I think it's a really great idea. It's a committee that would do two things. One is to provide continued oversight of COVID-19 spending, particularly since we're spending over \$300 million on the 80 programs we've introduced. I think it's really important for us to continue to be transparent and accountable and provide as much oversight not only on federal spending, but I would love us to also be able to ensure that we get accountability for all the dollars we've also sent to the provinces, the municipalities and other groups and make sure money is going to where it needs to go; that if some adjustments are needed, that we're able to do so.

I like this proposed motion for a special committee. I particularly like it because it would allow the finance committee, which had already been doing some of this oversight prior to prorogation, to engage fully and completely in pre-budget consultations, to focus on budget 2021 and the best recommendations and the best ideas and the best thinking out there and have another committee provide that proper accountability and oversight. It also gives the committee a mandate to take over the responsibility for the issue of the document redaction, anything to do with anybody still worried about any of the redactions of the WE documents that were submitted.

• (1750)

I think, if there are some additional steps that need to be taken, I think that is an option and a committee that could be looked at.

I want to end maybe at this point, because I've lots of other things to say, but I'll let some other colleagues talk. I do want to reiterate that there really is zero desire, at least on my side—and I truly believe I'm speaking for the government side—for us to be going any longer than we need to. I think we're trying to find a path to the pre-budget consultations as quickly as possible.

All of these other motions, to be honest, are unneeded diversions. I think they're diversions that we should find a way to maybe withdraw simply because, at this point in time, Canadians need us to step up and do the work at hand on pre-budget consultations and to find a way to restart our economy as quickly as possible and support them as workers, as Canadians, and support our businesses as we try to come out of one of the largest health and economic crisis we've had in almost 100 years.

I think with that, Mr. Chair, I'm going to sign off at this point and allow the next speaker to speak.

Thank you.

• (1755)

**The Chair:** I have Mr. Fragiskatos next and then Ms. Koutrakis.

**Mr. Peter Fragiskatos:** Thank you, Mr. Chair.

Thank you, colleagues. I'd especially like to thank Ms. Dzerowicz for reminding us of the importance of pre-budget consultations. I echo that sentiment completely.

I know I put it on the record last meeting, but I think we have to, as members of Parliament entrusted to carry out the will of constituents, really ask ourselves where we are in the country right now. We are seized with the most significant crisis of our time.

Thankfully, we have Standing Orders that lead us in the right direction, or should lead us in the right direction, Mr. Chair, if members want to acknowledge where we are and what needs to be done.

I asked you in the previous meeting, Mr. Chair—and there was also a question for the clerk—about Standing Order 83.1 and what happens in instances where that Standing Order is not respected. Of course, Standing Order 83.1, as we all know, or should know, relates to pre-budget consultations. It calls specifically for the finance committee to carry out pre-budget consultations by a specified date.

Mr. Chair, it's been a few days since that very lengthy meeting, and my memory is a bit foggy. Could you remind me what happens when a committee does not respect a Standing Order, in this case 83.1? What would be the consequences of that? If you don't have that answer immediately at hand, feel free to interrupt—it's the chair's prerogative to do so—and you can provide it to me and our committee. We would need a reminder on that. I think it's an important thing to know as we engage in discussions around this topic.

There is something else that bears emphasizing. I've talked about the Standing Orders and the need to respect them, but let's also keep in mind that these Standing Orders exist for particular reasons. They didn't fall from the sky. They are the legacy of a long-established Westminster parliamentary tradition that over time, over decades and generations, has been built up. Those Standing Orders, which are the rules or the foundation of Parliament, are the constitution by which we engage one another in parliamentary procedure. We have to follow those rules. It's not as if this rule stands on its own and we can choose to respect it or ignore it. It exists for good reason. There are historic reasons behind the existence of standing orders, and I think that also needs to be put to colleagues.

Furthermore, it is so surprising—well, perhaps not surprising judging by the partisanship of the opposition parties, in particular the Conservatives—that it's much more reasonable to engage with my colleagues Mr. Ste-Marie and Mr. Julian. That's not to take anything away from what the Conservative members add to this committee. When we have seen genuine meetings take place, they have contributed. Fair enough, we will disagree from time to time, perhaps most of the time, but I've seen every single Conservative member in the previous Parliament, and I'm sure I'll see that from the new members of the committee, with Mr. Falk.... I've sat in on other committees where Mr. Falk has served. He made an important contribution on the justice committee. Ms. Jansen is a new member of Parliament. I would expect that she will also make a contribution here, and bring ideas, particularly around issues of the environment. I know that she's worked in that field before, as a small businessperson, if I'm not mistaken.

In any case, it is something that I think we can all look forward to. We all bring our own experiences to these discussions, Mr. Chair. However, I will go back to the point that I began with. You might be wondering where I'm going with this.

I'm wondering, Mr. Chair, where was unanimous consent for pre-budget consultations? We're faced with a crisis. I expected that we would put partisanship completely aside to engage on this very important issue before the committee.

Ms. Dzerowicz is quite right, and her constituents are quite fortunate, because they have a serious member of Parliament who recognizes where the country is and what needs to be done. As I've said throughout, we need to have pre-budget consultations. We need to hear from the close to 800 stakeholders.

• (1800)

Correct me if I'm wrong. Again, you can verify this at your leisure, but I believe that is the highest number of requests we've ever seen at the finance committee, period. That is a new record, so to speak, and one that is not at all unexpected. We see a crisis before us, and of course there's going to be an enormous number of

stakeholders from right across the country who want to speak to us, and we have to hear them out. We should have seen tonight a unanimous consent motion pass for this committee to engage immediately, without reservation, towards a pre-budget consultation, but here we are. It's tremendously unfortunate.

I will tell you, Mr. Chair, as someone who has served now for a couple of years on the finance committee, that pre-budget consultations aren't simply an exercise. They really provide the foundation for what the finance committee does, which is to put forward opinions and thoughts in the form of recommendations that go directly to the Minister of Finance and directly to the Prime Minister for review.

Now, the Prime Minister and the Minister of Finance have, as their prerogative, the ability to ignore those recommendations. I know that was the case in previous governments, for example. I don't mean to pick on the Conservatives, but a good number—most, in fact, from what I've heard from colleagues who worked on previous finance committees—of the recommendations made by finance committees that operated during the time of Stephen Harper were not adhered to. It was the PMO and the Department of Finance, but especially the PMO under Mr. Harper, that was setting the budget direction. I won't say that's fine, but that's in the past, and I won't dwell on that.

This particular government has taken a different approach, whereby members of Parliament can actually, from across the aisles.... I'm in Ottawa right now, Mr. Chair, and just yesterday I saw a member of Parliament on the Conservative side walk right over to the Minister of Health and hand the minister a letter on behalf of a constituent. The minister accepted that letter. It goes to show that there is this engagement, this openness, which one could argue is in fact a characteristic of the Westminster system and which, as we all know, allows for a direct interaction between the opposition, especially Her Majesty's loyal opposition, and the government.

Mr. Chair, in fact, this reminds me of things that you have said in Parliament yourself. I remember you giving a passionate speech—this was a number of months ago—where you spoke about the ability of members of Parliament to engage directly with the executive, whether it's to hand them a letter on behalf of constituents or whether it is, in previous times prior to the pandemic, to sit down with them and talk about an issue of relevance and importance. This speaks to what the Westminster system allows for—that direct engagement—in contrast to the presidential system. I gave a speech in Parliament yesterday, and at the opening, I talked about how in fact one of the ways that I think the Westminster system stands as a positive contrast is that, unlike the presidential system, where there's not that direct engagement between opposition and government, the Westminster system allows that very direct engagement.

Here we have a committee—I'm speaking mostly to the opposition here—in which we can come together and put forward ideas that will be looked at very seriously by the government, because that principle is built into the system itself. It's built into the Westminster system. The government has to look at what this committee puts forward and opines on in the form of recommendations. As I said before, it is these pre-budget consultations that have helped to really structure—I think that was the word I used—my approach in the finance committee, because the most important thing a government can do, apart, certainly, from respecting the physical security of citizens and ensuring it, is to look at a budget that provides for all their other basic needs, all the other basic needs that citizens rightly expect their government to fulfill. Without a budget, there really is no reason for government, one could argue.

• (1805)

Therefore, I think it's the most important work this committee can do. We had an opportunity tonight to proceed immediately to that, but again my colleagues in the opposition have stood in the way, which is so incredibly unfortunate. I say that again. I am just stunned at where we are.

What did we hear instead? Instead we heard Mr. Poilievre who, by the way, Mr. Chair, I have no personal qualm with. I think Mr. Poilievre has a particular approach to his role as an MP. Some can disagree with it; I know his colleagues will agree with it. He's a long-time and experienced member of the House, and I suppose the style he employs, what he brings to the job and how he engages in it, is based on a recognition, on his part at least, that it's something that works for him, so I won't comment on that.

But when Mr. Poilievre puts things on the record that simply are not true, my colleagues will forgive me for my.... I had a few points of order when Mr. Poilievre was speaking. It was not meant as a way to disrespect the member or disrespect the proceedings of the committee. I just thought that it was relevant to introduce a point of order to make sure that the blues reflect fact.

When Mr. Poilievre says things like the government allocated a certain amount of money to the WE Charity, that is simply false. He said that hundreds of millions of dollars went to the WE Charity. The number he used was \$500 million. Perhaps the pandemic has been a long one, and we had a long meeting last week, so perhaps all of that has built up and is affecting of Mr. Poilievre's judgment. I'm not sure.

This is just a reminder that the \$500-million figure actually relates to the Canada student service grant. There was \$500-plus million dollars that was going to go towards the Canada student service grant to allow that program to function. It was not, absolutely not, going to go to WE Charity. There was \$43 million that was going to go to WE Charity so that the organization could administer the program, but all of that money was going to be reimbursed. It's my understanding that any monies that were paid to WE Charity by the government have been paid back.

The long of the short of it, Mr. Chair, on that point is that no money is now in the pocket of WE Charity. When the opposition, as we heard here today with Mr. Poilievre.... Yesterday I was in the House and I heard a number of Conservative MPs speaking to the

opposition day motion, which in and of itself is a separate matter. I don't think I'll touch on it here, but it depends.

What a ridiculous motion that was. When we're talking about the issues of the day, talking about the wage subsidy, talking about improving rental assistance, talking about the Canada recovery benefit and the need to support young people, these are the things that—

• (1810)

**Mr. Peter Julian:** Point of order.

**The Chair:** I'm sorry—

**Mr. Peter Fragiskatos:** Now I'm being interrupted. I had good things to say about Mr. Julian before—

**The Chair:** Mr. Fragiskatos, there is a point of order from Mr. Julian.

Mr. Julian, go ahead.

**Mr. Peter Julian:** Thank you, Mr. Chair.

With regard to relevance, we're going to start cracking down in the filibuster whenever there is a move away from relevance. There is a long-standing tradition that you can take 15 or 20 seconds and deviate, but if what we're hearing now is Liberal members having no new content to add, then we really should proceed to the vote.

**Mr. Peter Fragiskatos:** Mr. Chair, with all—

**The Chair:** Mr. Fragiskatos, keep as close to relevance as you can.

**Mr. Peter Fragiskatos:** Certainly, Mr. Chair.

As we just saw, Ms. Dzerowicz raised the idea of pre-budget consultations. I'm speaking about pre-budget consultations and their importance. In fact, I'm very surprised that Mr. Julian would interrupt. I quite like Peter, Mr. Julian, for the approach that he brings—

**Mr. Peter Julian:** A point of order.

**Mr. Peter Fragiskatos:** I gave a compliment, Mr. Julian.

**The Chair:** On a point of order, Mr. Julian.

**Mr. Peter Julian:** This is not relevant to the subamendment. With respect, Mr. Chair, the rules are very clear. Mr. Fragiskatos has to be relevant to the subamendment discussion. If he has nothing further to say on that—

**Mr. Peter Fragiskatos:** I have much to say.

**Mr. Peter Julian:** —let's proceed to the vote.

**The Chair:** Okay.

Speak to the motion on the floor, Mr. Fragiskatos, and tie it in as closely as you can.

**Mr. Peter Fragiskatos:** I have much to say. I will talk about the subamendment, Mr. Chairman. I'm about to do that.

I just wanted to acknowledge the comments of my colleague Ms. Dzerowicz, which brought forward the very important idea that we move to a pre-budget consultation. I also wanted to correct the record on some of the things Mr. Poilievre said. I think the parliamentary record should be accurate. I think I've done that now. Colleagues, I think in the House yesterday, I was one who corrected the record of what was exchanged in the House.

But I will leave that there. Mr. Julian should be happy because I'm going to talk about the subamendment here, which I think is eminently reasonable, Mr. Chair, extremely reasonable.

What does it call for? It does not dismiss what the opposition is talking about. That would have been the approach of previous governments. I'm thinking especially of Mr. Harper, but not to pick on him. There are other examples one could cite, but it's very interesting to hear Conservative members go on about democracy and transparency and accountability—

**Mr. Peter Julian:** A point of order.

**Mr. Peter Fragiskatos:** I'm about to talk about the subamendment, Mr. Chair. I keep getting interrupted.

**M. Peter Julian:** Mr. Chair, we're seeing repetition and lack of relevance. If Mr. Fragiskatos no longer has anything to say about the subamendment, we should proceed to a vote, because he is now repeating comments that he's made previously and he is not relevant to the question at hand.

**The Chair:** Mr. Fragiskatos, go ahead, and we'll see where it leads.

**Mr. Peter Fragiskatos:** I will pick up where I left off. I'm surprised, because I had starting talking about the subamendment, one that I had said before is a very reasonable one. It calls on what? It calls on public servants to testify regarding the redactions made to the documents in question. What is wrong with that? Why would we want to muzzle our public servants, who have performed so admirably during the pandemic?

I had a conversation with a friend of mine earlier today, who was asking me about all of the various programs and how they're actually put together. It is a truism in politics that we, as elected officials, quite often if not always, get credit. That should not be the case. Our public servants deserve so much credit, because they have played such a great role when it comes to the policy design of the various programs, and we know what those programs are.

But what's at stake if we don't adopt the subamendment, if we don't allow public servants to come to explain to our committee why they decided to make certain decisions regarding redactions, I would say to you and say to my colleagues, is that we would violate a very important principle relating to fairness. Fairness is ultimately a question of justice. That is not something that is just a recognition on my part. There's a long-established philosophical tradition in liberalism in general, but I think if you look across the philosophical spectrum, if I can put it that way, you will find conceptions of justice that are ultimately rooted in fairness. Ultimately, when we talk about fairness, we're really talking about justice.

For me, Mr. Chair, it's about John Rawls. I'm passionate about politics for many reasons, but—

• (1815)

**Mr. Peter Julian:** Point of order.

**Mr. Peter Fragiskatos:** Here we go again, Mr. Chair. I'm trying to speak to the subamendment. I'm trying to put some meat on the bones, Mr. Chairman.

**The Chair:** There is a point of order, Mr. Fragiskatos.

Go ahead, Mr. Julian.

**Mr. Peter Julian:** Thank you.

Again, I question the member's relevance on the subamendment and his repetition, Mr. Chair. If Mr. Fragiskatos has nothing new to add, and he is not going to stay relevant to the topic, we should proceed to a vote.

**The Chair:** I believe, Mr. Julian, the subamendment relates to the document packages and the evidence that may or may not be in them. I do believe in this case Mr. Fragiskatos is providing background information on that last point.

Go ahead, Mr. Fragiskatos.

**Mr. Peter Fragiskatos:** I appreciate it, Mr. Chair.

I was making the point that questions of fairness—and those questions are at play if we deny public servants the opportunity to come to committee, as the Conservatives especially want to do, and I hope we won't. Questions of fairness are ultimately questions of justice. I was talking about John Rawls, who is probably the philosopher who recognized this the most or who's credited with a theory of justice that's rooted in fairness.

I don't mean to quote philosophers in an arrogant way. We all have our interests and passions. Philosophy is one of my interests, but I don't use it as a stick, so to speak, here at committee. It provides me with a foundation for understanding the various questions we are seized with, including the subamendment.

As I said, by calling on public servants to come to speak, it offers them an opportunity to put to us the rationale for their decisions. If we say “no” to those public servants, then we are denying them their ability to speak. We are in effect muzzling them, and I used that word earlier. I think it makes sense to repeat that word. We are denying them free speech, free thought and especially fair legal treatment.

I'm using these words directly from John Rawls in *A Theory of Justice*, which is no doubt his most famous work, published in 1971 but still extremely relevant. If my colleagues have not had a chance to read Rawls, that's a good place to start.

He asked the question of what makes up a just society, and said a number of things, but key characteristics such as the ability to vote have to be entrenched, as well as the ability to seek office and also free speech, free thought, and especially fair legal treatment, all of which have to be encouraged. All those are the key characteristics of what a free and a fair society looks like and therefore a just society. As I said, Rawls's concept of fairness is ultimately rooted in his notion of justice. I'm bouncing it around, and I'm sorry.

To get directly to it, by denying public servants the ability to speak to our committee, I would submit to my colleagues in the opposition, who are holding this up, that we would not be acting in a just way. As human beings they are entitled to fair treatment, and therefore public servants coming to our committee to put their thoughts on the record should happen.

I think the subamendment is incredibly fair in that regard. What would we say if they couldn't come, if we denied them that right? We would be saying that, in effect, this committee has endorsed the notion that free speech and free thought don't matter. I think that this idea of fair and equal legal treatment that Rawls talks about is especially applicable here. We would be commenting on matters that involve public servants, but not offering them an opportunity to justify decisions and to speak to us.

I don't mean to single out Mr. Julian, but if Mr. Julian can't get behind this subamendment, I would be surprised, because I've heard him speak at great length on his respect and admiration for the public service.

I remember in the summer, when we had the Public Service Alliance of Canada at committee, the union that represents public servants in this country—and I don't think it's the only union that does so, but it is probably the most well known—Mr. Julian spoke glowingly about his respect for that organization and all public servants. He regularly pointed to his appreciation of public servants, who throughout the pandemic have contributed endless hours away from their families in the spirit of designing programs that are ultimately benefiting Canadians.

• (1820)

We are seeing Canadians now enjoying those programs, and I use “enjoy” in context because obviously we are in a pandemic. However, those Canadians are able to provide for their families because of things like the CERB, the wage subsidy and all of the various other programs. Businesses are allowed to exist because of the work that—

**Mr. Peter Julian:** I have a point of order.

**The Chair:** What's your point of order?

**Mr. Peter Julian:** Again, it's relevance, Mr. Chair, and repetition. The Liberal members are repeating themselves now. They are not relevant to the debate at all. They are holding up a whole range of things, including our ability to schedule pre-budget hearings.

I think if there's nothing left to say, nothing new and nothing relevant, that we should proceed to the vote.

**The Chair:** Mr. Julian, we can see that the subamendment is quite broad if someone wants to read it out. It relates to public servants and to the Law Clerk and Parliamentary Counsel to get testimony regarding the redactions—

**Mr. Peter Fragiskatos:** Mr. Chair—

**The Chair:** —so I don't think Mr. Fragiskatos is far off relevance at this time. He has been before, but I don't believe at this time that he is.

Go ahead, Mr. Fragiskatos.

**Mr. Peter Fragiskatos:** Mr. Chair, I'll respectfully disagree, but the respect I have for you is such that I won't carry on that disagree-

ment. I believe I've always been relevant, but if colleagues will deviate from that and put forward a different idea, including you, that's fine.

You mentioned something there that is important. You talked about the text of the subamendment. I am very passionate about the issues I'm bringing up here—the ideas of fairness, the ideas of justice—and I won't apologize for that passion, but just so we're on the same page, it would make sense for me to read into the record the subamendment in question so that we're all on the same page. I'll do that now.

The subamendment states as follows:

That the committee requests the complete package of documents provided to the Office of the Law Clerk and Parliamentary Counsel of the House of Commons by relevant Deputy Ministers or the signatories of the transmittal letters, as well as the final package of documents that the Law Clerk and Parliamentary Counsel of the House of Commons approved for release, that both of the document packages be provided to the Committee no later than October 19, 2020, and that after the committee reviews the two different versions of documents, the committee invite each of the relevant Deputy Ministers or the signatories of the transmittal letters, as well as the Law Clerk and Parliamentary Counsel of the House of Commons, to give testimony regarding the redactions applied to the documents that were requested and granted in the motion adopted on July 7, 2020—

This is the part of the motion that I was touching on before I was interrupted by my honourable colleague. It continues:

—and that until such a time as this testimony is complete, debate on the main motion and amendment from Pierre Poilievre be suspended and that the Chair be authorized to schedule these witnesses, and convene a meeting to resume debate on Pierre Poilievre's motion once these meetings have taken place.

I think we're all caught up now, if we weren't already. That is the text of the subamendment.

To my honourable colleagues in the opposition, here you have Liberal members willing to put...I won't even say “water in our wine”, because we've never really been against transparency and accountability here. We are absolutely for it, but we raise our points on the basis of a fundamental belief that public servants shouldn't just be talked about. When we're discussing their decisions, we should be able to ask them about their decisions and, on the basis of fairness, on the basis of justice, we should allow those public servants to speak, to share their perspective.

I know that one particular colleague who stands out, Mr. Poilievre, continues to point to redacted documents and continues to draw a line between documents that have been redacted and—only in his mind is it making sense—some sort of a plot on the part of the government to withhold information. Nothing could be further from the truth.

I was very happy to hear my colleague Mr. Fraser talk earlier about how to put things into context and about the importance of recognizing cabinet confidence, which is a long-established principle.

Documents that have been redacted are not documents that the government and public servants were trying to hide from the committee. Redactions happen for reasons relating to cabinet confidence, something that my colleague from Carleton, Mr. Poilievre, recognized. He suddenly forgot it. When he went into opposition, I guess he forgot it, but in 2014, Mr. Chair, he was asked about a briefing book, including the table of contents, if I remember correctly. He was asked a question by an NDP member of Parliament in 2014 about these redactions in documents that were in Mr. Poilievre's purview and possession.

• (1825)

In the response given to the NDP on the issue of redactions, this time not just as a Conservative member of Parliament but also as the minister for democratic reform, which placed Mr. Poilievre in a very good position because, as someone responsible for democratic institutions, he would know all about cabinet confidences and what that means, especially in the Westminster parliamentary tradition, he said as follows:

Mr. Speaker, the decision on what to reveal is made by non-partisan public servants, for whom it has long been a tradition not to reveal cabinet confidences. That has been the case going back to all previous governments of all party stripes.

Mr. Chair, that is a very key point of relevance that we have to acknowledge as a committee. In fact, I want to repeat it, Mr. Chair, because we need to be crystal clear on these points.

Mr. Poilievre replied in 2014:

Mr. Speaker, the decision on what to reveal is made by non-partisan public servants, for whom it has long been a tradition not to reveal cabinet confidences. That has been the case going back to all previous governments of all party stripes.

He recognizes the importance of cabinet confidence. We heard earlier about cabinet confidence in relation to redacted documents. There's nothing nefarious, nothing out of sort, nothing unethical here, Mr. Chair. Cabinet confidence is very important. That's the long and the short of it. It really is absolutely vital that we understand these things in context.

If members of the opposition want to play games and try to trick Canadians by somehow connecting the dots in a certain way and rearranging the pieces of the puzzle so that it creates a particular narrative to suit their interests, I suppose they can do that, but what this committee should be doing is embracing the idea of fairness, number one.

This subamendment that's been proposed allows for the transparency and accountability the government is talking about, but does so in a way that does not exclude the opportunity for public servants to come and speak. We can ask them questions relating to cabinet confidence. It will be interesting to hear the questions that Mr. Poilievre has when he raises it, as I expect he would, seeing that he, at least one time, understood how the principle operated. He could put questions about cabinet confidence to them, and we would see what the matter is and what the opposition is so troubled by.

In fact, what I think we'll ultimately come to conclude, Mr. Chair, is that we're fighting here about the need for cabinet confidence to be held back, and also private information in the form of

phone numbers and the names of kids of public servants. I wonder, if the Conservatives were in power and if such issues came up, what side of the debate they would be on. In fact, we just heard what side of the debate they were on in 2014, Mr. Chair.

Let's get back to the issues that are truly important. We need to see legislation passed in Parliament, because these are spending matters, and as a matter of course, they need to be put in place through legislation. I'm talking, of course, about the updates to the Canada emergency wage subsidy. I'm talking, of course, about updates to the Canada emergency business account. I'm speaking of the rent support that Canadians—

• (1830)

**Mr. Michael McLeod (Northwest Territories, Lib.):** I have a point of order.

**Mr. Peter Julian:** Mr. Chair, on a point of order—

**Mr. Peter Fragiskatos:** Let's get back to that work.

Mr. Chair, I'll let Mr. Julian finish his point of order.

**The Chair:** There's a point of order from Mr. McLeod first, I believe, and then Mr. Julian.

Go ahead, Mr. McLeod.

**Mr. Michael McLeod:** Mr. Chair, I'm just looking at my screen. I don't know if we still have quorum. Can you do a quorum count?

**The Chair:** Okay.

Yes, we have it now. We were a little close there.

Go ahead, Mr. Julian. You had a point of order.

**Mr. Peter Julian:** Yes, Mr. Chair, but it's two and two, so obviously we did have quorum.

Mr. Chair, I would again question the relevance and the repetition. I do appreciate a good filibuster, as you know—my record is 16 hours to head off the softwood lumber sellout—but you can't repeat and you have to stay relevant. Mr. Fragiskatos has strayed wildly from that.

I would ask you to rein him in so that he sticks to the issue and doesn't repeat himself, which he has done now on numerous occasions. It would allow us to have the vote if he doesn't have anything more to say.

**The Chair:** Mr. Fragiskatos, go ahead. The floor is yours.

**Mr. Peter Fragiskatos:** Thank you very much, Mr. Chair.

I'm coming to the end of my remarks here. I do take issue with Mr. Julian and other members of the opposition. I think Mr. Poilievre also used the term "filibuster" earlier. I don't consider this a filibuster as much as I do a spirited debate between colleagues who are on opposite sides of important issues. I won't apologize for being passionate about the issues at hand.

As a matter of parliamentary privilege, I will exercise my opportunity to put arguments forward as I see fit. Have I been accused of being long-winded before? Certainly I have been, by my opposition colleagues, yes, but I haven't seen Liberal colleagues intervene to tell me to stop speaking, so that is at least heartening.

I'll also mention, Mr. Chair, and I hope committee members didn't take it as disrespect, that when I was reading into the record the subamendment in its entirety, I was reading from my phone. My cousin sent me a picture of his new niece. That brought a smile to my face and—

**The Chair:** This isn't relevant, Mr. Fragiskatos.

• (1835)

**Mr. Peter Fragiskatos:** That's fine. I just received a picture and if there was a smile on my face, that's why it was there. I hope colleagues will understand that. I'm someone of Greek heritage and incredibly family-oriented, so when I saw the picture of—

**The Chair:** Stick to relevance, Mr. Fragiskatos.

**Mr. Peter Fragiskatos:** I'm coming to the end, but I just wanted to clarify. I didn't get any message regarding a smile or anything like that, but I thought I owed it to colleagues to provide an explanation.

That's how I feel, Mr. Chair. You've heard my thoughts on the pre-budget consultations. You've heard what I, as someone who takes very seriously the idea of fairness, think about the subamendment. That's really all about justice. I'm someone who takes very seriously the need to hear from Canadians from coast to coast regarding the pandemic. We should get on with the business of this committee.

I would propose to colleagues that we begin—

**Mr. Peter Julian:** Do that by voting. Let's have the vote.

**Mr. Peter Fragiskatos:** No, I'm sorry, Mr. Julian—

**Mr. Peter Julian:** Let's have the vote and move on.

**Mr. Peter Fragiskatos:** Shall we actually take seriously this subamendment, which I hope my opposition colleagues will come on board with and whose merits I hope they will recognize? Why they haven't so far is beyond me, but perhaps they can explain that.

I'll stop there, Mr. Chair.

**The Chair:** We'll turn now to Ms. Koutrakis, followed by Mr. Fraser.

**Ms. Annie Koutrakis (Vimy, Lib.):** Thank you, Mr. Chair.

Thank you, colleagues.

To my colleague across the way, Mr. Julian, I hope you won't call me out on relevance for what I'm about to say.

I'm in a celebratory mood, if you will, because this is my first anniversary—my one year—of being a member of Parliament.

**Hon. Pierre Poilievre:** Hear, hear!

**Ms. Annie Koutrakis:** Thank you, Mr. Poilievre.

**Mr. Peter Julian:** Hear, hear!

**Ms. Annie Koutrakis:** Thank you for that.

I just swayed a little bit to say I'm very honoured to be among my colleagues around the table on this very important finance committee with all the important work that we do and we will continue to do.

It's a shame that we didn't have unanimous consent to go forward with the pre-budget consultations, but, having said that, I don't want to repeat all of the reasons that my colleagues have given. I will attempt to go through what type of information was redacted and why.

I am really pleased to address this motion before the committee. As members know, the original motion for production of papers called for:

all briefing notes, memos and emails, including the contribution agreement between the government and the organization, from senior officials prepared for or sent to any Minister regarding the design and creation of the Canada Student Service Grant, as well as any written correspondence and records of other correspondence with We Charity and Me to We from March 2020 be provided to the Committee no later than August 8, 2020; that matters of Cabinet confidence and national security be excluded from the request; and that any redactions necessary, including to protect the privacy of Canadian citizens and permanent residents whose names and personal information may be included in the documents, as well as public servants who have been providing assistance on this matter, be made by the Office of the Law Clerk and Parliamentary Counsel of the House of Commons.

In response to the—

**Hon. Pierre Poilievre:** Hear, hear!

**Ms. Annie Koutrakis:** Thank you.

In response to the motion for production of papers, the government departments retrieved records that responded to the committee's motion. In doing so, and as directed and allowed by the committee's motion, certain information was redacted. In fact, in some instances, information was provided beyond what the motion stipulated. We have mentioned this before, and my colleagues have stressed this point in the past, but I think it merits repeating.

For example, in the case of the Department of Innovation, Science and Economic Development Canada, or ISED, after a thorough search, it retrieved all records from the department that responded to the committee's motion. For that department, for example, this represented fewer than 100 pages of records that were responsive to the motion. Of that, only a small portion were redacted, consistent with the parameters of the motion and the principles and laws set out in the Access to Information Act and Privacy Act.

As is the practice in applying the Access to Information Act and Privacy Act, the goal was to release as much information as possible. In fact, as an example, in ISED's response, only two exemptions and one exclusion were applied.

In the context of the Access to Information Act, an exemption can be explained as a mandatory or discretionary provision under the Access to Information Act or the Privacy Act that authorizes the head of a government institution to refuse the disclosure of information in response to an access or privacy request.

Additionally, in the same context, an exclusion can be explained as being a provision of both the Access to Information Act or Privacy Act that removes certain records from the application of the legislation.

Of the two exemptions used, only one reference was redacted under paragraph 16(2)(c) of the Access to Information Act, which is a discretionary injury test exemption providing protection for information that could reasonably be expected to facilitate the commission of an offence.

Paragraphs (a), (b) and (c) provide examples of the types of information to which this exemption may apply. The examples specify information as follows:

- (a) on criminal methods or techniques;
- (b) that is technical information relating to weapons or potential weapons; or
- (c) on the vulnerability of particular buildings or other structures or systems, including computer or communication systems, or methods employed to protect such buildings or other structures or systems.

In ISED's case, the redacted reference detailed ISED's network path, the disclosure of which could reasonably have been expected to facilitate the commission of an offence.

The Government of Canada's network structures consist of vulnerable system aspects that should be safeguarded and not be disclosed in order to prevent providing potential hackers with information that could help them illegally hack Government of Canada systems. I am sure that everybody on the finance committee would agree with that point.

In refusing access to the file path, the public interest was considered, and the possible injury described above outweighed that interest. However, in the public interest, the name of the document was left unredacted in order to remain as transparent as possible while continuing to protect ISED's specific information. All institutions are committed to safeguarding personal information, and the release of the file path could have conceivably led to an unauthorized access of the network. In this instance, information was exempted to prevent such a possible breach and only after careful consideration.

The second exemption used, subsection 19(1) of the Access to Information Act, was applied on less than 1% of ISED's total documents. It is important to understand that the purpose of section 19 of the Access to Information Act is to strike a balance between the right of the public to access information in records under the control of a government institution and the right of each individual to his or her privacy.

• (1840)

Section 19 incorporates, by reference, sections 3 and 8 of the Privacy Act, which are essential for the interpretation and application of this exemption:

When deciding as to whether something constitutes personal information, one must not forget that the intent of subsection 19(1) and its incorporation of section 3 of the Privacy Act is to protect the privacy or identity of individuals who may be mentioned in releasable material. The subject of the two Acts read together is that information must be provided to the public except where it relates to personal information about identifiable individuals.

Although subsection 19(1) of the Access to Information Act is a mandatory exemption based on a class test, it is subject to three exceptions in subsection 19(2) of the act. Subsection 19(2) of the act allows for permissive disclosure in three circumstances. The information may be disclosed if, first, "the individual to whom it relates consents to the disclosure"; second, if "the information is publicly available"; and third, if "the disclosure is in accordance with section 8 of the Privacy Act".

Also, we have this, in *Fontaine versus the RCMP*:

...the Federal Court of Appeal commented that the obligation under paragraph 19(2)(a) is, at most, to make reasonable efforts to seek consent of the individuals concerned and that what is reasonable must take into account the practical difficulties that may exist to find and locate the individuals.

It is up to each institution to determine whether it is appropriate to seek consent.

In preparing the records for this committee's consideration, care was taken by ISED, for example, to obtain consent to disclose certain personal information from exempt staff referenced in the material and, in collaboration with other government departments, the staff from WE Charity, in accordance with the provisions of the Privacy Act. The final redaction applied by the department was the exclusion of information that was classified as a confidence of the Queen's Privy Council for Canada. We are all aware of how our government cabinet system works—and I'm quickly finding out, as a new member—and how important and essential it is to keep the collective decision-making process protected by the rule of confidentiality in order to be able to continue to engage in full and frank discussions.

The Access to Information Act in section 69 allows for the exclusion of "Confidences of the Queen's Privy Council for Canada", which are defined in the act as information contained in six types of documents. The types of records are described as follows:

- (a) memoranda the purpose of which is to present proposals or recommendations to Council;
- (b) discussion papers the purpose of which is to present background explanations, analyses of problems or policy options to Council for consideration by Council in making decisions;
- (c) agenda of Council or records recording deliberations or decisions of Council;
- (d) records used for or reflecting communications or discussions between ministers of the Crown on matters relating to the making of government decisions or the formulation of government policy;
- (e) records the purpose of which is to brief ministers of the Crown in relation to matters that are before, or are proposed to be brought before, Council or that are the subject of communications or discussions referred to in paragraph (d);
- (f) draft legislation; and
- (g) records that contain information about the contents of any record within a class of records referred to in paragraphs (a) to (f).

The determination of the cabinet confidence is not done by the head of the institution alone. It requires the access to information office within a government institution to consult with its departmental legal services unit “in all instances where information that may qualify” as a confidence of the Queen's Privy Council for Canada “has been identified in response to a request under the act” or, in this case, a motion for the production of papers.

• (1845)

All this was considered, Mr. Chair, and legal services were consulted when the redaction was applied on the confidence of the Queen's Privy Council for Canada.

As members know, “The Committee's motion stipulates that Cabinet confidences and national security information are to be excluded from the package.”

In the case of ISED, “...No information is withheld on the grounds of national security, since the information did not so pertain.”

**The Chair:** Ms. Koutrakis, I have to interrupt.

Mr. Falk, I have you on here twice. Okay, one of you disappeared. We are back to normal now. Mr. Falk was showing up in double.

**Mr. Ted Falk:** I'm sorry about that, Mr. Chair, but my battery was running low on one device, so I had to switch to the other.

• (1850)

**The Chair:** That's not a problem. I just wondered what was happening.

**Mr. Ted Falk:** I hadn't anticipated this endless and meaningless rhetoric.

**The Chair:** I see.

We are short some members. I'll remind members of the committee that they should be in attendance, especially the one who moved the original motion.

Go ahead, Ms. Koutrakis.

**Ms. Annie Koutrakis:** Thank you, Mr. Chair.

I'm sorry to hear that my honourable colleague thinks this is useless rhetoric. We are trying to establish relevance and what kind of information was kept in mind by the very competent and professional public servants when they were doing the redactions.

I will continue.

With respect to cabinet confidence—

**Mr. Peter Fragiskatos:** I have a point of order, Mr. Chair.

**The Chair:** There is a point of order from Mr. Fragiskatos.

**Mr. Peter Fragiskatos:** The interruption is not toward Ms. Koutrakis. She knows the respect I have for her, but she did touch on an important point there.

Unparliamentary language needs to be identified as such. The word “useless” to describe the words of my colleague and other colleagues is just not on, Mr. Chair.

**The Chair:** Thank you. Your point is made.

Go ahead, Ms. Koutrakis.

**Ms. Annie Koutrakis:** I will continue. Thank you, Mr. Chair.

With respect to cabinet confidences, ISED in fact provided information to the committee on the Canada student service grant that was a cabinet confidence. This is in keeping with the public disclosures of information on this matter made by members of the Queen's Privy Council for Canada. A principled approach was adopted to this information to ensure a non-selective application of the protection afforded by cabinet confidentiality.

I should add that in determining the appropriate redactions, institutions also draw on the access to information manual of the Treasury Board of Canada Secretariat. It contains discretionary administrative guidelines to help government institutions administer the legislation and meet policy requirements. It is a detailed guide that explains the requirements of the act, the regulations and the related policy instruments. It also contains policy advice, practical interpretations and best practices. Where appropriate, relevant case law is cited and excerpts are sometimes reproduced.

The Treasury Board Secretariat is responsible for issuing direction and guidance to government institutions with respect to the administration of the Access to Information Act and interpretation of this policy. This ensures a consistent approach and understanding across institutions. The work of TBS is critical, and is complemented by the knowledge and experience of the members of the access to information teams across government. Consultations form a key part of their work. These include consultations with other parts of the institution as well as with other departments and third parties when required. Redactions are only applied following the necessary outreach to those who provided the documents in order to obtain a clear understanding of why they believed a redaction should be applied. The same process applies when analyzing the documents retrieved to respond to a parliamentary committee. Redactions are applied carefully and only after a thorough round of consultations has taken place.

The goal throughout the process of preparing the documents for the committee was to release as much information as possible while respecting the relevant acts and in line with the intent of the committee's motion. It is reflection of the duty to assist embedded in the Access to Information Act that institutions seek to fully understand a request in order to provide the most documents possible in response.

I hope that my remarks today help members understand in some instances the scope and nature of the redactions that were applied. In the case of ISED, the decision on what information to publish or release and what information to protect or redact, as in all information requests, including this committee's, was made in keeping with the spirit of the Access to Information Act—the spirit of openness and transparency, based on the principle of and commitment to open government.

This is why, Mr. Chair, I have to reiterate at this point that unless we invite the relevant senior department heads, the deputy ministers who, along with their teams, did the redacting, to explain why they redacted the information they did, I'm not sure how we could go forward as a committee to vote on something that.... You know, that is key information that is missing, for me as a member of the finance committee, to ensure that I fully understand before I cast my vote.

I urge my honourable committee members, let's step up. Let's do the right thing. Let's vote on what is relevant here. Let's get back to doing the very important work we were all elected to do. It's certainly an honour and a privilege to be on the finance committee. We should be looking at pre-budget consultations.

I don't want to exhaust that point. All of us have discussed that. I am confident and certain that my colleagues across the way feel the same way. It's just a matter of agreeing on how to get there. Let's do what we have to do. Let's do what we were elected to do. Let's get on with the very important work the finance committee has to do. Hopefully, we can get through this tonight and, if we do have another meeting tomorrow, it will be on pre-budget consultations.

Thank you, Mr. Chair.

• (1855)

**The Chair:** Thank you, Ms. Koutrakis.

**Mr. Peter Julian:** On a point of order, Mr. Chair, I'd just like to say to Ms. Koutrakis that that was perfect, with no repetition, and relevant. I was impressed with it as a filibustering speech, but if Liberal staffers are spending all this time preparing these speeches, they could actually be doing better things. If we had the vote, we could move on to pre-budget hearings.

**The Chair:** I think you made your point of order. I imagine Ms. Koutrakis thanks you, but I believe you're beyond your point of order.

Ms. Koutrakis, thank you.

I have Mr. Fraser, followed by Ms. Dzerowicz.

Mr. Fraser, the floors is yours.

**Mr. Sean Fraser:** Thank you, Mr. Chair.

I appreciate the opportunity to contribute further to the debate on the subamendment.

Again, the subamendment is trying to cure multiple defects, but one in particular is the problem that exists because of incomplete document disclosure. The incompleteness was not by virtue of a decision of the government, but instead by the ineffective transmission of certain documents, specifically the remittal letters.

Frankly, before I get into the specifics about redacted documents and why they have been redacted, which is the subject of the subamendment, I know that different members have made statements about getting to the bottom of this. I can't help but feel that I should put it on the record that we have in fact gotten to the bottom of it. What has happened is that the Prime Minister himself has admitted that he made a mistake and should have recused himself from the conversation around the Canada student service grant. Nevertheless, the government has produced thousands of pages explaining,

in unimaginable detail, specifically what had taken place. The argument around this—

**Mr. Peter Julian:** On a point of order, I apologize to Mr. Fraser, but I just want to clarify with the clerk that the table has the replacement papers for Daniel Blaikie, who will be taking on this delightful finance filibuster for the next few hours.

**The Chair:** Madam Clerk, I believe you have the papers. Is that correct?

**The Clerk:** Yes, we've received the documentation.

**The Chair:** Okay, thank you.

**Mr. Peter Julian:** Thank you.

**The Chair:** We hate to lose you, Peter. I will miss that orange background that I always see behind you. It's sharp to the eye.

Okay, Mr. Fraser.

**Mr. Sean Fraser:** And my friend Mr. Julian will be disappointed. I was excited about what was coming next.

Mr. Chair, one of the issues I keep coming back to is the inability to understand the context of the documents that have been produced in the absence of the letters that have explained why certain redactions have been made. Specifically we can look, for example, at the remittal letter that the opposition seems to insist should not be produced, which comes from the Clerk of the Privy Council and Secretary to the Cabinet. It was a letter dated August 7 that accompanied disclosure sent to David Gagnon who, of course, is well known to members of this committee as the clerk at the time. It said:

I am pleased to provide records from the Privy Council Office (PCO) that were requested under the motion adopted by the Standing Committee on Finance...on July 7, 2020 in relation to the committee's study on the WE Charity and the Canada Student Services Grant...(Annex 1).

I'm also pleased to provide information related to the undertakings that I agreed to at my appearance before the committee on July 7, 2020 which were as follows:

1. A detailed timeline of events.

Attached at Annex 2 is a timeline describing PCO's knowledge of and involvement with the file.

2. A full list of organizations that were consulted on program development.

On Friday, July 24, 2020, the Department of Employment and Social Development (ESDC) provided the Committee with a list of the national coalition member organizations of the Canada Services Corps...who ESDC spoke with in March and April of 2020.

I am told that on April 9, 2020, Department of Finance officials were provided with a report on stakeholder outreach regarding support for students during the COVID-10 context...

3. PCO media monitoring from the dates when Margaret and Alexandre Trudeau had speaking engagements for WE Charity.

I can confirm that PCO Media Monitoring does not have any media content of the public appearances for either Margaret Trudeau or Alexandre Trudeau.

The PCO media centre monitors coverage of the Government of Canada priorities, programs and services and does not monitor media coverage related to the relatives of the Prime Minister or their public appearances.

4. All communications between PMO staff and PCO staff; the Finance Minister's Office and PCO; and the Finance Minister's Office and the Finance Department relating to WE charity contribution agreement and the CSSG.

These communications are included in Annex 1 and in the package from the Department of Finance.

5. Names of participants, notes, and recording of mid-April meeting between Rachel Wernick, Michelle Kovacevic (and whether PCO personnel were aware of the meeting taking place and participated)

I am told that a teleconference between officials with the Department of Finance and...ESDC...was held on the evening of April 18, 2020.

Participants:

Michelle Kovacevic, Assistant Deputy Minister, Federal-Provincial Relations and Social Policy Branch, Department of Finance

Suzy McDonald, Associate Deputy Minister, Federal-Provincial Relations and Social Policy Branch, Department of Finance

Benoît Robidoux, Associate Deputy Minister, Employment and Social Development Canada

Rachel Wernick, Senior Assistant Deputy Minister, Skills and Employment Branch, Employment and Social Development Canada

Annik Beaudry, Director General, Learning Policy, Partnerships and Service, Employment and Social Development Canada

No officials from PCO participated in the call or were aware of the meeting.

There is no recording of the meeting.

Meeting notes that were taken by Rachel Wernick and an e-mail thread about setting up the call are attached at Annex 4.

6. Due diligence analysis of any financial scrutiny undertaken with regard to the WE charity during this process.

- (1900)

**Mr. Peter Fragiskatos:** Mr. Chair, on a point of order, again, it's not my intent to interrupt colleagues, but I noted that Mr. Poilievre has been missing for about 20 minutes. I did say that on a one-on-one level, I do not find Pierre to be a bad guy. I'm just checking in. Is he all right? Is everything...?

**The Chair:** I don't think that is a point of order, Mr. Fragiskatos.

**Mr. Peter Fragiskatos:** It's just care for a colleague, Mr. Chair. I don't see him and he hasn't come back on screen. So maybe Conservative staff can check—

**The Chair:** Thank you for your point of information, but we'll go to Mr. Fraser.

**Mr. Sean Fraser:** Thank you, Mr. Chair.

I will continue. I was at bullet 6, I believe:

6. Due diligence analysis of any financial scrutiny undertaken with regard to the WE charity during this process.

Attached at Annex 5, you will find the detailed explanation prepared by ESDC of the controls embedded in the contribution agreement to ensure stewardship and appropriate use of funds, as well as a brief overview of the typical process used to evaluate projects and recipients.

Further information relating to due diligence that was done by officials in relation to the Canada Student Service Grant is provided in Annex 1 and in the packages that other relevant departments are providing to this committee.

7. The full text of the contribution agreement

This document was provided to the Committee by ESDC on Friday July 24, 2020.

Obviously, that was a key document in this entire series of considerations around the Canada student service grant. The letter goes on:

As I noted when I appeared at committee on July 21, 2020, my intent has been to be as expansive as possible in relation to the information that I provide.

This is a key part:

The committee's motion stipulates that Cabinet confidences and national security information are to be excluded from the package.

That is to say, we never asked for them as a committee.

No information is being withheld on the grounds of national security, since the information does not so pertain. With respect to Cabinet confidences, you will note that considerable information on the Canada Student Service Grant that were Cabinet confidences, is being provided to the Committee.

I think that's rather extraordinary, Mr. Chair. Those are my comments and not part of the letter, which continues:

This is in keeping with the public disclosures of information on this matter made by members of the Queen's Privy Council for Canada. A principled approach was adopted to this information to ensure a non-selective application of the protection afforded by Cabinet confidentiality. As a result, considerable information on the Canada Student Service Grant that would otherwise constitute Cabinet confidences is being released. Information not related to the Canada Student Service Grant that constitute Cabinet confidences is withheld and identified as not relevant to the request.

In this package, I have also chosen to disclose certain personal information contained in the Privy Council records relating to individuals working in ministers' offices as well as personal information of individuals who work for WE. I have decided to disclose this information because in my view the public interest in disclosure clearly outweighs any invasion of privacy...Similarly, because I believe that it is in the public to do so, I am prepared to issue a limited waiver of solicitor client privilege as it relates to the information that is being provided by departments in response to this motion and my undertakings.

Lastly, I wish to draw the committee's attention to a Note to File, prepared by Christiane Fox, the Deputy Minister of Intergovernmental Affairs at the Privy Council Office. In that note to File, Ms. Fox provides a clarification regarding references in two email exchanges (Annex 6).

I trust that the Committee will find the above explanations helpful in its consideration of the enclosed materials.

Sincerely,

Ian Shugart

Clerk of the Privy Council Office

- (1905)

Mr. Chair, there's a similar letter that was sent to this committee as part of the disclosure package that provides important context for the documents that have in fact been disclosed. The reason it's important is that it helps us understand the appropriateness of the redactions, rather than our jumping to the conclusion, as members of the opposition have, that it has somehow violated our privilege. Instead they're seeking to include the context that explains specifically why redactions were made. That remittal letter came specifically from the Clerk of the Privy Council, who is responsible for the public service, of course, but more broadly for much of the document disclosure.

If we actually dig into some of the documents—I'm looking specifically at document number 000049—we see a document labelled at the top as “Not Relevant”. There's obviously no obligation to produce documents that were not relevant to the committee's request. In the example that we're looking at here, this is a Privy Council Office document that accompanied the letter that I just read into the record, which the initial motion with the amendment would specifically exclude from the evidentiary record. There are a number of programs listed in the left column, including youth employment skill strategy programs and student work placement programs, such as the student learning program, the Canada service corps, other financial support, Canada student loans program, doubled Canada student grants, the Canada student benefit, and then at the bottom data blocks that were in fact redacted because they didn't connect to the matters relating to the Canada student services grant, which was included in the committee's request. Instead the two areas that were not redacted related to the Canada service student grant and the WE social entrepreneurship initiative. There are a number of programs listed there that just had nothing to do with what the committee had asked for.

However, in keeping with the motion, the items that related to the Canada student service grant were released. Although a significant amount of that page has in fact been redacted, when you have the benefit of the remittal letter that explains why certain things were redacted, including their relevance, then you very quickly understand that the approach taken mirrored what the committee had asked for.

I go to the next PCO disclosure document at page 76. We have an email from Craig Kielburger to Christiane Fox, who was again specifically named in the remittal letter. The email was sent on April 22. Many committee members would have seen this before. The entirety of this email appears in full text. There are no redactions until you get to the very end of the document. The email, though sent to Craig Kielburger, has a byline at the end for one Lauren Martin, the executive assistant to Craig Kielburger. It includes one telephone number. In the way an ordinary email looks, that appears where the office number would follow under the e-signature. The remaining contact detail of that individual is in fact redacted.

Personally, I think you will appreciate having now heard the benefit of the Clerk of the Privy Council's transmittal letter that there's nothing untoward about redacting the phone number of Ms. Martin in this particular disclosure. The meat of this particular document is actually really interesting and important. It's timed importantly, having been sent on April 22, 2020, in the middle of the pandemic, around the time this student service grant was being considered. All of the text about the previous phone call, about the proposed youth summer service program and the youth social entrepreneurship program is included in full. The only piece that was redacted, as far as I can tell, is the personal contact information of the executive assistant to Craig Kielburger at the time.

We continue on. Again, this is still part of the same PCO disclosure that came attached to the letter from the clerk, which I had just gotten into. If we actually look at page 105, for example, we see that we're dealing with a document marked “Secret”, “Confidence of the Queen's Privy Council”. It is a memorandum for the Prime

Minister. It's entitled “Increased Support for Canadian Youth and Students”.

This is a document that is not commonly shared in a public forum like this. Again, if we actually scroll through it, we can see a description of the memorandum and some of the measures that were announced on April 22, 2020. It includes a description of the Minister of Finance's decision. If you go to the following page, you will find redactions that do take up a significant chunk of the page. They fall under headings of “Youth Employment and Skills Development Programs” and “Canada Student Loans”. Those redactions have nothing to do with the Canada student service grant, but now having had the benefit of considering the remittal letter from the Clerk of the Privy Council, you can understand precisely why those redactions took place. They're not relevant to the matters that the committee has asked for. There are portions of the document that have been disclosed, as explained in the letter from Mr. Shugart, where he viewed the public interest to outweigh the privacy concern, or where there were matters that were relevant, in fact, to the development of the Canada student services program.

- (1910)

When you go through this page for page, you see that the redactions, as extensive as they may be on any given page, tend to pertain to something that either is simply not relevant to what the committee had asked for or specifically relates to matters where the committee said that it doesn't want these documents disclosed, namely, cabinet confidences. In this particular instance, we even have the recommendations by PCO to the Prime Minister that were disclosed to this committee.

I don't know how more private a document can be in terms of cabinet confidences than recommendations made by the Privy Council to the Prime Minister. Nevertheless, the portions that touched on the matters that are before this committee have been disclosed, despite the long and storied history in parliamentary democracies of protecting confidences of the Crown. Mr. Chair, for what it's worth, I used to deal with document disclosure controversies all the time in my job prior to politics, and even the courts would not have had the ability to compel documents that were properly subject to Crown privilege or cabinet confidences.

Continuing with the PCO disclosure—again, all of which was attached to that original letter that is being excluded from the evidentiary record, which the subamendment would bring back onto the record—if you actually go to the pages beginning at page 189 of the PCO disclosure, there is an email between Rachel Wernick and Tara Shannon from the Privy Council Office. As the motion expressly stated, unrelated cabinet confidences were removed. That portion of the motion has been satisfied, and Ms. Wernick's cell-phone number was removed.

I don't think it's appropriate that we need to be compelling the disclosure of that particular motion. These are the kinds of things that actually remain in dispute before the committee in the present debate. Obviously, as I mentioned in my previous remarks, cabinet confidences are not controversial. We didn't ask for them. They didn't need to be produced. The government produced them anyway. The only thing of dispute is, who would have been responsible for redactions on things like Ms. Wernick's personal cellphone number? The government officials who redacted it or the law clerk?

The struggle here is that the law clerk is saying that their law is supreme, and the civil service, who has actually made these redactions on things like the personal information and contact details of Ms. Wernick and others, is saying that "there is legislation that binds us, that insists we can't share that". Where possible, as you've seen in the other remittal letters that we've covered previously on debates related to other proposed subamendments, those remittal letters explain the significant efforts that were undertaken to actually obtain the consent to disclose some of this personal information.

To me, I don't really care who redacts the personal cellphone number of Ms. Wernick, whether it's the Clerk of the Privy Council or the parliamentary law clerk. That information should be redacted. I don't think that should be a matter of public record. I think our public servants deserve not to be exposed to the public in that particular way. In any event, I can imagine that most public servants, if they had their personal contact details disclosed, would probably get a new cellphone number in any event.

If we actually scroll down in this particular email, it has a small redaction of one line. It appears to relate to a personal conversation that had taken place, and then again at the end, as I've mentioned, before the office email address we see the mobile phone number. You can tell because it has the word "Mobile" and only the phone number has been excluded. You're beginning to see a pattern here, I think.

If you go now to the next couple of pages of PCO's disclosure and page 191 of their release—again, which is all attached to the remittal letter that I've raised as being essential to provide context—it's another email between Ms. Wernick again and Ms. Shannon. The only thing on this page that seems to be missing is again the personal mobile number for Ms. Wernick. The entire email talks about the policy intent, which is more narrow for the student grant program. It discusses what people are comfortable with.

- (1915)

There is some information that is perhaps irrelevant that could have been further redacted but was not. There is a discussion between Ms. Shannon and Ms. Wernick relating to the Internet being cut out, which is clearly not of import to the matters that the committee requested document disclosure on. Nevertheless, the document was provided. The only thing that was redacted was the personal cellphone number.

If we go to the next page of PCO's disclosure—again, which context was provided for, and they explained the process through which they redacted certain kinds of information—there are no redactions on page 192. It's a further email chain between some of the folks I've mentioned and others. The only redaction, if you go

to the following page, was again Ms. Wernick's personal cellphone number.

These are the kinds of things that are in dispute right now. The big-picture items, the pages that Mr. Poilievre argued in public during his press conference to have been blacked out, are largely related to cabinet confidences, which, again, this committee didn't ask for. If this dispute is really about who was the appropriate person to make redactions between the parliamentary law clerk and the civil service, which has legislative obligations, it seems to be overkill that we're going to have the opposition insist that the disputed personal cellphone numbers of civil servants should be produced. It doesn't make sense.

Mr. Chair, if you don't believe me with respect to the cabinet confidences being redacted—and that's, in fact, what was in those big pages that had significant redactions—I'd invite you to check out page 219 of PCO's disclosure. It's a rather remarkable document in a lot of ways, considering its production. You'll see that the document, marked "Secret", is labelled "Confidence of the Queen's Privy Council" and dated May 8, 2020, which I recall is the date of the cabinet meeting that formed the basis of part of the Prime Minister's testimony before this committee. It's entitled "Cabinet Scenario, Friday, May 8, 2020". The following information was redacted. A synopsis of the meeting heading is there, and a significant majority of that page has been redacted.

The fact of the matter is that there are reasons that cabinet documents are redacted. If we park, for the moment, the idea that the committee specifically said that we don't want documents that are subject to cabinet confidence, even had we asked, it would be the convention in Parliament over hundreds of years that this document would properly be the subject of Crown privilege or cabinet confidence. The reason is that there are obvious decisions that are taken after discussion, which should be full and frank, and that cabinet ministers should be able to challenge one another in private to consider different ideas that relate to things like the development of Canada's vaccine strategy to ensure we're going to be able to access the earliest batches that are safe for Canadians to help protect them from COVID-19.

These documents could exist as a result of threats to our national security. In the present instance, the remittal letter indicates that no redactions were made explicitly on that basis, but cabinet also deals with matters and decision points that could move markets, and it would be important not to have that information in the public domain prematurely, for fear that it could compromise an important social, economic or environmental outcome.

There is a good reason these things are often not produced publicly, but in this case there is a trump card in that the committee specifically said that we don't want these documents. The government produced it anyway. This is what makes it remarkable, in my mind.

If you scroll to the bottom of the following page, there is information that was relevant to the Canada student service grant. This would ordinarily be subject to cabinet confidences, specifically on the cabinet agenda, but it was nevertheless disclosed. It says, "For the item on the Canada Student Service Grant, turn to Minister Chagger to provide an overview of her revised proposal". It then describes some of the matters that were presented in cabinet surrounding the Canada student service grant, all of which would be relevant to the study, even though we didn't ask for it. Even though it is subject to cabinet confidence, it was nevertheless disclosed.

● (1920)

In addition to the description of what took place, PCO offered a comment. Clearly this document is beyond the scope of what the committee asked for, but it was produced anyway.

We know that because the remittal letter, which, again, is not on the evidentiary record, nor would the opposition have it be there, provides that important context. Now we know why we have this document, in part, and that the remainder of the document was not redacted to bury something secretly related to the program, but in fact it's a document that we didn't ask for and a document that in any event would be subject to cabinet confidence.

Mr. Chair, if I can continue, I'll draw your attention for the moment to.... The document number I'm looking at is 254. I'm looking at this lengthy disclosure. If the context for these documents is not going to be provided, I intend to go through a significant number of the redactions.

● (1925)

**The Chair:** Is that 254 in the PCO documents?

**Mr. Sean Fraser:** Yes, but Mr. Chair, before I continue.... I don't know if everyone is willing to do this, so I move that the committee do now adjourn.

**The Chair:** That's not a debatable motion.

**Mrs. Tamara Jansen:** I was going to say point of order.

**The Chair:** There is no point of order.

Can you take a poll, Madam Clerk?

**The Clerk:** Is there unanimous consent?

**Mrs. Tamara Jansen:** Point of order [*Inaudible—Editor*].

**The Chair:** There is no unanimous consent.

**The Clerk:** Then we can go to a recorded division.

(Motion negated: nays 6; yeas 5)

**The Chair:** The floor is yours, Mr. Fraser.

**Mr. Sean Fraser:** Certainly, Mr. Chair, and just to your comment, I wasn't—

**The Chair:** You wanted in, Mr. Poilievre. Was it on a point of order?

**Hon. Pierre Poilievre:** Yes, I just wanted to say that we would love to get on to the pre-budget consultations—

**The Chair:** That is not a point of order.

Mr. Fraser, the floor is yours.

**Mr. Sean Fraser:** Thank you.

Despite the suggestion that they want to get on with pre-budget consultations, they denied us the opportunity to do just that earlier in this—

**Hon. Pierre Poilievre:** No, that's not true.

**Mr. Sean Fraser:** In any event, Mr. Chair, you were correct to point to page 254 of the PCO disclosure, which was accompanied by the remittal letter that, again, is not part of the series of documents that the opposition would have come before this committee in this session of Parliament. It's an email from Tara Shannon, with PCO, to Shannon Nix.

The page is not redacted at all. It talks about the Canada Service Corps partners and the fact that they're already struggling to deliver their existing programs and don't have capacity to take on more placements. Now, this would have followed the May 8 cabinet meeting, during which, as the Prime Minister testified, in fact the civil service was sent back to consider what alternatives there were to WE Charity in terms of delivering some of the program.

It goes on to talk about the fact that "[Canada Service Corps] programming is not focussed on volunteering to help respond to the COVID-19 needs in communities". I think that would be relevant. Although it's maybe not at the very crux of the issues we're looking for, it does provide helpful context. Again, none of it has been redacted. If we continue to scroll down, after it talks about an overview of the program, you'll see that at the very end of the correspondence the only redactions on this page are the phone numbers of the director of policy and cabinet affairs in the office of the Minister of Diversity and Inclusion and Youth, and then again the same phone number is redacted when the email signature appears in French.

This is the kind of controversial information that the opposition is trying to have produced. I find it ironic, in fact, that the phone number has been redacted twice. I assume it is the same in both English and French. Nevertheless, that is the totality of the redaction in that correspondence.

If we look to page 268 of the PCO disclosure, it's an email exchange between Ms. Wernick and Mr. Philip Jennings from PCO. They are looking at an attachment that Ms. Wernick forwarded to the Privy Council Office. It seems odd here, but believe it or not, the only thing that remains is Ms. Wernick's phone number. The lengths to which the opposition has gone are nonsensical, when its dispute is presumably not even over whether that information should have been redacted but who should have done the redaction.

I think we can all agree that it's absolutely inappropriate to disclose that kind of personal information. Honestly, I don't think the opposition wants to have that information. I think they want to keep up the illusion that the government was not forthcoming with the documents. When they actually go through them, they will see that the kinds of things that have been redacted are entirely appropriate.

If we look at PCO document disclosure number 348, we see that, similar to the previous cabinet scenario document, it's labelled "secret". Again, it's labelled "Confidence of the Queen's Privy Council" and dated May 22. We heard about that cabinet meeting in detail as well during testimony—unprecedented testimony in a lot of ways—before this very committee. Under the heading "Synopsis of the Meeting", the material is blacked out. I suspect the reason why that information was blacked out was that, one, it's subject to cabinet confidence, for the same reasons I explained earlier—that cabinet ministers need to be able to have full and frank conversations—and two, again, we didn't ask for it. But we know that conversations relevant to what we've been exploring on this committee took place during that meeting, so even though we didn't ask for the document, and even though had we asked for it the government would have been within its rights to refuse it, the government produced it. They included, presumably, a portion of this page only to demonstrate that it came from a cabinet scenario.

The next page is just labelled as not being relevant and appears blank. Perhaps that is why, in fact, it wasn't produced, rather than some secret, malicious intent.

If you scroll down, you'll see that about half of the document... I'm looking at PCO disclosure 350. The first half of that page is redacted. It's continuing from the synopsis of the meeting, but near the bottom of the page or about halfway down the page you'll see that the document is no longer redacted because it relates to the Canada student service grant.

- (1930)

We didn't ask for it. The government would not be obligated to produce it, yet in any event the government chose to release it in the interest of transparency so we could actually see the nature of the discussion that took place at the cabinet meeting on May 22 about the Canada student service grant. We didn't ask for it, and there was no obligation to produce it, but nevertheless the government produced it in an effort to be as transparent as possible.

After the synopsis of the meeting that took place on the Canada student service grant program, we have a short PCO comment that relates to the discussion that took place, and again the balance of the document is redacted as not being relevant to the Canada student service grant program.

Mr. Chair, there is a series of other documents here. I find it interesting—and I believe that Mr. Gerretsen made this point during our last meeting—that one of the very key documents in the document disclosure is the funding agreement between Her Majesty the Queen in Right of Canada, as represented by the Minister of Employment and Social Development, and the WE Charity foundation. This is the agreement that was put forward between the parties.

When I scroll down throughout this document, what I find interesting about it—I am through several pages—is that the first page

has absolutely no redactions. The second page has no redactions. It goes on. I'm looking through this entire document. This is really the foundational document of the relationship between the government and the WE Charity organization with respect to the Canada student service grant program, and there are no redactions, Mr. Chair. It was turned over in full.

One of the first things you're taught when you're jumping on a document disclosure program is to look, as a starting point, to the agreement behind whatever is in dispute and we have it in full. There are no redactions. It's clear that perhaps the most important document in the entire package is completely available to the committee.

If we look at schedule A to the agreement—and this is document number 376 in PCO's disclosure bundle—there are some redactions; in fact, there are four. They involve the telephone numbers and email addresses for two individuals. One is Dalal Al-Waheidi and the second is Scott Baker. The only redactions I see are of the telephone numbers and email addresses of these individuals. I don't think it would be appropriate to disclose them.

In any event, it seems bizarre that the point in dispute here is not even whether the information ought to be disclosed. Again, I know that one of my colleagues did have some fun on this point during our last meeting. The only dispute was as to whether the person who should have redacted these phone numbers was the law clerk or the civil servant who has legislation saying that they shouldn't disclose this information, even to the law clerk.

I realize there is a real tension between what the law clerk has said and what the Clerk of the Privy Council has said. I actually think that it might be appropriate to get them before us to talk about who should do which redaction and why the Clerk of the Privy Council felt compelled not to share the personal cellphone number of private individuals or civil servants. If we have to bring them here, because the remittal letters, including that context, don't form part of the evidentiary record, maybe that will be appropriate.

If you continue through the annex, after those specific phone numbers and email addresses had been excluded, you'll see there are no further redactions. It's really extraordinary when you see the level of disclosure on some of these things. It seems that the two buckets of documents, as all the remittal letters have pointed out, that have not been produced relate either to cabinet confidences, as I've been demonstrating, which have not been asked for by this committee, or to private personal information of individuals.

Again, what the opposition is digging their heels in on is not even that the phone numbers should be produced. I don't think they believe that. I find it odd that this has become such a big deal when the dispute is only over who should have made the redaction of those private phone numbers.

• (1935)

The document entitled “finance proposal” is the implementation of the Canada student service grant. This is PCO document 394, all of which, by the way, still relates to the documents that were described in detail in the remittal letter of the Clerk of the Privy Council. The document “Finance Proposal: Implementation of the Canada Student Service Program” is between pages 394 and 401 of the PCO release. It gets into the implementation plan for the Canada student service grant in full detail, unredacted. If we go through the document, you'll see the section entitled “Overview” is not redacted.

The next section, “Proposal Description”, is completely unredacted. If you go to the costing of the program, you see it is completely unredacted. They talk under that heading about the first 20,000 placements and the anticipated cost of those placements. They look at the second cohort of 20,000 placement opportunities and the total programming cost there. If you continue, you see they have details about the initial processing and administrative capacity for the Canada student service grant, which is there in full detail, including an estimated cost.

If you continue to scroll down, they have the initial funding envelope for the grant, with the costing available, and the contingency fund for additional grants is present, with the projected costing.

**Hon. Pierre Poilievre:** I have a point of order, Mr. Chair.

• (1940)

**The Chair:** What's your point of order?

**Hon. Pierre Poilievre:** I wonder if we could get voting so we could get back to pre-budget consultations.

**The Chair:** That's not a point of order.

Go ahead, Mr. Fraser.

**Mr. Sean Fraser:** Excellent.

You have the funding envelope and the contingency fund. Picking up where I left off, you have the program support costs for ES-DC, which included creating and launching the “I Want to Help” website. A cost estimate is included in there. There are assumptions about how those costs were arrived at, details on the plan to implement the program over a series of pages, and a heading entitled “Results”, which talks about what the anticipated outcomes would be. They are all there, in full and unredacted.

The final page of this document includes two redactions of, once again, the contact information for two individuals. Their names are present. Their position titles are present. One is Ritu Banerjee, executive director with the Canada Service Corps Secretariat in the skills and employment branch. Their phone number has been redacted. The second person is Sara Wiles, director at the Canada Service Corps Secretariat in the skills and employment branch. Their telephone numbers are redacted. In the entirety of that document, which describes in great detail the plan to develop, fund and implement the plan, including costing assumptions, including contingency plans, including implementation, all of it's there. Nothing has been redacted from that document, which, I would suggest, would be a key document in this entire controversy. The only redaction is the individual phone numbers of those two individuals

who work with the Canada Service Corps Secretariat in the skills and employment branch.

Mr. Chair, let's look at page 404 of the same disclosure package, all of which still relates to the remittal letter that would be brought in by the subamendment. It's really a helpful document, I find. If you look at page 404, and I hope you're following along, there's a meeting invitation to discuss the WE contract. Now, the key part that was redacted in this document—Mr. Chair, if ever there was a smoking gun, it's here—was the conference ID for the teleconference hosting it. That's it. The details around it have been produced. I don't think anybody would have even cared if this document hadn't been produced, but it is relevant technically, so it should have been. It demonstrated that there was a teleconference where the WE contract was discussed. I only know that because that's the subject of the calendar appointment.

Actually, it provides the dial-in to the conference line, just not the conference ID to access it. Presumably, that same contact line has either expired or is still used by an organization. I don't know that it would be appropriate for members of the public to potentially be dialing in to a conference ID that could be in use by the government or others. It demonstrated that the meeting began at 4:30 and ended at 5. This technically is relevant, because it touches on a meeting, but by no means do I think it essential or appropriate to be disclosing something like the conference ID for the specific teleconference that was hosted that day.

Again, I'll make the point that the dispute is not even over whether this information should have been redacted. I expect that most members of the opposition—who, by the way, I tend to get along with personally when the cameras are not on—care about this conference ID. The fight is not even about the disclosure of that conference ID. It's about who should have made that decision.

Let's continue on to page 417, still from the same PCO disclosure that is attached to the original remittal letter I read out at the beginning of my remarks. It is labelled as “Secret”, “Limited Distribution” and “Confidence of the Queen's Privy Council”. It has a heading entitled “Memorandum for the Prime Minister”. It's a remarkable document. I don't expect memoranda to the Prime Minister would ordinarily be disclosed at all. Again, it's pages 417 through 419. It's a cabinet confidence document, clearly stamped “limited distribution”, as I mentioned. This particular memorandum to the Prime Minister asks for his decision regarding the Canada student service grant as well as other matters.

- (1945)

In this motion, which was put before the finance committee in the previous session of this Parliament, matters related to the grant program were requested. Here that information has been released, yet the items unrelated to cabinet confidences were redacted. They weren't asked for. They don't need to be shared, because even had we asked for them, they're subject to cabinet confidence, but of course the document was nevertheless produced. Only the issues that were outside of what the committee requested or that were subject to cabinet confidence would have been excluded, while some information that was relevant, which was nevertheless subject to cabinet confidence, was in fact disclosed.

If you continue, you see only minor redactions on the very first page, and then at the very end before you get to PCO recommendations. If you have access to the remittal letter, you'll understand that the Clerk of the Privy Council explicitly shared that certain items that were relevant to the discourse the committee was undertaking were shared with the committee, even though they would ordinarily be subject to confidence. In the absence of those remittal letters, which members of the opposition are seeking to have excluded, you might rightly have some questions about why certain documents were redacted, but it's been explained to us by the Clerk of the Privy Council. In fact, the entirety of this document ordinarily would not be subject to disclosure; nevertheless, the document in large part has been provided.

You're probably starting to pick up a bit of a theme, Mr. Chair. I'm looking at document number 426, still attached to that initial remittal letter from the Clerk of the Privy Council. It's an email from the PCO release, sent by Ms. Rosanne MacKay at PCO to one of her colleagues, Alain Beaudoin. The topic is a cabinet meeting note for the Prime Minister. The redaction here, once again, is Ms. MacKay's phone number.

The document itself includes some information that probably didn't need to be produced. It goes into detail about different programs on an agenda from the week prior to the email being sent that related to a whole series of government programs, like the Canada emergency wage subsidy, CERB, IRAP, the Canada summer jobs program, the Canada emergency commercial rent assistance, the Canada emergency business account, OAS, the guaranteed income supplement, RRIFs for seniors and the CESB for students. Each of these programs, of course, was advanced in the midst of the pandemic and was covered as part of the attached draft meeting management note.

If you scroll down to the end of the correspondence, what you're left with again is a single redaction, and it's Ms. MacKay's phone number. Again, I feel compelled to point out that the dispute is not over whether that should have been redacted but only about who should have made the redaction. We're having this debate now over whether it should have been the Clerk of the Privy Council or the parliamentary law clerk.

I don't think it would be appropriate, and again I really don't think my honourable colleagues in any party actually want this information. I think they want to maintain the suggestion that because there were any redactions, the government is hiding something, when in fact we're showing, by going through these documents one

by one, that even where there is no obligation to produce a document, the government often did so when it was relevant, and it actually provided useful information to the committee.

If you look at pages 428 through 432, again from PCO, there is a document with very limited redactions. At the top of the page you will see that a conference ID for a teleconference was blacked out on this particular page. The information that's actually been included relates to the wage subsidy, and they explain the different civil servants who were involved with the call. They talk about some of the different programs related to the pandemic response. There is one small piece that has been redacted and is labelled not relevant.

- (1950)

Similarly, on the next page, 90% or more of the document has been disclosed. There's a small point that's not relevant. If you read the remittal letter, you will understand specifically how decisions about relevance were made and why those particular pieces of information were not disclosed as part of the page that was included in the disclosure package.

If you continue to scroll down, you'll see that the pages following are entirely unredacted. All of the information about these different programs is already there. In fact, it probably goes significantly beyond what the committee asked for, but we know from the explanation that was specifically given in the remittal letter that some of these documents were included so as to give as wide a disclosure as possible.

When you continue on through the document, you'll see that there are no further redactions at all. Some of this information probably didn't need to be produced, but in the spirit of a broad document production, it's pretty clear that the way this document was redacted demonstrates that the government wanted to show all that it could show that could possibly relate to the program.

I'm looking now at pages 433 to page 434. The complaint here seems to be that—

**Mr. Peter Fragiskatos:** I have a point of order, Mr. Chair.

**The Chair:** What is your point of order, Mr. Fragiskatos?

**Mr. Peter Fragiskatos:** I think there is something wrong with my sound. I heard "page", but I didn't hear the actual page numbers. Could Mr. Fraser repeat that?

I've been following closely what he's been putting forward. He is making clear a lot of very relevant points, and on my end.... I won't apologize, Mr. Chair; it's not my fault. It's a technical issue. Maybe I need to look into getting another headset. I'm not sure. We're very fortunate to be provided by the House of Commons staff with really good technology. It's failing me tonight. I could also have connectivity issues. There might be an issue with my overall connection. I've tried to shut down other programs, web browsers and things like that.

Could my colleague please repeat the pages he was quoting from, in addition to what he said afterward? I didn't catch it, and if he doesn't, I won't be able to follow along as closely as I could.

**The Chair:** Could Mr. Fraser just give the page numbers there?

I will give an indication that I've had a couple of calls from members for a health break. I'm in the same position, so probably at about 8:15 your time, we'll take a 10- or 15-minute suspension so people can step out to the washroom.

Go ahead, Mr. Fraser.

**Mr. Sean Fraser:** Sure.

Mr. Fragiskatos, the documents I was referring to ended in the PCO disclosure package at page 432, and those documents largely were produced. In fact, the very last agenda item related to the Canada student service grant. The additional agenda items ran the gamut of other pandemic support programs, all of which probably didn't need to be produced, but nevertheless were.

My point was that the remittal letter from the Clerk of the Privy Council explains specifically why this level of disclosure was provided and that the only pieces that had been redacted related to information that was not relevant.

If you go to the following page in the disclosure, page 433, you'll see we're now dealing with an email from Leslie Larabie to William Simmering, and I apologize if I'm mispronouncing any of the individuals' names who were involved in this discussion.

The emails relate to the final draft agreement behind the Canada student service grant. Presumably they are sharing attachments, or emails at least, with one another.

The only piece of the document that is redacted is what appears to be a mobile phone number for Ms. Larabie and the cellphone number for one Heather Moriarty. The substantive portions of the emails are produced in full. In fact, in one instance it is even specified that the email was sent from one of the sender's iPhones, information that probably is not relevant to this committee's study but that nevertheless has been included.

I'm moving now to page 456 of the PCO disclosure package. Again, all of this context was provided in the remittal letters that are not part of the evidentiary record that would be brought over in the absence of this subamendment passing.

The redaction below seems only to be Ms. Al-Waheidi's email address at WE. This is from PCO pages 456 and 457. Everything to do with the content here is visible. The only thing that seems to be redacted is the email address for one particular worker. The email addresses for the public servants and for Marc and Craig Kielburger have been left in. I'm challenging my own memory, so I won't guess, but I do believe that one of the remittal letters explained that some of their redactions specifically related to the personal emails of individuals at WE, other than Marc and Craig Kielburgers'. These are the kinds of things that were so sinful for the professional public service to redact, apparently, and I don't find that to be problematic, quite frankly.

This particular document confirms previous discussions, then describes the confidence that individuals had in advance of program launch. It talks about the communication options and the number of placements that would have to be ready or in fact were being funded. No portion of the document is redacted, other than the personal

email of someone who was involved with WE. I don't see why that is relevant or material to the conversation, and in any event I think there is public interest in protecting the privacy of individuals and little to no probative value in having the personal contact information disclosed, whether that be cellphone or email. These are the kinds of redactions that we're dealing with.

In continuing, Mr. Chair, I'm now looking at PCO disclosure page 480. In Mr. Shugart's covering letter, he would have explained why this kind of information was, in fact, redacted.

• (1955)

It's an email among public servants who are involved with the Canada student service grant. All of it is visible. In the email, the subject is follow-up questions. Some are names within the public service that I've discussed before: Ritu Banerjee, Tara Shannon, Heather Moriarty, Rachel Wernick, Daisy Arrudu—the font is a little bit difficult to read—and Patricia Wilson.

All of their names and all of their public, professional email addresses are included. The email simply discusses responses to some technical questions on the contribution agreement. They talked about the requirement of a signed agreement for the following day to launch for Monday. Those are important details around the timing of the need for signed agreements in order to deliver programs.

There's one redaction on this page. Again, the very last thing that has been redacted relates to the personal contact information for one of the civil servants. I don't think it's appropriate to have it disclosed. I don't think it would matter who made that decision to redact that particular piece of information. I think both the parliamentary law clerk and the Clerk of the Privy Council would make the appropriate decision to redact that information.

If we continue on to the Canada student service grant question responses that begin at page 481, which are included in the PCO disclosure, we have a whole host of topics that have been covered.

Mr. Chair, I see that a number of colleagues have their hands up and are ready to speak. I'd be happy to yield the floor to share time and maybe revisit some of the analysis on the quality of the specific redactions, picking up where I left off after my colleagues have an opportunity.

• (2000)

**The Chair:** All right.

I have Ms. Dzerowicz next on the list.

Seeing that we're shifting to another member, I would suggest that we take a 15-minute health break, and then we'll be back. We will be back at 8:15 Ottawa time.

We will suspend for 15 minutes.

• (2000)

(Pause)

• (2015)

**The Chair:** We will reconvene.

I hope everybody is a little fresher. I have on my list Ms. Dzerowicz, Mr. Fragiskatos and Mr. Poilievre.

Go ahead, Ms. Dzerowicz.

**Ms. Julie Dzerowicz:** Thank you so much, Mr. Chair.

I really appreciated the health break; that was very helpful.

Before I go on to a couple of prepared texts, I just want to address a couple of things that were raised by my colleagues. I know that Mr. Poilievre pops up once in a while to raise points of order and say that we should start pre-budget consultations. I just want to remind everyone, because I think when we get so tired we tend to forget things, that as soon as we came back as the finance committee on October 8, the very first thing we did was to introduce a motion. That was me, and I introduced a motion for us to begin our pre-budget consultations. Unfortunately, it was interrupted by a point of privilege that Mr. Poilievre put on the table, and that is what has led us to where we are right now. I think it's important for us to state that.

I also want to remind everyone that we started this meeting with an opportunity for everybody to unanimously approve moving right to pre-budget consultations, or at least a motion on that, so that we could have our clerk and her team get started on booking some of our witnesses. Then it was brought back again by my colleague Mr. Fraser. So that's twice. I want to make sure that anybody who arrived late knows that. There is nothing more that we want to do than what the finance committee should be doing at this point in time, which is engaging in pre-budget consultations.

I also want to address a point that was mentioned earlier by one of our Conservative colleagues, namely about the Prime Minister trying to push for an election. There is absolutely zero desire to do so. We know Canadians don't want one. I will also say to you that we're going through an unprecedented pandemic, and I don't care how many times we have to say that, because I think sometimes, when we're in a little bit of a bubble and we're talking for hours, we forget that we are living in unprecedented times during this health and economic crisis.

We've spent over \$300 billion have introduced almost 80 programs. We had a very serious speech from the throne laying out a vision and a plan on how we want to proceed. Given that we're in a pandemic, time is of the essence. We want to use this time only to continue to support Canadians, to get workers back to work, to continue to support our small businesses, and to continue to build a foundation of our economy and keep all Canadians safe moving forward.

I join not only with the Prime Minister but also with my Liberal colleagues of the governing party in saying that we want to govern. In fact, I want to do the impossible and make politics the art of the possible, so that we can find a way to maybe withdraw this motion before us and move right to pre-budget consultations and get busy on hearing some ideas.

I know that 793 submissions have been submitted to us, and we know that there are lots of amazing ideas out there, and I think we're all looking to find a way to get there. This might not be exciting for everyone, but I do think it's important, as we're still talking to the subamendment to the amendment of the motion that Mr. Poilievre moved in response to my original motion on starting our pre-budget consultations.

I will talk a little bit more about how and why we redact, including more particularities and details. I want to make sure that we have as good an understanding as possible of the acts and the principles guiding the redactions done by our excellent, highly skilled, independent civil servants.

With that, Mr. Chair, thank you again for giving me the opportunity to provide some more information about the disclosure and production of government documents regarding the Canada student service grant in response to the request by the Standing Committee on Finance.

First, I want to reiterate that I know that this government is committed to the principle of being open by default. In fact, it was this principle that guided the government's response to the request for production of papers by the committee.

● (2020)

Let's be clear, the government has disclosed large amounts of documentation on the matter we are discussing today. I think we heard my colleague Mr. Fraser painstakingly go through a lot of the details, not only on what was submitted but also on what was redacted and why it was redacted.

Indeed, as the media has reported, the government has disclosed almost 6,000 pages to the finance committee. I know that these were from a number of different departments, as we have spelled out a number of times. Within those departments, officials worked very hard to provide the most information possible within the time frame allowed by the finance committee to respond, while also ensuring that cabinet confidentiality and privacy concerns where applicable were respected.

I think it's important to note as well that it was important to produce the documents. It was something that the finance committee had agreed to. I believe our civil servants did their utmost to ensure full transparency and accountability. I also want to acknowledge that it also took the time of our civil servants, who have been working around the clock during this pandemic, to come up with some of the almost 80 programs I was talking about. I just want to say a huge thanks to them. I know they've been working double time. We always say they're working around the clock, but I would say they're working double around the clock. I know that in addition to producing these types of documents, they've been trying to come up with creative ideas in terms of programs and providing all the support that we very much have been introducing. This has taken a lot of their time, and I want to acknowledge that. Additionally, I will note that most of our civil servants did this remotely to respect public health and safety rules and to ensure their ongoing safety during the pandemic.

Protecting cabinet confidence is very important to our system of government. Indeed, the Supreme Court of Canada has recognized that cabinet confidentiality is essential to good government: “The process of democratic governance works best when Cabinet members charged with government policy and decision-making are free to express themselves around the Cabinet table unreservedly.” The committee’s motion stipulated that cabinet confidences be excluded from the package, but in keeping with the public disclosures of related information by members of the cabinet, the government did not redact considerable information that was cabinet confidence, and indeed provided it to the committee. I really laud our civil servants for following through on the principle of transparency and accountability. I think it is extraordinarily important, not only to our government and not only during this extraordinary time, when we’re spending an extraordinary amount of money. I really laud them for doing their utmost to ensure that the most information gets out.

The government applied the same principled approach to release as much information as deemed possible as it related to solicitor-client privilege and personal information. I think we heard numerous times Mr. Fraser during this session, and Mr. Gerretsen during the last session, as well as my colleague Mr. Fragiskatos during the last session, explain or give examples of all the items we had to exclude due to personal information and solicitor-client privilege.

The package provided in response to the order by this committee builds upon the Government of Canada’s ongoing commitment to uphold the principle of “open by default”. It can be seen in the context of the proactive disclosure regime and amendments to the Access to Information Act. That said, there is as well the need to strike the proper balance between the fundamental values of openness and transparency and other obligations the government has to Canada and Canadians, such as national security or the protection of personal information.

I would like to say a few words about the Access to Information Act. Many of us are familiar with it, but I think it’s important in relation to this subamendment for me to speak a little more specifically to it. I say so because the that act has helped us frame the approach to the response to the committee. The act creates an enforceable right of access to records under the control of a government institution in accordance with the following principles. The first one is that government information should be available to the public. The second one is that necessary exceptions to the right of access should be limited and specific. The third one is that decisions on disclosure of government information should be reviewed independently of government. It applies to all institutions listed in schedule I of the Access to Information Act and all parent Crown organizations and wholly owned subsidiaries of such corporations within the meaning of section 83 of the Financial Administration Act.

● (2025)

The act provides this right of access for Canadian citizens and permanent residents “within the meaning of subsection 2(1) of the Immigration and Refugee Protection Act”. Further, the Access to Information Act extension order number one extends this right to include all individuals and all corporations present in Canada.

That said, there are necessary limitations on access to records, which exist as exemptions and inclusions. There are a number of these kinds of restrictions. I would like to highlight a few to give you a sense of the care and the balance struck by the act, between optimizing openness and transparency, on the one hand, and safeguarding individuals, companies and legitimate commercial and competitive interests, on the other.

One such class of limitation is “Information obtained in confidence”. For instance, the act provides for the following:

the head of a government institution shall refuse to disclose any record...that contains information that was obtained in confidence from

- (a) the government of a foreign state or an institution thereof;
- (b) an international organization of states or an institution thereof’.

Examples include the United Nations, NATO and the International Monetary Fund. Examples of international organizations of states include UNICEF and the World Health Organization, which are agencies of the United Nations.

The third bullet on this point reads:

- (c) the government of a province or an institution thereof

This includes the governments of the provinces and the three territories, and their ministries, departments and agencies. The fourth point reads:

- (d) a municipal or regional government established by or pursuant to an Act of the legislature of a province or an institution of such a government

The last point on this particular section reads:

- (e) an aboriginal government.

For this exemption to apply, the information must have been obtained in confidence.

There is also an exception covering federal-provincial affairs, which applies, for example, to the following information:

- (a) on federal-provincial consultations or deliberations; or
- (b) on strategy or tactics adopted or to be adopted by the Government of Canada relating to the conduct of federal-provincial affairs.

To invoke this exemption, a government institution should be convinced that disclosure of specific information “could reasonably be expected to be injurious to the conduct” by the federal government of federal-provincial affairs.

Another area of exemption deals with international affairs, defence and national security. An access to information request may be denied if disclosure could reasonably be expected to be injurious to the following: the conduct of international affairs—this includes not only state-to-state affairs but also commercial, cultural or scientific links established by citizens with counterparts in other countries—or the defence of Canada or any state allied or associated with Canada. An allied state is one with which Canada has concluded formal alliances or treaties, while an associate state is a state with which Canada may be linked for trade or other purposes outside the scope of a formal alliance. Last is the detection, prevention or suppression of subversive or hostile activities. This exemption protects specific types of information pertaining to the security of Canada.

Another exemption applies to law enforcement, investigations and security of penal institutions. We actually have this particular exemption because we're aiming to protect a number of items.

The first is effective law enforcement, including criminal law enforcement. We want to protect the integrity and effectiveness of other types of investigative activities, for example, ordinary administrative investigations under an act of Parliament, investigations in regulatory areas, and investigations of air accidents.

Last is the security of penal institutions and an exemption providing protection of “information that could reasonably be expected to facilitate the commission of an offence”. For example, a government institution may refuse to disclose the security plans or other information about the vulnerable aspects of federal government buildings and other installations that would be of strategic importance in civil emergencies or in time of war.

- (2030)

The act also restricts third party information including but not limited to trade secrets; confidential financial, commercial, scientific or technical information; and information used for emergency management plans. For example, the head of a government institution must refuse to disclose any record containing trade secrets to third parties. This restriction applies as well to confidential financial, commercial, scientific or technical information.

Another class of restrictions set out in the act is what are known as exclusions. This refers, for example, to published material or material available for purchase by the public. It also refers to library or museum material preserved solely for public reference or exhibition purposes. It also refers to material placed in Library and Archives Canada, the National Gallery of Canada, the Canadian Museum of Civilization, the Canadian Museum of Nature, the National Museum of Science and Technology, the Canadian Museum for Human Rights, or the Canadian Museum of Immigration at Pier 21, by or on behalf of persons or organizations other than government institutions.

The process of democratic governance works best when cabinet members charged with government policy and decision-making are free to express themselves around the cabinet table unreservedly.

Exclusions also apply to certain records of the Canadian Broadcasting Corporation, also fondly referred to by many as the CBC. The act, for example, removes information relating to journalistic,

creative and programming activities held by the CBC from the coverage of the act. It protects information about journalistic sources, as well as the creative and programming independence of CBC.

In addition, Mr. Chair, you'll be interested to hear that certain records of Atomic Energy of Canada Limited are also considered exclusions. The act creates an exclusion for any information under the control of Atomic Energy of Canada Limited other than information relating to its general administration or its operation of any nuclear facility within the meaning of section 2 of the Nuclear Safety and Control Act, subject to regulation by the Canadian Nuclear Safety Commission. The purpose of this exclusion is to ensure protection of information related to research and commercial activities of the Atomic Energy of Canada Limited.

Distinct from the act there are also well confidences of the Queen's Privy Council for Canada. The Supreme Court of Canada has recognized that cabinet confidentiality is essential to good government. In the *Babcock v. Canada* decision, meaning the attorney general, in 2002 SSC 57, at paragraph 16, the court explained the reason for this. It said, “The process of democratic governance works best when cabinet members charged with government policy and decision-making are free to express themselves around the Cabinet table unreservedly.” Yet it also stated that “‘Council’ means the Queen’s Privy Council for Canada, committees of the Queen’s Privy Council for Canada, Cabinet and committees of Cabinet.” It included all of those. The committees of cabinet include standing committees, ad hoc committees and any other committees of ministers. In addition, meetings or discussions between ministers can result in the creation of records that are cabinet confidences, providing the discussions concern the making of government decisions or the formulation of government policy.

The act also defines cabinet confidences by way of a list of seven types of documents. The list is not exhaustive, but provides examples of records considered to be cabinet confidences. It includes the following. The first is memoranda presenting proposals to cabinet. The second is discussion papers. The third is agenda and records of cabinet deliberations or decisions, records of communications between ministers on policy-making and government decisions, records to brief ministers on cabinet matters, draft legislation and records containing information about confidences.

- (2035)

Mr. Chair, there are also protections for the economic interests of the Government of Canada. There is a discretionary exemption based on a class test that aims to protect proprietary information of the Government of Canada. Exemption may include information that is patentable or that the government may want to license. For this exemption to apply, the record must contain the following: trade secrets or financial, commercial, scientific or technical information that belongs to the Government of Canada or a government institution that has substantial value or is reasonably likely to have substantial value.

Another exemption, Mr. Chair, applies to contractual or other negotiations of a government institution. This is intended to protect a government institution's ability to negotiate effectively with other parties.

Mr. Chair, let me underline the fact that the act protects not just the security of organizations but also the safety of individuals. A government institution may refuse access to information if it has reasonable grounds to expect that the disclosure of information would threaten the safety of an individual. This could be information that either directly or indirectly reveals the identity, home address or other identifier of such an individual, and I think we heard multiple examples from Mr. Fraser today of that being the exact case. In addition, personal information is also protected, and that absolutely makes sense as well.

In this case, section 19 of the act strikes “a balance between the right of the public to access information in records under the control of a government institution and the right of each individual to his or her privacy. It incorporates by reference sections 3 and 8 of the Privacy Act, which are essential for the interpretation and application of this exemption.”

The Access to Information Manual states:

The Privacy Act defines “personal information” as “information about an identifiable individual that is recorded in any form”. This definition is broad and contains examples of personal information. Information not specifically mentioned in the list but clearly covered by the broad definition, such as information related to an identifiable individual's income, DNA, body sample, sexual preference or political inclination, is to be considered personal information.

In the Privacy Act, however, you might be interested to know, Mr. Chair, that the definition of personal information excludes “specific types of information, normally considered personal information, from the meaning of the term when a request is made under the Access to Information Act.” This would include information about “the current or past positions or functions of a government employee or officer, services performed by an individual contracted by a government institution, a discretionary benefit of a financial nature conferred on an individual or an individual who has been dead for more than 20 years.”

The exclusions...reflect the fact that there is certain information about government employees, persons performing services under contract for a government institution, and discretionary benefits which, barring other considerations, the public has a right to know.

In addition, the act “provides that the head of a government institution may disclose any record that contains personal information if the individual to whom it relates consents to the disclosure, the in-

formation is publicly available or the disclosure is in accordance with section 8 of the Privacy Act.”

Mr. Chair, in conclusion, I say all this because, in compiling our submission in response to the committee, we took great care, for example, to obtain the consent to disclose certain personal information for relevant exempt staff referenced in the material. I should note as well that no material was withheld on the basis of national security, which the motion had indicated should be excluded. I would add as well that this exclusion was not pertinent.

On the matter of cabinet confidences, it bears repeating that considerable information on the Canada student service grant that was a cabinet confidence was provided to this committee. This was in keeping with the overarching objective of “open by default” and supporting the work of the committee.

- (2040)

Any redactions to requested documents were done with all due consideration for how to best respond to the committee's order, balanced with the understood need for protection of certain information, as I've outlined. We understand that government information belongs to the people and should be open by default. It's why we updated the Access to Information Act: to make it easier for citizens to get information and to publish more information up front more than ever.

The act balances openness with another value we feel strongly about, which is the protection of important democratic values. That means safeguarding Canadians' personal information and such important principles as cabinet confidence and judicial independence. Getting this balance right is fundamental to ensuring a healthy, functioning democracy.

That was prepared by some very kind colleagues who wanted to make sure that as we're talking about this subamendment, we have a much clearer understanding of the acts and the principles and the values that are behind how we redact certain things and are behind the examples that Mr. Fraser painstakingly took our committee through earlier this evening. I think it was important for us to make sure that was understood and read into the record.

Mr. Chair, I do have some more information. I know that people were riveted by my first speech, so I have some additional information that I'm happy to talk a little bit more about. I want to talk a little bit more about some additional principles that are consistent with the “open by default” principle I spoke to a little bit in my previous speech. I have an additional one that I want to talk about.

The reason “open by default” is important is that it aligns with the provision of documents by the government, as requested by this committee in our last session. As discussed earlier, we largely talked about the issue of redactions. We talked about why they were done. We disclosed the letters by deputy ministers that Mr. Fraser read in relation to the logic behind redacting certain documents. I think it was important for us to hear that and to have it on the record.

To that point, there was the committee's motion stipulating that cabinet confidences be excluded from the package. I also want to talk about that. We did spend quite a bit of time talking about the fact that we should have some exclusion around cabinet confidences. I know I talked a little bit about that, so I don't want to go through that again, but I do want to talk about how we have spent some time in terms of strengthening the Access to Information Act. We did that because we wanted to be consistent with ensuring the maximum amount of transparency and accountability. I think the best practice is to always keep the Access to Information Act up to date and current to meet with our values and principles of openness and transparency.

I'd like to note that while we introduced several measures since 2015 to improve the act, I think it would be helpful to provide some context, as prescribed in the act, for why and when certain information cannot be disclosed by the government, as those principles guide the government in its production of documents for parliamentary committees. Certain limitations on access to records exist in the form of exemptions and exclusions. Some exemptions are discretionary, while others are mandatory.

The act states that the head of the government institution “shall refuse to disclose” records when it relates to certain criteria. These mandatory exceptions can relate to information obtained in confidence, obtained via some law enforcement action and security, obtained through third party information, and/or obtained through personal information. With regard to personal information, the act strikes a balance between the right of the public to access information records under the control of a government institution and the right of each individual to his or her privacy.

Discretionary exemptions relate to information that the head of the government institution may refuse to disclose.

- (2045)

Excluded information relates to information where the act does not apply. Examples include published information and cabinet confidential information. “Confidences of the Queen's Privy Council for Canada (Cabinet confidences)” states:

In order to reach final decisions, ministers must be able to express their views freely during the discussions held in cabinet. To allow for the exchange of views to be disclosed publicly would result in the erosion of the collective responsibility of ministers. As a result, the collective decision-making process has traditionally been protected by the rule of confidentiality, which upholds the principle of collective responsibility and enables ministers to engage in full and frank discussions necessary for the effective functioning of a Cabinet system.

Now, to preserve this rule of confidentiality, subsection 69(1) of the Access to Information Act provides that the act “does not apply to confidences of the Queen's Privy Council for Canada”. The act also strikes a balance between the right of the public to access information and records under the control of a government institution

and the right of each individual to his or her privacy. As you can see, there are many reasons that some information cannot be disclosed under the Access to Information Act. These are limited and specific exceptions to the general rule of openness.

That said, as mentioned earlier with respect to redactions in documents provided for this order, considerable information that would normally be redacted through these processes should not be redacted and was provided to the committee. This was in keeping with the public disclosure of information on this matter made by members of cabinet through consent obtained to disclose certain personal information and the above-referenced limited waiver of solicitor-client privilege. Indeed, as I stated earlier, the government has undertaken several initiatives to strengthen transparency.

I think it would be helpful to provide an overview of our rigorous access to information system.

As this committee knows, access to information has been a staple of Canadian democracy for over 35 years. Since then, both parliamentarians and Canadians have come to regard the right to government information as quasi-constitutional in nature. In many ways, it has become part of our culture and important for our democracy.

This hasn't always been the case. Canadians didn't have this right in 1867, at the time of Confederation. In fact, up until post-World War II, most governments around the world operated without any general law permitting access to information, nor did they function with any general law restricting the collection, use and disclosure of information that could affect the privacy of individuals. During World War II, the Canadian government expanded, and so did the amount of information we collected. As a result, it was rightly perceived that access to such information was required to ensure democratic and accountable government. On the privacy side, it also came to be understood that information collected by the government about individuals should be treated as confidential.

In the early 1970s, the federal government took steps in that direction when it began to study both the right of access and privacy. It wasn't until the early 1980s that the government introduced comprehensive legislation addressing both issues. That bill, which contained both the present Access to Information Act and the Privacy Act, became law on July 1, 1983. Its principles reflect the right of access that we have today. These principles are that government information should be available to the public, that necessary exemptions to the right of access should be limited and specific, and that there should be appropriate independent oversight of the decisions on the disclosure of government information.

Before Bill C-58, the Access to Information Act had not been substantially updated in 34 years. When the act first became law in 1983, there was no Internet. Information was locked away in steel filing cabinets. The first mobile phone had just come onto the market. They were those really big clunky things that were really heavy to carry around and put up against your ear. We know that a 34-year-old access to information system was not equipped for the sheer volume of information and the lightning speed of today's communication. The old system was seriously outdated and served neither government nor Canadians efficiently.

● (2050)

The size of government has also grown. Its information holdings have increased since the act was implemented in 1983, and so too have the number of information requests that the government receives every single year, or probably every single day at this point.

Canadians expect their government to stay ahead of the digital game and make its information accessible to them. With new technology and capability comes the expectation that organizations offer their products and services online. The goal is to make the information and the data held by the government even more accessible to Canadians. Through changes to the legislation and accompanying policy changes, we are now getting more government information and data into the hands of our citizens, who can use it—

**Mr. Pat Kelly:** I have a point of order, Mr. Chair.

**The Chair:** Go ahead on a point of order, Mr. Kelly.

**Mr. Pat Kelly:** Thank you.

As fascinating as it might be to get into the failings of this government on access to information reform, I'm losing the relevance here. I would ask you as the chair, especially at this late hour, to ensure that we keep the debate relevant.

**The Chair:** I expected that question, Mr. Kelly.

In fact, I just looked at the subamendment, and it relates completely to the disclosure of information on a complete package of documents provided to the Office of the Law Clerk.

I'm going to allow Ms. Dzerowicz to continue, because it does relate to the disclosure of documents and what can be accessed.

**Ms. Julie Dzerowicz:** Thank you so much, Mr. Chair.

I appreciate my colleague raising that point. I know you were riveted and you were listening, but I wasn't talking about the issues with the act. I was saying how we've been improving it, making sure that it's kept up to date, that it's relevant and that it continues

with the principle of maximum transparency and accountability to all Canadians.

Canadians expect their government to stay ahead of the digital game and make its information accessible to them. With new technology and capability comes the expectation that organizations offer their products and services online. The goal is to make the information and the data held by the government even more accessible to Canadians. With changes to the legislation and accompanying policy changes, we are now getting more government information and data into the hands of our citizens, who can use it to participate in democratic debate, hold the government to account and spur innovation in society.

We've introduced many measures over the years to do just that. In 2017, just three years ago, the annual departmental results report was tabled in a new, more transparent format. As this committee knows, these reports provide an important insight into departments' program achievements against measurable indicators. This made these reports more useful and transparent for parliamentarians.

Another example is InfoBase. It pulls data from annual reports to provide online snapshots of what one department or the entire government has done during the fiscal year. Providing all of this information isn't useful if it's not readily accessible in various formats. Canadians expect to have government information delivered to their electronic devices and at their fingertips when they need it.

In May of 2016, the President of the Treasury Board issued an interim directive that enshrined the principle of "open by default". The interim directive told government that institutions have to make themselves open by default as their guiding principle when it comes to making government information available to the public. This principle applies to provision of information to Canadians, and most importantly today, to parliamentarians, including through motions for the production of papers, such as the order that prompts our debate today.

In 2017, with Bill C-58, we moved forward to improve the Access to Information Act. The bill was introduced in the summer of 2017 and was reviewed in the House and Senate committees. It also received valuable input from several stakeholders, including the Information Commissioner; the Privacy Commissioner; representatives of indigenous organizations, who provided important insights into their need to access records of important historical and archival value; and legal experts and journalists, who shared their unique experiences and explained the importance of the legislation to their work.

The bill provided Canadians with easier access to a huge amount of government information. The government is now legally required to proactively publish a broad range of information to a predictable schedule without the need for anyone to make an information request. This law applies to 240 government departments, agencies, and Crown corporations. It also applies to the political side, including the Prime Minister and the ministers' offices, senators, members of Parliament, institutions that support Parliament and administrative institutions that support the courts.

For the first time the bill put in law the proactive publication of travel and hospitality expenses for ministers, their staff and senior officials across government; contracts over \$10,000; all service contracts for MPs and senators; grants and contributions over \$25,000; mandate letters and revised mandate letters, which would have to be published within 30 days of being issued; briefing packages for new ministers and deputy ministers; lists of briefing notes from ministers and deputy ministers; and briefing binders used for question period and parliamentary committee appearances. Making all this information available to Canadians on a predictable schedule leads to better public understanding of how government functions in establishing a strong foundation for greater citizen participation in government.

At the same time, we introduced changes to the request-based side of the system. Bill C-58 eliminated all fees for access to information requests, apart from the \$5 administrative fee. As well, Canadians can also request the original documents that are proactively released to validate the information that has been published.

• (2055)

Mr. Chair, the bill has also provided the Information Commissioner with greater powers to oversee the access to information system. Specifically, the commissioner now has order-making powers. The role of the commissioner has gone from an ombudsperson to an authority with the legislative ability to make binding orders for the release of government records. I would say that this is an excellent move. I think it ensures much more transparency and accountability.

In addition to advancing our commitment to being open by default, we have also invested tools to make processing information requests more efficient and allowed federal institutions that have the same minister to share the request processing services for greater efficiency.

The Access to Information Act strikes a balance between the right of Canadians to access information and the need to withhold certain types of information to protect other important values such

as privacy, confidentiality of information provided to the government and national security.

Bill C-58 introduced other measures to improve the system. Both the former information commissioner and the House of Commons Standing Committee on Access to Information, Privacy and Ethics at the time recognized that requests made in bad faith can gum up the system. Requesters may, for a variety of reasons, use the right to request information to achieve goals that may not be consistent with the spirit of the act. Though the number of these types of vexatious requests is estimated to be quite small, the effort and cost involved in responding to them can put a significant strain on the system.

There is a fundamental issue at stake here. Such requests defeat the underlying purpose of the act, which is to give Canadians access to the information they need to participate in public policy decision-making and to hold their government to account. By tying up government resources, these requests interfere with an institution's ability to respond to other requests and to do important work.

As a remedy, Bill C-58 gave government institutions the ability to decline to act on such requests after receiving approval from the Information Commissioner to do so. Amendments were made to the legislation to clarify the circumstances in which this can happen. For example, institutions would not be able to decline to act on a request solely on the basis that the requester didn't provide a specific subject matter, type of record and period or date for the record sought.

As I mentioned a minute ago, Mr. Chair, the Information Commissioner would need to give her or his approval before an institution could decline to act on a vexatious or bad-faith request. This provides assurance to Canadians that legitimate requests will not be declined, and indeed this authority has been used rarely since Bill C-58 came into force.

The bill also ensures that the Access to Information Act remains relevant in an ever-changing world. It included a provision that required that the act be reviewed every five years, with the first review to begin within one year of the bill receiving royal assent. This review was launched just this June. This will ensure that the act never again becomes as outdated as it has before.

Mr. Chair, I'm getting almost to the conclusion. I know that while many people would like me to go on for another 20 pages, I am getting towards the end. I want to just spend one moment first discussing the realities of access to information, writ large, during the pandemic.

The government remains committed to managing information securely and effectively in accordance with its sensitivity, while ensuring transparency, openness and accountability to Canadians. On April 29, 2020, TBS published guidance on information management practices while working remotely for all public servants. This guidance is intended to reinforce employees' awareness of their collective responsibility to document decisions of business value and to ensure that government information is managed securely and effectively with respect to legislative and policy requirements, including the requirements of the Access to Information Act and the Privacy Act.

On May 28—

• (2100)

**Mr. Peter Julian:** I have a point of order.

**The Chair:** Go ahead, Peter.

**Mr. Peter Julian:** Thank you, Mr. Chair.

I won't ask Ms. Dzerowicz to start over. That would defy the rule of repetition, but I will thank my colleague, Mr. Blaikie, for taking on the shift for the last couple of hours. I look forward to getting caught up on this exciting filibuster.

**The Chair:** Okay. I don't believe that was a point of order, but it was a nice note of thanks to MP Blaikie. I have him on to speak here in a couple of rounds. He might want to stay.

**Mr. Peter Julian:** He is free to do that.

**Mr. Daniel Blaikie (Elmwood—Transcona, NDP):** I'd be happy to cede my time to Peter.

**The Chair:** All right; well, that's entirely up to you guys, Mr. Blaikie.

Ms. Dzerowicz, go ahead.

**Ms. Julie Dzerowicz:** Thank you so much.

On May 28, 2020, the president wrote to his cabinet colleagues, encouraging ministers to proactively publish as much information as possible related to COVID-19 and reminding them of the importance of ensuring best practices in information management. The government has committed to making information related to COVID-19 and the government's response proactively available online, using the open government portal. The portal will host open data related to the applications received and processed under the Canada emergency response benefit. As stated, "All public servants are expected to manage, secure and document information according to legislative requirements and [TBS] policies, whether working on-site, or remotely, and regardless of the tools we use." As well, "We continue to provide guidance to organizations on information management and security. We recently released guidance and a toolkit to guide employees in managing government information when working remotely."

In conclusion, Mr. Chair, we are committed to openness and transparency. We've made reports like the departmental results report more transparent, enshrined the principle of "open by default" and modernized and strengthened the Access to Information Act. We are committed to upholding the importance of the act. Redactions to requested documents are done with the right to know at the forefront and in keeping with our legislation.

As a last point, I would note that the purpose of the legislation was updated by Bill C-58 to reflect the important role it plays in our democracy. Section 2 of the act states that its purpose "is to enhance the accountability and transparency of federal institutions in order to promote an open and democratic society and to enable public debate on the conduct of those institutions." Those are the principles at the forefront when the act is administered.

Mr. Chair, that ends the last of my two speeches. I think it importantly reflects the commitment of our government to transparency and openness. I think it was reflected not only in the commitment on the political side; I think we also saw that translated through our bureaucrats, as evidenced, again, through what Mr. Fraser took us through today in terms of the transmittal letters as well as the exceptions that he made. We have a very clear idea that the access to privacy and the availability of data during this COVID crisis are taken very seriously by our civil servants and by our government. We believe it's important for us to continue to be transparent and accountable every step of the way.

I think I will pass the baton. I think there are other colleagues who would really like to speak.

Thank you very much for the opportunity to speak, Mr. Chair.

• (2105)

**The Chair:** Yes, I have two on my list. No doubt more will come on. I have Mr. Fragiskatos first, and then Mr. Poilievre.

Mr. Fragiskatos, the floor is yours.

**Mr. Peter Fragiskatos:** Thank you very much, Mr. Chair.

As we've heard repeatedly tonight, Liberal members have presented a very reasonable subamendment that I hope my colleagues in the opposition will come around to looking at very seriously. I don't think the Conservatives will, but I hope my colleagues in the Bloc and the NDP will. I think it's in line with something that they can certainly get behind. I think it bears repeating, Mr. Chair.

In reviewing the amendment, I understand that the Conservative members were instantly opposed, because it provides the opportunity to get at the truth instead of maybe the narrative they're trying to present. I know that some time has passed since we began discussing the motion earlier. In the meantime, I hope Mr. Julian—I see that he is now back—has been able to review the arguments that were made and will understand this for what it is. It's an amendment that provides procedural fairness to the public servants whose job it is to protect cabinet confidences as well as fairness to the opposition to understand the nature of the redactions. I believe that is ultimately something that the NDP and the Bloc are here to do. There's the idea of fairness that I talked about before. The motion is in that spirit, or at least that's how I read it, and I didn't hear opposition from my Liberal colleagues. I think the NDP and the Bloc ought to give it a second look.

Some time has passed since I read the motion into the record. Just so we're on the same page, let me go back. The subamendment that we are discussing reads as follows—

• (2110)

**Mr. Pat Kelly:** I have a point of order.

**The Chair:** What's the point of order?

**Mr. Pat Kelly:** This is repetition. We've had it read into the record repeatedly. It has been read more than once. It can't be read again.

**The Chair:** There are some different members at the table so—

**Mr. Peter Julian:** On the same point of order....

**The Chair:** —I think they should hear the matter.

What's your point of order, Mr. Julian?

**Mr. Peter Julian:** Thank you, Mr. Chair.

Mr. Fragiskatos was doing the same thing. In the case of repetition, it is true that other Liberal members can take some liberty with the regulation of repetition to a certain extent, but Mr. Fragiskatos cannot, so he can't keep going back to reading the same thing into the record.

**The Chair:** This, folks, is the motion we're dealing with. I do see two or three new members on here, and I do think they need to hear what the motion is so they understand the debate as it occurs.

I am going to allow it for Mr. Fragiskatos this one time, but that will be the last.

**Mr. Peter Julian:** Mr. Chair, I have a point of order.

I'm sorry, but that's not how.... The rule of repetition does not work that way, if one member of the committee changes. So if you persist in that ruling, I'll have to challenge the chair.

**The Chair:** That's fine. You can challenge the chair, but that is my ruling.

I think new members who are sitting at the committee deserve the decency to hear the subamendment to the amendment one more time.

**Mr. Peter Julian:** I'm sorry, Mr. Chair.

**The Chair:** It's not a problem.

**Mr. Peter Julian:** I'll have to challenge that ruling. The rule of repetition applies to members who are speaking. It does not apply to a change in committee or if some new members of committee have joined us.

So I'll have to challenge you on that.

**The Chair:** That's fine. I always like to see that members are best informed.

Madam Clerk, could you do the roll call and see where my ruling ends up? I think I have a fair idea where.

**The Clerk:** The question is, shall the chair's decision be sustained?

(Ruling of the chair overturned: nays 6; yeas 5)

**Hon. Pierre Poilievre:** Wow.

**The Chair:** Okay, Mr. Fragiskatos, you cannot read the subamendment to the amendment.

I think I would be allowed to, but I won't bother.

Go ahead, Mr. Fragiskatos.

**Mr. Peter Fragiskatos:** Thank you, and I appreciate the intervention of Mr. Kelly.

When he intervened, I was about to mention his name because he was not there when I read it earlier. It was for his benefit. Certainly he's a learned colleague. I'm not trying to—

**Mr. Pat Kelly:** I heard it.

**Mr. Peter Fragiskatos:** Well, I don't know about that, Mr. Kelly. You weren't onscreen. A number of Conservatives have been missing in action tonight, not onscreen—in the kitchen or on the golf course, I don't know where, but not onscreen during the meeting.

I was just trying to make sure that you were briefed on the subamendment. You heard it last time, I know, but a number of days have passed since then and I just wanted to make sure, out of pure respect, that I read it again.

I understand the ruling that's been made here, and I'll continue.

The motion is common sense, Mr. Chair. We know what it stands for. Colleagues in the opposition say they know what it means, so I hope they come to see that it is about common sense. The opposition says they want to review the documents. The motion provides an opportunity for them to compare the documents as presented by the professional public service and those finalized by the parliamentary law clerk. These are the non-partisan, professional public servants whom I've talked about here at length tonight.

We've had other colleagues speak about them at length, and we know that Mr. Poilievre spoke about them, in glowing terms, in fact, in 2014. I won't reread that quotation. I see that perhaps I've somehow offended Mr. Poilievre. I hope not. As I said before, I have nothing against him personally. In 2014, he did put a quote on record about cabinet confidence that I think is quite relevant, but suddenly he has forgotten what he said. Unfortunately, the position he held then does not suit the Conservative partisan narrative that Conservative members, led by him, were so anxious to entrench.

Mr. Chair, let's be clear here, if I can continue my remarks. Let's be clear that this goes above and beyond what the initial motion called for in July.

Mr. Chair, this would also provide all members, including myself, with an opportunity to ask the independent, non-partisan public servants questions about how and why they made the decisions they did, and I would hope that every member of this committee would take an opportunity to get a truer understanding of the role of cabinet confidences and the importance they have in our democratic institutions. They have a long-established tradition, which members of this committee in the opposition have spoken about also in previous iterations of themselves—let's put it that way.

Mr. Chair, I do not pretend that I will be the last person to represent my riding, and it is a privilege every day to represent the people of London North Centre. I am certainly not the first, so I think it is important that we make decisions that respect and respond to the parliamentary institutions, as those who have come before me have certainly done, and as I hope those who follow will do. That means that before we make any decision, we must evaluate the best information, get the best testimony, and be deliberate in our actions.

Based on the actions of the Conservatives in their press conferences—they're very entertaining press conferences, but not much genuine information is being shared in those press conferences—and in their actions here at committee, I understand they have no desire to hear the truth, because the truth does not fit their narrative. I understand that the NDP and the Bloc have pressure to support their opposition colleagues.

We as parliamentarians believe it's imperative that we make sure our decisions stand the test of time. There is partisanship, and partisanship does play a role. Sometimes it can be a positive role, but let's not shirk our duty as parliamentarians, first and foremost.

Let me address why hearing from the professional public servants is critical. As we established last week, the transmittal letters that are critical to explaining these documents—not only to explain the necessary redactions but also to explain the documents generally—have not been uploaded into the public disclosure of these documents.

• (2115)

**Mr. Peter Julian:** I have a point of order.

**The Chair:** Yes, go ahead.

**Mr. Peter Julian:** Mr. Chair, Mr. Fragiskatos is now repeating comments that he's made previously.

**Mr. Peter Fragiskatos:** No.

**Mr. Peter Julian:** If he has nothing more to add, we should proceed to a vote. He is now repeating himself, and this is something I have flagged before—repetition and relevance. He is relevant, but he is repeating himself, and if Liberals don't have new material to add, we should proceed to a vote.

**The Chair:** I don't recall if he said these words before.

Go a little further, Mr. Fragiskatos, and we'll determine that.

• (2120)

**Mr. Peter Fragiskatos:** Sure, Mr. Chair. I'll return to my remarks.

Similar ideas have come up, but Mr. Julian is off base here. I'm not going to hypothesize about why this is the case, but they are not

repetition. I'm talking about the professional public service here and issues relating to it, and documents.

These letters have been discussed at length by other colleagues. Their importance needs to be emphasized, Mr. Chair, because their importance is paramount.

Let me just emphasize here for the committee that these are the documents that tell the committee how the world-class public servants—whom Mr. Julian very regularly and very sincerely speaks about at this committee—who prepared the documents as per the motion at this committee, applied redactions.

Let me share some key highlights. They present an example for the committee and, for that matter, for Canadians who are looking at this and following along.

We have the text of the letter from Mr. Paul Rochon, deputy minister of finance, a public servant to his core, someone who has testified before this committee many times. To give you a sense of his professionalism, I'd like to highlight his qualifications, Mr. Chair. He has been the deputy minister of finance since 2014. Before that, he was the deputy minister of international development. Mr. Chair, these were all important appointments that took place under the previous government. Previously, Mr. Rochon was the deputy minister of health, and concurrently, a special adviser to the Minister of Finance on negotiations for a Canadian securities regulator.

Mr. Rochon has more than 20 years of experience at the Department of Finance and held a number of positions, including associate deputy minister of finance and Canada's finance deputy at the G7, G20 and the financial stability forum, as well as senior assistant deputy minister in the economic and fiscal policy branch.

To say he is an outstanding professional, Mr. Chair, would be an understatement. In his transmittal letter to the law clerk, he wrote, as follows:

The Committee's motion stipulates that Cabinet confidences and national security information are to be excluded from the package. No information is being withheld on the grounds of national security, since the information does not so pertain. With respect to Cabinet confidences, you will note that considerable information on the Canada Student Service Grant contained in Cabinet confidences is being provided to the Committee. This is in keeping with the public disclosures of information on this matter made by members of the Queen's Privy Council for Canada. A principled approach was taken with respect to this information to ensure a non-selective application of the protection afforded by Cabinet confidentiality. As a result, considerable information on the Canada Student Service Grant that would otherwise be protected as Cabinet confidence is being released. Information not related to the Canada Student Service Grant that is contained in Cabinet confidences is withheld and identified as not relevant to the request.

With respect to personal information, the department is obliged to protect such information under the Privacy Act unless the individuals to whom it relates consent to its disclosure, or disclosure is otherwise authorized in certain specified circumstances or the public interest in disclosure clearly outweighs any resulting invasion of privacy.

Reasonable efforts were made by the department to obtain consent. Where consent was not given, the department found that the public interest in sharing the information with the Committee outweighed any invasion of the individual's privacy. As such, disclosure is being made pursuant to subparagraph 8(2)(m)(i) of the Privacy Act. As required by that Act, the Privacy Commissioner was informed of our decision. In very limited cases, personal information was redacted from these records as consent was not obtained from the individuals concerned nor was the department able to conclude that the public interest in disclosure clearly outweighed the invasion of the individuals' privacy. The type of personal information that remains protected consists of the identity of unrelated third parties where their opinion or view relates to an unrelated matter to this inquiry, as well as personal e-mail addresses and phone numbers.

- (2125)

While the members opposite seem to do everything they can to accuse the government of some mismanagement, it is clear from this short letter that the ministry of finance went above and beyond to satisfy the committee's request.

Mr. Chair, I think opposition members should have the opportunity to ask Mr. Rochon if they feel that he has somehow acted irresponsibly. I also think that Mr. Rochon should have the opportunity to defend his department's actions, given the accusations that they—I'm talking about the opposition here—are insinuating.

Further, Mr. Chair, the text of the letter from Simon Kennedy, Deputy Minister of Innovation, Science, and Economic Development, says as follows:

Innovation, Science and Economic Development Canada has retrieved all records from within the Department that respond to the Committee's motion. You will find the results of that search enclosed for the Committee's consideration.

It should be noted, however, that in the preparation of this package, care was taken to obtain consent to disclose certain personal information from exempt staff referenced in the material and, in collaboration with other government departments, the staff from WE Charity in accordance with the provisions of the Privacy Act.

In addition, the Committee's motion stipulates that Cabinet confidences and national security information are to be excluded from the package. No information is being withheld on the grounds of national security, since the information does not so pertain. With respect to Cabinet confidences, you will note that information on the Canada Student Service Grant that was a Cabinet confidence is being provided to the Committee. This is in keeping with the public disclosures of information on this matter made by members of the Queen's Privy Council for Canada.

I think what I just read there bears emphasis. I hope my colleagues won't accuse me of repetition, but it's a very important point. With respect to cabinet confidences, you will note that information on the Canada student service grant that was a cabinet confidence is being provided to the committee.

I'll continue:

A principled approach was adopted to this information to ensure a non-selective application of the protection afforded by Cabinet confidentiality. Information not related to the Canada Student Service Grant that constitutes a Cabinet confidence is withheld and identified as not relevant to the request.

I'm reading remarks that are onscreen, Mr. Chair, and I can't see in the grid view of Zoom if my colleague Mr. Poilievre is there. What I just read is relevant to the very entertaining but not informative press conference: "Information not related to the Canada Student Service Grant that constitutes a Cabinet confidence is withheld and identified as not relevant to the request." The papers that he was throwing around fit into this.

Next is from the text of the Secretary of the Treasury Board, Mr. Peter Wallace, who holds the distinction of having served as a senior public servant in three levels of government. His letter says as follows:

The Committee's motion stipulates that Cabinet confidences and national security information are to be excluded from the package. No information is being withheld on the grounds of national security, since the information does not so pertain. With respect to Cabinet confidences, you will note that considerable information on the Canada Student Service Grant that were Cabinet confidences is being provided to the Committee. This is in keeping with the public disclosures of information on this matter made by members of the Queen's Privy Council for Canada. A principled approach was adopted to this information to ensure a non-selective application of the protection afforded by Cabinet confidentiality. As a result, considerable information on the Canada Student Service Grant that would otherwise constitute Cabinet confidences is being released. Information not related to the Canada Student Service Grant that constitutes Cabinet confidences is withheld and identified as not relevant to the request.

These are all pertinent points, made by some of the most eminent, qualified and respected public servants this country has to offer. Those are my words, Mr. Chair, in case you were wondering.

I'll go back to the letter:

- (2130)

This same principled approach was also applied to the second enclosed package of TBS [Treasury Board Secretariat] documents, which is provided in support of the commitment by the Clerk of the Privy Council to provide additional information on due diligence on the Canada Student Service Grant subsequent to his appearance on July 21, 2020. Additionally, because I believe that it is in the public interest to do so, this package includes information being made available as a result of a limited waiver of solicitor client privilege as it relates to the information that is being provided by Employment and Social Development Canada.

While many TBS employees continue to work virtually, guided by public health measures and focused on curbing the spread of COVID-19, these two packages provide, to the best of my knowledge, as of August 7, 2020, the TBS documents and response to the above-noted request for production of papers and due diligence line of inquiry.

That's the end of the quotation, Mr. Chair.

All of these individuals have led very distinguished careers. They are people we need to take seriously, people who, unfortunately—when I say "people", I'm speaking about the public service in general—the previous Harper government didn't have much time for and regularly muzzled, whether they were scientists or other public servants. Let's show them the respect they deserve.

I know the NDP feels that way. I've said before that I've heard Mr. Julian and other NDP members, in various committees and in the House, speak in strong terms and passionate ways about the importance of public servants and the public service in general.

**Mr. Peter Julian:** I have a point of order.

**Mr. Peter Fragiskatos:** We need to make sure they're given an opportunity to speak here, Mr. Chair.

This is the end of those formal remarks, Mr. Chair. I have other points—

**The Chair:** I will hear the point of order first.

Go ahead. Are you calling for relevance there, Mr. Julian?

**Mr. Peter Julian:** It's about repetition, Mr. Chair.

Mr. Fragiskatos is disadvantaged by the fact that I've heard his previous speeches, but the reality is that he's repeating himself. If he has nothing further to say, let's get to the vote.

**The Chair:** I believe Mr. Fragiskatos said he was done with that portion of his speech.

You're going on a little further and it isn't repetitive, I understand. Is that correct?

**Mr. Peter Fragiskatos:** No, it's not, Mr. Chair. I won't lose an opportunity—

**Mr. Peter Julian:** We need new material.

**Mr. Peter Fragiskatos:** It is not the same speech that you claim you've heard, Mr. Julian. If you want to prevent me from speaking about the importance of public servants and saying, in effect, that the Liberals are the ones defending the public servants here, then I'll do that, but I know you respect public servants. I'm simply making the case that we ought to hear from them.

I ask you to consider that subamendment and side with Liberals here at committee today and tonight.

Mr. Chair, I want to continue. This is on a point that I raised earlier. I asked you, and the clerk as well, to provide the committee with thoughts on what happens when Standing Order 83.1 is not respected by the committee. Is there a precedent that could guide committee members? Do we know what would happen, what would result?

I know there are other members here tonight who don't regularly sit on the committee. This is for their benefit, to make sure they know what Standing Order 83.1 is all about. It calls on the finance committee to carry out pre-budget consultations by a particular date.

**The Chair:** I see that Mr. Julian's hand is up.

I know I've read 83.1 before. I'm not sure that you have. Have you read it, Mr. Fragiskatos?

**Mr. Peter Fragiskatos:** I have. What does it—

**The Chair:** That would be repetitive, according to Mr. Julian, so we'll have to get you to skip that—

**Mr. Peter Fragiskatos:** No, I'm asking what—

**The Chair:** You might be able to explain it.

**Mr. Peter Fragiskatos:** The question was what happens when it is not followed. I raised this earlier, but I asked that at some point tonight you provide us with an answer.

If you don't have that answer right now, Mr. Chair, that's fine.

**The Chair:** I don't have that answer. It's something that has never happened before. We'll probably have to go to the House Speaker or somebody on the Clerk's desk in the House to get an answer to that question, and we will do that overnight or early in the morning.

**Mr. Peter Fragiskatos:** Thank you, Mr. Chair.

I think it's important for committees to follow the Standing Orders and for all members to recognize the importance of standing orders.

Obviously this subamendment, Mr. Chair, makes very clear the need to invite public servants to this committee. We can't simply speak about public servants and muzzle them. We need to hear from them.

I talked in my earlier remarks about the inextricable link between fairness and justice. There are other conceptions of fairness and justice, however, that we ought to consider.

Aristotle famously said that justice is based on a notion, a very important one, that "equals should be treated equally". This quotation stands out because, if we take a step back and think about us as members of Parliament and those in the public service, what do we share in common? Well, we are equals for many reasons, abstract ones but also very practical ones. We both serve the Canadian public, so equals should be treated equally here. We cannot muzzle the public service. We have to give them an opportunity to come to speak.

The Conservative colleagues on the committee are following the precedent of the Harper government by not wanting to recognize the importance of not just the public servants and the public service but also the principle that they should be allowed to express themselves. That's all we're saying. Unfortunately, it is not being heard and also, up to this point, has not been heard by my colleague in the NDP, and we'll see what the Bloc wants to do, Mr. Chair.

In earlier remarks, I also referenced John Rawls and his conception of a fair and just society being based on a number of principles, including fair legal treatment for all citizens. That is Rawls speaking in a very general sense, but I wonder, Mr. Chair—and here is another question for you and the clerk to take back and to consider—what would happen if we did not hear from public servants, if we proceeded in the way the Conservative colleagues of ours on committee want to go ahead with, and that is excluding public servants. Would we be compromising ourselves in any way by forcibly excluding the opportunity of free individuals to put their thoughts on the record and in effect defend themselves? I have a strange feeling—it's not a strange feeling; it's a truism—that the Conservatives in particular would attack public servants as they have in previous meetings of this committee and other committees. In fact, in the House we see this happen regularly. Again, they have had two new leaders and still Stephen Harper's legacy is very strong.

Public servants in that context, Mr. Chair, should be allowed to defend themselves. What if this committee does not go for that? What if we do follow Mr. Kelly here, and Mr. Poilievre and others on the Conservative side, and prevent public servants from testifying? I don't think we would be showing fair legal treatment in the Rawlsian sense, and also as a matter of Canadian law.

I'm not a lawyer. I know we have lawyers, eminent and capable ones, on the committee, but I think it's something we need to consider, so I leave it with you to look at as well, Mr. Chair. I underline again for my colleagues that "equals should be treated equally". Aristotle's conception of justice is tremendously influential. In fact, it has been said that much of philosophy is simply a commentary on the thoughts of Aristotle, and of Plato as well, but especially of Aristotle.

Let's not ignore these very basic principles, Mr. Chair. If we do, what does that say about us as parliamentarians?

I spoke before about partisanship. Partisanship plays a role, and I meant what I said when I said that sometimes that role can be positive. What are political parties if not organizations that congregate based on different constellations of ideas? The Conservatives have a particular conception of what makes a just society, usually by putting business—and under this iteration of the Conservative Party, big business—at the core of their focus.

● (2135)

The NDP puts social justice and workers at its very core. I won't take that away from them. How they engage in public policy and the issues they decide to champion, and how they decide to champion those issues, I can disagree with from issue to issue, but the NDP plays a reasonable role in Parliament and brings up good ideas.

The Bloc, in the form of Mr. Ste-Marie, is very passionate and has offered a social democratic vision of what is just, what a fair society should look like, in all of his testimony.

Liberals seem to be in the middle, a party of moderation, Mr. Chair.

● (2140)

**Mr. Peter Julian:** I have a point of order.

**The Chair:** Go ahead, Mr. Julian.

**Mr. Peter Julian:** It is not relevant to go through the political platforms of each political party on the subamendment.

**Mr. Peter Fragiskatos:** I'm using it to make a point.

**Mr. Peter Julian:** No. I would question relevance in this case.

**The Chair:** Mr. Fragiskatos, it might not hurt for you to look at the subamendment, which I know you wanted to read, to refresh your mind there again. It is pretty wide-ranging when you look at the package of documents provided by the Office of the Law Clerk and Parliamentary Counsel, as well as other packages that went forward. It wouldn't hurt for you to look at it and stick to that and the transmittal letters.

**Mr. Peter Fragiskatos:** I'm sticking to the subamendment, Mr. Chair. Respectfully, I'm making arguments by looking at general points and principles that I think will serve to remind my colleagues about the importance of our job here.

I talked about partisanship. Let's put partisanship aside and embrace the very important idea at the heart of parliamentary democracy, and that is that we have a job and duty to serve the country. When we...and I fear we do this if we get behind the Conservative proposal, and that's why this subamendment is so important.

Let's allow public servants to speak. They serve the country. They serve all Canadians, all our constituents, regardless of whether those constituents voted Conservative, Bloc, Liberal, NDP or Green. Those public servants deserve our respect. Having them come to committee does not compromise the principles I spoke about before, which hold together each party.

The business class and business interests and advocacy groups that stand up for large business and small business—and I especially care about small business—won't be offended if we have public servants come to committee.

Unions will not be offended. Mr. Julian is a champion of unions. PSAC, the Public Service Alliance of Canada, will not be offended. I don't think they'll be offended if public servants come to committee.

**Mr. Peter Julian:** I have a point of order.

**Mr. Peter Fragiskatos:** It's getting a bit ridiculous, Mr. Chair. I'm trying to make a point.

**The Chair:** I will agree with Mr. Julian on this one. I remember you saying those words previously. I expect that was his point.

Do you want to make your point there, Mr. Julian?

**Mr. Peter Julian:** Thank you, Mr. Chair.

Mr. Fragiskatos obviously has nothing new to add. He's repeating himself. He's not relevant.

Could we just proceed to the vote, Mr. Chair?

**Mr. Peter Fragiskatos:** No, Mr. Chair, I was—

**The Chair:** Mr. Fragiskatos, we'll go back to you.

**Mr. Peter Fragiskatos:** Let me wrap up the point. I did bring up PSAC before, but if Mr. Julian reviews the comments, and unfortunately I guess he wasn't listening closely, he'll note that I mentioned it in a different context.

I'll stop there, Mr. Chair. I think I've made it clear to colleagues where I stand on the issue. Let's get behind this subamendment. Let's respect the public service. I know that the NDP is there in principle. Let's join here and work together to support the subamendment.

Thank you very much.

**The Chair:** Thank you, Mr. Fragiskatos.

I'll go down my list. First is Mr. Poilievre, then Mr. Horsefather, Mr. Sorbara, Mr. Fraser and Mr. Badawey.

Mr. Poilievre, you're on.

Where are you, Pierre? Are you there? I can't hear you snoring, Pierre. Are you around?

Okay, we'll go to Mr. Horsefather.

**Mr. Anthony Housefather (Mount Royal, Lib.):** Mr. Chair, I would probably start with a point of privilege in that my name is Housefather, not Horsefather.

**The Chair:** Did I not pronounce it right?

**Mr. Anthony Housefather:** No, you didn't, Mr. Chair, but that's okay—

**The Chair:** My apologies.

**Mr. Anthony Housefather:** It's very late in the evening and I can understand the difficulty with such a long name.

I just wanted to say, first of all, that it's a pleasure—

• (2145)

[*Translation*]

**Mr. Gabriel Ste-Marie:** Mr. Chair, I have a point of order.

[*English*]

**The Chair:** Mr. Ste-Marie, go ahead.

[*Translation*]

**Mr. Gabriel Ste-Marie:** Mr. Chair, the interpreter just flagged that the sound quality is too poor for them to hear what the member is saying.

[*English*]

**The Chair:** Thank you, Gabriel.

Just check your mike there, Mr. Housefather. Give it a couple of tests because the interpreters are not getting the sound quality.

**Mr. Anthony Housefather:** Testing, Mr. Chair. Is the sound coming in okay for the interpreter?

**Mr. Sean Fraser:** Mr. Chair, if I may intervene, the clerk is very helpfully illustrating with her headset what Mr. Housefather must do to help. I think he needs to raise the boom on his microphone a little bit higher. Hopefully that's helpful.

**Mr. Anthony Housefather:** Okay, let me try that.

Is that better?

**The Chair:** It's better, but you're coming in spotty somehow.

[*Translation*]

**Mr. Gabriel Ste-Marie:** Mr. Chair, it's still not working. The interpreter is saying it's inaudible.

[*English*]

**The Chair:** Thank you, Gabriel.

**Mr. Sean Fraser:** Mr. Chair, may I make a suggestion? It still appears that the microphone is very close to Mr. Housefather's mouth. If he can pull it away from his mouth a bit, it sometimes comes off as a little less muffled.

**Mr. Anthony Housefather:** I will try that again, Mr. Fraser.

[*Translation*]

Mr. Ste-Marie, can you hear me now?

[*English*]

**The Chair:** I don't think so. Just check on your computer screen at the bottom that you're on the right channel, English or French,

when you're speaking and that you're on the right microphone as well.

**Mr. Anthony Housefather:** Yes, I'm on the right microphone, Mr. Chairman. The question is.... I wasn't on English, because I thought that Zoom had fixed the translation issue and would allow me to stay on "floor".

**The Chair:** Is it okay?

[*Translation*]

**Mr. Gabriel Ste-Marie:** Mr. Chair, according to the interpreter, the problem seems to be a bad connection.

[*English*]

**The Chair:** Make sure you stay on the language you're speaking. It is always better. I think it may have been a bad connection on their end.

Go ahead. The floor is yours.

[*Translation*]

**Mr. Anthony Housefather:** Thank you, Mr. Chair.

First, I'd like Mr. Ste-Marie to know that I understand how hard it is to spend the whole evening listening to a discussion almost exclusively in English, so I'll do my best to speak in French.

As I was saying, I'm glad to sit on a committee alongside Mr. Falk once again. I was fortunate enough to be on the Standing Committee on Justice and Human Rights with him for a long time.

This evening, I'd like to discuss—

**Mr. Peter Julian:** Mr. Chair, I have a point of order.

[*English*]

**The Chair:** We're not getting the English.

Mr. Julian.

[*Translation*]

**Mr. Peter Julian:** Thank you, Mr. Chair.

Unfortunately, it's very hard to hear what's being said in both official languages. Mr. Housefather may need to reconnect to the meeting.

I also see that Mr. Poilievre is there, and I think he was ahead of Mr. Housefather. Mr. Poilievre could start while Mr. Housefather gets his connection sorted out.

[*English*]

**The Chair:** We will do that.

Do you still want to speak, Mr. Poilievre? We couldn't find you.

**Hon. Pierre Poilievre:** I was right here the whole time, Mr. Chair. I haven't moved.

**The Chair:** I yelled at you two or three times. I said all good things about you, though.

**Hon. Pierre Poilievre:** I'm so used to you yelling at me that I'm numb to it.

**The Chair:** Mr. Housefather, we'll let you try to fix your technical problems, and we'll go to Mr. Poilievre.

**Hon. Pierre Poilievre:** Thank you, Mr. Chair.

Listen, we have work to do here. People want us to fix this disastrous economy: the top unemployment in the G7, the top deficit in the G20. The economy is in a state of ruin. It's the worst economy.

**Mr. Sean Fraser:** I have a point of order, Mr. Chair.

**The Chair:** Mr. Poilievre, there's a point of order.

Go ahead, Mr. Fraser.

**Mr. Sean Fraser:** I know that Mr. Julian has been quick to point out issues of relevance and, frankly, both relevance and repetition. I'm curious about how the opening remarks relate to the subamendment.

• (2150)

**The Chair:** Mr. Poilievre, we are on the subamendment. Do you have it in front of you? Or I can read it.

**Hon. Pierre Poilievre:** Yes. Well, if you will let me finish a sentence.... I think the problem here is that Mr. Fraser doesn't want any facts to be known about how bad the economy is and how disastrous his government's record is on economic matters.

**Mr. Peter Fragiskatos:** I have a point of order, Mr. Chair.

**The Chair:** Mr. Fragiskatos.

**Mr. Peter Fragiskatos:** This sounds a lot like question period. He's getting into debate.

I'm sure that Mr. Poilievre likes to hear himself speak. I'm even open to listening to him speak, but not when it's out of order. That has no relevance. His comments have no relevance to the subamendment.

**The Chair:** On the subamendment, if you could, Mr. Poilievre....

**Hon. Pierre Poilievre:** Right. It's good to know that the Liberals think unemployment has no relevance to them.

**The Chair:** On the subamendment, please.

**Hon. Pierre Poilievre:** The subamendment deals with effectively how we're going to manage committee business. Let's get real here. That's what we're actually talking about. The fact that the Liberals don't think unemployment, the millions of Canadians who are without a job, is relevant to the finance committee really says something about their—

**The Chair:** Order, Mr. Poilievre. The subamendment relates to the package of documents and whether public servants are allowed to respond to the redactions in the documents. That's basically what it is, in short form—

**Hon. Pierre Poilievre:** Yes.

**The Chair:** —as well as the transmittal letters. That's what we're dealing with. If you can speak on that point, we're more than happy to hear you. Those other points you make are very important in another context, but here we are debating the subamendment to the amendment.

**Hon. Pierre Poilievre:** Right. Well, Mr. Chair, you've let the other members ramble on for 20 hours about matters completely unrelated to the subamendment, the amendment and the main motion. It does seem a little bizarre that you're suddenly so concerned about relevance. That did not seem to be a preoccupation of yours in interventions gone by.

I think this is a government that thinks the role of committees is just for people to gather around a fire and shower praise on the Prime Minister. That's not our role here. If occasionally some indisputable facts appear that make Liberals uncomfortable, that is not my concern, nor should it be yours. Though you are a member of that party, you are meant to be a presiding officer over this entire committee.

**Mr. Peter Fragiskatos:** I have a point of order, Mr. Chair.

**The Chair:** Go ahead, Mr. Fragiskatos.

**Mr. Peter Fragiskatos:** In 2014, the member said as follows: “Mr. Speaker, the decision on what to reveal”—

**Hon. Pierre Poilievre:** That's not a point of order.

**Mr. Peter Fragiskatos:** —“is made by non-partisan public servants, for whom it has long been a tradition”—

**The Chair:** That's not a point of order. That is a point of debate, and you put that on the record previously.

Mr. Poilievre, I give people a fair bit of leeway. I'm going to allow you a fair bit of leeway, but try to make it relevant to the subamendment, which is on the documents and those defending the redacted parts of the documents.

**Hon. Pierre Poilievre:** I don't think there are any public servants who are defending this redaction. These were political redactions.

I know it's true that in the previous government we deferred to public servants and allowed them to make decisions on what was appropriate and what was not because we respected public servants. That has clearly not happened here in this case. That is why I stand by my earlier quote from 2014, because quite accurately that was the practice back then. We deferred to public servants on these matters. At present, there's no doubt that there's been political interference at the highest level to black out documents that should be made public.

Mr. Chair, we as a committee asked for the law clerk to have the ability to determine what should be redacted and what should be public. The government allowed its political leaders, probably ministers, to make those decisions for this particular document. If all we're talking about in these documents is a bunch of phone numbers, then give it over to the law clerk. I can be sure the law clerk is not going to do prank calls on these public servants. I don't think you can imagine our law clerk is going to be up at two in the morning prank-calling all kinds of public servants in the middle of the night for the fun of it. I think he can be counted on not to publish private phone numbers on the Internet.

I think the government and its members know that these are not phone numbers that were redacted. In some cases, it's two or three pages of black ink. That's one hell of a long phone number. This must not be just an international call, or even interplanetary call, but an intergalactic call to the other end of the universe for a phone number that goes that long.

We don't have to take my word for it that phone numbers are not typically three or four pages long. Just give it to the law clerk. If all these pages upon pages upon pages of black ink are merely covering up people's phone numbers to protect them from prank calls, then I'm sure the law clerk can be counted on to ensure those numbers do not become public.

That's all we're asking for. Hand the documents over to the law clerk. Let the legal team that works for the House of Commons, in whom we all have confidence and who report through the clerk to the Speaker, who is a Liberal, do that work on behalf of all of us. The law clerk is our lawyer, the lawyer for all of us collectively in Parliament. He can be counted on to do it. He took the extraordinary step to write a letter, and he made it public, saying he didn't get the unredacted documents that Parliament asked for. It's that simple. To say that this is all public servants just quietly doing their work and politicians impugning them, we know that's nonsense. We know that the public servant who works for us in a legal capacity, the parliamentary law clerk, has said he does not have the documents he should have based on a motion passed at this committee. All we're asking for is that those documents be handed over.

If tonight the government were to send over those documents and we were to get a confirmation from the law clerk that he has received them, I would be prepared at that moment and under that condition to put my point of privilege aside, to be revisited only after the clerk confirmed that he got what the committee asked for.

There is a way out here for the government. They can hand those documents unredacted over to the law clerk tonight, and then we won't have to talk about this anymore. We can get on to what I want to talk about, which is the pre-budget consultations. For God's sake, our economy is a total disaster right now. We have the worst deficit in the G20 and the worst unemployment in the G7. Let's get to work on that, for God's sake. We don't need to be rambling on in circles, as the government members are doing. Let's solve this right now. Hand over the documents with no black ink. Let the law clerk do his work. He'll come back to us and say whether he got what he was looking for. He'll make sure that nobody's phone number is released, and then we can all get to the bottom of this scandal.

Does that sound fair?

• (2155)

**The Chair:** Mr. Poilievre, I, as chair, cannot respond to that, other than to say that the latter part of your motion would certainly have to be amended to accommodate what you're suggesting.

We'll go to the next speaker. Maybe you want to think about that in the meantime. If there's a way forward, we'll see where it goes.

Mr. Housefather, do you have your technology fixed up and ready to roll?

**Mr. Anthony Housefather:** I think I do, Mr. Chairman. Hopefully everybody can hear me.

**The Chair:** You have to raise your microphone a little again, I think.

**Mr. Anthony Housefather:** Can everybody hear me now?

**The Chair:** I don't know why it's—

**Mr. Anthony Housefather:** The IT people pointed out—

[*Translation*]

**Mr. Gabriel Ste-Marie:** Mr. Chair, I have a point of order.

It was working fine until Mr. Housefather raised his microphone. Now, the sound quality isn't good enough for the interpreters to do their job.

[*English*]

**Mr. Anthony Housefather:** That's what I thought. I believe that when my microphone is here, the interpreters can hear me fine. Is that right, Mr. Ste-Marie?

**The Chair:** You're coming through a little gravelly to me, but that's fine. It's the interpreters we need to worry about.

We'll see what Mr. Ste-Marie has to say.

[*Translation*]

**Mr. Gabriel Ste-Marie:** The interpretation is coming through, but I'm being told that the sound quality is borderline. I'm not sure how much longer the interpreter can carry on.

• (2200)

[*English*]

**The Chair:** Okay. We'll start.

Mr. Ste-Marie, you can give me a signal if it's not working, or the interpreters can yell and say that it's not working. We'll try it. If not, we'll go to Mr. Sorbara and then come back to Mr. Housefather again.

**Mr. Anthony Housefather:** Okay. I will try my best. I believe they told me that the signal is now okay, so I'm going to try. I'm hoping that it will work.

I'm hoping that in the end result our committee will move more towards the path that the Republicans and Democrats took in Utah the other day, when they took a picture together and reminded everyone that despite political differences, everyone can work together.

Mr. Chairman, I'm hoping that I will be able to prevail upon my colleagues from all parties to support this [*Technical difficulty—Editor*].

[*Translation*]

**Mr. Gabriel Ste-Marie:** Mr. Chair, the interpreter is flagging that the sound quality isn't good enough.

Sorry, Mr. Housefather, to interrupt you like that.

[English]

**Mr. Anthony Housefather:** No, I understand. I wonder, if I try it like this....

Is this any better?

**The Chair:** No.

Okay. We'll come back to you again, Anthony. Work with IT and we'll go on.

I have Mr. Fraser next. This list is changing before my eyes. I believe Mr. Fraser is next, and then we have Mr. Badawey. I thought Mr. Sorbara was there a moment ago.

Mr. Fraser, you're up, if you're ready to roll.

**Mr. Sean Fraser:** Mr. Chair, I would be happy to. I think you were right, though. I think it was Mr. Sorbara, who appears to have been booted off, and Mr. Badawey, I thought, was in advance of me as well, so I'm happy to yield the floor.

**The Chair:** Okay.

Mr. Badawey, are you ready to roll?

**Mr. Vance Badawey (Niagara Centre, Lib.):** Yes, thank you, Mr. Chairman.

**The Chair:** I think there have been some technology problems here with people getting bumped off.

Work on your microphone, Mr. Housefather. We'll let Mr. Badawey go, and then come back to you.

Mr. Badawey, go ahead.

**Mr. Vance Badawey:** Thank you, Mr. Chairman.

It's been a ride here, I'll tell you, being on the committee in the last meeting and now in this meeting with respect to the debate on something that can be very simple, quite frankly, especially after the vote today in the House.

When I look, for example, at the list of folks who are requesting to appear, it's a great list: the Canadian Association for Neuroscience, the Canadian Association of Radiologists, the Heart and Stroke Foundation, the Canadian Renewable Energy Association, the National Airlines Council of Canada, the Canada Fetal Alcohol Spectrum Disorder Research Network, the National Smokeless Tobacco Company, the Canadian Cancer Association, Lighthouse Labs, the Canadian Airports Council, the Canadian Mental Health Association, the Agricultural Manufacturers of Canada, the Forest Products Association of Canada, the Association of Canadian Port Authorities—

**Mr. Peter Julian:** Mr. Chair, I have a point of order.

**The Chair:** Mr. Julian, go ahead.

**Mr. Peter Julian:** Absolute relevance, absolute relevance....

**Mr. Peter Fragiskatos:** Mr. Chairman, point of order—

**Mr. Peter Julian:** This is not relevant.

**The Chair:** We'll go a little further here and we'll see.

Mr. Badawey, what's the key point you're trying to make?

**Mr. Vance Badawey:** Thank you, Mr. Chairman.

The key point I'm trying to make.... As many of you know, I chair the Standing Committee on Transport, Infrastructure and Communities. One of the things I've been a great believer in since day one in coming to Ottawa is that committees don't work in isolation from each other. Quite frankly, there's a lot of similarity in a lot of the work, in studies that we do together or individually, but together they sort of criss-cross and cross over, and some of the things—

**Mr. Peter Julian:** I have a point of order.

**The Chair:** I'm just looking for the subamendment here, Mr. Julian.

Mr. Badawey, you're going to have to tie this into the subamendment, which basically says, "That the committee requests the complete package of documents provided to the Office of the Law Clerk and Parliamentary Counsel of the House of Commons by relevant Deputy Ministers...as well as the final package of documents", and then it goes on from there, that the relevant deputy ministers and the law clerk be allowed to give testimony on the redactions in those documents.

If you can speak to that, you're on.

• (2205)

**Mr. Vance Badawey:** Thank you, Mr. Chair.

As I was saying with my point on the crossover, we do on occasion have the opportunity to discuss similar proposals, similar studies.

When I look at this amendment and the principles of the amendment—as well as, to some extent, the world that sometimes a lot of us don't live in beyond the Ottawa bubble—we recognize that when we look at redacted and confidential papers, emails and things of that matter, there are principles of confidentiality in these redacted documents. We all have an opinion on what was redacted and the relevance of it, the importance of it.

There are three principles that I've lived by, whether it's been in the private sector, in a boardroom; in my former capacity as a mayor, in a council chamber; and now in Ottawa. Those principles are quite simple. There are only three of them, so you can count them on one hand.

Essentially, one is privacy laws. With the direction that the federal government took back in 2001, with respect to the Personal Information Protection and Electronic Documents Act, it protects people from divulging their phone numbers, their addresses and information they would otherwise not want to give. Second to that are the confidentiality rules. With confidentiality, again, it's about ensuring that people aren't harmed or in harm's way for any reason, whether it be a business or an individual. Third is the principle of proportionality in the discovery process.

Mr. Chairman, we're at a point now, as I guess to some extent Mr. Poilievre mentioned, where we've had a great discussion on this. We recognize what some of these sensitivities are, most of which, as outlined by Mr. Gerretsen at the last meeting and Mr. Fraser at this meeting, have to do with phone numbers, email addresses and things of that matter.

With that said, there's a lot of work to be done. That's the point I was trying to make earlier with respect to the committee's work with moving forward—

**Mr. Peter Fragiskatos:** Mr. Chair, I have point of order.

**The Chair:** Mr. Fragiskatos, go ahead.

**Mr. Peter Fragiskatos:** I'm not hearing Mr. Badawey come through very clearly. I wonder if other colleagues are having the same type of issue. There's static on my end.

I know Mr. Housefather had that problem before. I wonder if there's something wrong with the system. Can we look at that?

**The Chair:** I'm hearing him fine.

How is the translation coming through, Mr. Ste-Marie? Do you think it's coming through okay? I know it's tough on the translation side all day long, because you're always 10 seconds behind.

He's giving me a thumbs-up.

Okay, go ahead, Mr. Badawey.

**Mr. Vance Badawey:** Thank you, Mr. Chair.

Mr. Chair, we have an opportunity here to move forward with some work, and I do believe it's well the time to do that. If the committee were to see fit, I think going forward there can be some movement on getting to the work that has to be done. I think it's going to take all of us together to get going in that direction.

I would be looking at members of the opposition to really take the next steps. That way the committee can get to work immediately with respect to some of the priorities that, quite frankly, the finance committee should be looking at.

With that, Mr. Chair, I am going to close by stating that we look at the comments that were being made, whether some might think they were repetitive or not, with respect to what's happened in the past, comments that are currently being debated by all four parties. As well, we should genuinely look at why we are here and what members of the committee really want to move forward with in the manner in which the finance committee should be moving forward in terms of the crisis we're finding ourselves in and the challenges that Canadians are finding themselves in.

I think that's a priority, and I think if members of the opposition sincerely do think that's a direction we should be taking, then some flexibility should be had and we can move forward on that.

Mr. Chairman, I'll leave it there for now and let the next speaker speak, and then hopefully we can see some movement before too much more time at least. It's 10 o'clock right now, and hopefully within the next hour or two we can get some resolve to move forward with the items that our committee should very well be moving forward with.

Thank you, Mr. Chairman.

• (2210)

**The Chair:** Thank you, Mr. Badawey.

I did have you previously, Mr. Sorbara. Are you still on, or am I going to Mr. Fraser?

**Mr. Francesco Sorbara (Vaughan—Woodbridge, Lib.):** I am on, Mr. Chair. I had some technical issues.

**The Chair:** Okay.

**Mr. Francesco Sorbara:** It's great to be back on the finance committee and it's great to be here this evening. Four and a half years of sitting on the finance committee with the chair was a great experience.

Mr. Chair, it is getting late, and I move that the committee do now adjourn.

**The Chair:** Okay. There is no debate on the motion.

I will have to ask you, Madam Clerk, to poll the committee.

**Mrs. Tamara Jansen:** On a point of order, is there no way we can just do a vote? Why don't we vote so we can move on?

**The Chair:** There is no debate and no point of order on a motion to adjourn, Mrs. Jansen. That is the rule, and I have to follow the rules.

I do have to ask the clerk to poll for the vote on the adjournment motion, and we'll go from there.

Madam Clerk.

**The Clerk:** Is there unanimous consent to adjourn? No.

I will take a recorded vote.

Mr. Chair, we have a tie, five and five, and Mr. Housefather is just joining.

**Mr. Peter Julian:** I have a point of order.

**Hon. Pierre Poilievre:** He votes no.

**Mr. Peter Julian:** On a point of order, Mr. Chair, normally in this kind of circumstance the chair will rule for continuity, as you know, both in terms of committee precedent and in the House of Commons. In a tie vote, the chair—

**Mr. Sean Fraser:** Point of order, Mr. Chair.

**The Chair:** Just hold on, folks.

This is a new game with virtual.... Mr. Housefather's name was called. He had technical difficulties. He has the right to vote.

Mr. Housefather—

**Hon. Pierre Poilievre:** He wasn't in the game.

**The Chair:** That's not his fault, due to technology.

**Mr. Anthony Housefather:** Mr. Chairman, I was on the phone with IT, which was directing me as to what to do.

I vote to adjourn.

(Motion agreed to: yeas 6; nays 5 [*See Minutes of Proceedings*])

**An hon. member:** You don't get a redo on a vote.

**The Chair:** The meeting is adjourned.

**Mr. Peter Julian:** You can't do that, Mr. Chair. You can't have retroactive votes. Come on.

**The Chair:** The meeting is adjourned. We will reconvene at our regular time tomorrow.

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