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Chair: The Honourable Wayne Easter



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• (1755)

[English]

The Chair (Hon. Wayne Easter (Malpeque, Lib.)): We'll call the meeting to order. We're resuming meeting number four of the House of Commons Standing Committee on Finance. Pursuant to the motion adopted in the House on Wednesday, September 23, 2020, the committee is meeting virtually. The committee met earlier in camera and is now resuming committee business in public.

We will start where we left off at the last meeting. On my list I have Ms. Dzerowicz and then Mr. Julian.

Ms. Dzerowicz.

Ms. Julie Dzerowicz (Davenport, Lib.): Thank you so much, Mr. Chair.

I would like to start by saying I'm unhappy to be back here. I'd rather be in pre-budget consultations right now. It's beginning to feel a little like a 21st century Shakespearean tragedy, where there's a—

Hon. Pierre Poilievre (Carleton, CPC): I have a point of order, Mr. Chair.

The Chair: What's your point of order, Mr. Poilievre?

Hon. Pierre Poilievre: Ms. Dzerowicz was saying that she wants to get to pre-budget consultations. I move that we go straight to a vote on my point of privilege and then we can go straight to pre-budget consultations.

Ms. Julie Dzerowicz: That's not a point of order.

The Chair: I'm sorry, it's not a point of order. You can't move a motion right now.

Ms. Dzerowicz, the floor is yours.

Ms. Julie Dzerowicz: Thank you so much.

I was beginning to say it's beginning to feel a little bit like a 21st century Shakespearean tragedy, in which there's a plague on all of our houses so that we can't somehow find a way out of this current impasse we have. Because we've been away for almost a week right now. I think it's important for us to make sure that for anyone who's listening, whether it's the media or it's Canadians, we do a little bit of a reset of where we're at. There has been concern over on the opposition side that there is some sort of a cover-up, something hiding in redacted documents that have been submitted. On our side, the government side, we are saying there is no desire to hide or cover up anything.

The subamendment that we are discussing right now is a genuine attempt by the Liberal side to find a solution that would address any perception that all of the information might not have been provided or that there might be a cover-up. The whole idea behind the subamendment is that we do want to move past this and to move to pre-budget consultations. I'm going to start by reading through Mr. Gerretsen's subamendment to the motion again. It's important for a number of reasons and I'm going to be addressing a number of these points quite extensively. Also, I think it's a good reminder. I think it's always easy to yell out and say “cover-up”. It's much harder to say there's no cover-up, there's no scandal, and here are the reasons why.

The subamendment indicates the following:

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, 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's important to note that all we're asking for is a suspension of the original motion. We're also asking for two sets of documents. I'll explain a little bit more what the two different sets of documents are, because I think there's a little bit of confusion out in the media, out in the public, about what they are. We're asking for the two sets of documents to be brought forward to this committee and that the committee then invite the relevant deputy ministers as well as the Law Clerk and Parliamentary Counsel of the House of Commons to give testimony regarding the redactions applied to the documents.

Once that's over, we can come back to the committee and resume discussion and debate on the motion that Mr. Poilievre has before us right now. We have suggested the subamendment because we want to directly address any perception or any belief that there might be some cover-up. Also, we want to prove that we were indeed honouring what we had agreed to and passed on July 7 at the finance committee, which was basically that all of the following be provided: all contracts related to the WE Charity, all briefing notes, memos and emails from senior officials, as well as all of the written correspondence and records from ME to WE from March 20 no later than August 8, and that matters of cabinet confidence and national security be excluded and that any redactions necessary, including to protect the privacy of Canadian citizens as well as...would be made by the office of the law clerk.

• (1800)

This subamendment that's before us right now is a direct attempt for us to try to bring in the people who actually did the redactions, to bring in the law clerk, who the opposition members feel needs to also be at the table, and basically put it to them: the questions around why the redactions were happening, why they took place and what could be some possible next steps that might get us past this impasse.

I also wanted to mention that the other reason why the subamendment was proposed is that... Again, it's a subamendment to the amendment to the original motion. Mr. Poilievre's original motion basically indicates that the committee has concluded that the government's response failed to comply with the order that the finance committee had agreed to complete on July 7, which was to release the WE documents, and we know that about 5,600 pages of documents were actually released. The motion would basically say that if it is shown, that if the committee concludes that they failed to comply with the order, which we as the government believe that we have complied with—the order—then we move into...that the committee would be seen as its privileges being breached because what has been asked for has not been provided.

The last part that's important to note, because I'd like to address this in my remarks, is that the committee “therefore, recommends that [the] Order of the House do issue for the unredacted version of [the] documents”. Again, just basically, for everybody listening out there, that would mean that all 5,600 documents, completely unredacted, would go directly to the law clerk, instead of what has happened and what typically happens, which is that these documents go to our independent civil servants, who will basically redact or sort of blackline, based on cabinet confidentiality and based on national security issues—although in this case we've been told time and time again that there were no issues of national security that had to be redacted—and, third, for any privacy considerations. That is why the subamendment is actually on the table.

I wanted to reiterate again that we on the government side truly believe that we have complied with the order. We have explained quite a bit over the course of the last couple of weeks that it has been our independent civil servants who actually did the redactions. We also explained that if there were any redactions, they were done for three reasons. I just mentioned them: the cabinet confidentiality, the national security—again, they ended up telling us that there was none of that—and then for any personal or completely irrelevant in-

formation related to the awarding to WE Charity to deliver the service of the CSSG, the Canada student service grant. We also, then, gave a lot of examples of what was actually redacted, based on letters that came from the deputy ministers of the various different departments that actually submitted the WE documents. We've provided all of that.

I also at this point want to make sure that I'm explaining the two sets of documents because, to be honest, I wasn't completely clear about it, so I spent quite a bit of time to make sure that I was clear on it. If you look at our subamendment, it basically says that it requests two different sets. The first set is a “complete package of documents provided to the Office of the Law Clerk and Parliamentary Counsel of the House of Commons” as well as the “relevant Deputy Ministers”. Basically, this first package is the set of the 5,600 documents that were redacted by our independent civil servants based on the criteria of cabinet confidentiality, any personal information or irrelevant information.

Those sets of documents, as per the July 7 motion that we agreed to, actually went to the Law Clerk and Parliamentary Counsel. Then the law clerk basically took that information and added their own redactions. That became blacklined. What came from the deputy ministers and the independent civil servants over to the law clerk was “greylined”. That package went to the law clerk and the law clerk took the package, and then the package was blacklined. Then that was what was released.

When we're looking at these documents, we have to understand that there are two different sets. We wanted both sets to come in so you could see what exactly was redacted by our independent civil servants and then what was actually redacted by our law clerk. If you compare the grey line with the black line, you'll be able to see what was further redacted by our law clerk. I wanted to make sure that was understood.

• (1805)

It came out in the newspaper yesterday that Ian Shugart, the Clerk of the Privy Council, has offered to testify before our committee and explain the redactions and what's happened and answer any outstanding questions we might have. I think what's important to note is that for me, one of the key questions is why we wouldn't want to take up the Clerk of the Privy Council on his offer? Even if we go further on, why wouldn't we want both the Clerk of the Privy Council and the law clerk to come before this committee so that we can ask these questions and do it in public so that the public could hear whether or not things were properly redacted, if anything was hidden or anything was unnecessarily redacted, so that all of that could come out in full transparency in public and before this committee. Maybe if we have both of these very senior officers before our committee, we'd be able to move past this impasse and be able to move to important work that we have to do as a finance committee in pre-budget consultations.

I think it's important to mention the point of privilege. Some of my other colleagues, who probably have more of a legal background, will be able to explain this far better than I can. Every time I get information that I don't quite understand, I have to put it into very simple language, because if I don't understand it, I know that none of my constituents will understand it. They'll probably ask why it is significant, why it is important that the government would be concerned about a committee privilege being breached, and why would there be some fear of that coming to the House of Commons? We truly believe that the 5,600 documents were redacted properly. We don't think anything is being hidden. We trust and believe that our independent public servants have followed to the law what they were tasked to do. We think they have done this for years and we're very grateful for their extraordinary work, because I know this is an extraordinary effort in addition to all of the amazing work they've been doing to try to help Canadians through this pandemic.

We don't agree that committee's privileges has been breached. Should this come to the floor, it would also provide a tool for the opposition to be able to use against the government in a way that could hold up government for days. It's unpredictable and it could be used at any time to maybe stop any legislation from going through, or any important piece of work that we need to do, and it's particularly problematic because time is of the essence. We're at a particular time where it is unprecedented both from a health perspective as well as an economic perspective. We're going through two types of crises right now.

• (1810)

Hon. Pierre Poilievre: Then why did you shut down Parliament—

Ms. Julie Dzerowicz: Mr. Chair, I will continue—

Hon. Pierre Poilievre: —for six weeks?

Ms. Julie Dzerowicz: —without the interruptions.

That is why it is important for us not to have this questions of privilege brought to the floor of the House of Commons. One, it's because we don't believe that the committee's privileges have been breached; and two, I think it can be used as a tactic to stall government, important legislation, and important work in our moving forward and addressing some of the important needs and actions that can be...

Hon. Pierre Poilievre: You're stalling right now.

Ms. Julie Dzerowicz: We are not, Mr. Poilievre. We are trying to introduce a subamendment so we can clarify any hesitations or any perceptions that we might be covering up in any way, so that we can move forward, address the concerns of opposition members and be able to do our pre-budget consultations.

Hon. Pierre Poilievre: Let's move to a vote.

Ms. Julie Dzerowicz: I'm still talking on the subamendment, Mr. Poilievre.

The next point I want to make is the following...

Let me just get my pages; I have so many pages in front of me, I have to organize myself.

I want to point out the inconsistencies in the motion. I think it's important to reiterate here, for the media and anybody who might be listening, that this gets a little bit to the heart of where there is some disagreement between the Liberal government side and our opposition. When we passed the motion on July 7, we had all agreed as a committee that all of the documents related to the contracts that were concluded with the WE Charity and ME to We, all the briefing notes, all the memos, all the emails 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...Me to We from March 2020 be provided to the Committee no later than August 8”. Then there is a semicolon, after which it says, “that matters of Cabinet confidence and national security be excluded from the request; and that [the] 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 disagreement is that for us what is typical, to my understanding—I am only starting my sixth year of being a politician, and my understanding of this has been my experience as well—is that when these types of documents are requested, it is very typical that matters of cabinet confidence and national security are excluded. Our understanding, when we all agreed to it, was that anything else, that didn't include cabinet confidence and national security, would actually then move on to the law clerk for his redaction.

My point is that this is what we agreed to on July 7. Then, I will say to you, in the original motion that Mr. Poilievre has proposed, he basically is recommending that the unredacted version of all the documents produced by the government actually be sent to the law clerk. So there is an inconsistency with that, between what it is that we had agreed to and what it is that right now the opposition wants us to do. They want us to go to the beginning, get the 5,600 documents, completely unredacted, and send it over to the law clerk.

It's problematic in a number of ways. One, it is inconsistent with what was agreed to initially. Two, it's also, in what I have been told and what I understand, unprecedented. It's not done. It is not something that typically goes to the law clerk. It is the role of our civil servants. They are independent civil servants. They work for our government, but if there were a transition in government, you might still have the same Clerk of the Privy Council. Their role is to be independent. I completely trust that this is what they have done and that they have honoured to a T what was set out in what we had agreed to at finance on July 7. I want to point out that inconsistency in terms of what was agreed to and what is now being asked for, and also that it is unprecedented.

This takes us to our current stalemate. I think the unfortunate thing is that we are wasting a lot of time. In the end, I think it really is Canadians who end up suffering. It is Canadians who are going to lose in the end. Unfortunately, we are going to start losing public trust that we are going to be able to work together to be able to resolve this, find a way forward, and do the important work that we need to do for Canadians at this time.

• (1815)

I also want to mention two other key points before I sign off.

If you look at why we proposed the subamendment, again it was not only to dispel the fact that there was anything that our government was trying to hide but it was also an attempt to bring the key actors forward to be able to answer questions.

As to whether there is an attempt to hide or not be accountable for anything, I think it's important to bring forward that we also, as a government—and the House leaders of each of the parties have been working on this—suggested a special committee to provide oversight on COVID-19 spending. It's really important for the public to know that our government believes in 100% transparency and we have proposed a special committee to provide that oversight.

If you actually just look at the first paragraph of that special committee—

Mrs. Karen Vecchio (Elgin—Middlesex—London, CPC): On a point of order, Chair, as Julie is referring to this committee and the House leaders, I would love to get an update on how those negotiations are going.

The Chair: That wasn't a point of order.

Mr. Peter Julian (New Westminster—Burnaby, NDP): Point of order.

Mrs. Karen Vecchio: Sorry, she just referred to it, so I thought—

The Chair: Mr. Julian claims he has a point of order, so we will see.

Mr. Peter Julian: Absolutely, Mr. Chair.

This is not relevant to the debate on the subamendment. We're going to have to start tightening up Liberal members. If they have nothing new to say that is relevant, we should proceed to the vote, which the Liberals have been holding up now for three weeks.

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

Well, it will go to relevance, Ms. Dzerowicz.

Mr. Fragiskatos, do you have a point of order?

Mr. Peter Fragiskatos (London North Centre, Lib.): I do. I simply disagree with Mr. Julian.

Ms. Dzerowicz brought up a point that I think was entirely relevant and she wasn't allowed to complete that point. It's a bit of a trend here on committee when colleagues are making a point—

• (1820)

The Chair: Okay, we're both talking relevance.

Mr. Peter Fragiskatos:—that they are interrupted.

The Chair: We will go back to Ms. Dzerowicz.

Ms. Dzerowicz.

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

I believe it is relevant. How it's relevant is that, as I mentioned, the reason we presented the subamendment to the amendment to the original motion was that we're attempting to show that we're not trying to cover up. We're attempting to show that we are accountable and that we have fulfilled what we had agreed to at the finance committee on July 7.

What I was trying to show when I mentioned the special committee to oversee COVID-19 spending is that it is also part of our attempt to try to alleviate any concerns about us not being accountable and not being transparent.

I think you've seen this as well, Mr. Julian, and all of the other members of the committee. Our supplementary estimates were released on October 22. We now know that the spending authority of the government has reached \$476 billion. Absolutely, there needs to be accountability, so we have proposed a committee to provide that accountability. I want to make sure that Canadians and the media—everybody—know that we're doing everything we can to ensure we are accountable and transparent to Canadians.

The other point I want to mention is that sometimes when you go down the rabbit hole.... What we've been sort of focused on very much are the 5,600 documents and what was redacted, who redacted it, should it have gone straight to the law clerk and was it appropriate for our independent civil servants to have redacted that, but I think it's really important to remind everyone that we, as the finance committee, actually studied the WE contracts. We actually studied the other motion that was also approved on July 7, which was basically to look at how the decision was made to select WE Charity to deliver the Canada student service grant.

We also looked at how much money was spent in doing so, and we have proved unequivocally.... Unequivocally....and people can look at I think meetings 43 to 51 in the first session of the 43rd Parliament if they want to go online to look at this. We have proven unequivocally that there has not been any corruption. We heard testimony under oath from the Kielburgers, from Prime Minister Trudeau and from the former finance minister.

We also proved conclusively there was no misuse of funds. Actually, all of the funds have been returned to us. We've also proved conclusively—it was said in testimony and reaffirmed—that it was our senior civil servants who actually proposed and suggested WE Charity to deliver the CSSG program. All of that is in testimony.

We explained why it needed to be rushed and the decision decided before the summer. Then we explained that it wasn't a sole source contract. It was actually a contribution agreement, which we have done in a number of different cases on other emergency support programs, and there was a lot of accountability along the way.

We have to make sure that we remind ourselves that this is not just about the redaction of the documents. On the documents, I think there's a perception that the opposition is trying to propose, that we're hiding things. What I'm trying to say to you is that we spent a couple of months actually looking at this. We had many witnesses come before us. We asked all of these questions about corruption and misuse of funds and about who made the decision, why it was so rushed, was it really a sole source and did we really do this for the students. We have unequivocally proven all of that in testimony.

These additional documents are to me supplemental information. They're important. They should be delivered. We should honour what it is that we agreed to on July 7, and I believe that we fully have done so. What we're trying to do with the subamendment is that we're trying desperately to find a way to get out of this impasse. We're trying desperately to say let's bring forward the Clerk of the Privy Council and let's bring forward the law clerk. Let's hear from both of them, let's talk about what was redacted and let's maybe ask some questions. Maybe through bringing them forward, we can find a way out of this impasse and move on to the important work that Canadians need us to step up and do at this unprecedented time.

I think I'm going to leave it at that, Mr. Chair. I will pass the baton to one of my colleagues and say thank you so much for the opportunity to express my views.

• (1825)

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

Next on my list is Mr. Julian, who will be followed by Mr. Fragiskatos.

Mr. Julian.

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

I don't want to speak for very long because the Liberals have now been stalling for three weeks, so any fault for the pre-budget hearings not being held.... Yes, it's true that, under this government, as under the previous Conservative government, pre-budget hearings are basically ignored. We've had people coming forward for years making very specific and important policy suggestions that have just been cast aside.

That said, it's an important tool, and the only reason we're not holding pre-budget hearings now is that Liberal government members of this committee do not want to hold the vote on a privilege motion.

The subamendment is designed to basically kill; it's a kill amendment. It kills the privilege motion. What's important for the public to understand—and certainly any member of the Canadian media who is tuning in to this finance committee—is that the privilege motion provides the Speaker of the House of Commons, somebody who is elected by every member of Parliament.... We hold these

elections at the beginning of each Parliament. All members of Parliament have one vote. We elect a Speaker and we trust that Speaker with questions such as privilege.

This motion, if the Liberal members permit us to have a vote, would then allow the Speaker to rule. What could Liberal members be afraid of when it's the impartial Speaker who looks over the evidence that's presented by the committee and makes a decision? I cannot understand why Liberal members have been plugging up the works for three weeks and refusing to hold a vote on this matter when it's the Speaker who ultimately rules. All we're saying is, let's give the Speaker the opportunity to rule on this motion of privilege.

At the same time, it's very clear that the law clerk, again independent, should be able to take a look at the unredacted, uncensored documents. When over 1,000 pages have been censored or redacted, there is a matter of some concern about getting to the bottom of this. This is what parliamentarians should be doing.

The subamendment is designed to kill the privilege motion. It is designed to basically delay for weeks, if not months, any logical conclusion to this. As you know, Mr. Chair, if a privilege motion is not directed to the Speaker within a timely period, it kills the motion of privilege.

Let's not split hairs here. What the Liberals are doing with the subamendment is trying to kill the motion of privilege. That's what they are attempting to do.

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

Mr. Francesco Sorbara (Vaughan—Woodbridge, Lib.): Thank you, Chair.

I am subbing in for Ms. Dzerowicz.

With regard to what Mr. Julian is arguing, my understanding is that the subamendment does not, in any way, impact the privilege motion.

Can we get clarification on that, Chair?

The Chair: Your argument, Mr. Julian, is that it impacts the privilege motion, is it not?

Mr. Peter Julian: Absolutely, and that's why it's been proposed, and Liberal members know that.

The Chair: My ruling is that it really doesn't. It delays the privilege motion. If somebody wants to read what it really says, it delays the privilege motion until the evidence is such that the privilege motion should be put forward. That would be my opinion.

Go ahead, Mr. Julian.

Mr. Peter Julian: Mr. Chair, that is exactly my point.

Privilege is something that needs to be presented within a timely period, so the subamendment is designed to delay the motion of privilege. That means it effectively kills the motion of privilege, because if it is not brought back in a timely way, the Speaker has an obligation, according to long parliamentary tradition, to disallow it.

Let's be very clear and very frank about what the government members are trying to do. They are attempting to kill the motion of privilege. They are attempting to remove from the Speaker and from parliamentarians the right to rule on this.

The committee having a vote—and I believe firmly that this is a question of privilege—only requests of the Speaker to make a ruling on this. This is what I find the most outrageous part of this, Mr. Chair. Not only are government members delaying the work of the finance committee—and there are many other things we could be working on—they are also attempting to kill a motion of privilege that would allow the Speaker to rule on this.

If it is true that the Liberal members just want to get this to an impartial judge, the Speaker, who is elected by all members of Parliament, is the best person to make that judgment.

I would ask, through you, Mr. Chair, to government members, please stop delaying, please stop stalling, allow the vote to be held and allow the Speaker then to take this into consideration and make his judgment on whether or not this is a bona fide question of privilege.

All the committee can do is advise the Speaker about what happened. It is up to the Speaker to make that decision. Let's not make it for him.

Let's have the vote, provide the report and let's see what the Speaker rules.

• (1830)

The Chair: Thank you.

I'm going to clarify a little of what I said.

I do not see this as a delay to deny the point of privilege, Mr. Julian. As outlined in the subamendment to the amendment, I see it as gathering the evidence to see if there is a point of privilege from the finance committee's point of view. That's what I see it as.

Mr. Peter Julian: That's debate, Mr. Chair, and I would disagree with you on that.

The Chair: On that I guess we disagree. But it is debate. Sorry about that.

Mr. Fragiskatos, you are up.

Mr. Peter Fragiskatos: That's right, Mr. Chair. Thank you very much.

Immediately I want to take issue with what we just heard. It has been very surprising to me, throughout these meetings we have had, to hear Mr. Julian stand in the way of this committee hearing out public servants, inviting them here in the first instance, then hearing them and having the opportunity to ask questions of those public servants. That is really what the subamendment is all about, as Mr. Julian well knows.

I can expect that kind of an attitude from my Conservative colleagues, but not from the NDP.

I've said at length at these meetings that I deeply respect what Mr. Julian brings to Parliament. He speaks very sincerely on the

matter of public servants, and here we have public servants wanting to come to appear at our committee.

In fact, I'll read it into the record, in case colleagues are not aware—and maybe I'm being unfair to Mr. Julian. Perhaps he has not seen the letter that the Clerk of the Privy Council—

Mr. Peter Julian: Point of order.

Mr. Peter Fragiskatos: —has issued to the clerk of the committee.

The Chair: Excuse me, Mr. Fragiskatos, there is a point of order.

Mr. Peter Julian: Yes. As we discussed last week when Mr. Fragiskatos raised exactly the same debating points, there is a rule of repetition around these filibusters. He can't keep coming back to the same speech. He can't keep coming back to the same content. If he has nothing further to add—

Mr. Peter Fragiskatos: Mr. Chair, that's not a point of order.

Mr. Peter Julian: If he has nothing further to add, we should proceed to the vote.

The Chair: I believe you're attacking relevance, Mr. Julian.

Mr. Peter Julian: No, it's repetition. He raised exactly this same speech last week and we're in the same filibuster.

The Chair: Mr. Fragiskatos was referring to a letter—I believe from the clerk, is it?

Go ahead, Mr. Fragiskatos, and we'll see where it goes. I'll cut you off if it's repetition.

Mr. Peter Fragiskatos: Thank you very much.

No, I was simply making a point in reference to what Mr. Julian had just added to our discussion here tonight, so it's not repetition.

I'll bring this to his and the committee's attention. Certainly I know that Liberal members are aware of this, and I think opposition members will know of it too, but still it deserves to be read into the record. This is the letter sent just yesterday, as I understand, by the Clerk of the Privy Council, Mr. Ian Shugart, to our clerk, Ms. Lukyniuk. It begins by saying:

Dear Ms. Lukyniuk:

I am writing further to recent discussions at the Standing Committee on Finance.

My colleagues and I would be pleased to make ourselves available to appear before the committee to speak to the redactions that were made if it would be useful to do so.

For reasons that I'll be pointing out in the next few minutes, I think it would be useful for us to hear Mr. Shugart and other public servants testify.

I know we have been discussing the documents requested by this committee for quite some time now. I think it's fair to say that there is some disagreement among the parties on the redactions of non-relevant cabinet confidences by the public service. As well, there is clearly confusion in regard to who redacted which set of documents that are floating out there.

We have the very comprehensive set of documents released by the government House leader, which had some light redactions in relation to personal privacy and unrelated cabinet confidences. Then we have the redactions completed by the law clerk, which were more intensive. These disagreements and the confusion in relation to these documents are all fair and valid points.

This turns me to the letter from Mr. Shugart. As the Clerk of the Privy Council and Secretary to the Cabinet, he is in fact ultimately responsible for safeguarding cabinet confidences. It is he who gave very clear instructions to relevant departments to release as much information as possible in regard to the Canada student service grant. As a result of these instructions, several departments undertook to release an unprecedented level of information, including cabinet confidences relating to the CSSG, the Canada student service grant. Over 5,000 pages were disclosed, and included documents that would never have seen the light of day under the previous Harper government. I think even opposition colleagues would agree with that, including perhaps even Conservatives, but I'll leave that point aside.

As has been discussed here at length, we saw documents ranging from memoranda to cabinet, prime ministerial briefing notes and cabinet committee synopses to departmental briefing notes and correspondence between public servants, ministerial staff, deputy ministers and ministers. The release of these documents is significant.

The opposition members can take umbrage with the fact that some redactions were made by public servants. Frankly, I think this was to be expected. In order to release the details required for a full review of the Canada student service grant, some redaction was required in relation to the non-relevant portions of these cabinet documents.

As my friends in the Conservative Party will know—Mr. Poilievre especially—typically cabinet meetings are not solely focused on one topic. Particularly during this ongoing pandemic, countless important topics are discussed at cabinet, and relevant discussions taken. In order to ensure the proper functioning of responsible government, reasonable redactions were made to unrelated topics included in these cabinet documents so as to allow for their release.

This is not out of the ordinary. Truthfully, this is the standard operating procedure. I know my colleagues are trying to set this narrative that they are making reasonable requests for documentation and that it's a standard move to allow the law clerk to review unredacted documents. However, this couldn't be further from the truth, and they know that. They have been in this position themselves. They understand that this inherent tension between the executive and legislative branches in regard to access to Crown confidences has existed since Confederation, and in fact much longer in other Commonwealth countries.

We have discussed these documents at length, and the opposition has expressed their indignation with the redactions completed by the non-partisan professional public service.

- (1835)

Right here, right now, we have an opportunity to clear the air and address their concerns. We have in our possession this letter from

Mr. Shugart, who wishes to come before this committee, along with relevant deputy ministers, to discuss the documents that were released by the Government of Canada. Because of Mr. Shugart's position and his initial commitment to release all documentation related to the Canada student service grant, he is in fact uniquely positioned to answer our questions.

It therefore begs this question: Why does the opposition not want to hear from the clerk and the relevant deputy ministers? Why do they not want to hear from the professional, non-partisan public servants who could provide the answers to the questions we are all seeking? I think the only logical answer here is that the answers that are likely to be provided do not fit the opposition's narrative. Accepting the clerk's offer to appear is actually the most prudent thing we could do right now as a committee. If the opposition has questions related to redactions, the clerk, and the deputies attending with him, can answer them.

I find it extremely interesting that since Parliament resumed back in September, we have had several meetings in regard to these documents. Throughout the prorogation, the opposition was talking about these documents and the redactions that were made. Now we have an opportunity here from the chief public servant who controls the release of the documents, and the opposition argues against his appearance.

I'm getting a bit of whiplash here. Just what is the opposition's position on this matter? My theory is that the opposition is afraid to hear from Mr. Shugart and the other deputies. I think they know full well that Mr. Shugart, who is a non-partisan public servant, will reinforce the true reality here. Conversely, if the opposition really thinks the information that was redacted was somehow inappropriate or in bad faith, they should welcome having Mr. Shugart here to answer questions. Furthermore, I do not think my opposition colleagues want to hear from Mr. Shugart—specifically because he has reason and precedent for the cabinet confidences that were not disclosed. I do not think my opposition colleagues have a leg to stand on with respect to their arguments.

I noted earlier in my remarks that there has been, since Confederation, this natural tension between the executive and legislative branches of government in Canada. Canada is a nation built on the principle of three co-equal branches of government, each charged with inherent responsibilities. It is true that Parliament is in fact supreme in its abilities to request a call for documents and to request the appearance of government individuals. However, as history shows us, that call does not always have to be answered. In fact, parliamentarians have a responsibility to use their privilege powers wisely, exercising them in only the most extreme of circumstances. This is not one of those times.

I think my opposition colleagues know full well that the Clerk of the Privy Council has legitimate and reasonable grounds for disclosing the information that was disclosed while at the same time holding back unrelated matters. I underline that: “unrelated matters”. It's interesting, because it was actually the former justice minister Rob Nicholson, of course a Conservative minister, who back in 2010 made reasonable arguments on the responsibilities of government to withhold cabinet confidences and maintain Crown secrets.

On March 31, 2010, at page 1220 of Debates, for example, Mr. Nicholson notes that “as parliamentarians, we should always be guided by a principle of great restraint when asserting privileges of the House”.

Mr. Nicholson goes on to note the following:

On this point, I would remind the House that our parliamentary privileges are not indefinite, nor unlimited, but defined by the Constitution in the Parliament of Canada Act as those possessed by the United Kingdom House of Commons in 1867.

On the second point, I would remind the House that exact scope of those privileges [has] been a matter of debate since Confederation. As you know, Mr. Speaker, many of our parliamentary privileges are unwritten.

Now, this is a key point. As my opposition friends' former colleague states, the scope of privileges is “a matter of debate”, and has been so since Confederation. Inherently, this idea that Mr. Poilievre has had his privileges violated, because the documents that were produced were void of some cabinet confidence in keeping with the long-standing practices of a responsible government, is a matter of debate all unto itself.

● (1840)

I think that's what my opposition colleagues are afraid to hear from Mr. Shugart, to be frank about it, that the missing information that was unrelated to WE might not add to this whole issue that we are faced with with by the opposition.

Whether it be Speaker Beaudoin in 1957 or our friends in the U.K. in 1997, there is a long-standing practice amongst parliamentary democracies to exclude cabinet confidences from disclosure to Parliament unless absolutely necessary. While it is true that Parliament has its ability to exercise supremacy, it should be recognized that the non-partisan and professional public service also has a sworn duty to uphold the secrecy of cabinet confidences and Crown secrets. Mr. Shugart, in his duty as the steward of those secrets, determined it appropriate to release confidences as they relate to the CSSG, and the public was provided with over 5,000 pages of information, much of them stamped “SECRET” or “CONFIDENCES OF THE QUEEN'S PRIVY COUNCIL”.

However, the clerk still has a duty to uphold the secrecy on matters unrelated to the CSSG, and he has done just that. Clearly, this is why my opposition colleagues do not want to hear from him, as a reasonable explanation coming from this non-partisan public servant. Even our Supreme Court has stated in the Vaid decision that each of the three branches of government must respect the legitimate spheres of the others, noting this while at the same time defining some of the limits to Parliament's supremacy under the Parliament of Canada Act.

Bringing this towards a conclusion, Mr. Chair, I think it's very important for us to hear from Mr. Shugart and the relevant deputy ministers. Hearing from our public servants to why some information was released and some wasn't is very important. I think we, as committee members and as Canadians more generally, deserve to hear about why the process undertaken by the clerk and other officials was in keeping with the regular course of practice when the government provides documents to Parliament.

As I've stated, colleagues across the way would have everyone think it's not a big deal to just hand over unredacted documents to the law clerk, but standard practice. Well, it's not. There are long-standing conventions for why this is not the regular order of business. Mr. Shugart is an expert witness who can provide context as to why that is the case.

Now is the perfect opportunity for my colleagues on the other side to stop playing petty partisan games, put their money where their mouths are, so to speak, and allow the Clerk of the Privy Council and other relevant deputy ministers to appear before this committee and provide their expert testimony as it relates to the disclosed documents that we've been discussing.

I also want to touch on a point raised by Ms. Dzerowicz when she spoke earlier this evening. She raised a very good question to the committee, specifically to opposition colleagues. We didn't hear a response from opposition colleagues, and I'd love to hear a response on the question. That question is: Why not? Why not bring Mr. Shugart and other public servants here so they can speak to the committee?

I really think that the committee is missing an enormous opportunity here. If we think back about the role that public servants play in a modern, mature democracy such as Canada's, their role cannot be understated at all. They provide the technical expertise and advice that is so vital for the functioning of modern government.

The evolution of the public service is a history in its own regard. When we see societies becoming more advanced in the same line, so to speak, you have the development of a public service. If you go back, for example, to the development and shift towards an industrial society, you saw not just the rise of democracy, but you also saw in parallel the development of a public service that could serve, not just government, but more generally, and even more importantly, the people, the citizens of a particular land. In our case we're talking about Canada.

● (1845)

This role of providing technical expertise on answering questions of elected officials is long standing. This is a long-standing one, not just in the Westminster parliamentary tradition, but goes all the way to the Italian city states. Machiavelli was, for example, an adviser, and we could call him a public servant—

Mr. Peter Julian: Point of order.

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

Mr. Peter Fragiskatos: I am staying to the point. I am staying relevant.

The Chair: We'll hear Mr. Julian's point of order.

Mr. Peter Julian: Mr. Fragiskatos two weeks ago was raising the Italian city states and Machiavelli—

Mr. Peter Fragiskatos: No, I was not. That's not true.

Mr. Peter Julian: Yes, so it's a question of repetition in this case, Mr. Chair.

I would also suggest that it's a question of relevance on this as well. If he doesn't have anything further to contribute on the subamendment, we should proceed to a vote.

Mr. Peter Fragiskatos: Mr. Chair, may I...?

The Chair: I believe that a couple of weeks ago someone—I'm not sure it was Mr. Fragiskatos—was talking about Aristotle and a couple of others, but I don't believe that it was this particular portion on city states.

The floor is yours, Mr. Fragiskatos.

• (1850)

Mr. Peter Fragiskatos: I appreciate that, Mr. Chair.

I'll plead guilty. It was I who was speaking about Aristotle, but Machiavelli is very different, as we all know. I simply make the point—and Mr. Julian has opened the door for me to speak to this—that when I talk about the need for a professional public service that can provide advice, I'm putting the matter into context so that Mr. Julian can understand what's at stake here.

Public servants have contributed a great deal not just to Canadian democracy but to the development of societies going back to time immemorial.

Mr. Peter Julian: Point of order.

Mr. Peter Fragiskatos: It's simply putting it into context. I'm glad to speak to the issues, but I continue to be interrupted—

The Chair: Mr. Fragiskatos, we have a point of order from Mr. Julian.

Go ahead.

Mr. Peter Julian: He says it very well, but it's still repetition. He's still coming back to the same points. If he has nothing new to add, we should proceed to a vote.

The Chair: But could he not be putting this into a historical context, going back to the city states?

Mr. Peter Julian: I think he veered away from the city states and went back to similar comments that he made last week.

Mr. Peter Fragiskatos: No, Mr. Chair, I respectfully disagree with that.

Again, there is nothing wrong with putting a matter into context for the benefit of committee members, and this is not to do so in an arrogant way. I respect that every single member of the committee has something to offer based on their interests and background.

If it is offensive somehow for me to talk about Italian city states and the place of Niccolò Machiavelli as an adviser to various Italian leaders in his day, I could point to other examples to put the matter into context without even reference to Aristotle, who was an adviser in his own—

The Chair: I would ask you, Mr. Fragiskatos, to show us how this is relevant to the current discussion.

Mr. Peter Fragiskatos: Yes, and that's where I'm getting, Mr. Chair.

In parallel, as I was talking about before, it didn't begin this way, but it was an evolution. The public service in modern society has evolved. There was a very clear recognition beginning really from the transition of agrarian societies to the industrial revolution that you needed a non-partisan public service that would not represent the interests of a particular class, and that would not represent the interests of a particular political party, but would be a non-partisan public service that would provide the technical advice and expertise necessary for elected officials, such as we are, to make decisions that would benefit the whole, that would serve the common good.

When I hear colleagues...and again, it's tremendously surprising that Mr. Julian is standing in the way of public servants coming to this committee. Here, we have an opportunity to hear from Mr. Shugart, and this opens the door for him and for other colleagues to ask relevant questions that are on their minds. It wouldn't be only Mr. Shugart. We would be very happy to hear from the law clerk. The subamendment calls for that. I'm not sure where the NDP is coming from on that particular matter.

I have respect for all public servants in this country at every level of government, federally, provincially and municipally, but this is the Clerk of the Privy Council. This is the most important public servant in all of Canada, and by not allowing him to come to committee, opposition colleagues are in effect silencing him. We've used the word "muzzling" here before at committee as well. There is an enormous problem with that. When I see a letter addressed from the clerk asking us to open ourselves, to make ourselves available to listen to the clerk, and we say no, what does that say about the direction of this committee?

Why are we denying Mr. Shugart and other public servants that right?

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

Mr. Fragiskatos is not touching on the subamendment and not a single member of this committee has said that we are denying or voting against having the Privy Council clerk come to committee.

We are on a motion of privilege. There is a subamendment. He should stick to that. If he has nothing further to add, let's go to the vote.

• (1855)

Mr. Peter Fragiskatos: Chair, if I could, allowing the clerk to attend committee offers the clerk an opportunity to speak to the matters at hand. If there are misunderstandings, if there are questions about why and what has happened with respect to the CSSG and documents and redactions, the clerk can speak to those issues.

We need to hear from him, and right now opposition colleagues are preventing that from happening.

In so doing, we are also preventing something that is tremendously vital from moving forward, which is pre-budget consultations. Here we are debating this when we could be discussing the issue of the budget and what Canadians expect. The opposition's efforts here are standing in the way of our fulfilling our obligations under Standing Order 83.1, which this committee still has not considered.

It still has not considered what happens in instances where we don't fulfill that standing order, which is arguably the most important standing order related to the functioning of this committee. We have not considered that as a committee, because we have been embroiled in discussions and the intransigence of the opposition preventing us from moving forward.

I'm quite interested in moving forward with pre-budget consultations so that we can hear about the needs of the country at this time. Every single one of us on this committee, every single member, will bring with them a set of experiences that will inform the work of the committee on pre-budget consultations.

I'm looking at Mr. Julian. He has an interest in not-for-profit organizations. He has worked in that sector. They have a tremendously important role to play right now.

I'm looking at Mr. McLeod, who is very passionate about Canada's north and would be able to invite witnesses to speak about the needs of Canada's north during COVID-19.

I'm looking at Mr. Fraser—

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

It's on relevance, Mr. Chair. If he has nothing further to add that is relevant to the subamendment, we should proceed to a vote.

The Chair: Mr. Fragiskatos, keep relevance in mind. Tie your remarks back to the subamendment, if you could.

Mr. Peter Fragiskatos: Mr. Chair, I simply make the point that when we are embroiled in discussions of this nature, when we can't come to agree that it is important for us to finally say yes to hear from public servants who can answer these questions that opposition members and all members of the committee have, then we are standing in the way not just of public servants and their ability to be heard, but of this committee fulfilling its duty to hold pre-budget consultations.

I was simply making the further point that I'm looking around at this committee, which has all of the potential in the world to work together as a team to find ways to suggest to the government relevant policy recommendations pertaining to what should be in the next budget. I pointed to Mr. McLeod. I pointed to Mr. Julian.

I was looking at Mr. Fraser. I know Mr. Fraser has a law background. He has studied genocide if I'm not mistaken. I think he did his master's degree in that area of law, looking at international law as it pertains to genocide. I would think he would have suggestions about international development organizations that could come and speak to our committee about the impact COVID-19 is having across the world, particularly in developing countries.

I see Mr. Falk, who is a rural member, as I understand it, and would be able to put forward suggestions based on expert testimony

about what direction we ought to take in Canada with respect to agriculture, looking at how COVID-19 is impacting farmers right across the country.

Mr. Chair, I know you're passionate about agriculture as well.

I see that Ms. Vecchio is sitting in, and she will know southwestern Ontario very well. I know she shares an interest and a passion for it as much as I do. If she wished to sit in on pre-budget consultations, she could do the same.

The point I'm making is that the more we prevent public servants from coming to this committee—the more we engage in debates around that—the more we are prevented from actually doing the work that Canadians have entrusted to us and that constituents expect of us.

I talked about the importance of the public service before. It has evolved through history. It has taken, in modern and democratic societies, a non-partisan shape and form. That is something that impacts Canada in very important ways. Why are we trying to ignore that? What are we so afraid of, if Mr. Shugart and other public servants come to the committee?

I said before that perhaps there is something to be afraid of, not on the side of the Liberal members but perhaps opposition members are worried that what will be put on the record by public servants will not fit the narrative that is coming from their party leadership about how to score political points. That is not what we should be doing at this committee.

We should be engaging in the issues of the day. I'm looking right now at members of the committee, those in the opposition in particular, and pleading with them. If they want to hold back the opportunity for non-partisan professionals to come and tell us and in turn tell Canadians—of course the hearings would be televised, I'm assuming—how decisions were made around these issues pertaining to the CSSG, they'll have to answer that question to their constituents, because their constituents are not so interested, I would think, in the matters the opposition continues to put on the table here today.

Their constituents are absolutely focused on tomorrow because tomorrow their rent could be due. Tomorrow, their kids need to go to school, and parents want to make sure those kids come home healthy. COVID-19 continues to impact society in ways that we're only starting to see. Of course, there are even long-term effects from COVID-19 that are now starting to be understood. Constituents are worried about their businesses. Constituents are worried about workers. They are worried about the progress, or lack of progress, that Canada could see in the coming years if we aren't careful.

● (1900)

This committee has an opportunity to engage directly with government. One of the first things I'd like to see is for the Governor of the Bank of Canada to come back to committee. He was good enough to come in the previous session.

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

Obviously Mr. Fragiskatos, as eloquent as he is, has run out of things to say. He's not relevant, so let's proceed to the vote.

Mr. Peter Fragiskatos: Mr. Chair, Mr. Julian continues to do this. It's interesting that on the one hand he raises points around privilege, but then he regularly interrupts not just me but other members of the committee. He well knows that if he does it on an ongoing basis it raises matters of privilege. It is my parliamentary privilege to put on the record issues that I think are very important pertaining to this debate. I have not wavered from the general focus of the matter at hand. I reiterate that we as a committee have a unique opportunity to learn more about the process around decisions that were made, and to learn more about misunderstandings related to the CSSG that exist and have been peddled for some time by the opposition .

Let's have public servants come in. What is the fear? What is the worry? By denying them that right we deny them the ability to be heard. I wonder what we would say if we were in their position, if we were non-partisan public servants working in the bureaucracy who wanted to express and voice a point of view and had made that clear to, arguably, the most important parliamentary committee on Parliament Hill, and we heard members of the opposition holding that back. It's not right. It's not in keeping with best practices. It's not in keeping with what, again, our constituents would expect of us.

I go back again and underline that concept, that idea, of the word "constituents".

What do those people who've sent us to Parliament want us to be discussing right now? They see a debate unfolding around this particular issue, one that, as far as I can tell, is bound to consume us here this evening and perhaps into the morning, and I'm completely prepared to do that. I remember, for example, two weeks ago when Mr. Gerretsen said that he would go to the hilt for public servants and I echo that view. By denying public servants the right to come to this committee, we're just not doing what's expected of us as MPs. In the same way that Mr. Gerretsen said it was important to put forward ideas that would allow for public servants to come and testify, I simply agree with that. I will absolutely go to the hilt, if I could put it that way, for our non-partisan, professional public service. They have something to say. The most important figure within the public service has issued an extraordinary letter and an extraordinary request. What are we doing? We see certain members of the opposition, who form a majority because of the minority Parliament, holding that back and preventing that from happening.

It's simply not on. Because of that and because we continue to see these debates take place here, we are also putting ourselves in a compromised position because the more this goes on the more we are likely to break Standing Order 83.1.

I put again to my colleagues, very respectfully, to think long and hard about what it is that we are trying to achieve. We have an opportunity....

I see Mr. Longfield is attending the meeting. I will tell you he is one of the most passionate people I've met on issues around innovation. He would want to see a committee talk about issues relating to high tech, innovation and how that impacts his constituents in Guelph.

• (1905)

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

The Chair: On a point of order, Mr. Julian, you're likely talking about relevance.

Mr. Peter Julian: Absolutely, Mr. Chair. If he's run out of things to say, we should really proceed to a vote. It's been three weeks now with a lot of repetition and irrelevant comments. I think it's time now to proceed to a vote.

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

Mr. Fragiskatos.

Mr. Peter Fragiskatos: The point I'll leave with or the point I haven't considered here tonight, I should say, and it will be the final point before I turn it over, is this: What precedent are we setting? By preventing public servants to come we are putting ourselves in a compromised position. I raised the question last week at our meeting when I simply asked if there was some sort of legal outcome that we would have to worry about as a committee if we hear from public servants who want to testify and we prevent them from doing so. Is there any precedent? Is there any precedent with ramifications that the clerk could point to in that regard? It's something I genuinely worry about.

Again, we have a letter here that's been sent. We ought to say yes to Mr. Shugart.

I look forward very much to colleagues putting on the record their thoughts on the matter here tonight.

The Chair: Thank you, Mr. Fragiskatos.

There do seem to be a considerable number of calls for relevance. We are debating the subamendment by Mr. Gerretsen to the amendment by Pat Kelly to the motion by Mr. Poilievre.

I'm going to read the subamendment so people can keep it in mind:

That the committee requests the complete package of documents provided to the Office of the Law Clerk and Parliamentary Counsel to 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,—

We're past that date now.

—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.

That's the subamendment that we have to be relevant to.

I have on my list Ms. Koutrakis followed by Mr. Longfield.

Do you want to be on the list or do you have a point to raise, Mr. Julian? I'm not hearing you.

• (1910)

Mr. Peter Julian: I raised my hand a long time ago to be on the speaking list.

The Chair: Sorry.

Were you ahead of Ms. Koutrakis? Were you on the sidebar?

Mr. Peter Julian: I thought I was.

The Chair: Okay.

We'll let you go first, and then we'll go to Ms. Koutrakis.

Mr. Peter Julian: Thank you very much.

I will be brief. I always enjoy hearing from Ms. Koutrakis.

Thank you so much, Mr. Chair, for reading the subamendment. Now the public is aware that this is a motion that basically kills privilege. It suspends, which is sneaky. By suspending and delaying, what it basically does is it makes the privilege motion no longer timely, which is a key factor in privilege and which is why privilege was raised the very first day we came back.

Mr. Francesco Sorbara: On a point of order, Mr. Chair, I want to say that I heard this argument earlier on by the honourable member of Parliament—

The Chair: I don't think that's a point of order, Mr. Sorbara.

Mr. Francesco Sorbara: There's repetition going on.

The Chair: The floor is Mr. Julian's.

Mr. Peter Julian: Thank you very much, Mr. Chair.

I always welcome Mr. Sorbara's interventions.

What is key is that the Speaker has actually asked us in his ruling, because of the timely nature, to report back. He asked about the committee deciding what to do with them, which is what the motion says. The subamendment kills that component and doesn't allow the motion of privilege to go forward. I reiterate because I think it's important for people who are still with us watching the finance committee, which is in a public forum.

The reality is that the subamendment kills the motion of privilege and does not allow the Speaker to rule on this. That's an important point. Why are government members trying to stop the Speaker from ruling, a Speaker who was elected by everybody? That's a question that should be in the public's mind regardless of who is intervening during the course of the evening. A privilege motion goes to the Speaker and the Speaker rules. The Speaker has the ability, looking at privilege and looking at precedent, to decide whether the committee report is valid, so why are Liberal members trying to stop the motion from going through and the report from being presented to the Speaker? That's something that all members of the public should keep in mind this evening.

With that, Mr. Chair, I yield my time to Ms. Koutrakis.

The Chair: Thank you, Mr. Julian.

We're back to Ms. Koutrakis.

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

Thank you to my colleague Mr. Julian.

I also enjoy listening to your arguments.

I will have to respectfully disagree with the last point you made, which was that the subamendment kills Mr. Poilievre's motion. What the subamendment tries to do and what, very eloquently, my colleagues have previously explained and clarified is that it would allow us to see the two packages of documents and be able to compare them to make sure that there was no breach of privilege. The best people to do that and to come and present are the Clerk of the Privy Council and the law clerk.

We all agree that we hold both in very high regard and that they are very well respected. I believe we all feel that way as members of the finance committee, and I have no reason to believe otherwise. However, I'm worried that we will not allow these two very professional people to come before our committee to give their own explanation in their own words as to why the information was redacted the way that it was. It's almost as if we were in a court where somebody has been found guilty before being given due process.

I genuinely believe that is not what we are all saying at the finance committee. I really believe that we all come from a good place with good intentions, and we're trying to find the right path to satisfy all sides, and more importantly, to make sure that we serve Canadians and our constituents as they expect and deserve.

I'll just circle back a little and put on the record again what the finance committee adopted on July 7, 2020.

On July 7, 2020 the finance committee adopted a motion requesting various types of documents, "regarding the design and the creation of the Canada Student Service Grant, as well as any other correspondence and records or other correspondence with WE Charity and Me to We from March, 2020".

The Privy Council Office provided the documents in its possession that were responsive to the committee's motion on August 8, 2020, which was the deadline set by this committee. The PCO documents were also part of a larger package provided to the committee from the six government departments involved in the development of the CSSG that had been approached by WE concerning youth initiatives in the context of a pandemic.

I will be speaking today about PCO's documents. In particular, I would like to speak about the relatively few instances where certain personal information was protected from disclosure to the committee. I will do that because it is important to understand the very valid reasons that this was done and the responsible manner in which it was done.

The motion the committee adopted on July 7 setting out the mandate for its study on this matter included the objective of examining “how the outsourcing of the Canada Student Service Grant to WE Charity proceeded as far as it did”. The approximately 5,000 total pages in each official language given to our committee provide a comprehensive understanding of the development and the launch of the CSSG. They demonstrate the due diligence analysis that was conducted by the public service, including with respect to the financial assessment of WE.

The documents also provide details about cabinet decision-making around the CSSG, as considerable information that would otherwise constitute cabinet confidence was released to the committee due to public statements by ministers about what was before cabinet.

The finance committee therefore received more information than its motion requested, given it provided for cabinet confidences to be excluded. On the other hand, none of the personal information redacted in PCO's documents would assist the committee in fulfilling its mandate of examining the CSSG. Therefore, I really believe it is worth first discussing why personal information is protected from disclosure under the law.

● (1915)

As is explained on the website of the Office of the Privacy Commissioner of Canada in this quotation:

The Supreme Court of Canada has stated that the Privacy Act has “quasi-constitutional status”, and that the values and rights set out in the Act are closely linked to those set out in the Constitution as being necessary to a free and democratic society.

Others have argued that the protection of an individual's privacy is closely linked to the protection of their autonomy and human dignity. The Privacy Act, passed by Parliament in 1983, provides that, “Personal information under the control of a government institution shall not, without the consent of the individual to whom it relates, be disclosed” except in very specific circumstances described in the act.

It is sometimes noted that the Privacy Act does not apply to the House of Commons and its committees. This is true in the sense that parliamentary bodies are not government institutions subject to the act, and that parliamentarians do not have to manage personal information under their control in the ways provided for by the act.

However, the Privacy Act does apply to government institutions from which parliamentarians sometimes seek information, as was the case with the finance committee's July 7 request. Ministers and public servants are therefore bound by this law and the restrictions it places on disclosing personal information when responding to requests for documents. They can't ignore the law, regardless of who is requesting the information.

Furthermore, the July 7 request for papers stated that “any redactions” of “personal information” were to be made by the House law clerk. Although on its face the intention of this part of the motion was to protect personal information, it put departments in a difficult situation. Any personal information that is disclosed to the law clerk must be authorized by the Privacy Act. An impermissible disclosure under the Privacy Act cannot be saved even if the law clerk

takes subsequent steps to protect the information from further disclosure.

In his cover letter to the committee, the Clerk of the Privy Council wrote:

In this package, I have...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. I have notified the Privacy Commissioner of my intention to disclose this personal information, as I am required to do under the Privacy Act.

I have decided to protect the phone number and email addresses of WE employees other than Craig and Marc Kiehlburger. In addition, there are a few references to the family members of a public servant and I have chosen to protect that information. In my opinion, the public interest in disclosing this type of personal information does not clearly outweigh the invasion of privacy.

If we were to assume, Mr. Chair, that the Clerk of the Privy Council is not honest and he's not forthcoming, that he's not doing his job as he should be, then I hate to use the word and I don't want to use the word, but it's almost like we're alleging—or some members of our committee from the opposition are alleging—that he's not to be trusted.

If he's not to be trusted, then why has this employee, Mr. Shugart, been part of our government process and in various positions for as long as he has? I think that's something that each and every one of us and the Canadians who are watching us right now have to answer and have to take a step back and say.... You know, we hire the best people, and I have no reason whatsoever not to believe that we have the best people in our public service, because I know we do. We're lucky.

● (1920)

We have a parliamentary system and a government where democracy works. I think we need to show them, especially our public servants, how we believe in the work that they do, and we need to trust them.

This approach was in keeping with the paragraph that I read earlier, just to circle back. This approach was in keeping with paragraph 8(2)(m) of the Privacy Act, which authorizes the disclosure of personal information, where the head of the government institution considers that “the public interest in disclosure clearly outweighs any invasion of privacy that could result from the disclosure”.

Let's take a closer look at some of the personal information that was protected from disclosure in the PCO documents. This is where I would love to be able to have Mr. Shugart before the committee to go through it himself, so that we could all hear in his own words why.

Most of the personal information that has been protected from disclosure is the email addresses and telephone extensions of WE Charity employees contained in the various correspondence, as was indicated in the letter from the Clerk of the Privy Council.

For example, on page 50, there is an email from Craig Kielburger to the Minister of Diversity and Inclusion and Youth, dated April 22, 2020. The only information not disclosed in this message are the email addresses of two WE employees and one of their telephone extension numbers. However, their names are provided: Sofia Marquez and Lauren Martin. The committee was thus made aware that these two individuals were copied on the email and thus had knowledge of discussions between WE and the government. In fact, Ms. Marquez testified before the House Standing Committee on Finance on August 13, 2020. All of the content of the message from Mr. Kielburger is provided.

Similarly, on page 52, there is an April 10, 2020 email from Mr. Kielburger to the minister where the only information not disclosed is the email address and telephone extension of two WE employees, but their names are shown. Attached to this email is the proposal that WE provided to the government entitled “Engaging Young Canadians In Service and Social Entrepreneurship Programming”, and none of its contents is redacted. The email address of Mr. Kielburger’s executive assistant does nothing to advance the committee’s understanding of the CSSG.

Beginning on page 364 is a draft of the funding agreement for support for students and recent graduates between Canada and WE Charity Foundation. The only information protected from disclosure in this 16-page document is the email addresses and telephone numbers of the WE Charity employees listed as contacts. Their names and position titles are provided. All the rest of the information in this vital document is shown, such as the purpose of the contribution agreement; conditions governing the eligibility of expenditures; the requirement for WE to keep proper books and records in accordance with generally accepted accounting principles, and to provide them to the government upon request; the requirement for WE to securely protect personal information; the requirement for WE to provide detailed biweekly reports to the government on program implementation; the right of the government and the Auditor General to audit the project; and so on and so on.

I should note that I am referring here to the draft agreement contained in PCO’s package of documents. However, these same clauses are found in the final agreement contained in the documents provided by Employment and Social Development. Clause 24 of the final agreement relates to conflict of interest and states the following:

24.1 No current or former public servant or public office holder to whom the Conflict of Interest Act (S.C. 2006, c. 9, s. 2), the Policy on Conflict of Interest and Post-Employment or the Values and Ethics Code for the Public Sector applies shall derive a direct benefit from the Agreement unless the provision or receipt of such benefit is in compliance with the said legislation or codes.

24.2 No member of the Senate or the House of Commons shall be admitted to any share or part of the Agreement or to any benefit arising from it that is not otherwise available to the general public.

● (1925)

I believe that I have shown that protecting from disclosure a very limited amount of personal information from the documents provided to the committee does not detract from the committee’s objective of understanding the development of the CSSG and WE Charity’s involvement. Further, when Canadians, such as those employed by charitable organizations, have dealings with the Government of Canada, they expect that their personal information will be protected in line with the Privacy Act. If the government did not protect

personal information as the Privacy Act requires, then Canadians’ trust in government and the rule of law would be eroded.

I would also like to touch briefly on the limited amount of information that was redacted in PCO’s documents to protect the vulnerability of government communication systems. This is information that would be protected from disclosure under paragraph 16(2)(c) of the Access to Information Act. The information that was protected for this reason was the cellphone numbers of various public servants, ministers’ staff and government conference call I.D. numbers. Wide dissemination of this information could allow unauthorized access to government telecommunications systems, something that I am certain none of us would ever want. Where these cellphone numbers had appeared, the names of the public servants they belonged to appear. This information was provided despite the committee’s motion stipulating that it would be redacted by the law clerk. The Privacy Act allows, in the context of an access to information request, for the personal information of an officer or employee of a government institution that relates to the position or functions of the individual to be disclosed. Again, the cellphone numbers of public servants would do nothing to advance the mandate of the committee’s study.

In his cover letter to the committee, the Clerk of the Privy Council stated, “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 approach guided the work of public servants when they collected the documents requested by the committee and carefully considered what the public interest was when making decisions about what to protect from disclosure. They were also guided by “Open and Accountable Government, 2015”, which “sets out core principles regarding the roles and responsibilities of Ministers in Canada’s system of responsible parliamentary government.” It states in part:

Public servants also have a duty to hold in confidence some of the information that comes into their possession in the course of their duties. There is a tension between that obligation and the request of parliamentarians for disclosure of that same information. When appearing before parliamentary committees, public servants should refrain from disclosing that kind of confidential information, for instance because the information is confidential for reasons of national security or privacy....

The same passage was contained in the 2011 version of “Open and Accountable Government”. Various past governments have held the belief that the protection of Canadians’ personal information from unauthorized disclosure, even to Parliament, is sacrosanct.

House of Commons Procedure and Practice, third edition, 2017, explains how, in 1973, the government tabled in the House of Commons its views on the general principles governing notices of motion for the production of papers. Although not formally approved by the House, these principles have been followed since then. The document tabled in 1973, 10 years before the adoption of the Privacy Act, lists papers or documents considered exempt from production. This includes papers that are excluded from disclosure by statute, and papers that are private or confidential and are not of a public or official character.

In 2009, the Standing Committee on Public Accounts tabled its 22nd report entitled “The Power of Committees to Order the Production of Documents and Records”. This report dealt with a request for documents that included personal information contained in an audio recording. The government protected this information from disclosure, which the committee objected to.

- (1930)

The government's response to this report stated:

The Government believes that the departmental officials acted lawfully and diligently in these circumstances and that the House and Canadians should be concerned with the committee's exercise of a claimed privilege in these particular circumstances. Necessity is the principle that underlies parliamentary privilege, which itself is “a gift from the electorate” to safeguard their rights. In the Government's view, even if privilege were to extend so far, a very strong justification would be required for demanding the personal information of individual citizens, which in this case comprised twelve seconds of tape. In the same vein, the supplementary opinion of the 22nd report raises concerns that the committee “did not consider the public interest when demanding the production of these audiocassettes.” Regardless of the scope of the committee's powers, the Government believes that parliamentary committees and all parliamentarians should, as a general principle and as a matter of convention, exercise restraint in the exercise of their privileges, particularly when the interests of individual citizens are affected.

This government response was signed by Rob Nicholson, then minister of justice and attorney general of Canada, and Jay Hill, then leader of the government in the House of Commons.

Getting back to the matter that is at the root of this discussion, the unprecedented public health crisis that is the COVID-19 pandemic, it is worth remembering the original objective of the CSSG, or the Canada student service grant, announced by the Prime Minister on April 22. It was at a time when the devastating economic impacts of the pandemic, which we are all living through again in the second wave, were already being felt. Many students were seeing their summer jobs, internships and volunteer positions evaporate.

The Prime Minister stated:

The future of our economy and our country relies on the opportunities and support we provide to Canadian students today. To promote a sustainable economic recovery, we need a strong workforce and good job opportunities for young people. That means giving them the support they need to continue their studies and encouraging them to serve their communities. Together, we will get through this difficult time.

Canada's professional, non-partisan public service set about designing a suite of initiatives to address this problem. That included the Canada student service grant. We heard this over and over again throughout the summer and when we started again on September 23. The public service worked around the clock to develop a proposal for cabinet that was informed by considerable due diligence.

When the House finance committee made its request for documents to examine this process, the public service again worked around the clock to assemble thousands of pages. Almost 6,000 pages were provided by the committee's deadline. Personal information was provided to the committee only after the Clerk of the Privy Council carefully weighed whether the public interest in disclosure outweighed the privacy interests at stake, as he is required to do under the Privacy Act. Most of the pages that appear to be redacted in the package in fact contain information on topics completely unrelated to the CSSG or WE Charity, such as other items being discussed at the same meetings. They are clearly marked as not relevant. The package of documents provides a comprehensive understanding of the design and creation of the Canada student service grant, as requested by the committee.

Again, Mr. Chair, I would implore all my colleagues around the table, discussing this very important issue today. I know that my colleagues and I and our government do not want to delay unnecessarily, or delay at all. We are all trying to find a way we can agree to move forward. As my colleague Mr. Fragiskatos said earlier, we have a lot.... I know that everybody agrees on this point, but how do we get there to move forward? We really need to start our pre-budget consultations.

- (1935)

I receive hundreds of emails every day from my constituents. As a member of the finance committee, many witnesses want to come to speak before us. As someone said—and I don't remember who said it, a colleague earlier—let cooler heads prevail. Let's start finding a way forward. I'm sure that we can. I am certain that we can. How do we get there? I think we need to compromise. I think we need to find a way forward. I think we should not, in any way ever, indicate either directly or indirectly that we do not trust our very professional public servants.

Mr. Shugart has released his letter. He would like to come before the committee. Who better than he to provide the answers we are looking for? As Ms. Dzerowicz said in her comments, the Clerk of the Privy Council redacted some and then the law clerk redacted some more. Who better than these two individuals to come before our committee so that all Canadians can hear first-hand, directly from their own mouths, why the documents were redacted in the way they were? I am sure that if they are given the opportunity to come before our committee....

There's no cover-up. There's no corruption whatsoever. There is no will from the government to hide anything from Canadians and our constituents. We just want to make sure we find a solution to this impasse and we get back to the very important work we were all elected to do: to serve our constituents in the best way we can, to be their strong voices and to offer them the support they so very much still need going through the second wave. I wouldn't be surprised if there's a third wave.

I beg all of you on this finance committee to find a way forward to do what we're expected to do.

I look forward to hearing more comments.

I thank you, Mr. Chair, for giving me the opportunity to provide my long-winded comments.

• (1940)

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

I think you outlined the concern over the impasse. I would hope that parties are talking off-line to try to find a way out of this impasse.

I don't know if Pat Kelly—I don't see him on here at the moment. There used to be....

Pat, he might have been a relative of yours. There used to be a federal labour mediator by the name of Kelly, and he was one of the best.

Maybe we'll have to call you in, because your names are the same, to see if we can break this impasse.

Mr. Pat Kelly (Calgary Rocky Ridge, CPC): I have a great idea. We'll just have a vote and then it's over.

The Chair: I don't think they're going to agree to that.

Mr. Pat Kelly: Then they're the problem, Mr. Chair.

The Chair: The next speaker on my list is Mr. Longfield.

Welcome, Mr. Longfield.

Mr. Lloyd Longfield (Guelph, Lib.): Thank you, Mr. Chair.

Thank you to the committee members. I'm pleased to be with you tonight.

I sat in on some of the meetings last week, and I was surprised that only the Liberals were talking about the documents that everybody wanted to see. Now we have the documents in front of us, and we have an amendment on the floor to bring in the people who did some redacting to explain the redactions.

I did see the presentation last week by Mr. Fraser, which was excellent in explaining how redactions happen and what was being redacted, and the pattern over and over of a mobile cellphone number that was redacted several times to protect the public servant, or in that case to protect their privacy, a person from the WE Charity who was being referenced in the documents. Canadian citizens who come forward and provide information for us also have protections under the rules of the committee.

In the rules of the committee I was surprised that Mr. Julian commented about having the Speaker rule on the committee and turning over our privilege to the Speaker. We all know in the House of Commons that committees are the masters of their own destinies. Pierre Poilievre's motion quotes the Speaker saying that the committee, which has control over the interpretation of its order, has an opportunity to examine the documents and decide what to do with them, which is what we're talking about tonight.

Without the subamendment, we're not doing what the Speaker asked. We're not having people be witnesses for us to explain posi-

tions and why things happened in the way they happened. We're saying we have the documents, and that's not enough. We need to know about the redactions, but we don't want to talk about them. We're chasing our own tail, and as Ms. Koutrakis said, I hope there is a way forward that could see the committee moving forward.

In the meantime, it's very important to discuss the documents in front of us. I thank Mr. Fragiskatos for mentioning that I'm a bit of an innovation geek. That came from being a managing director of a few businesses where we put in ISO 9000 quality management systems. This is the quality management system of the House of Commons: how we get documents in front of us to make sure that quality systems are being followed, and then bring people forward to discuss the quality system in application and how they interpreted it so that we could see whether there are differences in interpretation.

Everything we do has to do with documents. Last week the whole agreement was in front of the committee and could have been discussed, but the redactions were discussed. I won't go into that because tonight we're talking about amendments.

The agreement was very interesting. I have sat on 28 not-for-profit boards. My wife keeps track. The agreements we had with different orders of government and different types of not-for-profits were either contribution agreements, where you were paid up front to deliver services, or agreements where you were reimbursed later after you had provided services. IRAP is an example, the industrial research assistance program that we provide businesses. We were delivering it through a few not-for-profits in Guelph, and we had to up front the money. We did that through the chamber of commerce, through an agreement we set up with them to work with their balance sheet instead of our balance sheet as we were starting Innovation Guelph. We were able to provide services through the IRAP agreement and then had to report what we had done to the government to get reimbursed.

Other agreements we have, such as the one WE Charity had, are where you get paid up front. Then you have to report on how the money is disbursed and the qualifications for how the money gets disbursed. Who qualifies, how they qualified, how they were measured, how they report back to the government was all included in those documents in depth. We won't go over that tonight.

When you hear in the House of Commons comments that it was the Prime Minister's bank account, or this had something to do with the Prime Minister's family, it was a document that was a legal agreement between a charity and the Government of Canada, and that charity, through its board of directors, like any not-for-profit, has to be able to report finances and is largely controlled by a volunteer board of directors.

• (1945)

I'm not sure whether WE Charity had any paid board of directors members, but usually the board of directors oversees the disbursement of funds and then reports back that the agreements have been reached. Having sat on boards, I and the other members were very concerned about these reports coming back to us because the board members had the fiduciary responsibility to make sure that everything was being done properly so that we would eventually get paid back, or that we wouldn't have to give back to the government money we had misappropriated or misspent.

I was following Ms. Koutrakis very closely so that we wouldn't duplicate any pages. I'm starting on page 54 and page 55. The curtain has been lifted, if you will. For many of the redactions that we discussed in the committee last week, the committee has been shown what was behind the redacted black bar.

In regard to the motion before us, I'd like the committee to look through a number of these documents that we have in our digital binder, which really only the Liberals are discussing. Hopefully the other parties will also join in the discussion. This is the only way we can get it on the record that we now have these internal documents, the documents that are on our committee's website, and they can compare what the government provided to the parties through the government House leader's office. I'd also like to note that the government House leader's office provided the parties with a USB stick on the day of prorogation that contained all the documents that were submitted to the law clerk.

Before I get started, I just want to speak about the PCO document that was provided to the committee by the law clerk after his redactions. At page 55, if you want to look at that, you'll be aware that it was completely blacked out. That was one of those pages that was in the infamous press gallery scene when Mr. Poilievre theatrically waved some of the papers in front of the cameras and threw some of them in the air to show that some sort of government cover-up was happening. I think he would know, if he'd looked at the documents, that the redactions were there because there was a reason for the information to be taken out, and in those sections that were fully blacked out it had something to do with cabinet confidence.

Page 54 of the same document was also fully redacted, to such an extent that only the subject and date were visible. You know what was on the page but you can't see the details or the reasons our public service made that decision. Again, they could come and explain to the committee if the committee would have them. For now, our only witness is the document, which is why documents are so important in Parliament. Sometimes the document is all you have to go on.

I'm sure that none of the pages provided by the government House leader are in fact redacted. The entire page was redacted by the law clerk in the documents that he briefly provided to the committee.

I know in some of the debates people get heated and they say that the Prime Minister is the one who redacted these documents, or the House leader redacted these documents, and that the government is covering this up. Really, the decisions on the redactions were made by our independent public service, which provided

thousands of pages for us to review. To see them thrown on the floor was a disservice to the public service, and it was also a disservice to documents in general.

Documents are sacred. If you think of documents in some of the major faiths of the world, they are sacred. It would be like my standing up at mass, being a lector, which I am, and pulling pages out of the lectionary and throwing them on the floor. The documents that we rely on need to be treated with respect. To see them thrown all over the floor was disrespectful of the documents. It would be like taking the Quran or the Sikh sacred writings or the Torah and disrespecting them. We have to respect the documents of Parliament, and the people behind those documents.

• (1950)

Mr. Peter Julian: I have a point of order on relevance, but I also think Mr. Longfield is becoming a little offensive.

Mr. Lloyd Longfield: On page 51 of the PCO documents—

The Chair: Just hold on, Mr. Longfield. Wait until we hear the point of order and then we'll make a decision

Mr. Lloyd Longfield: I was waiting for you, Mr. Chair.

Mr. Peter Julian: This is absolutely not relevant and I found it, quite frankly, a bit offensive to compare the redacted documents to sacred texts. The question of relevance is very clear here, Mr. Chair.

The Chair: On relevance, Mr. Longfield, you are on the documents that are relevant. Maybe you should not stretch the comparisons too far.

Mr. Lloyd Longfield: Sure. I was just trying to draw on the importance of written words and how written words mean so much in different contexts. In Parliament, the written words that we use are very important and that's what we're looking at tonight. I wasn't trying to say these were scriptural words. These are written words that we're dealing with in the same way that written words are used in other contexts.

Page 51 of the PCO document received by the law clerk contains an email that was sent by Sofia Marquez from the WE organization, and it was sent to—well, we can't tell as both the name and the email address of the recipient have been blacked out. In the email, it references someone who had spoken to this named person. If I look through the documents the government provided, you could not find out who the recipient was, so the recipient was being protected. Now we know that it was Caitlin Lyon and the person referenced in the email who talked to her was Chris, who is likely Christiane Fox, who is the deputy minister of intergovernmental affairs at PCO.

You could argue the relevance to our study of knowing whose desk it was on and why it was on it, or if we had witnesses, they could tell us why they didn't think it was relevant. For now, we can see who these people were and what their names were, and it could be discussed at committee whether that's relevant or not.

Page 45 of the PCO documents provided to the committee is redacted again by the law clerk, not by the Prime Minister, not by a Liberal insider. It's a non-partisan servant of the Government of Canada who, interestingly, on the third page, is redacted. However, if you look at the same page in the documents provided by the GH-LO, you'll see that the part redacted by the law clerk is in fact the signature block of one of the public servants. Again, is that important for the study? Is that important to decide whether there was a government cover-up?

There is a huge number of redactions in the documents that were received by this committee, but the vast majority of them were done by the office of the law clerk and now we've seen a couple of examples of what was behind the redactions. It is certainly not being addressed to an individual within the Liberal Party.

Page 47 of the documents from PCO provided to the committee by the law clerk also looks like a conversation that was cut off in the middle. If you want to just pull that one up, you can look side by side and you can see the black and the black and some pieces that we can now see. However, if you look at the unredacted document, again you see that the document provided to the clerk had no redactions at all.

As you notice above, these are just some of the examples of the PCO documents that were released by the government House leader compared with those redacted by the parliamentary law clerk. However, I want to turn your attention for a moment to the ESDC document, because this is an issue of differing redactions. It's not just present in the release of the PCO documents.

Much of the subject matter deals with the CSSG that's contained in the documents of officials from ESDC and the staff of the office of the Minister of Diversity and Inclusion and Youth, and she's come up in a lot of these discussions. The first example I would turn your attention to involves an email among the minister's office staff and the public servants. Side by side, you can see a redacted copy and an unredacted copy on page 299 of the ESDC release.

Looking at page 299, this has been released to our committee. We have it on our electric drive. Briefly, the parliamentary law clerk has shown us this. We haven't had a chance to discuss it.

• (1955)

You would be confronted with a line of black redactions throughout the document on one copy, yet if you turn your attention to the same page of the same document released by the government House leader, there are no redactions whatsoever.

What's being redacted? The document from the government House leader was reviewed by the public servants and it was released unredacted, as requested, and you can see what was redacted. What was redacted in the first instance were some names of people. If you look down further, you'll see some email addresses of some of the principal people that were left in the document.

There's another great example. There's no huge cover-up. There's no conspiracy. This isn't a trial. This is a committee room. Committee rooms aren't where you do trials. This isn't where you get objective information. This is where you get partisans debating informa-

tion. In this case, the words are very clear in terms of what's being redacted and what isn't being redacted.

Looking at page 430 of the law clerk's documents, what do we find? If you look at page 430, there are significant redactions again. The page is riddled with black lines. Let me reiterate for the committee, though, that this was a document that was redacted by the parliamentary law clerk as requested in a motion passed by this very committee and as requested by the official opposition. We were asking for documents, but we said we didn't need to see some of the things that would be considered confidential that didn't pertain to the study the committee was doing.

If we look at the exact same page in the documents released by the government House leader, the documents that the opposition accuse are completely redacted, what do we find? Nothing, there are no redactions. That whole page is clear. There is not one redaction. The proof is right here in front of us.

If you don't believe me, take a look for yourself. When you look at this, the name at the top is Daisy Arruda, I think. I'm having trouble reading my screen. Rachel Wernick is who it's from. It was sent on April 30, 2020. That wasn't redacted in the first case.

In looking at who it went to, you can see the name of the person it went to and the carbon copy of the person it went to. The content is what was being provided. The content that was considered sensitive ended up being blacked out. We can look at it to see whether we think it would be overly sensitive or whether it really contributes to anything. The law clerk decided that we didn't really need to see what was behind there, but now the House leader has looked at it and said, okay, just open the door on that piece to show that we're being open by default.

A few pages later, on page 494, from the ESDC release, we have the parliamentary [*Technical difficulty—Editor*].

• (2000)

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

The Chair: Yes, Mr. Julian. I believe Mr. Longfield is frozen now.

Mr. Peter Julian: That's a very interesting filibuster technique, but it does raise the issue of relevance. His staying in that same position and not actually saying anything at all, I think indicates that we should proceed to a vote, because obviously Mr. Longfield has nothing to add.

The Chair: I don't believe that it's Mr. Longfield in this case. I believe it's technology, Mr. Julian. He is in central Canada, though I think their technology is usually better than at this end here.

Mr. Longfield, did we lose you?

If we lost Mr. Longfield, I will go to Mr. Fragiskatos and come back to Mr. Longfield.

Madam Clerk, do you know what happened there?

The Clerk of the Committee (Ms. Evelyn Lukyniuk): I'm being told that Mr. Longfield's capacity on his computer was at 100%. An IT ambassador is reaching out to him right now.

The Chair: Okay, we'll give him a minute. Otherwise, we'll go to Mr. Fragiskatos and then Mr. Sorbara.

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

Well, that's proof positive—

The Chair: We'll give him a minute, Peter.

Mr. Peter Fragiskatos: Okay, no problem.

The Chair: Why don't we suspend for 10 minutes and take a washroom break while he's coming on? I'm the only one on this end and I think I'm up for a washroom break.

We'll suspend for 10 minutes and come back at 8:15 Ottawa time.

The meeting is suspended.

● (2005) _____ (Pause) _____

● (2015)

The Chair: We have a quorum again so we will reconvene.

The floor is again yours, Mr. Longfield

Mr. Lloyd Longfield: Thank you. I apologize for the technical inconveniences. My Microsoft Edge was going through an update and I had too many other programs open. I've closed them all and I got my hot water and lemon, so hopefully that will help out.

I think as I was leaving off I was talking about page 494 from the ESDC documents and looking at what the parliamentary law clerk had decided in terms of what needed to be redacted, including emails and names. It's similar to what we saw on the other documents. Whereas, if we compare it to what the government House leader released, as completed by the professional non-partisan public service, we find no redactions whatsoever.

Again, Rachel Wernick was redacted several times, but now we know who she was and who the author of the document was. We even have her mobile phone number, which was raised a number of times last week, and I can just imagine that if that is public and people have her cell number.... We all know what that does to your life when you're in the middle of a family gathering and someone's calling you asking about redacted documents, but that's the type of public servant we have and were trying to protect. For the purpose of the committee's work, we now know some of those details that were being protected before.

I find it interesting that the opposition has continued, in public, to call into question these documents. They were provided to our committee. It is like a dog chasing a car down the street. The car stops, and the dog doesn't know what to do. You have what you needed, so now what do you want to do with it?

My colleagues will understand that there's always been an inherent tension between what we ask for and can receive as parliamentarians, and the ability of the government to safely provide the documents without compromising the responsible functioning of the government. It's really not a question of covering things up. It's a protection of our civil service, who have been working extremely hard through COVID and always.

When I was first elected, I was just amazed by the professionalism of our public service. They always ask if there is anything more they can do for you. They give you things faster than you expect

and then ask what else you need. Those are the people we are trying to protect so that we can use their information without sharing the information that would directly connect them, and we speak on their behalf when we're in committee.

Again, with the subamendment, we are getting the heads of the civil service and the law clerk to come and answer as to what the process of redaction is and what process they were following, because we received the documents through their work. How they make those decisions really should be of interest to the committee so that we know what process is followed.

As a democracy, we do have the three equal branches of government, and whether it's the Supreme Court of Canada, the Senate or the House of Commons, we are all working together for Canadians. It has been recognized, though, that Parliament is supreme, because we are the elected officials, unlike other democracies. I'm thinking of south of us where judges are elected. In our case we have appointment systems for the other orders of Parliament, but we are the ones who are elected by the people of Canada, so the extent to which our supremacy allows for the production of cabinet confidences has been a matter of debate for some time.

We also know that, as cabinet is discussing things, we end up in a different place at the end of the discussion from where we started. If you start at the beginning of the discussion and ask what cabinet's doing, and then the cabinet doesn't deliver on that, that would really undermine the trust that Canadians have in cabinet.

It is similar to a board meeting. In business we had board meetings all the time where we would talk about the future of the company, and sometimes, in times like this, we would be asking how many people we would have to lay off, and sometimes we would find ways so that we didn't have to lay them off. We would get support from the Government of Canada in the case of the businesses now getting support, so that they don't have to lay people off, and those decisions are made. Once they know that the support's in place from the Government of Canada, people don't have to lose sleep because they're going to be losing their jobs, because we're supporting them.

● (2020)

However, those are discussions that are done behind closed doors, not to be nefarious, not to try to hide things, but really to protect your employees from concerns that they don't have to worry about. You're paid as a manager to worry about what needs to be done on behalf of the people you're serving in your company. It's similar to what we do when we're serving the people in our communities. The Government of Canada's cabinet has to be able to have those very frank discussions of worst-case scenarios and then plan around those without causing turmoil in people's homes, or even in stock markets, for that matter.

We could go into great detail about several of the Tory ministers and MPs, including the member for Carleton, who have argued in favour of safeguarding cabinet confidences. Regardless of the stripe of your party, you can understand that certain things have to be done in confidence for very many different reasons—for when you're working with different governments across the world, for world security, for the security of....

In terms of people at their kitchen tables, my family doesn't know a lot of the discussions we have in government, because I'm there for them, as I'm there for the other families in Guelph. They don't need to know what's keeping me up at night. My wife will know sometimes that I've been up at night, but she won't know that I'm worrying about the businesses in Guelph—

Mrs. Karen Vecchio: I have a point of order, Mr. Chair. If we could just get back on topic, that would be great.

The Chair: Relevance, Mr. Longfield; I think you used an example to make a point. That's fine—

Mr. Peter Fragiskatos: On a point of order, Mr. Chair, here too a member was trying to make their point and in the middle of a sentence was interrupted. It continues to happen. It's been happening today. It's been happening—

Mrs. Karen Vecchio: I have a point of order.

Mr. Peter Fragiskatos: Now I've been interrupted.

The Chair: Hold on, Ms. Vecchio. I have to hear Mr. Fragiskatos' point of order first.

Go ahead, Mr. Fragiskatos.

Mr. Peter Fragiskatos: It is not a contravention of parliamentary procedure, Mr. Chair, for a member to waver slightly off a point if they're going to go back and make that point with examples or however they might do it. Mr. Longfield was illustrating a personal example that was proving his argument.

The Chair: I think you've made your point, Mr. Fragiskatos. That's what I indicated to Mr. Longfield. As long as there was an example related to making his point....

Ms. Vecchio.

Mrs. Karen Vecchio: I appreciate the debate brought forward by Mr. Fragiskatos, but I also look at the time. I think if it's really relevant, then it should not take four or five minutes to get to a relevant story and then try to make that.... Maybe we have to look at the longevity of the story before we bring it back. I'd prefer to go maybe a couple of inches, but not a full mile.

Thank you.

The Chair: Thank you, Ms. Vecchio. I believe Mr. Longfield has heard your point.

Mr. Longfield, you have the floor.

Mr. Lloyd Longfield: I appreciate both comments. I also appreciate the chance to get a sip of my hot water and lemon. The points of order give me a break, and I appreciate that, but I wasn't doing it to have a break.

What I'm really showing, getting back to the documents that we're talking about, is that as elected officials, we have a role to play. Sometimes that role needs to be protected by confidence. As

the professional, non-partisan public service, they have their role to play in providing us documents that will also protect Canadians and protect the confidences they have within their office. People share information that isn't always something that should be put out in the public domain—mobile cellphone numbers, as an example.

In terms of the sworn duty to protect our national security and the privacy of cabinet confidences, the point I was making when I was interrupted by the points of order, was that we all have things we have to shoulder as our own responsibilities as leaders. They provided the documents to the committee, but the documents aren't being reviewed and the witnesses aren't coming forward to say why they're redacted. I have an issue with that. That's what my presentation tonight is about. It's about the issue that the committee really hasn't picked up the information it was given and had a fulsome discussion with the people responsible for the redactions.

I won't repeat all the matters that relate to the Canada student service grant and its creation, but really, at the end of the day, we have students who aren't getting served because of what is going on in this room. Even if we could find a way to bridge these cabinet confidences, we're still not serving the people we're trying to serve by getting them the funding that we were trying to get them. It's an unfortunate situation that we have in front of us.

The day the prorogation occurred.... I was in the House earlier, and the Conservatives were mentioning prorogation. The government House leader's office released these documents for all of us to read. We had some days to read those. We went from having a COVID-19 committee in Parliament to going toward having a full Parliament, which was scheduled in September. We lost three days in the House because of prorogation in order to get a throne speech. In the meantime, the committee could continue this work—

• (2025)

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

Mr. Lloyd Longfield: As well, the law clerk did realize that some of the documents that—

The Chair: Go ahead, Mr. Julian.

Mr. Peter Julian: Mr. Chair, I think Mr. Longfield is trying to get back to the subject already, so I'll retire my point of order.

The Chair: Your point of order is retired.

Mr. Longfield.

Mr. Lloyd Longfield: I feel like I'm at the kitchen table with my three daughters and my wife. If they knew that they could call a point of order every time I added a few things, I would never get a chance to finish my stories at that table either. However, I will keep on point as much as I can, given the way that I have conducted myself.

These were exactly the same documents, and the only difference that I've shown tonight is in the law clerk's own redactions, which were requested by the committee and which he thought were necessary based on the direction that the committee gave him, as you can clearly see in these comparisons and several more that I'm going to highlight now. I have a few more to look at.

The documents provided by the government were in good order. There are minimal redactions. If the opposition members have issue with the redactions made by the law clerk, they should take them up with him. We should have the law clerk come to our committee so that you could tell him that he shouldn't have redacted that. Then you could have that discussion but right now we can't. I'm acting on behalf of the law clerk, which is another situation that we don't need to have.

I want to turn the committee's attention to just one more example here on page 615 of the ESDC document release. I have it in front of me, and you can get it in front of you with the electronic documents.

Again, it was redacted by the parliamentary law clerk, and the mirror image of that page was also released by the government House leader. You can see a lot of black.

On the left-hand and right-hand copy, you can see that the person it was addressed to was Daisy. It says, "Hi, Daisy", "Yes, Michelle", and Michelle's name is taken out, but the content of the discussion is there. It says she is the cabinet liaison officer and she'll be getting in touch. The names of the people who were in the discussion were redacted. The purpose of the discussion was not redacted.

Again, at the front of the next part of it on the same page, all of the contact information is redacted, but the content is totally not redacted: "Good morning, colleagues." You can read that. I won't take up the time to read it into the record, but we do have that document in front of us.

As you can see, these examples go on and on. Unfortunately, they got thrown up in the air, trampled on and treated disrespectfully, as I've said, but you can see that these emails are actually from real public servants and that they are on topics relevant to the CSSG. They're virtually untouched with regard to the emails provided by the government House leader.

However, it's not just in the PCO and ESDC documents that we see these discrepancies. Let's quickly turn our attention for a moment to the documents provided by Finance Canada.

Another issue is finance, and, of course, Finance Canada has been very involved with the discussions. On page 44, there's a great example from the finance documents. It's the first glance of the documents provided to the committee by the law clerk. You can make out, again, what's nefarious here: There are all kinds of black-outs. There's something being hidden, but now the curtain is lifted. What's behind the black ink? Mr. Poilievre likes to point out all the black ink, but what is it actually covering?

When we compare the pages, we can see the documents released by the government House leader without redactions. I know Mr. Poilievre has been trivializing the fact that we pointed out redacted

phone numbers, but you really can't argue with the side-by-side comparison. I mean, look at it. The fact is that the black ink that he refers to was done in keeping with the committee mandate, and it was carried out by the law clerk himself. You can see it was contact information, the email addresses and the phone numbers, but the content is still there.

To continue on, Chair, it's important to point out that we do very much appreciate the hard work of the office of the parliamentary law clerk and the public service when it came to preparing these documents in the last session. They did it quickly in the middle of a pandemic, working from home in some cases, I'm sure. As I've noted, while there's nothing inherently in this constant push and pull between government and Parliament when it comes to accessing Crown documents, I think we can all agree that those involved in helping compile and review these documents are dedicated public servants, and that they have done an amazing job, especially considering the circumstances they and their families are in and the pandemic that we're all going through.

- (2030)

The motion in the House this week is for more of all these documents. When they are trying to serve us, serve Canada and serve the community, now they're going through all of these thousands of pages of redactions. I don't want to draw the attention of the committee to all of the documents, but for page 245, we'll just quickly look at that one. We could go into the thousands, but the pattern is showing.

The finance department's document release, when we compare it with the law clerk's release from the first session, shows the stark differences. There is a lot of black, and behind the black we have a name. We do see what the subject was, and we can see what looks like a signature line that has on it a Government of Canada telephone number. Signature lines take up a lot of room. They are repeated on a lot of documents. It does show that it came from the Department of Finance, and it does show that it's the Government of Canada. The rest of the signature line is darkened.

Not to harp again on Mr. Poilievre, but he has brought it up. I really think that he and his colleagues on the other side are going to have to move on from blaming our government for overly redacting and blacking out pages. From here, it looks like the government House leader has released exactly what was requested when the parliamentary law clerk carried out the wishes of the committee in its motion, in really operating under our direction. We don't need a Speaker's ruling on this. We, as a committee, decided that was what we needed, and that's what was provided.

A similar example of what appears as a complete redaction appears on page 310 of the finance department's documents because, as noted here, the documents from the law clerk are full of redactions. Clearly, these are names of public servants, along with the elusive phone numbers that Mr. Poilievre is after. What are the names of the public servants? How many of them are on the document?

Well, now you can see them. We can see who they are because the documents that are being released by the government House leader now show who they are and their contact information, which puts them at risk if this is something that goes out and people want to start blaming staff. I think of my staff. I operate on their behalf. I will take the questions for them, because I'm their leader.

We are trying to get the leaders in here to talk to us about why they did what they did and so far the committee has not let that happen.

As I mentioned earlier, the documents released by the government House leader were lightly redacted by the public service in keeping with their responsibilities under relevant legislation and statutes, but in keeping with the promise of Mr. Shugart, the Clerk of the Privy Council, a significant amount of information, including cabinet confidences, which we didn't ask for, were included. Now, if the law clerk chose to take a different view and redacted some of the information as he saw fit, in keeping with the motion from this committee, then that was his prerogative, because we didn't ask for that information.

You'll notice that the government has done a fulsome job of providing what we asked for, and more, and brought it forward to the committee. It's disingenuous, in my opinion, for the opposition, Mr. Poilievre and his colleagues, to say that we're pushing a narrative that.... They're pushing the narrative that we're not being fulsome, and we're saying that we're being open, and that's being challenged, but how can you challenge that when you see the documents in front of us?

We haven't contravened best practices. We've followed the release of the documents. In fact, the government has released more than what we asked for, as I said, with a number of documents that had cabinet confidence. Some of the cabinet confidences were redacted, as Mr. Fraser pointed out last week, because they had nothing to do with our study, and they never, ever, ever would have seen the light of day under the administration of the former prime minister, Stephen Harper. We know that and the record there. It's the administration that Mr. Poilievre was also a member of. He knows what redactions are and he knows what openness is. I cannot see how you could look at this as anything but being open as a government. Mr. Poilievre defended the complete redaction of a document in 2014, and to try to conflate and substitute what the law clerk prepared with what the public service prepared and was released by the House leader is just disingenuous.

● (2035)

It's plain for everyone to see, in the examples I've shown tonight, that the public service was comprehensive in its work. It compiled and provided information as it relates to WE, and this was released by the government House leader. In this case, I've shown throughout my remarks, as I've consistently been showing, that it doesn't matter which part of the documents we look at; there are clear differences in the level of redactions. We have opened up to show what was being changed, but unfortunately the people making the changes are not being welcomed into the committee to talk to us about it.

Just about the last thing is page 1,198 of the ESDC document. The point has been proven already—we've been proving it over and

over—that there are lots of redactions on page 1,198. The government House leader page has none—zero. You can see in the information, “Thanks. Looks really good. Cheers.” This came from Stephen. We didn't know that until we lifted the curtain.

Let's say I pull out page 160 of the PCO document. We can look at the copy released by the government House leader. There is minimal redaction, either for non-relevance or in relation to some attachments that have nothing to do with the student service grant. If we look at the rest of the email, we can see the majority of the text.

If we were to compare this with the law clerk's version that was released to us before prorogation—and we had time during prorogation to look it over—we'd see lines that are black. Now, if you look at it in front of a TV camera, you can wave the page around and see there's no black. It looks like a page that has just come off a printer. A big chunk of the document is now open. We can see what the differences are. However, under close inspection, it is, again, mostly personal information that we see. It's related to the public servants in the chain. However, this is not the case in the documents compiled by those same public servants for disclosure, as released by the House leader.

In review, Chair, throughout my remarks I've continually pointed out the rather stark difference in redactions between the documents released to us briefly in the previous session of Parliament and the documents released by the government House leader. It's a stark difference. The redactions that were outlined in the motion for the production of documents and the redactions carried out by the law clerk are totally in line with what the committee was looking for. The truth is in front of us. The government provided over 5,000 documents. These documents included unprecedented access to cabinet confidences, the discussions among public servants and the previous agreement that you would never have seen under this kind of disclosure. In fact, Mr. Poilievre and his colleagues fought tooth and nail to get what was a choking amount of information. I would only speculate, but I think it wasn't expected that this level of information would be provided, and it was.

As I noted in my remarks, this is the kind of natural tension that exists between legislative and executive branches of government and the public service. My colleagues forgot that this country operates with three equal branches of government. They're correct about the supremacy of Parliament, but even in the history of this place, it has always been recognized that there are limits on what Parliament requests and what the Crown discloses.

Our government takes its responsibility very seriously, including providing parliamentarians with as much information as possible to do our work. However, members of Parliament recognize as a long-standing precedent that some information cannot be disclosed for the reasons I've given. The Clerk of the Privy Council committed to ensuring the committee had all documentation that related to the government decision-making process regarding the Canada student service grant. All the information that we asked for was there. This was provided and released by the government House leader.

Our government was and is committed to ensuring that the committee has access to information directly related to its study of this matter. However, this doesn't mean that unrelated cabinet confidences were not going to be protected. This was done where it was necessary, and really doesn't impact the study.

• (2040)

Where the law clerk chose to redact further in relation to privacy, that was his decision, and likely in keeping with the committee's motion and instructions. The evidence is clear: This idea that we submitted pages and pages of blacked out documents is simply not the case. There was a lot of drama behind that, but when you look at the pages themselves, the drama is taken away as we look at the redactions, even comparisons of the redacted versus unredacted material. We provided detailed and unprecedented access to cabinet confidence as it relates to the Canada student service grant. The documents clearly show that nothing nefarious took place.

The opposition is clearly playing partisan games here. It's looking for different versions of these documents and looking to spin further controversy out of them, when there's clearly none to be had. The students still don't have the service we're trying to provide them. For the good of the country, we should continue to battle the second wave. We need to now turn our attention to the mandated responsibility.

Mr. Peter Julian: On a point of order, Mr. Chair, I do question the relevance of this. The member knows we are suggesting that this go to the non-partisan Speaker. The only people being partisan are government members.

The Chair: I don't believe that is a point of order; that's more of a debate.

Please continue, Mr. Longfield.

Mr. Lloyd Longfield: I did address that at the beginning of my comments that the Speaker doesn't sit on the committee. It's the committee's job to do its job, and not to defer to the Speaker. The Speaker has another job to do, and that's to conduct the House of Commons and all of his other responsibilities without having to go into every committee and be the adjudicator. This isn't a court of law; this is a committee.

We all have our opinions that we put forward, and we back them up with information. For the good of the country, as I was saying, we have to keep battling COVID-19. We have to turn our attention to our mandated responsibility to conduct pre-budget consultations. Minister Freeland made some comments in the media today, and she's going ahead with things that we need to be talking about as a committee.

Canadians need to know that we're listening, and that we're focused on the economy and protecting jobs. This year the pre-budget consultations will be as crucial as ever. We haven't had pre-budget consultations, because of COVID, and now we have to get to them.

As we go forward I'm really hoping that my opposition colleagues will set aside their partisan ambitions and stop trying to grab headlines. I am hoping that Mr. Poilievre's motion will be aside and that the opposition will work with the government to advance what's in the best interests of Canadians right now.

We need to begin pre-budget consultations and to look at the economic and financial plan of the government to continue to fight COVID-19 and to get us us through the economic and health crisis. We need to do that together. The public doesn't need to see partisan bickering. They need to see parliamentarians working together on behalf of their constituents. I'm here to do that, Mr. Chair.

• (2045)

The Chair: Thank you, Mr. Longfield.

Next on my speaking list I have Mr. Fragiskatos and Mr. Sorbara.

Mr. Peter Fragiskatos: Thank you very much, Mr. Chair. I appreciate that.

I see my opposition colleagues, but I'm not sure if they have been following along with what Liberal members have been putting forward. Mr. Longfield gave a really outstanding overview of the issues at play here. I certainly hope that the opposition colleagues were listening intently. If they were not, and if they are looking for something else to do during tonight's proceedings, I would advise them that the speech given by the Minister of Finance today is tremendously interesting, and they can pass their time that way. That way, at least they would be able to bring ideas to committee—hopefully in the coming weeks—that could be discussed and focused upon. Issues around the debt-to-GDP ratio and economic growth were among a number of points raised in the speech given by the finance minister earlier today.

With that said, though, I do want to put into the record something that allows us as a committee to further understand the matter at hand and to further put the issues being discussed here into proper context.

I will cite relevant references by previous Conservative Party of Canada ministers and MPs as they relate to the redaction of documents by the government of the day. I will go through a few examples, Mr. Chair.

The first comes from April 25, 2007. It's a quotation from Peter MacKay, as follows:

Mr. Speaker, that is patently false. These reports are received, reviewed and redacted in exactly the same fashion as they have since 2002. The previous government went through the same process. There are lawyers and officials in all departments who make these decisions independent of the political branch of government. There were no ministers and certainly the Prime Minister was not involved in any redaction[s] and decisions made as to what information was to be redacted in the reports.

A further example is from MP Tom Lukiwski from 2011. March 9 is the specific date of the record here in front of us. It reads:

Mr. Speaker, I simply want to suggest that the government believed that the information we provided would satisfy the members opposite in their desire to find information as the cost of our crime bills, our law and order bills.

The quote continues:

However, one thing needs to be discussed here and I hope it is something that would be acceptable to all members. We need to respect, in all cases, cabinet confidence. I know the member for Kings—Hants has argued that a previous government, the previous Liberal government, had released cabinet confidence when requested by the House. However, Mr. Speaker, I think you would find historically that is not the case. There needs to be respect for cabinet and respect for the information discussed in cabinet. That is fundamental to our democracy. While I can appreciate the member wanting information that would satisfy [him] and his committee members in trying to determine absolute costs, the member also needs to respect cabinet confidence. We respect the decision by the Chair, obviously, and we are not challenging that. However, does my hon. colleague believe that the cabinet confidence is fundamental to the democracy of Canadian government?

Obviously, it was a rhetorical question made by Mr. Lukiwski.

Again, on the same date, the same MP continued:

Mr. Speaker, I am very pleased to hear [from] my colleague from Kings—Hants [that he] agrees that there is such a concept as cabinet confidence. However, I think it is important to realize again, as I pointed out in my earlier intervention to his original point of privilege, that cabinet confidence has to be respected in Parliament. What the member is talking about now, though, is information that he needs and his colleagues need in committee to determine whether the legislation brought forward by this government is actually not only affordable to the Canadian public, but necessary. I would point out that prior to the decision today, the government provided that information to the opposition. In other words, as I pointed out in my intervention, we provided the information contained within the documents but not the documents themselves.

● (2050)

My question for the member of the opposition was not whether or not information was or was not provided. It has been clear that information was provided.

My question was whether documents that are considered to be cabinet confidence should be protected by confidence, not turned over at the sheer desire of an opposition that may be doing it strictly for partisan purposes.

I'm reading the quotes here, Mr. Chair. It's all very interesting that Conservatives felt this way at one point in previous times.

It continues: "The question I asked dealt with information versus documents and I did not hear a distinct answer to the question". That's the end of that particular quotation.

I'll continue with a further example, this one from former justice minister Rob Nicholson, who, on March 31, 2010, said the following:

First, as is well established in law and parliamentary practice, the principle of necessity must underscore all matters of privilege.

Second, as parliamentarians, we should always be guided by a principle of great restraint when asserting privileges of the House....

The central issue before you, Mr. Speaker, is whether parliamentary privilege gives the House an absolute and unqualified right to order the production of documents and to receive the documents and whether any expression of views that it might not constitute a contempt of the House.

Mr. Nicholson continued:

On this point, I would remind the House that our parliamentary privileges are not indefinite, nor unlimited, but defined by the Constitution in the Parliament of Canada Act as those possessed by the United Kingdom House of Commons in 1867.

On the second point, I would remind the House that exact scope of those privileges have been a matter of debate since Confederation. As you know, Mr. Speaker, many of our parliamentary privileges are unwritten.

While there may be general agreement on the existence of parliamentary privilege, because our privileges are not codified, there are quite often debates on the scope of our privileges.

There have been occasion where the Government of Canada and the House of Commons have taken different positions on the scope of parliamentary privilege. An example was in the case of Vaid, where the Attorney General of Canada and the House of Commons took different views on the scope of the powers of the House to regulate its internal affairs. We also saw in that case that the scope of the powers of the House was found to be more limited than that what had been claimed.

A similar debate is before us today. The member for Scarborough—Rouge River has expressed an opinion on the scope of the powers of the House to send for papers. The Minister of National Defence, on behalf of the government, has taken a different view.

Similarly, the law clerk of the House of Commons has expressed his opinion on the powers of parliamentary committees to compel the testimony of witnesses. And the Department of Justice has expressed a different point of view with respect to government officials who are bound by the law and ought not to be pressured by parliamentary committees to breach their duties under statutes like the Privacy Act....

For example, Speaker Beaudoin observed in 1957:

No matter how ample its powers may be—

Mr. Peter Julian: On a point of order.... Sorry, it's a point of relevance. I gave him a lot of leeway, a lot of leeway, but—

Mr. Peter Fragiskatos: Well, it's leeway as defined by the member opposite, Mr. Chair. I'm putting the matter into context.

The Chair: We'll not debate it.

I do think, Mr. Julian, that it is relevant. Parliament's precedents are set on Parliament's previous actions. The debate relates to the redaction of documents, and pretty well everything that Mr. Fragiskatos has said in his remarks—I've been listening closely—relates to previous decisions by ministers and governments related to redactions, or not redactions.

Mr. Fragiskatos.

Mr. Peter Fragiskatos: I appreciate that, Mr. Chair.

I'll begin on this point by Speaker Beaudoin, in 1957. Mr. Nicholson said, as follows:

For example, Speaker Beaudoin observed in 1957 that:

No matter how ample its powers may be, there are certain documents to which the house is not entitled, and that is those a cabinet minister refuses to produce on his own responsibility.

Similarly in the United Kingdom, a resolution on ministerial accountability was adopted unanimously by the House of Commons in March 1997, which acknowledged that ministers may withhold information in accordance with access to information rules reflecting the long-standing practice in that House.

The second problem with the allegation relates to the minimal role that the Speaker is empowered to perform in relation to question period. As O'Brien and Bosc state at page 510:

The Speaker ensures that replies adhere to the dictates of order, decorum and parliamentary language. The Speaker, however, is not responsible for the quality or content of replies to questions. In most instances, where a point of order or a question of privilege has been raised in regard to a response to an oral question, the Speaker has ruled that the matter is a disagreement among Members over the facts surrounding the issue. As such, these matters are more a question of debate and do not constitute a breach of the rules or of privilege.

Still from Mr. Nicholson: “While I respect our Law Clerk, his views are opinions, not the law”—not the law, Mr. Chair—“it is not a breach of privilege for a law officer of the Crown to hold a different view. To suggest that a legal adviser who has a different opinion from our Law Clerk, from the member of Scarborough—Rouge River, or even of the House as a whole, is somehow in contempt of the House, would be an abuse of our parliamentary privileges.”

Officials also have a duty and a specific legal responsibility to hold in confidence information that may have come into their possession in the course of their duties. Therefore, when appearing before parliamentary committees they are bound by these legal obligations, as well as an obligation to the minister and to the government, not to disclose information that is confidential for reasons of national security or privacy or because it consists of advice to ministers.

This has never been challenged by the House of Commons. In 1991, the government issued “Notes on the Responsibilities of Public Servants in Relation to Parliamentary Committees”. This document, which has not been rescinded or altered under successive governments, states:

Public servants have a general duty, as well as a specific legal responsibility, to hold in confidence the information that may come into their possession in the course of their duties. This duty and responsibility are exercised within the framework of the law, including in particular any obligations of the Government to disclose information to the public under the Access to Information Act or to protect it from disclosure under other statutes such as the Privacy Act.

To argue to the contrary would be inimical to the principles of the rule of law and parliamentary sovereignty. A parliamentary committee is subordinate, not superior to, the legislative will of Parliament, as expressed in its enactments. There should be nothing controversial in that statement. It simply means that where the Parliament of Canada has, by statute, enacted the duty of confidentiality and imposed it on government officials, or where the law of solicitor-client privilege imposes a similar duty of confidentiality on lawyers not to disclose the legal advice given to their clients, or when some other legal duty, such as Crown privilege, is at stake, the proper attitude of government officials cannot be that they are instantly relieved of their legal duties when they are called to appear before a parliamentary committee.

In order for there to be a valid question of privilege, there must be evidence that the House and its members have been impeded in carrying out their parliamentary duties. I would argue that, to the contrary, the government has made attempts to facilitate the—

• (2055)

Mr. Peter Julian: Point of order.

Mr. Peter Fragiskatos: —work of members in holding the government to account.

The Chair: Point of order, Mr. Julian.

Mr. Peter Julian: Relevance, Mr. Chair.

He is presuming the Speaker's ruling on this. He can't presume—

Mr. Peter Fragiskatos: No, I will push back there, Mr. Chair. With due respect to Mr. Julian, I am—

Mr. Peter Julian: —the Speaker's ruling.

The Chair: I believe what Mr. Fragiskatos is doing is quoting the statement related to the point of privilege.

Is that correct?

Mr. Peter Fragiskatos: That is correct, Mr. Chair, on the basic observation that we can't know where we're going until we know where we've been.

A previous colleague of ours has put on the record thoughts that I think this committee should be open to. It, again, is meant to put the matter into a wider context.

Mr. Julian continues to intervene here. Again, I raised a question of privilege before. I didn't push it, but the more I am interrupted—

• (2100)

The Chair: Mr. Fragiskatos, you're off topic now.

It's Mr. Julian's parliamentary right to raise a point of order and raise relevance. It's also your right to use a quote, as long as it's relevant, and I believe it is, because you're quoting past testimony related to the point of privilege.

The floor is yours.

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

Mr. Nicholson continued by adding:

The government wishes to provide members with the information that is necessary for them to perform their duty of holding the government to account. Ministers and public servants will always strive to provide parliamentarians with information in a full and transparent manner, but we must balance this obligation with our fundamental duty to protect information for reasons of national security, national defence and foreign relations. This has been our approach in relation to the issue of the transfer of Afghan prisoners.

Mr. Chair, as you will recall, the December order called for uncensored documents. It listed eight different categories of documents to be produced. The order did not specify exactly when such documents should be produced, who should produce them or whom they should be produced for. The order made no reference to the confidential information being protected or that the Security of Information Act or other laws would be respected.

In light of this I would like to take the opportunity to note the following facts for your information and for the information of the House:

In dealing with matters that must legitimately be kept secret for reasons of state, there is a dilemma in establishing a system of control. At some point secrecy must end and publicity begin, and at this juncture there must inevitably be a gap in knowledge and power 'to send for persons, papers and records' between the controllers and the controlled. If Parliament shares the secret knowledge, then the press and public must accept Parliament's viewpoint on trust; if Parliament is not privy to the secrets, then Parliament must accept some other person's conclusions on trust. There is little evidence in Canada that either Parliament or the public would accept Parliament as part of the inner circle of control, privy to the secrets of state. Crown privilege is part of the common law that recognizes that Parliament has a duty to protect these and other public interests.

While the member opposite may wish to invoke the idea of parliamentary supremacy to support this point it must be remembered that the Crown is as much a constituent part of Parliament as is the House of Commons and the Senate. These parts can act to define the powers of each through statute but the House alone cannot make law nor extend the scope of its privileges. The government wishes to provide members with the information that is necessary for them to perform their duty of holding the government to account. The government, of course, has great respect for the work of the House of Commons and its committees. Ministers and public servants will always strive to provide parliamentarians with information in a full, transparent manner. However, we must balance this obligation with our fundamental duty to protect information for national security, national defence and foreign relations. This has been a consistent approach by successive governments.

He ends his remarks by saying the following:

In 1887 Alpheus Todd, the former Librarian of Parliament, explained the principle as follows in his treatise on parliamentary government: Considerations of public policy, and a due regard to the interests of the State, occasionally demand, however, that information sought for by members of the legislature should be withheld, at the discretion and upon the general responsibility of ministers. This principle is systematically recognised in all parliamentary transactions: were it otherwise, it would be impossible to carry on the government with safety and honour.

Those are the relevant points that I wanted to read into the record. It is important for us to consider, particularly for our Conservative friends across the way, because members of their own party have voiced positions that now contradict the current perspective and position of Conservative members on this committee and the current Conservative leadership, might I add.

This will make Mr. Julian happy, I think, if I could have read into the record the quotation from Mr. Poilievre that comes from 2014 in which he voiced a position that mirrors very much what we have heard tonight from his previous colleagues. I won't do that because I've done it in previous meetings and in keeping with what you've called for here, Mr. Chair, to stay on topic because I always do. I see Mr. Julian nodding his head in agreement and I appreciate that.

• (2105)

The fact remains that we have a contradiction in position. The Conservative Party, when they were in government, held a particular point of view that now does not at all align with the take they have taken in opposition, the position they have put forward at these meetings, in Parliament and in the public. In my mind, this raises a fundamental question, and that relates to democracy itself.

The opposition has a fundamental role to play in any democracy, in any meaningful democracy. Citizens must trust their government,

but they must also trust their opposition to raise matters of importance and to be consistent in their perspective on the issues.

When the opposition, in this case, is not maintaining consistency, then it raises a particular problem, one where, I would say, the faith of citizens is called directly into question. That itself—

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

The Chair: Hold on, Mr. Fragiskatos.

Mr. Kelly.

Mr. Pat Kelly: Thank you.

While this is an interesting topic, I'm not sure that Mr. Fragiskatos' critique or assessment of the efficacy of the current opposition is relevant to the subamendment.

The Chair: Yes, I would say that is debatable.

Mr. Fragiskatos, I do think members make points about the other person's position, but stick as closely as you can to relevance.

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

I was making the point that it is about consistency. It is about showing citizens that at this committee we are doing the work of the people.

When we have the opposition articulating a perspective that they know full well, or ought to know, does not align with where they were just a few years ago when in government, maybe that proves the point. When in government, there are particular responsibilities that cannot be ignored, responsibilities that don't fall from the sky but are completely in line with parliamentary tradition and procedures. However, when in opposition, the tendency of this Conservative Party has been to craft a particular narrative that suits partisan gain and not public gain.

This is at a time when we see the rise of mistrust in long-established democracies, not so much here in Canada, and in fact, I'm quite happy with where we are in terms of democracy in Canada, generally speaking. We can always do better, but we're in a good position. However, in other long-established democracies, where faith in democracy has been shaken to its very core, and I won't give examples, but I think you know what I'm speaking about, I think it's incumbent upon all of us, including the official opposition, to take positions that are in line with the common good, in line with the public good, and are not contradictory.

When citizens see members of the opposition who, just a few years ago when they were in government, were articulating a particular position on the matters that we're discussing here today now suddenly changing their tune entirely, going in a different direction, it raises particular questions around the consequences of that, the implications of that for Canadian democracy.

Again I point to the rise of populism in particular democracies where it has taken shape. One of the reasons for this is the loss of trust. Citizens have to be able to trust elected representatives. When we see elected representatives, for political reasons, running around and changing arguments, changing positions to suit political interests in the name of playing a political game, it does not bode well for democracy.

Very regularly I hear from the citizens I represent in London North Centre, who are not seized with this. They're seized with the fact that they might be losing a business. They might have concerns about their kids' future, whether they're going to college, whether they're going to university. I am focused on the issue.

• (2110)

The Chair: Mr. Fragiskatos, I am going to have to ask you to tie this back to either the quotes that you were giving from previous Parliaments or whatever. We're going a little beyond the subamendment, I believe.

Mr. Peter Fragiskatos: I will, Mr. Chair. Again, it's just about putting the entire matter into context. If I strayed there a bit, I apologize.

The issue, though, remains that when we have before us pretty straightforward matters and government members—Liberal members, rather—showing themselves to be willing to engage with the opposition, willing to reach a compromise, still we see particularly the Conservative Party holding firm on these points, points that they would not have ever entertained just a few years ago.

It presents a problem, and not just for this committee. I would ask Conservative colleagues to think beyond the here and now, to think about what message they are sending to the citizens they represent and to Canadians, generally speaking. You can't play these sorts of games and get away with it. People will pay attention. They might not be following us on CPAC right now from beginning to end, but they certainly are watching, Mr. Chair. They want their politicians to be clear and focused and straight with them.

I thought it was quite relevant to put into the record quotes that are important for us to think about, quotes from Mr. MacKay and quotes from Mr. Nicholson. There was Mr. Lukiwski, whom I mentioned as well. This was just a few years ago, Mr. Chair. It's not as if I'm reaching back into the annals of parliamentary history and quoting Robert Stanfield or Joe Clark.

By the way, I wonder, if it was still Mr. Stanfield's or Mr. Clark's Conservative Party, what the Conservatives would be after today. Would they still be acting in this way? It's unfortunate that what was a proud Progressive Conservative tradition has morphed into something entirely different, something quite seized with scoring political points to the detriment of Canadian democracy.

I'm a Liberal—and a proud Liberal—but I think there is something to the idea that Robert Stanfield was the best prime minister that Canada never had. I think there is something to the idea that Joe Clark was a tremendous foreign minister for Canada.

Mr. Ted Falk (Provencher, CPC): I have a point of order, Mr. Chair.

Mr. Peter Fragiskatos: Look what's happened to the Conservative Party now. The record of difference—

Mr. Ted Falk: I have a point of order.

Mr. Peter Fragiskatos: —between where the Conservatives were just a few years ago and where they are now illustrates everything that I'm talking about.

The Chair: Order, Peter.

Sorry, I was yelling order at you, and I was on mute.

Mr. Falk has a point of order.

Mr. Ted Falk: Mr. Chairman, the content that we're hearing now is not relevant at all, and he has strayed a great deal away from the subamendment.

The Chair: I would agree with you, Mr. Falk.

Mr. Fragiskatos, could you pull back to make your remarks relevant to the subamendment or to your earlier remarks on precedent?

Mr. Peter Fragiskatos: All of that, Mr. Chair, I think, is relevant to the wider issue.

I'll conclude my remarks, though. I think my colleagues know very well where I stand, and I urge them....

Perhaps I'm being unfair because I do know that Mr. Kelly is a new MP. I did see a few others before. I think it's Ms. Jansen. She's participating in the meeting. I do see Mr. Cumming. Oh, it's great to see Mr. Cumming back, actually. He was, as we all know, a member of the committee in the previous session and contributed tremendously in that. However, they will not have worked with Mr. MacKay. They will not have worked with Mr. Nicholson. I point to those two individuals in particular because as ministers in the Harper government, they were obviously quite familiar with the issues and the responsibilities that—

Mr. Ted Falk: I have a point of order, Mr. Chair.

The comments that we're hearing now are completely irrelevant to the subamendment. I would ask that if the member is out of material that actually pertains to the subamendment, maybe we should move to a vote and move on.

The Chair: Okay, I would have to agree with Mr. Falk.

Mr. Fragiskatos, stick to the subamendment or relate your comments to your previous remarks.

Thank you.

• (2115)

Mr. Peter Fragiskatos: I have other colleagues who I know want to get on the record, Mr. Chair, and perhaps Mr. Falk was offended that I didn't mention him. I know he was a colleague of Mr. MacKay and Mr. Nicholson.

It wasn't disrespect, Mr. Falk. I understand and appreciate that you've been a parliamentarian for some time. If it was taken as disrespect by you, the fact that I didn't mention you and focused on your other colleagues, it was not a sign of disrespect.

I appreciate the time, Mr. Chair. Thank you very much.

Let's continue to find a way forward, a reasonable way forward, which Liberal members are actively seeking here and have been seeking for some time.

The Chair: Thank you, Mr. Fragiskatos.

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

Mr. Fraser.

Mr. Sean Fraser (Central Nova, Lib.): Thank you, Mr. Chair.

Pardon me, but I'm starting off with a sip of water. I hope you don't mind. Thank you.

We're debating the subamendment to the amendment to the main motion that touches on privilege.

The way we got here began initially with my colleague, Ms. Dzerowicz, putting a motion on the table to conduct pre-budget consultations. Mr. Chair, you've made clear to this committee that if we're going to do that, we need to do them fairly quickly, because the Standing Orders allow us to do them, but only allow us to table a report prior to the end of this year—a few days before the House rises for Christmas.

Mr. Poilievre jumped in with a privilege motion which relates to the document production surrounding the WE Charity controversy. There were a couple of problems with the initial privilege motion that relate to the subamendment. The problems had to do with the sort of oddities that surrounded the government's initial delivery of documents to members of the committee, and specifically how they were uploaded. The government, as we got near prorogation, delivered the information to critics on USBs, and at a similar point in time, the documents were being uploaded, but not all of them were uploaded. In any event, they have not officially made it before this committee.

The initial privilege motion, you'll recall, failed to bring documents from the previous Parliament into the privilege motion, which I believe you ruled was out of order as a result, but a majority of the members of the committee overturned that particular decision that you took.

In an effort to remedy the evidentiary issue, an amendment to the motion was put forward that sought to bring some, but not all, of the documents that the government produced into the record. That's still a problem, because the documents that were not included in the proposed amendment were the very documents that explained why the redactions existed. Those documents include the remittal letters, which I've spoken about at length before this committee, which largely outlined a couple of reasons for the redactions that have taken place.

Generally speaking, and I think this is very important.... I've seen a number of members of the opposition draw attention to the Speaker's ruling indicating that the committee can review the documents and decide what to do with them. The committee is jumping into an assumption, or at least certain members appear to be jumping into an assumption, that privilege has been breached without having actually reviewed the records. I think the very least we should do, if we're going to take this back to the Speaker, is the

bare minimum that he suggested we do by actually reviewing the documents.

Of course, we have gone through great lengths to try to get some of these documents onto the record if they are not already there. One of the problems that remains has to do with the fact that the explanation behind the redactions are not in place.

In order to help remedy this defect, the subamendment tried to do a couple of different things. In fact, this is I think the third subamendment that we've tried to have to help remedy this problem. The first one would have required a comparison of the two complete sets of documents that were produced. The second subamendment had to do with adding page annotations so we could quickly understand the differences between what's on the record and what the government actually produced—both of which were defeated. The third and final subamendment is the one we are debating now.

• (2120)

The subamendment before us seeks to do a couple of things. Largely, its purpose is to prepare two complete sets of documents so we can understand which redactions the government was responsible for and which redactions the law clerk was responsible for. Then we would have the opportunity to review those documents on the evidentiary record that is before this committee in this session of Parliament. That would allow us to understand, with a greater degree of confidence in fact, what the government has produced and whether it has met the obligations that were outlined in the initial motion.

There are other problems with the motion specifically around the issue of cabinet confidence, both whether we requested the documents and whether the request that has been made has been satisfied. First, on the issue of incomplete disclosure, the opposition's privilege motion and associated amendment are seeking to bury the explanations that the government has provided for why the redactions exist. I think at a bare minimum we should allow the remittal letters into the record so we can understand the very clear explanation that has been given but the opposition refuses to allow on the evidentiary record before this committee.

An offer has recently come in from the Clerk of the Privy Council, who has specifically asked to testify, or at least he has made known his intention or willingness to be available at this committee's behest to give evidence on the record as to why certain redactions were made. I think we would benefit from this. If any of the members of the opposition, although we're debating the subamendment now, are willing to have the Clerk of the Privy Council come and testify as he has indicated, I would be more than happy to be interrupted, because I think that would allow us to make some headway here. However, seeing no interjections, I will continue. Perhaps that will be a debate on a further subamendment, because if we're going to make a decision as to whether we should take up the Clerk on that invitation, those who are opposed should make it known on the record.

The issue, though, around incomplete disclosure really has to do with the principle that's foundational to parliamentary democracy, and that's due process. It infiltrates every element of our democracy, whether it's our criminal justice system in Canada or whether it's our ordinary parliamentary discourse. Indeed the foundations of responsible government depend on the opportunity to ask a question and give an answer. Here we have opposition members who are insisting that they ask a question, provide the answer themselves and shut out everyone else from having an opportunity to give an explanation. That doesn't sound like fair process to me. It sounds highly inappropriate.

Perhaps I'll explain the cabinet issue and return in detail to the shortcomings on the incomplete disclosure that I've been on so far. The cabinet documents issue is really a core sticking point. It's really important that cabinet confidences be protected, but before we even get there in this analysis, I think it's worth revisiting the initial motion.

The whole basis of the allegation that privilege has been violated is that the government failed to meet the conditions outlined in the committee's motion that was adopted in July, which members of the governing party supported at the time, I recall. There's an important reason why we supported the motion even though, frankly, we would rather get on with the business of pre-budget consultations, because I know I'm getting requests in my own community and across Canada to appear.

In any event, the motion that was adopted by the finance committee in the previous session of this Parliament reads as follows:

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 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—

• (2125)

[*Translation*]

Mr. Peter Julian: A point of order, Mr. Chair.

[*English*]

The Chair: Mr. Julian.

[*Translation*]

Mr. Peter Julian: Mr. Chair, I raise a point of order just to make sure that the clerk is aware that Mr. Boulerice is taking my place. He has all the information, and can intervene and participate in this magnificent filibuster that we are witnessing tonight.

I will leave you and come back in six hours, if all goes well.

[*English*]

The Chair: Thank you, Mr. Julian. I don't believe that was a point of order, but more a point of information.

I believe the clerk has shaken her head yes, so Mr. Boulerice has signed in.

Welcome, Mr. Boulerice.

Mr. Fraser.

[*Translation*]

Mr. Sean Fraser: Thank you, Mr. Julian.

Welcome, Mr. Boulerice. I'm glad you're here tonight.

[*English*]

I will switch back to English, because the analysis will be difficult for me to conduct in what I hesitate to even call a “second language”, because I only have a small part of it—but I am working on it, I promise you.

In any event, I was in the middle of reading the motion that was adopted in July. I will spare you starting from the beginning, despite the small interruption. Largely, it asked for the documents relating to the WE Charity controversy. I believe I picked up where it said:

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.

So far, it's not controversial. The next phrase, after a semicolon, is:

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.

Again, the key part of this, for this portion of my analysis, is the fact that after we listed all the documents that this committee had asked for, we specifically said that “matters of Cabinet confidence and national security be excluded from the request” This was the key part of the motion that garnered the support of members of the governing party who happen to sit on this committee.

The reality is that this committee asked for a whole bunch of documents. We specifically said to the government that we are not requesting documents that are subject to cabinet confidence. We subsequently said that, of the documents that you produced that we have requested, the redaction should be done by the law clerk to protect privacy and personal information.

I think there is room for us to find a way forward on documents that may relate to personal information or privacy. The reason that some of those redactions were made by civil servants was that they are subject to legislative obligations, and we understand that there is a bit of a conflict between what the motion asks for and what the legislation that binds the civil servants says.

What cannot be reasonably disputed, however, is that this committee specifically told the government that we did not want them to turn over cabinet confidence documents. The documents that were largely redacted, as I made clear when I sampled some of them, are subject to cabinet confidence. The government produced them, despite the fact that they had never been requested, in order to shed light on issues that may have been useful for this committee during its consideration of the WE Charity issue that consumed the committee's work for much of the summer.

Mr. Chair, the point on this particular issue is that it's hard to imagine a right-thinking person concluding that privilege has been violated by virtue of the government's producing documents in a redacted form that the committee never asked for in the first place. It's really that simple. I don't understand how we can now be alleging that the government has breached the privileges of members of this committee on the basis that it didn't produce information we didn't ask for.

It's as straightforward and clear as day. There is no way that somebody can reasonably interpret that motion to suggest that the committee wanted the law clerk to redact cabinet confidences. We specifically said we are not requesting them, and I think that has to be driven home for members to understand.

If there is an opposition member here who would like to explain to me an interpretation of this motion that would actually have had the government produce government documents, you should start selling the Brooklyn Bridge, because realistically it says one thing, and the allegation is that it says another. It's that simple.

In any event, one item I want to delve into is that even if the government had been made the subject of a request to produce documents that are subject to cabinet confidence, it's pretty clear that in Canada they would not have been compelled to produce those documents. Cabinet confidences exist for very good reasons. They are the subject of court cases and literature that we could delve into—and may, before the night is done.

● (2130)

In any event, the purpose of cabinet confidence, to summarize it, is to ensure that members of the executive who are sitting around the cabinet table are able to have free, frank and open discussions, knowing there is absolute privacy that attaches to those conversations in order to foster a conversation that will help improve our democracy and hopefully improve the lives of Canadians as well. Sometimes the issues that can be discussed around a cabinet table will be sensitive for reasons of national security, or perhaps to protect the public's health. Perhaps they involve issues that are commercially sensitive that should be protected for good reason. However, in the present instance, the opposition, despite the fact that we've not requested the documents in the first place, is nevertheless insisting that the government should have been producing those documents, even though they would be subject to cabinet confidences.

The other issue at play is the fact that redactions were made by civil servants. Those redactions largely touched on the personal information of civil servants and information that was simply not relevant to the committee. However, as for the pages Mr. Poilievre was waving around at his press conference, which were heavily redacted, when we actually delve into those documents, from what I can tell they are ones we didn't ask to have produced in the first place.

I started, during the last meeting, going over some of the document production that came through the Clerk of the Privy Council. When I was talking previously about the transmittal letters, these are precisely the documents that explain why the redactions took place.

If you give me a moment, Mr. Chair, I'm bringing up the transmittal letter. Again, this is a document that members of the opposition are suppressing and won't have brought into the evidentiary record before this committee. I think it's important that they allow this information to be admitted into evidence before this committee and, frankly, that we give the Clerk of the Privy Council an opportunity to further explain why these redactions were made.

The Clerk of the Privy Council, Ian Shugart, wrote a letter to David Gagnon on August 7, the day before the committee insisted the government produce the documents. In it, he wrote:

Dear Mr. Gagnon,

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....

I am also pleased to provide information related to the undertakings that I agreed to at my appearance before the committee on July 21, 2020 which were as follows:

1. A detailed timeline of events.

Surely that would be relevant. That document was attached as an annex. It was a timeline describing the Privy Council Office's knowledge of and involvement with the file the committee had been studying.

The second undertaking was to provide, "A full list of organizations that were consulted on program development." Again, that is certainly relevant. In answer, the letter goes on:

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-19 context.

Annex 3 includes a list of those organizations.

The third undertaking says, "PCO media monitoring from the dates when Margaret and Alexandre Trudeau had speaking engagements for WE Charity." To answer that undertaking, Mr. Shugart confirmed:

...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.

The fourth undertaking Mr. Shugart provided during his committee appearance was, "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." Those communications were included in the first annex to the letter and in the package that was submitted to the committee from the Department of Finance.

The fifth undertaking was, "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)."

- (2135)

The answer to that undertaking is:

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

It lists a series of the participants, civil servants, who took part in that teleconference. Of course, many of them testified here. I will spare you the details of going over the names of the individuals. I think we've dealt with them enough over the past few months.

The undertaking response goes on to say that:

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.

The sixth undertaking that Mr. Shugart provided to the committee was a due diligence analysis of any financial scrutiny undertaken with regard to the WE Charity during this process, with an answer:

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.

Undertaking number seven was to produce the full text of the contribution agreement. He states:

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

The letter goes on, after he deals with those undertakings which I read out, to say:

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.

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

That mirrors the language in the motion this committee adopted. The letter goes on to state:

No information is being withheld on the grounds of national security, since the information does not so pertain.

There was no need for the government to pull out from what it produced documents that touched on national security.

Now, next, this is a key part of the transmittal letter, because it relates to the key part of the motion that I read out:

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 constitute Cabinet confidences is withheld and identified as not relevant to the request.

In fact, Mr. Chair, before I continue with Mr. Shugart's letter, this response makes it very clear to me that for the documents that were subject to heavy redactions, not only would they have been subject

to cabinet confidences, but if the opposition would actually allow Mr. Shugart's letter to form part of the evidentiary record, it would see that the items redacted relate to matters other than the Canada student service grant and are therefore not relevant to what the committee has actually asked for. In any event, they were never requested by this committee, and the government made the decision to nevertheless produce those matters that pertained to the Canada student service grant.

The letter goes on:

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. I have notified the Privacy Commissioner of my intention to disclose this personal information, as I am required to do under the Privacy Act.

I have decided to protect the phone number and email addresses of WE employees other than Craig and Mark Kielburger. In addition, there are a few references to the family members of a public servant and I have chosen to protect that information. In my opinion, the public interest in disclosing this type of personal information does not clearly outweigh the invasion of privacy.

Similarly, because I believe that it is in the public interest 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.

- (2140)

It seems as though certain members of this committee not only failed to find this information helpful but also are intent on burying it to ensure that the explanation provided as to why the redactions took place, and how the disclosure was organized, never sees the light of day. They now appear to be going the additional length of ensuring ensure the author of that letter, who happens to be the Clerk of the Privy Council, who maintains responsibility for the operations of the civil service, who has made known his willingness to come to testify before this committee to answer whatever questions we may have about the redactions that were made, will not actually come before this committee.

Mr. Chair, one of the reasons I think this is useful, and I turn your attention back to the package of documents I was going through at our previous meeting, is that the kinds of redactions that were made were clearly either of a category that the committee had never requested in the first place, or they were clearly within the kinds of information that would ordinarily be redacted.

As I mentioned, the real question is whether the personal information should have been redacted by the Clerk of the Privy Council or the law clerk. We might be able to find common ground going forward, but if we're going to have members of the committee seek to revise history and insist that the committee had actually requested documents that were subject to cabinet confidence, when that frankly was not the case, then this is going to be a difficult hurdle for us to overcome.

In any event, I was at page 480 of the Privy Council Office's disclosure. That document is an email. It's an email among public servants who were involved with the Canada student service grant file. The content of the email is almost entirely visible. The only redaction at the end of the email is the cellphone number of a public servant. For all those folks who I know are tuned in at home, it seems that the kind of dispute that we're having is not just over the production of a civil servant's personal cellphone number, but over who the right party was who should have made that redaction.

It's quite clear there's no public interest being served by the disclosure of the personal cellphone number of a civil servant, and the privacy interest certainly would lead to the redaction whether made by the law clerk or the Clerk of the Privy Council.

The following document is at page 481 of the Privy Council Office's disclosure package, and it included responses to questions on the Canada student service grant. The first section provides a background on the contribution agreements and information provided without redaction on contribution agreements more generally. The first question asked whether *force majeure* includes a pandemic. It provides an unredacted explanation of the answers to those questions.

On questions about the relevance of the May 5 date, referred to on page 2 of the document this was attached to, a full answer is given. It's the project start date. The next item says that up to \$5 million would be provided for partner non-profit organizations. If they have 50, that means \$100,000 would be given to each in the first cohort. These answers were provided to them.

The documents go on with a series of questions about the Canada student service grant program. The entire second page is fully unredacted. The third entire page is fully unredacted. The next page is fully unredacted. This is a document from start to finish that includes no redactions, and provides substantive information relating to the matters that were very much requested by this committee, and it was all produced in full.

- (2145)

If we look at the following document, we're now at page 491 in the Privy Council Office's disclosure package, it's an email from Craig Kielburger to Ms. Fox at PCO. This exchange is from pages 491 through 495 of the Privy Council Office release. The entire content, with attached information from Mr. Kielburger, is produced in full. There are no redactions on substantive content other than the names of private citizens and personal contact information, none of which are relevant to the items the committee was looking for.

It starts with a hi to Chris, and then, "I hope you,"—small redaction—"are well". Presumably it's another person's name. Indeed,

that's the explanation. It goes on to talk about other things, some of which relate to the WE Charity Canada student service grant matter. Others do not. The attachment is correspondence from the WE Charity or a press release that appears to be, again, fully unredacted. As to whether this document needed to in fact be produced in the first place, I would suggest it probably wouldn't have, because most of it is not relevant. However, a decision was made to turn it over nevertheless, because it touched on the conversations that were taking place between WE Charity and the Government of Canada.

At the very, very end of the email exchange, in the signature line, we have Lauren Martin, executive assistant to Craig Kielburger. It appears that her office telephone number is included. The personal contact information that follows has been redacted. It's one very, very short line. For those who are interested and tuning in at home, that's page 495 of the Privy Council Office's disclosure.

Mr. Chair, it wasn't just the Privy Council Office that went through the trouble of walking this committee through the reasons for any redactions that existed within their package. You can turn your attention to the letter that was provided from the deputy minister of finance. This is one of the remittal letters I was speaking about previously that the opposition is seeking to have excluded from the evidentiary record that this committee can consider. It provides important and essential context as to why the disclosure was made in the fashion it was.

It's a letter to Mr. Gagnon, then clerk of the Standing Committee on Finance. It reads as follows:

Dear Mr. Gagnon:

On behalf of the Department of Finance, I am transmitting the attached documents to you in response to the motion adopted by the House of Commons Standing Committee on Finance on July 7, 2020 (Standing Order 108(1)(a)):

"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;

Again, this is the key part:

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."

Although that motion was included in a quote in the letter, I feel compelled to drive home the point that from the deputy minister of finance's perspective, he felt it essential to include the language from the motion that made it clear that this committee did not request documents that were subject to cabinet confidence in the first instance.

The letter continues:

Documents are also enclosed as part of this package related to the undertakings of the Clerk of the Privy Council and Secretary to Cabinet, Mr. Ian Shugart, further to his testimony to the Committee on July 21, 2020.

Indeed, I went through those undertakings and Mr. Shugart's response to them during the letter I read into the record from the Clerk of the Privy Council dated August 7, 2020, the day before documents were required to be delivered by this committee, when they in fact came through and were delivered, at least in part, through USB keys to opposition critics and of course were uploaded, subject to certain technical difficulties, at the same time.

● (2150)

The letter from Deputy Minister Rochon continues:

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.

It's familiar language, it mirrors that which we saw in the letter from the Clerk of the Privy Council. It's clear that from the perspective of the deputy minister, as outlined in this remittal letter, that it's his view that the committee, in fact, never requested.... It's not that we didn't request cabinet confidences; it's that we specifically asked the government to exclude them from the disclosure package. This is not a unique perspective that's been taken. This is copying, in some instances verbatim, from the motion.

The letter continues:

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.

The government clearly viewed that the government had not been asked to produce this information but nevertheless chose to. The explanation given in this remittal letter is that:

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.

Before I get into the next section of this letter, I think it is important to understand what is meant by the sentence:

A principled approach was taken with respect to this information to ensure a non-selective application of the protection afforded by Cabinet confidentiality.

This is an absolutely key point. In my career before politics, I would routinely become involved in pieces of litigation involving controversial cases that would go before the court relating to document production. In fact, on occasion, they would deal with documents that were subject to Crown privilege or some kind of public interest immunity, which we often refer to as "Cabinet confidence."

One of the key things that we would do when we were dealing with volumes of documents that sometimes exceeded 400,000, or some astronomical number, was to say that if you were going to get into a review of documents that are so great in number that it makes it very difficult to go through, why don't we agree on a process that you can employ to ensure that the document production is non-selective? You didn't pull out documents and attribute a protection to them because they were sensitive.

One of the things that I think this committee would benefit greatly from is actually hearing from the people who are responsible for

those redactions. One of them, in fact the main person, the Clerk of the Privy Council, has put his hand up and asked this committee to invite him to appear so he can walk us through the process that was employed. He's indicated that in his letter, but that letter is not in the record the committee is considering because opposition members are trying to ensure that it does not form part of the evidentiary record. He's given one explanation. He now wants to walk us through that explanation in greater detail so we have confidence that the process that was employed in redacting these documents was non-selective, i.e., fair and reasonable, based on principles, not interests.

Nevertheless, it seems that there is no appetite among opposition members to hear him. In fact, they are not just refusing to hear him, but are actively trying to exclude the letter he sent to us, which the government disclosed, from the evidentiary record before this committee.

The letter continues on the issue of personal information and privacy:

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.

● (2155)

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.

Before I get into the next paragraph of this letter, just to reflect on the importance of the paragraph that I've just read, the only controversial piece that I think we should be able to sort out among us relates to the redactions that were made by the Clerk of the Privy Council from documents not subject to cabinet confidences, i.e., those documents that were subject to redactions that pertain to personal information that ought to have been kept private.

It's the opposition's view, and in fact the motion does say, that the law clerk should have been the one to make those redactions. The motion makes no similar suggestion that it should have been the law clerk doing the redactions of cabinet confidences because we specifically asked the government to exclude those from consideration.

The dispute is really about who should have made the redactions of personal information of parties, many of whom had nothing to do with this. That's a difficult thing to understand and, surely, is something we could sort out, but I expect there is another interest at play here.

Mr. Chair, the letter goes on:

With respect to pages 190 and 194-213, further to consultation with the originating stakeholder, authorization to disclose this information was not given as it constitutes personal information as defined under Privacy Act. Furthermore this information is considered proprietary to the third party. The contents of this information is not relevant to the funding agreement or the Student Grant Program therefore, it has been severed in its entirety.

That's important context, Mr. Chair, because when you review pages 190 and 194 through 213, you will understand why those redactions were made if we allowed the explanation that was provided to members of this committee to form part of the evidentiary record.

The letter continues:

For clarity, note that there were a series of e-mails between Finance officials and staff in the Minister of Finance's Office regarding next steps. Of note, an email from the Minister's Office to Michelle Kovacevic on April 18 lists a series of items for the department to follow-up on as well as some items "WE" will address. In this instance, "WE" is a typographical error and refers to the Minister's Office, not WE Charity.

This is me reading the middle letter from the deputy minister of Finance:

Also of note, the Annex 4 dated April 19 contains an error that was corrected verbally in an April 21 briefing with the Minister of Finance. While page 6 of the note references a cost estimate of \$0.8 billion for the proposal plus potential administration costs, pages 7, 8, and 9 recommend setting aside up to \$1 billion (\$900 million for the initiative and an additional \$100 million for implementation and associated costs). The correct recommendation (\$900 million) is reflected in the April 21 version of the note, also enclosed in the package.

Finally, following the April 21 briefing, a draft Ministerial Decision Page (enclosed as the first page of the April 21, 2020 version of the note) was prepared and routed to the Finance Minister's Office for review and approval by the Minister of Finance. This Ministerial Decision Page was not formally approved by the Minister of Finance. A formal decision was later made by the Prime Minister and is reflected in the package.

Yours sincerely,

Paul Rochon

Deputy Minister of the Department of Finance

The explanations given by the deputy minister of Finance make clear why particular redactions were made, both in general terms and, in several instances, on specific pages of the document package produced by the Department of Finance.

● (2200)

Largely speaking, the rationale behind the redactions on the documents that were disclosed reflect those reasons that were given by the Clerk of the Privy Council, chiefly that the committee's motion made it clear in no uncertain terms that cabinet confidences were excluded from the request this committee made to the government and that redactions should have been made on issues of privacy and personal information, albeit by the law clerk. Again, the reason that the civil servants and not the law clerk made those redactions notwithstanding the language of the committee relate to the fact that they are bound by certain legislative obligations.

I know the NDP has previously made the case, when Mr. MacGregor joined us for an evening, that the law clerk has written us indicating the supremacy of the committee from a point of law in terms of document production. The Clerk of the Privy Council and deputy ministers who have sent us letters have explained that they view themselves to be bound by legislation that pertains to privacy. They went through the processes outlined in applicable privacy legislation, as the remittal letter so eloquently described, to ensure that they sought to obtain the consent of the people whose personal information was the subject of documents that were being produced, and if consent was not to be obtained, they would apply a public interest test to determine whether in fact the protection of privacy outweighed the interest the public may have in the disclosure.

Clearly, when the bulk of this information is the private cell-phone numbers or email addresses of individuals who are not connected to the file, I see no need for the committee to have them. In any event, I see no need for the committee to dispute who should have made the redactions, but if it's the will of members of the opposition to insist that the law clerk make the redactions of that personal information, I expect we would be able to find a path forward. Instead, they seem to dig their heels in and insist that the original motion adopted by the previous iteration of this committee in the last session of this Parliament declares something when it in fact says the precise opposite. Matters of cabinet confidence were specifically excluded from the request before the committee.

With the context of this remittal letter from the deputy minister of finance, we can turn to the Department of Finance's disclosure package. If we look at the Department of Finance's first page, its heading is "April 2020—Student Support during COVID Emergency: What we heard from stakeholders".

Before we get into what the documents that were released by the Department of Finance actually say, I remember working with those officials on many different files at the time. They really dug in, working extraordinarily long hours to get folks through this pandemic, and nevertheless were pulled off some of the emergency program development work they were doing in order to deal with the document production work that this committee requested.

Pages 1 through 3 of their release are what I'm looking at. Once again, all the content related to the Canada student service grant is present. The only redactions made relate to third parties that had no association with the program. Again, the document was headed, "April 2020—Student Support during COVID Emergency: What we heard from stakeholders".

The document goes over the feedback that was received from stakeholders. The first group was the Canadian Alliance of Student Associations, and if you will allow me a short use of the Peter Julian rule of 20 seconds of irrelevance, I do have to give a shout-out to CASA, as a former member when I was a student president of StFX University. It's a tremendous organization that goes to bat for students. I will leave my admittedly off-topic comment there and return to the relevant document before us.

CASA talked a lot about eligibility for CERB and said that the bulk of Canadian undergraduates already meet the income threshold. The most recent figure they had was that 60% meet the income threshold but that doing so may not be in their best interest. Anyway, I'll spare you the details of what they all said.

Noted Canadian expert on higher education Alex Usher provided feedback and was captured in this document. The Assembly of First Nations was consulted on support for students and had a short blurb included about their feedback. Colleges and universities were consulted, with all of the information on those particular stakeholders included in full. With the WE organization as well, there's a short paragraph talking about support for students.

- (2205)

There were consultations with Andrew Agopsowicz, the senior economist with RBC, who included feedback on support for students, and there were consultations with Polytechnics Canada, whose feedback was included as well.

There are some short redactions from an organization called BHER, represented by Val Walker. If you read the context in the surrounding paragraphs, the small amount of information redacted does not appear to relate in any way, shape or form to the Canada student service grant. It talked about someone living with hearing loss and the potential expansion of the CERB, or the use of the Canada summer jobs program to hire more students and whether there should be a student-specific CERB, and of course you will recall, Mr. Chair, the development of the Canada emergency student benefit to provide support to those students who were not working and didn't lose hours and were therefore ineligible for CERB, but who still needed financial support because of a depressed job market.

In any event, in the case of the short blurbs that were redacted, if you actually consider what the remittal letter said, you will understand that the only redactions were related to third parties that had no association with the Canada student service grant program.

They went on to look at other organizations that have been consulted, including U15, Palette and Universities Canada, two of which had very, very short redactions included in their portion. I did miss one organization, Actua, and some of what we heard when consulting them has been redacted. If you read the explanations I included in the remittal letters, you will see again that it relates to matters that were not relevant or were subject to proprietary information that does not touch on the matters that this committee has requested.

Again, if we're looking at things like proprietary information, personal information and contact details for civil servants and we can find some compromise to allow a conversation to take place between the law clerk and the Clerk of the Privy Council, that's one thing, but no amount of jockeying will change what the original motion said, which clearly excluded cabinet confidences. Again, if the issue really is the redactions that relate to other matters, as the original motion stated, then I think we would be able to find a compromise and a path forward.

In continuing, Mr. Chair, my attention is still within the documents that were produced by the Department of Finance. I'm now

looking at pages 51 through 54 of the Department of Finance release. Here it's an email between Ms. Kovacevic and members of the minister's staff. All the content is there. It is all visible for public and for parliamentary scrutiny, for anybody who is interested in this information. Almost all of it was produced unredacted. The only redaction is for cellphone numbers. It's not relevant and it should not be in the public realm in any event, because I don't think it serves the public interest and I do think that there is interest in having the privacy of Canadians protected when we're dealing with their personal information.

The email talks about an overview of volunteering proposals. It includes attachments, including an overview of the "I want to help" and the WE social entrepreneurship concept. The first redaction is literally a cellphone number, and we know that because only the number itself was redacted, and beside it we have *portable*—and I apologize to my francophone colleagues—next to it. We have the full phone number for the office included unredacted below that.

Again, in the email below on the same document, we're dealing with an email from Rachel Wernick on the same subject as the one before. The entire content about how to implement the various options and a conversation that took place between Craig Kielburger—or I should say, "Craig K", as it says in the email—and Rachel Wernick is referenced in this email.

- (2210)

It's produced in full. Again, the only redaction in that email is the mobile number for Ms. Wernick. I know it's her mobile number, even though it's blacked out, because the word "mobile"—

Ms. Julie Dzerowicz: Mr. Chair, I have a point of order.

The Chair: Go ahead on a point of order, Ms. Dzerowicz.

Ms. Julie Dzerowicz: I just want to do a quick quorum check. I want to make sure everybody is awake.

The Chair: Okay, Madam Clerk.

Yes, we do have quorum. I see all the faces, and I see Mr. Ste-Marie in the committee room.

Ms. Julie Dzerowicz: If Mr. Ste-Marie is here, then we have quorum for sure.

The Chair: He's holding his hands to his chest. He's pretty proud of that.

Mr. Fraser, go ahead.

Mr. Sean Fraser: Thank you.

As to the documents, I've gone through the remittal letter from the deputy minister to the Department of Finance and I am now taking a look at the documents they've produced. I have to say, Mr. Chair, that the redactions included in this document package follow to the letter the explanation that was given but that opposition members refused to allow to form part of the evidentiary body before this committee.

I now am looking at the Department of Finance's production 52. It relates to the email exchange that I've just gone through. It includes a summary of the "I want to help" document referring to student volunteers. The document scopes out the proposed approach to request options to support students volunteering over, it says, "the next few months", obviously at a particular point of time, and it goes into significant detail about some of the considerations that could be included. It outlines a proposal—

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

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

Go ahead, Mr. Poilievre.

Hon. Pierre Poilievre: I was just going to get up to get a drink and wondered if anybody wanted anything while I'm up.

The Chair: What are you drinking, Pierre? It depends. I might take that offer, but it'll take a long while to get it here.

Hon. Pierre Poilievre: How about some Crown Royal? Nothing more Canadian than that good Canadian rye.

The Chair: It is good, and I do like that rye, but—

Hon. Pierre Poilievre: Our farmers would approve.

The Chair: I'm too far away for you to get it here.

Hon. Pierre Poilievre: You might get us to a quicker resolution here at the committee.

The Chair: Well, Mr. Fraser made an offer that if the redactions were based on the original motion, we may be able to find a way forward. I think that's a pretty decent offer and something for people to think about.

You think about that with that drink of Crown Royal, Mr. Poilievre.

Go ahead, Mr. Fraser.

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

Although it was in a collegial tone, I am very disappointed to have been interrupted when I was right in the middle of a key point.

To continue, Mr. Chair, I know that the comment was made in jest, but the point here is that this is a key document that we got into during some of the witness testimony. It outlines the proposals that have been made to Minister Ng. It's been produced in full.

These are the kinds of documents.... You'll see a pattern. Where there is any substantive matter that relates to the issues around the Canada student service grant—its design, its implementation, whatever—it's all there. The redactions that have been made largely pertain to the kinds of things that would properly be redacted. More importantly, they pertain to precisely the terms outlined in the committee's original motion in July, which were specifically explained in a level of detail by the various remittal letters that pertain to each batch of documents.

Around page 189 of the Department of Finance's production are some of my favourite ones that seem to be so controversial. The redaction on this page relates to a teleconference that took place on April 24. It includes all of the participants, including those involved with the Department of Finance, with Mr. Craig Kielburger as an optional attendee. It outlines what time the meeting took place. The

only portion that's redacted—it's a major scandal, Mr. Chair—is the passcode for a teleconference line that is used by the Department of Finance.

Although I highly doubt it's relevant, I can fully understand why a government conference line password would perhaps not be appropriate to disclose. That way, members of the public would not be able to dial in to what should properly be a private and confidential conversation.

Mr. Chair, in any event, the dispute is not even over whether that information should be redacted, but who should have made that redaction. It seems so small. If this is the central point in the dispute, it seems unbelievable that we can't reach agreement on how to get past it.

I'd suggest to you that the real reason we can't get past it is that opposition members continue to insist that the motion, which specifically says that it excluded cabinet confidences from the request, should be read to mean that it included cabinet confidences in the request. Both things cannot be true. In fact, you cannot read the words and assume it means the opposite. This is a basic interpretation, Mr. Chair.

I'll continue, still on the Department of Finance disclosure. At page 190 is the same email from Craig Kielburger to then-minister Morneau. It was also a part of the WE Charity document submission that was received by this committee. In that email, we see this same email with all the information present. As we see there, the information had nothing at all to do with the Canada student service grant, and thus had no relevance to the motion before this committee. The subject was "Thank You & Links". It said:

Hello Bill,

It was incredibly thoughtful of you to call. Thank you very much.

I realize that your team provides you access to extraordinary data. If helpful, attached are two documents. The attached email is from two days...

It goes on. Again, a phone number of the executive assistant is redacted. In any event, the email seems largely to be unrelated to the Canada student service grant.

Another email is on page 216 of the Department of Finance's disclosure package, for those who are interested. It's another email from Ms. Marquez at the WE organization to officials in the public service who were responsible for the Canada student service grant. In this particular release, you'll see all of the content of the email is present. The only information missing, if you go over it, is Ms. Marquez' email address and her personal phone number.

● (2215)

I assume it's her personal phone number that's been excluded, because there is an additional phone number that has been included.

Again, if you actually look at the remittal letters, they explain specifically when and why redactions were made among employees of the WE organization. If we included those remittal letters, you would understand that this is precisely the kind of redaction that was made in order to satisfy the terms of the committee's motion.

If we look now at pages 222 and 223 of the Finance release, you'll see that all of the content of the email between Ms. Marquez and the relevant department officials is completely visible. The redactions that seem to be the source of such consternation include, once again, an email address and personal contact information for Ms. Marquez. This is no big shock.

The first exchange in the email talks about the fact that there was a prompt response and that they copied someone from WE Charity to help coordinate on next steps. The substantive portion of that email produced the personal contact details of the individual and were redacted. Again, the motion would have the law clerk make that redaction. The relevant departments made the redactions in accordance with the legislation that they have indicated they are bound by; however, this seems very much like the kind of thing for which we can find a solution.

It continues on in an email in the same exchange, and precisely the same information is redacted. The body of the email—much of which, by the way, touches on personal exchanges about reconnecting with loved ones over the weekend—was nevertheless included, but the email itself merely mentions that there was a connection made with Craig, who I assume is Craig Kielburger, and Ms. Marquez the week prior.

They mentioned that they had a phone discussion—obviously, that would be appropriate to disclose to this committee, and was—so that they could know what the appropriate next steps would be for them to continue the conversation.

This material involving conversations between employees at the WE organization and civil servants within the Department of Finance is clearly relevant. It is not really all that interesting, not that significant, but it is relevant and it was produced. The only information that was redacted were the personal contact details of an employee at the WE organization. I don't know precisely which branch she was associated with.

In any event, if you look at the redactions and the portions of the correspondence that were not redacted, you will find that they accord specifically with the remittal letter that the deputy minister, Paul Rochon, sent to this committee and which members of this committee are now seeking to have excluded.

I think that it would be helpful not only to have the context of the letters, but also, if we have questions about the redactions that were made, to have those individuals here. Perhaps we could even get them to appear before the committee with the law clerk to discuss their redactions. Indeed, the subamendment goes in that direction. It would be very helpful for members of this committee to understand why they made redactions.

In fact, some members have made this point previously. If you compare the sets of documents that were disclosed by the government House leader to members of this committee with the documents that were redacted by the law clerk, on emails such as this—

not this one specifically, however, but many of the short exchanges—there was a simple mobile phone number or email redacted by the Clerk of the Privy Council. The law clerk went much further and excluded more information, presumably because it engaged either privacy concerns or, more likely in many instances, it simply wasn't relevant to the Canada student service grant, when you're dealing with things like wishing someone well in connection with loved ones over the weekend, as this email did at its outset.

- (2220)

In any event, let's go to the bottom of the email. The only exclusion that appears seems to relate to the personal contact information. While the professional contact details are still very much there, should anybody wish to call Madam Marquez going forward. Well, perhaps that would have been in the past, given the fate WE Charity has suffered in Canada in recent months.

The next document is on page 224 of the Department of Finance's disclosure package. This is very important information. We have here a meeting invitation. It's from Ms. Kovacevic to a MINO, or minister's office, staff member. All the contents are present. The redactions that opposition members are taking issue with are for the conference ID and Ms. Kovacevic's cellphone number.

I will just remind Canadians that the focus of the government has been and remains on the pandemic and the second wave. Now we find ourselves at the finance committee having a dispute over the appropriateness of the redaction, but more specifically the person who ought to have redacted the personal phone number of this civil servant and the conference ID number.

Mr. Chair, much like on the previous page, if you look at page 226 of the Finance release, you'll see that the only redaction present is for a conference ID. All of the names of the relevant officials are there in the emails for Canadians and for opposition members to see. These things can be relevant, without question, but certain information, for good reason, ought to be protected. I've made the case before on a previous document that dealt with a passcode for a government conference line. Certainly I don't think it would be appropriate to share personal emails either.

The portions that actually touch on the facts of who attended meetings, when they took place, and the organizations to which they are attached are all relevant. All are properly within the scope of the motion the finance committee adopted in the previous session of Parliament, and is explained beautifully in the remittal letter by the appropriate deputy minister in this instance.

If we continue on with the package, I'm now looking at the document on page 227, marked "Page 1 of 1". This document is labelled "Secret" and "Confidence of the Queen's Privy Council". It has nevertheless been produced. All of the contents for this agenda and notes from a "four Cs" meeting are included. This is a cabinet confidence document. It's been released for review with all of the information as it relates to the Canada student service grant, with that information visible. The only redaction we have here is a conference call ID number. I'm not making a joke about this. It is actually the kind of information that has been redacted.

To go back to the original motion that was passed in July, it's clear that the motion said that we don't want cabinet confidences. The response from both the deputy minister of finance and the Clerk of the Privy Council made it adamantly clear that they did not consider the committee to have asked for documents that were subject to cabinet confidence. The basis on which they found that conclusion was that the committee told them to exclude cabinet confidences from the request. Nevertheless, as was explained in the remittal letter, where documents actually were relevant or perhaps helpful to the committee in its deliberations and consideration of the Canada student service grant program, they produced those documents.

This one, again marked "Secret" and "Confidence of the Queen's Privy Council", is labelled "Canada Student Service Grant". It is dated Thursday, April 30, 2020. It gives the time of the meeting. It was an hour-long meeting beginning at 11:15 that day. It even provides the dial-in information for the particular conference line at issue. It simply deleted the conference ID to protect the password and keep other people from potentially logging into that conference line in the future.

It talks about the participants who were there from the Privy Council Office, including Lisa Setlakwe, Tara Shannon, Heather Moriarty, Louise Baird, Ken MacKillop and Alain Beaudoin; from the PMO, Rick Theis and Laura Lebel; from ESDC, Rachel Wernick and Ritu Banerjee; and from the Department of Finance, Alexandra Howard, Michelle Kovacevic and Suzy McDonald.

● (2225)

The agenda items are included. They are "Welcome and Opening Remarks", "Discussion on Canada Student Service Grant Options", "Program Delivery & Policy Authority", and "Wrap-up & Next Steps".

This document, Mr. Chair, obviously would ordinarily be subject to cabinet confidences, but the government nevertheless made the decision to produce it even though we didn't ask for it and even though, had we asked for it, they may have been within their rights to refuse to produce it on the basis of cabinet confidences. They've given us nearly the whole thing. The only portion that's redacted is the password to the teleconference that was hosted that day. This is the kind of information that's been excluded from document production.

If we can continue on here, Mr. Chair, I direct your attention to page 228 of the Department of Finance's production. This is talking about key issues for discussion on service and volunteering initiatives. The heading beneath that title is the "Canada Emergency Service Grant". It's then labelled "(CSSG)". Presumably that was dur-

ing a time when a program was being considered but a name had not been landed upon.

The first heading is "Eligible individuals".

Should the grant be limited to youth registered in PSE studies or more broadly to any youth eligible for PSE studies? Should youth in receipt of stipend under CSC microgrant program be eligible for the CSSG

You can tell here the CSC, if you read again the remittal letter. Actually, I'm second-guessing myself about which document it was in, but there was one document that used that specific acronym to describe the Canada Service Corps.

We heard testimony at this committee—again, I should say the previous version of this committee in the prior session of this Parliament—that indicated specifically that the Canada Service Corps was actually being considered to administer this program. We heard testimony when the Prime Minister was before this committee, along with his chief of staff, Ms. Telford, that in fact when that idea was pitched, they learned CSC didn't have the capacity, and the recommendation of the civil service was that if this program were to be administered this year, it would be by the WE organization or not at all for this year.

This is a document that speaks to that very issue in some ways, and it includes recommendations that were made. All of it is fully produced. There are no redactions on this particular page.

It doesn't just deal with the recommendations; it also deals with the considerations if they limit the program specifically to students. It talks about the eligible service opportunities that could be part of a program of this nature. It includes recommendations, including the following:

establishing minimum criteria for eligible volunteer opportunities

proactive outreach and contribution agreements with third party organizations to encourage the development of COVID19 related opportunities across all regions of the country

funding WE proposal to create 10 week service opportunity for 20,000 youth to ensure early offerings

That was under the heading "Recommend". Under "Considerations", they list a few additional ones as well.

They go on to talk about the "I Want to Help" portal and then about "The Grant Amounts and Payments" and recommendations and considerations regarding those.

This is an important document in terms of what the committee was looking for. If you're looking for information about how the program was developed, how it was implemented, how it evolved over time, it's squarely within what the committee had asked for. The government decided to produce this document in full, without redaction.

On page 230 of the Department of Finance's disclosure package, you see "Canada Service Corps: Canada Student Service Grant". Again, this reflects the testimony we heard that the Canada Service Corps was, in fact, being considered for the administration of this program.

It's a draft dated April 29, which actually coincides perfectly with the timeline that was provided to this committee, and on which committee members had the opportunity to question senior members of the government, including the Prime Minister, because this predates the first cabinet meeting, which I believe was May 5 or May 8. My memory escapes me at the moment, Mr. Chair.

• (2230)

In any event, the document relates to the development and implementation of the program, so it's clearly within the realm of what this committee asked for. This particular document is marked "draft"; it's not specifically marked "subject to cabinet confidence", but it does follow the agenda document with the redacted conference ID that I mentioned, and cabinet confidence did attach to that document. In any event, it was produced in its entirety.

It talks about the context around COVID-19 and the need for the development of a program like this. It outlines the proposed approach to the program by ESDC. It talks about the youth eligibility requirements and the eligible service placements. This is the kind of document you want in order to figure out what the government was thinking at the time this program was being developed. It describes what considerations they had in mind and what recommendations they received, including the cost. Here the total anticipated cost is estimated at \$862.5 million.

Frankly, Mr. Chair, this is a document, along with a contribution agreement, that I would have great interest in going through if I wanted to learn about what the government was thinking at the time. The great thing is that if we want to know what they were thinking at the time, what considerations they had made, what recommendations they had received, thankfully it's all been written down and it's all been produced for this committee. Again this document doesn't have redactions, aside from the conference ID that all of this information pertained to. I don't see how that particular information would move the needle one iota for members of this committee who are interested in learning more. The substantive material is all there.

• (2235)

The Chair: Mr. Fraser, I lost track for a minute; what document was that?

Mr. Sean Fraser: I was referring to the document package from the Department of Finance, ending at page 240. I think it began around page 220; page 227 was the first page, which was the agenda. It was subject to cabinet confidence and marked "Secret", yet all the attachments to it seemingly were produced, with significant detail about everything from the anticipated cost to the eligibility requirements for potential students to take part to the eligible placements that could be considered. It's all there, with the limited exception of the conference ID for the teleconference that took place that day.

The Chair: Thank you.

Mr. Sean Fraser: If we continue, Mr. Chair, we can look at an email exchange, and I'm now looking at page 310 of the Department of Finance document. This was an email exchanged between Ms. Kovacevic, the minister's office staff and departmental officials. In this chain—it goes from page 310 through to page 318 of the Finance release—we get all of the information in the body of

the email, all of it. All we have in terms of redactions are private cellphone numbers, which do not need to be in the public domain, and our non-partisan public service removed it.

Again, I will acknowledge that the motion says that some of these redactions, specifically those that relate to personal information, ought to have been made by the law clerk and not the government. I also understand the civil service's point of view, which was not given at the direction of the government but done independently, that they are bound by legislation that requires them to seek the consent of parties who have been the subject of a request to have their personal information disclosed, and if that consent is not obtained, to conduct an assessment as to whether the public interest clearly outweighs the need to protect privacy. In this instance, the limited public interest in having members of the public have access to the personal cellphone number of an employee or civil servant did not outweigh the privacy interest in protecting that personal information, and I agree entirely.

The email is labelled, "For urgent review: May 8 - Cabinet Note on Canada Student Service Grant". The body of the email states, "Someone will send you all the CSSG stuff. I don't know if there was an official request or what - something seems broken!" It has kind of an odd email signature: "sent by MK's sassy smartphone". I don't even think that was relevant. Nevertheless, the government produced it, but the number of that "sassy smartphone" was redacted.

These are the kinds of things that are throughout the entire package, and I'm just reading these directly from the source material that was produced. There's probably information in there that did not need to be produced, based on relevance. Nevertheless, it was included, because the government, as was explained in the remittal letters, tried to take a broad and principled approach to production of the documents.

Similarly, the phone number from the email was excluded. The body of the email, including everyone it was sent to, again with the subject in bold, "For urgent review: May 8 - Cabinet Note on Canada Student Service Grant", reads: "I don't know how this is moving but can someone in addition to the cabinet process send directly to amit gillian's note and the two documents at the links as attachments - proposal and Chagger's annex for tomorrow." This is talking about documents that are clearly going before cabinet. It's labelled "Cabinet Note" in the subject line of the email, and it brings into the body of the email the name of one of the government ministers who held responsibility for some of this program development.

The email chain further gets into some details. It says:

Please find attached (and at this link) a copy of a Cabinet note for the Minister for your approval.

Please note that the Cabinet discussion will focus on two short documents from Minister Chagger:

- The original presentation to COVID committee on May 5 - here

- The proposed revisions following the COVID Committee meeting for consideration at Cabinet - here.

Please let me know if you have any issues accessing the documents and I would be happy to share them as an attachment.

That was from Gillian Webster, a senior analyst focused on indigenous policy with Finance Canada.

All of the material describing the original presentation to the COVID committee, describing documents from Minister Chagger, describing the proposed revisions following the COVID committee meeting—all of that content is there. The professional contact details of Ms. Webster, the senior analyst on indigenous policy with the Department of Finance, are actually included. The government made a decision to disclose her work email and phone number as a public servant. However, if you look at the redaction, it appears that a cellphone number was redacted.

● (2240)

If you continue, you'll see Suzy McDonald, again from the Department of Finance, on an email chain with several other Finance officials, the subject line being "ESDC Student Grant". This email is a part of the same package of documents, and it asks someone named Aiden:

Can you put together an email or short word document to summarize the ESDC proposal on student grants going to Cabinet tomorrow please? Essentially a light touch cab note

—I assume that means cabinet note—

with a bit of background and the highlights of the proposal.

Call if you have questions.

Again, the only piece redacted is the cellphone number of Ms. McDonald.

It is helpful, too, that these documents refer, wherever there are redactions, to certain sections that pertain to the reasons for certain disclosures. You can only understand why all of these matters are redacted in the way they are—and frankly, when there are documents that would ordinarily not be produced, but were—from the context that was provided to us in the remittal letters.

Nevertheless, some members of this committee are trying to ensure that those remittal letters aren't brought into the evidentiary record before this committee, presumably because they provide context that opposition members would like to ensure never reaches the public. Similarly, there is a seeming lack of willingness to allow the civil servants responsible for these redactions to appear, including the Clerk of the Privy Council, who has indicated that he is going to make himself available. Seemingly we won't hear from him either.

I think it would be particularly helpful for him to appear so that we can understand the process that he and others within the civil service employed to ensure that the selection of material to be redacted was made in a principled way and not in a selective manner, as was specifically explained to be the case in those remittal letters. I think that's extremely important and an essential context.

The Department of Finance's document at page 312 follows on the heels of the documents I have been referring to. It is an email from Ms. McDonald, dated Thursday, May 7, at 7:55 p.m. It is sent to, and copies, those who work in Finance, with the subject line "Canada Student Grants". It has several attachments, including "CSSG Proposal for Cabinet"—a Word document—which has been updated, and a "Note for minister" that says "CCSG". I can only assume it in fact means the CSSG.

The email, to "Amit", says:

Here are:

- 1) The original proposal that went to Committee
- 2) The updated proposal that is going tomorrow
- 3) Our note on the updated proposal

The cell number is blacked out, and that is the only thing blacked out.

I think you are catching my drift here, but the documents continue.

If you look at the next page, page 313, you see that it is headed "Proposal for the Cabinet Committee on the Federal Response to the Coronavirus (COVID-19)". The subheadings are "Implementation of the Canada Student Service Grant", "The Honourable Bardish Chagger", and "May 5, 2020". It is watermarked "DRAFT" in the background.

Mr. Chair, If there was ever a document that would ordinarily be subject to cabinet confidence, I dare say this is it. It is, again, a proposal for the cabinet committee—in fact, a draft proposal—on the federal response to the coronavirus. This is squarely within the category of documents about which both the Clerk of the Privy Council and the deputy minister of finance have clearly said that although they are not required to disclose this information, and although you as a committee have specifically asked us to exclude it from what we produce, we are going to do it anyway, and are going to waive cabinet confidence over it, because we think it will shed light on the matters the committee is discussing.

The document, if you dig into it, is really interesting. Most members of Parliament don't sit in cabinet and will perhaps never in their entire career see a document like this.

● (2245)

It outlines, as the purpose of the document, that the minister is seeking authority to:

create the new Canada Student Service Grant (CSSG) under the Canada Service Corps program to provide students who engage in national service opportunities during the summer with up to \$5,000;

This was a point of controversy during testimony before this committee, including testimony of the Prime Minister. It makes clear that the intention of the government at the outset was to seek to have the Canada Service Corps administer this program. It's laid out there for this committee. It was given to committee members and it was not redacted, despite the fact that it is a very sensitive document in ordinary circumstances.

The document goes on to say it's going to:

create and launch the I Want to Help portal, a web-based one-window matching platform by ESDC that allows students to find volunteer opportunities to contribute to the Covid 19 response in their community; and

fund a third party organization to support the implementation of the CSSG; and the payment of the grants directly to students.

It says:

Incremental funding is required and the funding request would be made, if approved, which would be—

I think there may be a mistake there—

—to the Prime Minister, the Minister of Finance, and the Minister of Health through the Public Health Events of National Concern Payments Act.

A draft proposal to the cabinet committee on the federal response to COVID-19 on the implementation of the Canada student service grant is absolutely the kind of document that would be subject to cabinet confidence. Again, the motion adopted by the finance committee in the previous session of the 43rd Parliament made it very clear that documents like this were to be excluded from the request. If you read the remittal letters from the clerk or the deputy minister, you will see very clearly that they made the decision, despite the fact that they were never bound to produce this document, to do it anyway.

If I look at it, I see that it goes to the purpose of the program and the pitch. It has a summary of the proposal. It talks about the eligibility of participating students and participating organizations. It goes into detail about the purpose and the development of the I Want to Help portal. It talks about third party delivery organizations and explains that funding authority is, in fact, required.

If you dig into that section, perhaps that's the most germane among anything there. It talks specifically about ESDC's recommendation to fund WE Charity, "who has submitted an unsolicited proposal to provide support." It says:

WE Charities is the largest youth serving charitable organization in Canada with substantial experience in youth service programming through fully bilingual programming for diverse youth in all parts of the country.

It goes on to explain in more detail why that may make sense. The entire section on a dark document marked "Secret" was a proposal being considered by the federal government's cabinet committee on the COVID-19 response. It's absolutely subject to cabinet confidence and it's remarkable that it was produced in the first instance. It's also remarkable that it was produced without redactions.

This is a key document for the committee in understanding what was going on at the time. It helps colour the timeline that had been provided to this committee. In my mind, it's the kind of thing the government would have been within its rights to withhold and not produce at all. Instead, it's been produced in full. This committee can understand, backed up by evidence, precisely the thought process that was going on at this specific time. Again, this relates to the early May cabinet meetings.

The annex to the proposal for the cabinet committee was also included. I would dare say this is obviously also subject to cabinet confidence, but nevertheless, it was produced. It includes amendments to the design of the Canada student service grant, again in the name of Honourable Bardish Chagger, and it is dated May 8, 2020. The leading sentence discusses the minister's recommendation for approval by cabinet of three changes to the proposal on the Canada student service grant to address concerns that were raised by committee members.

We are here getting into discussions that took place among cabinet committee members, including the discussion to expand eligibility to include all youth ages 17 to 30, as opposed to just students; to permit participants who receive the CSSG to also receive the Canada emergency response benefit; and to increase the number of grant thresholds from three to five.

● (2250)

It goes into each of those items in significant detail to explain, effectively, how the program could work, and presents suggestions that were made to improve its delivery, including how students would be compensated for their volunteer efforts.

It's a remarkable document, Mr. Chair. It really demonstrates that the government went over and above what the motion required. The issue that was raised by the motion had to do with document production. The specific exclusion of cabinet confidences made it clear that this is not the kind of document that was envisioned to be produced for the committee. Nevertheless, if you read the remittal letter, you'll see that this document was the subject of production because the government thought it would actually contribute to the public's understanding of what had taken place and to this committee's deliberations.

I will continue on, Mr. Chair, to page 326 of the document production. This is back to one of our old favourites. This is from pages 326 to 330 of the Department of Finance's release. These are the kinds of redactions that have become comical.

The email is produced in full; the subject is "risks and mitigation document". It talks about risks and mitigation strategies. It's exchanges between civil servants with different federal departments, and seemingly the only redactions are the cellphone numbers of certain civil servants, namely Michelle Kovacevic and Rachel Wernick. I don't see a need for this committee to be delving into that kind of information whatsoever.

If I look at the attachments on risk and mitigation strategies, I see that this stuff is very relevant to what the committee actually asked for. I think this is a completely appropriate place for it to have been disclosed. It goes into significant detail around the solutions that were, at the time, proposed by WE, including the guarantee of 20,000 volunteer placements being available at the launch of the program. It talks a lot about some of the risks around the "insufficient number of volunteer roles". It goes on to discuss Canada's non-profit sector and the fact that it would "be overwhelmed trying to manage [all the] young volunteers" who would take part in the program. There were concerns around "quality control and fraud in the system" that were outlined in this document. There were concerns around "financial irregularity in payments to participants". There were concerns around a "lack of operational structure for the program", around "health and safety risks" and around the fact that "not enough young people qualify for grants". There were concerns around the facts that there are "youth with limited or no access to technology", that there are "inadequate service placements for youth from rural communities", that there's potentially a "lack of representation from diverse communities" across Canada and that there may be a "lack of engagement or participation of at-risk youth [or] youth [who have] special needs". There were concerns over "participant issues management and problem solving" and there were concerns that there would be a need to accommodate "specific requests from Members of Parliament [or] government representatives in support of causes in their" own constituencies. There were "legal issues and considerations" that were outlined, and there were concerns that "the Canadian public is unaware of the [potential] impact of the program".

All of these were risk mitigation strategies that were outlined in that document. They are clearly the kinds of things the committee was looking for. They provide valuable information about what was being considered—not just how to implement it, but the potential pitfalls that we may run into. In fact, we find that the government produced the document in full. The redactions that we keep seeing are either routinely attached to documents that the committee specifically said it didn't want or documents that clearly would be inappropriate to share publicly. Where there are meaningful documents—whether it was the summary of the presentation to the cabinet committee on COVID-19 or documents outlining the risks associated with moving forward with this program—those documents were produced in full, without redactions. The documents that were redacted largely touch on personal information or cabinet confidences.

- (2255)

If I continue on, I'm now looking at page 334, again on the Department of Finance's disclosure. This is a calendar invitation from Microsoft Outlook. It contains information on a conference call that was to take place on May 26. On this invitation, you'll see the relevant department officials who were responsible for the CSSG, and the only information redacted was the conference call log-in information. I do think that producing these documents is relevant. I do think that the committee asked for this document. This is a document that explains that people met and discussed the program.

Where I take issue with what's gone on here is that we are seemingly having an entire discussion about who should have redacted the conference ID for that teleconference. It doesn't make sense, Mr. Chair. Frankly, I don't care who made the redaction.

If the opposition would like to have the clerk review the redaction of the conference IDs that were used to discuss the Canada student service grant, as I've said a few times during these remarks, I think we can find a compromise there. If they're going to insist that the motion that excluded from the request cabinet documents should be interpreted that the request should have included cabinet documents, then they won't find agreement. We can't agree that a motion says the opposite of what it in fact says.

If you continue on with me down this path, Mr. Chair, we've got to be looking for a decision document of some kind. They are pages 411 through 426 of the Department of Finance's release. If you read down, there's a note throughout this. The key part is a document entitled "Delivery of the Canada Student Service Grant".

The next subheading is "Prime Minister Decision". The next heading is "Prime Minister Decision Exactly the Same as Minister Decision: No". It's pretty clear here that this is a document that would characterize what cabinet confidence means. This is a document that outlines when the Prime Minister made a decision that was not precisely the same as that of the minister who made the decision to be presented to him.

If you look at it, Chair, all of the information relevant to the Canada student service grant is unredacted; it's present for everybody to see. The part that's been redacted is unrelated cabinet confidences as determined by the non-partisan and professional public service. Again, if we look back to either Deputy Minister Rochon's or Clerk of the Privy Council Shugart's explanation, they said that

they employed a process to ensure that the redactions were not made on a selective basis but were made in a principled way, to ensure that there was no cherry-picking for political expediency. I would love to have them come testify to explain what process they employed to make that happen.

As was expressly permitted for in the motion from this committee, all the cabinet confidences that are related to the service grant would be released, but unrelated information was to be redacted, and it was. This isn't rocket science. It's already a rare occurrence that cabinet confidences of a sitting government are released, and the clerk took the extraordinary step to nevertheless release all of the information as it related to the Canada student service grant program, while also maintaining that he would protect necessary and unrelated cabinet confidences. Everything present here has been done in the spirit of that promise and while respecting the committee's motion for information.

This is an extraordinary document. For what it's worth, after the portion that explains that the Prime Minister's decision was not precisely the same as the minister's, it reads:

The Prime Minister decided to provide up to \$543.8 million to Employment and Social Development Canada for the establishment and payments under the new, taxable Canada Student Service Grant.

The Prime Minister decided to limit eligibility of the grant to students eligible for the Canada Emergency Student Benefit who are under the age of 30.

The Prime Minister further decided to convert the remaining \$356.2 million in the set-aside...to a provision for this initiative. The Minister of Diversity and Inclusion and Youth can seek access to this provision with the approval of the Minister of Finance following submission of a letter and supporting information regarding expenditures to date and demand above and beyond initial estimates. A subsequent funding decision would not be required to access this funding.

- (2300)

The Prime Minister also decided that the Minister of Diversity and Inclusion and Youth is required to write to the President of the Treasury Board to provide an update on the CSSG, not for approval, prior to drawing down funding for phase 2 and subsequent cohorts. For greater clarity, the Minister of Diversity and Inclusion and Youth should provide an update once WE has completed the launch of its initial 20,000 supported placements and is preparing to launch the next 20,000 placements.

The Prime Minister also decided to waive the condition placed on the Canada Service Corps program for Employment and Social Development Canada to report on results for 2020-2021 in order to access frozen funding for 2021-2022....

There is then enough space for about two or three words that have been redacted. Then it says:

...ESDC is to report back to Treasury Board in 2021-2022 when information can be fully compiled regarding Canada Service Corps program outcomes for the 2020-2021 fiscal year.

This is a document that clearly would have cabinet confidences attached to it. Again, it's the decision of a prime minister that does not accord completely with the decision of a minister that was presented to him. The upshot here is that we now have evidence that this committee holds within its possession, but that is not officially on the record, that shows that there was a cabinet discussion involving a prime minister making changes to the decisions that were presented to him by one of the ministers within his administration.

The importance of disclosing this document was clearly explained in the remittal letters of both Mr. Rochon and the Clerk of the Privy Council. They made absolutely clear that though the motion states that these kinds of documents are excluded from the category of documents that this committee requested—I shouldn't say “this committee”, but the finance committee in the previous session of this Parliament—they nevertheless made the decision to approve it, as sensitive as it may be.

It can be difficult for governments sometimes to demonstrate that one decision of one of the ministers has been overturned by a prime minister; this is exactly the kind of document that would typically not be produced. It is politically sensitive. Perhaps some people will think less of a government because the Prime Minister made a change to the decision of one of his ministers. Nevertheless, it has been produced. This is a very sensitive kind of document that's normally confidential, for good reason, but in this instance, it was provided to give clarity to the committee.

The document actually continues to outline the fiscal impact of the Prime Minister's decision. It's a classic-looking table that you might see in a budget or an annex to a budget or a fall economic statement, and it includes the accrual profile of the program. I won't get into the specific funding amounts for each of the programs, but in any event it has all been shared. The content of this particular document is not necessarily the most relevant piece, but the fact that it has been shared at all is a substantial point to make.

Similarly, the next page of the same package discusses the delivery of the Canada student service grant. If we look at the document, it shows that the minister decided to provide up to \$543.8 million to ESDC for the establishment and payments under the new, taxable Canada student service grant.

The document, which is similar to the document prior, includes very minor redactions. In this instance, if you follow the explanations in the remittal letter, presumably that would be subject to cabinet confidences, but they were not relevant to the information this committee sought. If you didn't have access to those remittal letters—which, again, opposition members are seeking to have excluded from the evidentiary record—what you'll end up seeing is that this document has been produced nearly in full, and you would wonder why there are certain redactions made to this cabinet document.

- (2305)

We received an explanation as to why it's been redacted, in writing. Now opposition members are seeking to exclude from the record the very explanation and seemingly won't even allow the civil servants responsible for these redactions to testify before this committee, even though they've asked to show up and explain themselves.

At the very least, before we continue, I think we should have explanations given as to why redactions were made, before we jump to conclusions that they were made in a manner that breaches the privileges of members of this committee, which is a bit rich, considering these documents were not only never asked for but were specifically excluded from the request. That's the language the committee in the last session of this Parliament used.

Mr. Chair, I could go on for a while. I see that some of my colleagues have their hands up. Perhaps I'll pause there and allow one of my committee colleagues to take over. Should they exhaust their own points, I have not completed my own analysis of these documents.

Suffice it to say that the initial motion made it very clear that the committee never asked for documents that were subject to cabinet confidences, and in fact cabinet material was shared with this committee and the redactions were made only in certain limited circumstances.

If the only remaining dispute, when you read the original motion the committee passed way back earlier in the summer, is about who should have made the redaction of the personal cellphone numbers of civil servants, I think we should be able to find a solution to that off-line.

Thank you, Mr. Chair.

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

I have on my—

[*Translation*]

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Chair, I would like to pass along some information.

[*English*]

The Chair: Yes.

[*Translation*]

Mr. Alexandre Boulerice: Since my illustrious and very wise colleague Richard Cannings will be replacing me, much as my colleague Peter Julian did with me before, I would like to ensure that everything is in order. Mr. Cannings is already with us.

I want to check with the clerk and you, Mr. Chair, that everything is in order.

[*English*]

The Chair: Yes, we're getting a signal from the clerk that Mr. Cannings is in and you're relieved. Thank you, Mr. Boulerice.

Welcome, Mr. Cannings.

- (2310)

Mr. Richard Cannings (South Okanagan—West Kootenay, NDP): Thank you.

The fresh Pacific British Columbia people are taking over.

The Chair: Good stuff, Richard.

I have on my list Ms. Dzerowicz, Mr. Fonseca, Mr. Poilievre, Mr. Badawey, Mr. Gerretsen. I would offer to Mr. Poilievre, so we have some cross-party discussion here.... If he wants to be bumped up to go next, I would allow him. Or do I go with the list?

Hon. Pierre Poilievre: Thank you very much.

Mr. Sean Fraser: Mr. Chair, just quickly, before you hand over the microphone, I'm just curious if Mr. Ste-Marie is going to have his British Columbia colleagues subbing in for him as well before the night is over.

The Chair: I don't believe—

[*Translation*]

Mr. Gabriel Ste-Marie: Yes, it will be soon.

[*English*]

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

Mr. Poilievre, did you want to take this opportunity to come in now?

Hon. Pierre Poilievre: Sure.

The Chair: Go ahead.

Hon. Pierre Poilievre: I note Mr. Fraser's humour. We shouldn't laugh too loud. There was basically no Bloc Québécois when Justin Trudeau became Prime Minister. They had been dead and gone and a relic of the past, and there was no separatist movement out west; now we have them both back. Maybe by the time we're done this meeting, the Prime Minister will have successfully alienated enough British Columbians to add them to the list—but hopefully not.

On the subject at hand, Mr. Chair, we're simply asking the government to do as the committee requested, which is to hand the documents over to the clerk, and for the law clerk to decide what should be released and what should not. We originally asked that. We passed it in a motion, and the government has violated that motion.

There seems to be some confusion with respect to cabinet confidences. We're not asking for the public release of cabinet confidences. We are asking for the law clerk to determine if the WE scandal documents that were excluded are in fact cabinet confidences, or if they have been misclassified as such by the Prime Minister and the officials who depend on him for their jobs.

What we are simply asking—and we offered a very generous compromise—is that all the documents that were excluded or redacted simply go to the law clerk, who is the lawyer for the entire House of Commons, and that he consider whether or not the redactions and exclusions were appropriate, and report back to the House accordingly. The government says, well, why don't we just bring in the Prime Minister's deputy? The deputy relies on the Prime Minister for his job and can be fired by the Prime Minister at any time. The deputy was hired by the Prime Minister, who decides on the financial bonus. The deputy, in every way, shape or form, reports directly to the Prime Minister. Of course, that is not an acceptable solution to this problem.

The same clerk, probably under some duress, though he would not admit it publicly, deprived the Ethics Commissioner of informa-

tion related to the SNC scandal. That prevented the Ethics Commissioner from fully disclosing the truth in that previous scandal. We can't simply rely on the Prime Minister's personal deputy to decide what Canadians should see and what they should not see. That is not appropriate.

Rather, we're proposing that a truly independent individual—that is, the lawyer for the House of Commons, who represents all 338 of us, who represents the institution of Parliament, not the government, not the opposition, not anybody in particular, but all of us generally—review the documents and report back to us on whether or not we have received everything we're entitled to according to the motion.

If everything has been released and if all of the so-called cabinet confidences are in fact confidences, then the government should have nothing to worry about. There really wouldn't be any controversy. The law clerk would say so. He would come before the committee and say, “Well, folks, I have reviewed all these exclusions and redactions and it turns out they were all appropriate, so we don't need to pursue the matter any further.” However, for some reason the government is just terrified that the law clerk would have this kind of access.

I would point out, with respect to the law clerk, that he and his office have high-level security clearance. There is no risk that they are going to find cabinet confidences and pick up the phone and call a journalist or head to Twitter and tweet the information out online. The cabinet confidences they have in their possession, according to this motion, would be kept confidential, because the law clerk would be so ordered by this committee.

Were he to violate that edict, he would blow up his entire career and his life. He would not be able to practise law, because he would be expelled from the bar if he were to violate solicitor-client privilege. He would obviously be removed as the law clerk of the House of Commons. His life's work would be in tatters.

We don't have a risk here that the law clerk, our lawyer, is going to take these documents and dump them on the Internet or proclaim on the floor of the House of Commons. We can count on him to report back to us in a manner that is accurate but that does not reveal any confidences.

● (2315)

In fact, I stated earlier today not that the law clerk would take the documents and publish them, but that he would look at the documents and confirm whether or not the redactions and the exclusions were appropriate and report accordingly to this committee in testimony. This should be a very easy thing to do.

To suggest that it has never been done is completely false. Of course, during the SNC-Lavalin scandal the Prime Minister was forced to reveal some cabinet confidences because he had one of his most senior ministers alleging that, under the dome of cabinet confidentiality, he was committing grievous acts of ethical violence in that he was applying undue pressure to absolve a corporate criminal from prosecution. As a result, yes, cabinet confidences were published to the justice committee.

Furthermore, confidences that would normally be left in the hands of ministers have been shared with other branches of Parliament. We now have a committee on national security, which is able to go around the normal restrictions on confidentiality and review state secrets, with an oath that they not speak of those secrets anywhere, ever, with threat of charge. There is a second precedent for this sort of thing.

Frankly, the parliamentary tradition is that ministers can bring citizens into their confidence if they are so authorized by the Crown, represented by the Prime Minister. This would be entirely legitimate. It would be completely reasonable.

The only reason the government would resist such a compromise is that they're terrified that the law clerk is going to look at these documents and say that these are not cabinet confidences and they never were, that these are not legitimate redactions and in fact there are no legitimate redactions. The House of Commons has the right to see any document—unredacted—that it chooses, regardless of statutes related to access to information or privacy. That's not covered in parliamentary privilege.

They're worried that the law clerk is going to see this and say that they've been covering all this up, that it has nothing to do with cabinet confidence and everything to do with protecting the culpable. Then he will presumably report that to this committee. That's why the Liberals on the committee are acting so erratically.

Here we should be performing a pre-budget consultation. The Conservatives have been crying out for the need to start a pre-budget consultation, so we can get this disastrous economy back on track. Don't get us wrong; we realize that Canada's economy is the worst in the G7, with the highest unemployment, by far the highest deficit, the poorest growth prospects—

• (2320)

Mr. Mark Gerretsen (Kingston and the Islands, Lib.): It has the lowest death rate.

Hon. Pierre Poilievre: There is more bad news today from the Bank of Canada that the governor expects—

Mr. Mark Gerretsen: I have a point of order, Mr. Chair.

The Chair: Mr. Poilievre, we have a point of order coming in from Mr. Gerretsen.

Mr. Mark Gerretsen: I believe the member forgot to indicate, Mr. Chair, that we also have the lowest per capita death rate in the G7. He might want to rephrase his argument to make it more full-some and complete.

The Chair: I think that's a point of debate.

Go ahead, Mr. Poilievre.

Hon. Pierre Poilievre: It's an inaccurate statement. Many developed countries have much superior results in fighting COVID than Canada.

Regardless, our economy is in the worst shape. We're dead last when it comes to jobs. We're dead last when it comes to deficits and dead last in the worst possible way, with the most unemployment and the most deficit as a share of GDP. We're getting the worst results for the highest price.

We want to get to work on that. We, as Conservatives, want to come forward in this committee and propose some solutions to heal the damage—

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

The Chair: On a point of order, go ahead, Mr. Fragiskatos.

Mr. Peter Fragiskatos: It is not a point of debate here. I simply want to make sure that the parliamentary record is accurate. The member ought to consult the IMF and the World Bank when making—

Hon. Pierre Poilievre: That's debate.

Mr. Pat Kelly: That is debate, Chair.

The Chair: I'm not sure. I haven't heard enough yet.

Go ahead, Mr. Fragiskatos.

Mr. Peter Fragiskatos: I appreciate that, Mr. Chair.

[*Translation*]

Mr. Gabriel Ste-Marie: Mr. Chair, I apologize for interrupting.

When too many speakers are speaking at the same time, there is noise, and the interpreters aren't able to translate the remarks. We should be aware of this.

[*English*]

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

Mr. Fragiskatos, the floor is yours for the moment.

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

As I was saying, the parliamentary record ought to be accurate. Mr. Poilievre is putting forward points that are not. He ought to consult the World Bank, the IMF, economists who work at both, and he will find that—

The Chair: That is debate, Mr. Fragiskatos.

Mr. Poilievre, we'll go back to you, but keep it relevant to the topic we're on, if you can.

Hon. Pierre Poilievre: I guess now we can't talk about the economy at the finance committee. It's out of order.

Ms. Julie Dzerowicz: Mr. Chair, I have a point of order, and I think you will find that this is a point of order.

Mr. Poilievre has mentioned that the Conservatives wanted to move forward to the pre-budget consultations. I want to state for the record—and this is on the record—that my motion was actually put forward before the point of privilege that Mr. Poilievre put in, so it is we, the Liberals, who tried to get us immediately to the pre-budget consultations, but it was stopped by the Conservatives.

The Chair: All right, I take your point, but we have to get through this impasse.

First, I think Mr. Fraser put forward a proposal earlier, and Mr. Poilievre has the floor now.

Hon. Pierre Poilievre: It's funny, when you start talking about the economy at the finance committee, Liberals cry "Point of order, point of order, please stop talking about the economy." I wouldn't want to talk about the economy either, with the record they have. It's a complete economic disaster. As I was saying, today the Bank of Canada had more bad news, that investment is expected to lag far behind and the only growth we're going to get is out of additional consumption, which means we're going to continue consuming more than we produce, borrowing more than we make—and all to produce the highest unemployment in the G7.

We're in an economic catastrophe right now. Conservatives want to get to the pre-budget consultations immediately, so we can come up with plans to fix this disastrous state and try to rescue the economy and find out why Canada has the worst performance in the G7.

All we have to do to get on to that is to vote on my motion, and then we're on to pre-budget consultations. I don't even mind starting to plan tonight for pre-budget consultations. I think it would take us about 10 minutes to vote and I still have some energy here, so I'd be happy to work even later into the night and at least get started with a skeleton plan for pre-budget consultations. We don't have to do it all tonight, but let's get going. We have a lot of economic wreckage to fix, and the finance committee is ground zero to fix it.

We're in a strange position where there's a government that, despite having the biggest deficit and highest unemployment in the G7, doesn't have a budget, doesn't have a fiscal anchor. They can't tell us what the deficit is; they can't tell us what the spending will be for this year; they're no longer publishing biweekly reports on their COVID programs—

• (2325)

The Chair: Mr. Poilievre, I am going to say relevance here. I've let you go on for quite a while. When somebody comes up with the other arguments on the economy, which I expect they will, I'm going to have to let them go on for about equal time. We're going to find that more people are off the subamendment, and I will have to allow them because I'm allowing you to go on the economy, and I'll allow them as well.

Mr. Mark Gerretsen: I say let him go.

Hon. Pierre Poilievre: I can understand why the government wouldn't want to talk about the economy. We can add it to the list of the many things they don't want to talk about and they want to ban other people from talking about.

The question I ask on the WE scandal is, what is it that they have to hide? First, the Prime Minister shut down Parliament so this committee could no longer meet. Then, when it came back, he filibustered three committees: the procedure committee, the ethics committee, and the finance committee, which we're experiencing right now.

Then we said, "You know what? Just give those WE documents over to the law clerk in confidence. Let him look at them." "No. Hell, no. We can't let him see those." Then I said, "Well, you're violating our privileges as a committee. Why don't we let the Speaker rule on that?" "Oh, no, no. We can't let the Speaker rule on that either."

They're terrified to let the Speaker render a judgment on the subject. He's actually a Liberal, and they don't trust him to rule on this. They seem to be afraid that he might have a conscience and rule according to the facts and the Standing Orders rather than partisan ideology, so they're trying to prevent the Speaker from even ruling on my point of privilege.

If my point of privilege has no merit, they'd just pass my motion right now; it would go off to the House, and the Speaker would take one look at it and throw it out the window. However, of course, the government knows it is very meritorious. It is a rock-solid case for the breach of privilege in which the government has engaged. That is exactly why they don't want the Speaker to have the opportunity to rule on it. They're afraid of the Speaker; they are afraid of the law clerk; they are afraid of whatever is hidden away in those documents under all that black ink. They are afraid of all those things. That's exactly why they are here today speaking for hours and hours, and in the process sacrificing our ability to carry out pre-budget consultations. Therefore, I would encourage the government to put an end to this ridiculous filibuster.

By the way, the antics aren't working. We saw in the by-elections, with cratered Liberal support in two long-time Liberal strongholds, that Canadians are not impressed. Liberal support collapsed in Toronto Centre, of all places, the most Liberal riding in the whole country. They went from winning by 17 points to five points in York Centre, another long-time Liberal stronghold. I think Canadians have been watching over the last month or so. They saw the Prime Minister try to cover up the WE scandal with the prorogation and the threats of an election and the endless procedural games, such as the one we're witnessing right now, and they said no.

I think the Prime Minister, who was so desperate to get to an election a week ago, might be thinking twice now. He might be saying, "Maybe I'm not in such a great position to call that election." He desperately needs the election to happen before more of the truth comes out in the WE scandal. He's trying to delay the facts until after the election so that voters can't judge him on his real conduct. The truth will come out, and increasingly, I think you will find that Canadians are appalled by his conduct and the conduct that his MPs are engaging in on his behalf.

I would encourage members to do the job we were sent to do here. Stop covering up the corruption. If you have nothing to hide, don't hide it.

Thank you.

• (2330)

The Chair: Mr. Poilievre, I'm just going to read out what the Speaker asked us to do, and maybe you could respond to it, what the Speaker said at the end of your motion:

As of today, it is not possible to know whether the committee is satisfied with these documents as provided to it. The new session is now under way. The committee, which has control over the interpretation of its order, has an opportunity to examine the documents and decide what to do with them.

It goes on from there.

Do you have any response to that and what the Speaker is really asking for? To me, he's asking us to look at the documents, not just send them to him.

Hon. Pierre Poilievre: He is asking us for that, and we have looked at them. I spent six weeks looking at them after they were released, and as a member of the committee, I'm prepared to cast my vote that they are not in accordance with the original request of the committee when we passed our motion in the summer.

The Speaker has asked us to vote on whether we are satisfied with the documents the government released, and I am voting no to that by voting yes to my motion.

The Chair: We're on the subamendment, and we're back to Ms. Dzerowicz, followed by Mr. Fonseca, Mr. Badawey and Mr. Gerretsen.

Ms. Dzerowicz, go ahead.

Ms. Julie Dzerowicz: Thank you, Mr. Chair.

Mr. Poilievre's intervention was interesting. I think if Mr. Poilievre wants to move forward with the pre-budget consultations, he just needs to withdraw the motion. Then we could move immediately to my motion, which has been read and is on the table at the moment. We could get started this evening. There's nobody on the Liberal side who would be opposed to doing that.

What I also find very interesting is Mr. Poilievre's comment that when the Clerk of the Privy Council is part of a Conservative government, they are independent, but they become a personal employee when the Prime Minister is a Liberal. The Clerk of the Privy Council is an independent civil servant, and I truly believe that they serve equally no matter who is in office, whether it's the Conservatives or the Liberals. I'm not quite sure why, under a Liberal government, the Clerk of the Privy Council becomes a personal employee of the Prime Minister, as opposed to an independent civil servant.

Mr. Poilievre keeps asking the same questions, and I'm not quite sure why he thinks he will get different answers. What we had agreed to on July 7 was that we provide all the documents for WE, that matters of cabinet confidence and national security be excluded from the request, and that we allow any other redactions necessary to protect the privacy of Canadians. The rest of that motion speaks to the Law Clerk and Parliamentary Counsel.

We don't agree with it, because we want to be consistent with the July 7 motion. We feel that we have honoured it and that there is no breach of privilege by this committee.

I'm not quite sure what Mr. Poilievre means with his comment that we're acting erratically. I will only speak for myself. I have zero desire to be speaking anymore about any of these motions. I truly want to get to pre-budget consultations. I would like to hear from any other speakers who might want to come before this committee.

I think our fiscal situation is unprecedented, because we are going through an unprecedented pandemic. We absolutely need the very best ideas and advice right now, not only to continue to help Canadians and businesses, but also to chart a course out of this pandemic so we can build a foundation from which to pivot as strongly as possible as we come out of it.

I don't think we are acting erratically. I can only speak for myself. I have zero desire to continue to speak about this. I would rather move on to pre-budget consultations, as I have mentioned now twice in my remarks over the last few minutes. I have talked about pre-budget consultations, and there is a motion on the table. It is very easy for us to go back to it.

The next comment I want to make is about the idea that we have something to hide, that there is a scandal. It's almost as though we have to keep repeating: They say there's a scandal and we're hiding things, and then we say it's not true. I keep reminding the committee of this because I'm hoping that it continues to go out into the public, whether through the media or directly to Canadians who might be listening. We had several months of testimony. We heard from many witnesses. There is no scandal. There is no corruption. We have heard testimony under oath. There is no corruption. There is no close personal friendship between the Kielburgers and the Prime Minister or any of our ministers. There is no misuse of funds. Zero funds were spent. All the money has come back.

WE Charity was selected by our civil servants. This came out directly in the testimony of Rachel Wernick. It was the same day that Ms. Gina Wilson and Minister Bardish Chagger testified. We talked about why it's not a sole-source contract. We talked about why it had to be a contribution agreement and about all the things that were in place to ensure that there were proper checks by civil servants and that proper milestones were achieved before the different tranches of dollars would flow to WE Charity.

• (2335)

We talked about how absolutely this was for students and how the Canada student service grant was only one of many programs that we actually introduced for students. Indeed, we introduced \$9 billion of support for students. The WE Charity one was the equivalent of up to \$543 million, and that means that over \$8 billion has flowed for other student programs. That money has flowed and the programs are successful. They have been helping students.

Then Mr. Poilievre talked about economic facts, and you know, honestly, I'm going to leave that. I know a lot of my colleagues are going to want to interject as well, but they're very one-sided, the facts that Mr. Poilievre has supported. I don't want to portray that there's a big rosy picture about our economy. We're going through an unprecedented economic and health crisis. We're going through a pandemic that is unprecedented, at least in the last hundred years. Every major country is going through this. There is a major rupture in the global financial and economic force that actually exists in the world today.

Yes, it's serious. Yes, we have to be vigilant. Yes, we have to be accountable for what we're spending. Yes, we have to be thinking very thoughtfully and grabbing the best ideas and the best thoughts in order to chart a course forward, but there's no way that this is all negative. I know that we've heard from TD and a few other banks who say that Canada has outperformed the United States, that we have taken a number of steps that have been very beneficial in helping to support Canadians, in helping to support businesses.

We also know we have quotes from TD Bank economists saying that “federal government income support programs” have so far been of paramount importance in “averting a delinquency tsunami”. We also have the managing partner at KPMG who said, “Our clients have told us that the federal wage subsidy program is helping them not only to retain their employees, but also to cope with pandemic-related costs and rehire workers who have been laid off”.

There are a number of other quotes we have. We know that about 75% of our workforce is back working, and that's compared to 52% of the U.S. population. Again, no one is presenting this as the rosier picture, but we're not in rosy times. We're in difficult times and there's nobody, at least on the Liberal side, who is questioning going to pre-budget consultations or hearing from specific experts.

Anyway, I think for the scribbles I did in response to Mr. Poilievre's comments, that is what I have.

So where are we? I apologize in advance. I know I shouldn't, but I do have a bit of a prepared speech. It is actually very relevant, because it speaks to the colossal effort and the incredible amount of collaborative work, as well as the sheer transparency that has already gone into producing the WE documents and also the huge effort that's been undertaken to disclose as much information as possible. But I think also in my speech you're going to get a sense of how much knowledge a senior civil servant needs to have to properly do redactions, to follow the privacy laws and follow the principles and rules that ensure maximum transparency.

Then I'm going to end with where we are now. I'm not anywhere as talented as Mr. Fraser. I will not be going anywhere as long, but I will begin now. I will say to you, before I begin, that I would prefer that we have the Clerk of the Privy Council come to the committee with the law clerk. I think they are the best people to be responding to the WE documents that have been submitted, that have been redacted. I think this is what the opportunity is, and that's the opportunity that this subamendment to the amendment to the original motion actually presents.

But in the absence of getting approval from anybody in opposition at this moment, I will continue with my remarks.

Mr. Chair, as a democratic society founded on the guiding principles of openness, transparency and accountability, Canada and its government consistently work to maintain legitimacy and the trust of the people they serve. In support of these principles, measures have been put in place within our institutions to make sure that government information is available and accessible to the public, which allows them to hold their governments to account. This is why we have an Access to Information Act. The Access to Information Act gives Canadian individuals or corporations in Canada the right to access records of government institutions that are subject to the act.

● (2340)

However, we know that in the process of upholding these principles our government does not operate in a vacuum. In its mission to protect and deliver services, the Government of Canada is called upon to interact and transact daily with individuals and corporations, resulting in the capture of private and other information. That's why we have the Privacy Act. The Privacy Act protects the privacy of those whose personal information the Government of

Canada has access to, and provides them with the right to access that information. It also protects against unauthorized disclosure of that personal information, while safeguarding the collection, use, storage, disclosure and disposal of any of that personal information.

It is true that these acts apply and are enforced in the same way across government. However, it's not uncommon for different government departments or agencies to have their own internal procedures when it comes to dealing with the requests for the release of personal information. Let me give you a comparison.

At the Department of Canadian Heritage, for instance, the mechanism in place to deal with access to information and privacy is the access to information and privacy secretariat. On the department's website, it is stated:

The mandate of the Canadian Heritage Access to Information and Privacy (ATIP) Secretariat is to implement and administer the Access to Information Act and the Privacy Act and to ensure that legislative and central agency policies and procedures are respected on behalf of the Department.

The ATIP Secretariat coordinates responses to requests for information held by Canadian Heritage by either sending copies of requested records to applicants or by arranging for applicants to review requested records onsite.

By comparison, if you go to ESDC, Employment and Social Development Canada, in addition to the Privacy Act, they decided to go further in their management of personal information. The department is governed by additional statutory obligations as set out in the department's enabling act, which dictates the rules that apply to personal information that is controlled by ESDC through its programs. According to information available on its website, ESDC also has a place, an offence provision, for the inappropriate use and disclosure of personal information under the control of ESDC.

Despite these different internal processes, when it comes to the management of privacy by different departments, there is one thing that has always been consistent, and that is the professionalism and hard work of our public servants. Whether they work at Heritage Canada, Employment and Social Development Canada or Public Services and Procurement Canada, we owe them respect and gratitude for the phenomenal job they do at keeping our country running, even under very difficult conditions and circumstances. If the last few months have taught us anything, it is that our public servants are truly the rock of our government.

When a government department such as ESDC receives an access to information request, it has to determine whether information in the requested document could be considered third party information under the act. When the department determines that the documents in question contain information that could be considered third party information as defined under section 20 of ATIP, officials are required to consult with the third party prior to the documents being released, as stipulated in section 27 of the act, while allowing them 20 days to respond, pursuant to section 36.3 of the act.

First, let's hear what section 20 of the act says on third party information. Under the heading "Third Party Information", subsection 20(1) reads:

Subject to this section, the head of a government institution shall refuse to disclose any record requested under this Part that contains

- (a) trade secrets of a third party;
- (b) financial, commercial, scientific or technical information that is confidential information supplied to a government institution by a third party and is treated consistently in a confidential manner by the third party;
- (b.1) information that is supplied in confidence to a government institution by a third party for the preparation, maintenance, testing or implementation by the government institution of emergency management plans within the meaning of section 2 of the Emergency Management Act and that concerns the vulnerability of the third party's buildings or other structures, its networks or systems, including its computer or communications networks or systems, or the methods used to protect any of those buildings, structures, networks or systems;

● (2345)

- (c) information the disclosure of which could reasonably be expected to result in material financial loss or gain to, or could reasonably be expected to prejudice the competitive position of, a third party; or
- (d) information the disclosure of which could reasonably be expected to interfere with contractual or other negotiations of a third party.

With regard to notices to third parties, subsection 27(1) of the Access to Information Act reads:

If the head of a government institution intends to disclose a record requested under this Part that contains or that the head has reason to believe might contain trade secrets of a third party, information described in paragraph 20(1)(b) or (b.1) that was supplied by a third party, or information the disclosure of which the head can reasonably foresee might effect a result described in paragraph 20(1)(c) or (d) in respect of a third party, the head shall make every reasonable effort to give the third party written notice of the request and of the head's intention to disclose within 30 days after the request is received.

Finally, as part of that consultation, the third party has 20 days from the time of the consultation notice to make representations to the government body in question as to why certain information pertaining to them should not be disclosed.

In the case of ESDC, the decision on whether to disclose that information would be made having considered these representations, if received, and notice of such decisions would be given to the third party.

Subsection 36.3(1) states clearly, under "Notice to third parties":

If the Information Commissioner intends to make an order requiring the head of a government institution to disclose a record or a part of a record that the Commissioner has reason to believe might contain trade secrets of a third party, information described in paragraph 20(1)(b) or (b.1) that was supplied by a third party or information the disclosure of which the Commissioner can reasonably foresee might effect a result described in paragraph 20(1)(c) or (d) in respect of a third party, the Commissioner shall make every reasonable effort to give the third party written notice of the Commissioner's intention.

In terms of the "Contents of notice", subsection 36.3(2) states:

The notice must include

- (a) a statement that the Information Commissioner intends to make an order requiring the head of a government institution to disclose a record or part of a record that might contain material or information described in subsection (1);
- (b) a description of the contents of the record or the part of the record that, as the case may be, belong to, were supplied by or relate to the third party to whom the notice is given; and
- (c) a statement that the third party may, within 20 days after the notice is given, make representations to the Commissioner as to why the record or part of the record should not be disclosed.

Mr. Chair, having said all of this, I would be remiss if I did not go back to the genesis of what brings us here again today. Why is this all important? It's because—and I said part of this at the outset of my remarks—I think it's really important to remind my colleagues on this committee of the colossal effort, the incredible amount of collaborative work, as well as the sheer transparency, that has already gone into the production of documents for the study of the government decision to enter into a contribution agreement with the WE organization to administer the Canada student service grant.

On July 16, Minister Bardish Chagger, Minister of Diversity and Inclusion and Youth, the minister responsible for the Canada student service grant, appeared before this committee in response to an invitation by the committee. She was first in a long list of cabinet ministers, including the Prime Minister, as well as public servants and civil society witnesses, to appear before this committee to talk about the government decision to list the WE Charity organization for the administration of the Canada student service grant. I do think it's worth repeating that it's historic. The Prime Minister does not typically come before a committee, so the Prime Minister decided to attend in the interest of ensuring maximum accountability and transparency.

Let's get back to the Minister of Diversity and Inclusion and Youth. During her appearance, the minister and her officials were asked a number of questions relating to email exchanges, phone calls and other types of correspondence between herself and the Kielburgers, starting in March 2020, as well as information on briefing notes, memos and emails between her office and her officials.

● (2350)

On that same day, public servant Rachel Wernick, senior assistant deputy minister for the skills and employment branch at Employment and Social Development Canada, was also invited by the committee to testify. During Ms. Wernick's appearance, she was asked to provide the committee with a number of follow-up documents.

Gina Wilson, the deputy minister for Diversity and Inclusion and Youth, and Stephanie Hebert, assistant deputy minister for Employment and Social Development Canada, also testified to talk about the contribution agreement between the federal government and WE Charity. These officials were asked numerous questions on memos and emails, including on the contribution agreement between the government and the organization, and on briefings from senior officials prepared for or sent to any minister regarding the design and creation of the Canada student service grant, starting with when the plan for that grant crystallized.

These questions were answered in the moment or were included in either documents released on July 27 or the document package of August 8. We should note that this is part of the minutes record of those meetings, and I would encourage anyone who might want to refresh their memory and see what exactly it says to do so.

On July 21, the Clerk of the Privy Council, Ian Shugart, in response to an invitation from this committee, also appeared before this committee as part of the same study on WE Charity and the Canada student service grant. He took a lot of pointed questions from opposition members on the names of participants and timelines of the WE contribution agreement, and was asked to provide many documents for the committee's study, to which he was extraordinarily accommodating. I don't think he once said no to any document that was actually asked for.

During these appearances, Minister Bardish Chagger and her officials, as well as the clerk, were asked to provide the committee with a number of follow-up documents, including proposals submitted by the WE organization to ESDC officials, email exchanges between ESDC officials and the Keilburger brothers from the WE organization, and finally information regarding efforts to engage with other organizations' administration of the Canada student service grant.

Details about other organizations contacted in the early development stages of the Canada student service grant program.... Sorry, that didn't come out very well, but I think what I meant to say was that details about other organizations that were also contacted in the early development stages of the CSSG program...were also contacted.

In response to the committee's request for these follow-up documents, government officials, instead of dragging their feet to the August 8 deadline for the production of these documents, went to work immediately and produced the follow-up documents within six days.

To me, that's extraordinary, because we had a group of civil servants who had been working non-stop during the initial part of our pandemic to produce programs, to provide emergency supports, to provide their best ideas, to introduce these programs in as quick, efficient and responsible a manner as possible. On top of that, they came before our committee and they made sure these documents were available as quickly as possible and would meet the very quick timeline of August 8. I very much appreciate their extraordinary efforts: not only the extraordinary work that they do, but also their efforts to produce these documents.

In the following list, I'll go back to what was produced in six days: the proposal dated April 9 from WE, entitled "Closing the COVID-19 Opportunity Gap for Young People through Social Entrepreneurship"; the email dated April 22, 2020 from Mr. Keilburger to Ms. Wernick; the attachment to the April 22 email; the WE Charity proposal dated April 21, entitled "Engaging Young Canadians in Service and Social Entrepreneurship Programming"; and the list of all the organizations that were consulted and/or considered by ESDC officials to deliver a student service program.

The list includes, without being limited to, Apathy is Boring, Katimavik, Mind Your Mind, Canadian Roots Exchange, The Duke of Edinburgh's award, Rideau Hall Foundation, Do Some Good, Community Foundations of Canada, Canadian Red Cross, United Way, Volunteer Canada, Universities Canada, Colleges and Institutes Canada.

• (2355)

I will point out, Mr. Chair, that there was this big question about whether it was the Prime Minister or some minister who thought that they had to go right to WE Charity and that this was what they wanted to go to right away.

In the testimony during the summer, we heard that there was actually a fairly robust list that senior civil servants explored in terms of who could deliver the Canada student service grant, and it's also listed here. I think it's important for me to point this out.

Mr. Chair, these documents I just listed were separate from and in addition to the request for the production of documents captured in my colleague Peter Julian's motion of July 7, which asked for a number of documents to be released to the committee by August 8. They were all released on July 27 and were critical in shaping the subsequent work of this committee in its study of the government's decision to enter into a contribution agreement with WE Charity. They also provided much-needed clarity to our members as they continued to cross-examine other witnesses that have appeared before the committee since then. Additionally, these documents were also included in the document production package that was made available on August 8.

The Minister of Diversity, Inclusion and Youth, who is also the minister responsible for the Canada student service grant, has appeared before both this committee and the Standing Committee on Access to Information, Privacy and Ethics. During both appearances, she was asked many of the same questions, and her answers were consistent. At every turn, whenever she was asked to provide follow-up documents, she responded very collaboratively and committed to submitting all information that could help the different committees do their work.

By the end of it, when it was time to produce the documents, thousands of pages were made available to the committee. Despite the attempts to expose some type of government cover-up, the documents produced on August 8 confirm what Minister Bardish Chagger, the Prime Minister, the Clerk of the Privy Council and government officials had said all along, which was that public servants were the ones who recommended the WE Charity organization to administer the Canada student service grant.

Mr. Chair, I'd like to conclude this part of my formal remarks—I still have some more remarks after this—by saying that in the last several months, our government's response to the devastating impact of the COVID-19 pandemic has been an example of clear and consistent leadership. We've adopted a series of measures that have supported the most in need and the most vulnerable in our society. Indeed, we're probably up to about 80 programs that have been introduced. Based on the supplemental estimates that were released on October 27, our spending authority around all these emergency programs has actually gone up to \$476 billion, which is an extraordinary and unprecedented amount of money. As the Canada student services grant has shown, sometimes there will be false starts, but we're no less determined to be there to provide for all those in need who need their government by their side during these difficult times.

I will say that when you're introducing 80 programs and you're introducing things fairly expeditiously, there are always going to be times when things don't go perfectly. I think it's perfectly legitimate for us to be following up on things that might not have gone perfectly.

We spent two months looking at the WE Charity and why they were selected to deliver the CSSG service. Why did we want it to be done so quickly? Why did it not end up going so well? I think we had a number of responses, but it also became very clear—I've said this many times, but it seems like repetition is the *mot du jour*—that there's been no corruption, and that's been proven. There's been no misuse of funds. It was selected by civil servants. It was rushed because of the summer. There was a contribution agreement that had very clear milestones and accountability mechanisms for all the dollars and all the deliverables that needed to be produced. With all of these documents, there is no cover-up.

These are my own concluding remarks. I want to go back because I want to sum up where we're at. I'm always hoping that at any moment, we might be able to find some way out of this impasse.

The reason I want us to find some way to get past this so that we can get to pre-budget consultations is that I truly believe that the work of this committee—perhaps more so than the work of many other committees—will be critical if we are to do all that we really need to do for Canadians. I do think we have to leave behind some of the partisan gamesmanship that we're seeing right now. We really have to focus back on the well-being of Canadians.

Mr. Chair, at the very beginning, on October 8, after I had proposed the pre-budget consultation motion and Mr. Poilievre then came in with his point of privilege, I thought there was some worry that there was a cover-up, that many documents were redacted or that we did not disclose all the information. However, we have now proven over the last four or five meetings that this is simply not true. We have shown that time and time again. There were 5,600 pages of documents released.

I also want to remind everyone that the documents were actually released before the Prime Minister prorogued government. To me, that's an important point. It's not an action of a government that's trying to hide something. We actually released those documents before we prorogued.

I also want to say that it was released.... There were two sets of redactions. We have to remind ourselves that the first set of redactions were actually done by our civil servants. They did it because of cabinet confidence and they did it for any personal information. I know Mr. Fraser spent quite a bit of time earlier this evening taking us through some of those examples. I think then it went over to the law clerk, who did some further redactions.

We're left with two sets of documents with redactions, but no politician did any of the redactions. It wasn't the Prime Minister, it wasn't any of the ministers, and it wasn't anybody on this committee. It was not politicians. It was independent civil servants who followed very clear rules.

● (2400)

As I mentioned in this speech, you can tell there are a lot of rules around the Privacy Act, such as what information needs to be disclosed, how you gather that information and what you release. There are a lot of rules around that. I think we have excellent, trained and very capable civil servants who I truly believe have done an excellent job in doing their best in providing as much accountability and transparency as they could while redacting the minimum amount that they felt they needed to do following the laws, the Access to Information Act and the privacy laws, as well as honouring cabinet confidence. I know Mr. Fraser spoke earlier about why cabinet confidence absolutely needs us to protect it.

We also read and spoke extensively about the transmittal letters, so there's some wonderful information. I know Mr. Fraser spent quite a bit of time on this as well, talking about each of the departments that did the redactions. They explained what they redacted. It's a public document, and it provides the public, the media and everyone who wants to read it with an idea about why the redactions took place. The vast majority of the information is out there; it's out there for people to read. There weren't 5,600 pages redacted; it was only anything related to cabinet confidence, personal information and things that were completely unrelated.

In an attempt for our finance committee to be able to get past this impasse, we have put forward this subamendment. We have put forward the subamendment because we thought we'd invite the release of the two sets of redacted documents, the redactions that civil servants have done and the redacted copy of the law clerk, and make sure that they are released properly to the finance committee. Two, we said, "Let's invite the Clerk of the Privy Council and let's also invite the law clerk. Let's bring them before this committee. We'll suspend Mr. Poilievre's motion". Let us suspend it—not throw it away, but suspend it—and then let us ask some questions. Then through that, hopefully we can find a way to move forward.

I want to remind everyone that Mr. Shugart, Clerk of the Privy Council, has also written a formal letter to the committee offering to come before this committee to explain the redactions. I completely disagree with my colleague Mr. Poilievre, who, for some reason, has made....

The Clerk of the Privy Council is not an employee of the Prime Minister; he is an officer of the House of Commons, so he is our independent civil servant. It's the same whether the Prime Minister is a Conservative, a Liberal, an NDP leader, a Green Party leader or anyone else.

I also want to say, because it's in the lines of transparency and accountability, that I know Mr. Poilievre talked about "the WE cover-up" and all this cover-up that's happening. We put another proposal on the table, "we" being the Liberal government. We've put together this proposal around this special committee to oversee COVID-19 spending. I already talked about how much has been released through the supplementary estimates. It is an extraordinary amount of money. It is important for us to continue to provide oversight over this extraordinary amount of spending that we're doing in a very fast manner.

I want to remind Canadians, because it's very important for Canadians not to feel that there has been no oversight, that we have done oversight. Before Parliament was prorogued, the former Minister of Finance had released a biweekly report that talked about every single.... I have it in front of me, the last report. There are 34 pages that talk about where the money went, what it was spent on and which program it went to.

Then every two weeks we had the former minister of finance in front of us answering questions. In addition to that, we also had government officials spending extra time after that to answer questions. It is so important that we have maximum accountability and transparency. I absolutely fundamentally believe this. I know my colleagues believe it. I believe that everybody in the House believes it. I think we need to find a way forward on that as well. I've already talked about that part.

● (2405)

We've offered a way out. I believe that Mr. Fraser said earlier that we should go back to what we agreed to on July 7. Let's release the documents, the way we have agreed to, over to the law clerk. That's on the table. We've also offered the special COVID committee, which not only provides oversight of our unprecedented emergency spending but also provides an option to take over the responsibility for these WE documents. Last, we've presented the sub-amendment to try to get through this impasse.

Why don't we give it a chance? What do we have to lose? Maybe we're going to hear information. By bringing forward the law clerk and bringing forward the Clerk of the Privy Council, maybe we're going to hear information that might actually give us some tidbits or some information that may lead us to find a way out of this impasse.

I can't believe this comes to mind, but it does. Rumsfeld said that there are known knowns, known unknowns and unknown unknowns. I would fit it into the known unknowns and the unknown unknowns. We don't know what's going to be said if we are able to bring forward the Clerk of the Privy Council and the law clerk, but I think at least there's a chance we might have some information. We might somehow find a way to get past this impasse.

To me, we don't lose anything. The original motion is not lost. It gives us a glimmer of hope that maybe we can find a route out of

this, or perhaps you can propose another creative idea. The creative idea is not, "Hey, let's just vote on the original motion." I think we've already explained ad nauseam, and in particular during this session, why there are so many problems with just moving forward and voting on that original motion. It's unrealistic to offer the same option over and over again and expect a different result. I think they call that the definition of insanity. People can't offer the same thing over and over again, keep on hearing "no" and think they're going to get a different result. We've tried to put some options on the table. We're looking for some other options.

I'll end with this, Mr. Chair. A number of my colleagues throughout the evening said pretty much the same thing, but I think it bears repeating. At moments like these, particularly when we get to 12:15 in the morning and we're becoming really tired, we're here to serve Canadians, to give voice to our constituents, to make this country better. At a time of an unprecedented pandemic, at a time when we're dealing not only with the health crisis but also with an economic crisis, it's really up to us to rise up to meet our responsibilities, to listen to our better angels, to find a way to break this impasse, because Canadians really need us at this moment.

I really believe that we need to be the government that Canadians need us to be. I've asked this before and I'll ask it again: If it's not going to be us, then who is it going to be, and if it's not going to be now, then when?

That's it for my comments for now, Mr. Chair.

● (2410)

The Chair: Thank you, Ms. Dzerowicz.

I have Mr. Gerretsen and Mr. Badawey, and others have said they want to come in for a second or third time following that.

We'll start with Mr. Gerretsen.

Mr. Mark Gerretsen: Thank you very much, Mr. Chair. It's great to be back at the committee. I see that you're still on the hurdle that we were trying to pass the last time I was on this committee, and that's with respect to the desire to have those who did the redactions come back and speak their minds about why they did what they did. I find it perplexing that we still haven't come to some resolution on the need for that to happen.

Before I go into those comments, I'd like to go back to something that Mr. Poilievre said earlier. In fact, it's something that he's been saying regularly, if you've been following him in the House during question period. I can appreciate it if that's difficult at times, but nonetheless, if you do take the time to listen to what he has to say, he keeps going on about this argument, and he made it in his speech a few moments ago. He keeps going on about this argument about how we're getting the worst results for the highest investment. Think about that. That's his assessment.

Only Conservatives would rate the effectiveness of dealing with a pandemic solely and completely on the economic contributions and results that come out of it. How is it possible that Mr. Poilievre only cares about talking about economics right now, about talking strictly from a fiscal sense about inputs and outputs? He has absolutely no desire, for some reason, to talk about the social impacts of this situation.

The reality is—

• (2415)

Mrs. Tamara Jansen: Mr. Chair, I have a point of order.

The Chair: I hear somebody talking, but I don't know who it is.

Mrs. Tamara Jansen: I'm sorry. Maybe I'm not close enough to the computer.

The Chair: Mrs. Jansen, go ahead.

Mrs. Tamara Jansen: I am wondering if this is considered debate.

The Chair: Mrs. Jansen, as I told Mr. Poilievre before, if he wanted to get into economics, I would have to allow others to get into economics too. We will not let it go on for terribly long. We will try to balance it out, but I have to be fair to both sides.

Mr. Mark Gerretsen: I am strictly replying to the comments that Mr. Poilievre made moments ago in this committee meeting. He has said so many times that we are getting the worst results for the highest investment. Only Mr. Poilievre and only the Conservatives would measure results strictly by the financial impact and the financial outputs associated with this. Never mind the fact that we have one of the lowest death rates per capita. Why don't we start measuring things based on that?

Let's drill down into it a bit deeper, because Mr. Poilievre sure does like to retweet numbers from The Post Millennial and the Fraser Institute. If he's looking at the September numbers—and I really wish I could share my screen with members—Canada is at 9% unemployment and the United States is at 8.4%.

My question to Mr. Poilievre is quite simple. Does he believe that saving 0.6% in the unemployment rate is worth tripling the death rate of COVID-19? Maybe that's something Mr. Poilievre can square later on, but it's the reality of the situation. If he wants to continue to measure the success of dealing with the pandemic based on fiscal inputs and outputs, it's no wonder the Conservatives can't seem to form government. They are incredibly out of touch with the reality of Canadians and what Canadians are going through right now.

I'll jump back to this motion that we're talking about. Since the time the motion was put on the floor and discussion was going on about it, the Clerk of the Privy Council has come forward to say that he would always make himself available to the committee to provide input into how these decisions were made and how decisions are made when it comes to redacting information. I would have thought that to be a slam dunk. I thought that would have been the easiest thing for all members of this committee to accept.

There is an opportunity to have the Clerk of the Privy Council come forward to explain what some members are complaining about. I apologize if I come across as being very cynical about this, but if you're not willing to do that, it really only leaves people with one conclusion: that there is a complete lack of interest in knowing what really happened. Rather, the interest is to continue to drum up support for these conspiracy theories that are being propagated by Mr. Poilievre in hopes of character assassination to reap political gain.

The reality of this situation is that the vast majority of Canadians, in my opinion, can see right through that. Time and time again this has been the plan, but Canadians are smarter than that. Canadians accept the fact that there are many times when certain individuals have to properly redact information before it's turned over as requested.

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.

The NDP should start coming clean about the taxpayer-funded resources it has been employing to illegally finance campaigns...

You can probably figure out, Mr. Chair, that I'm quoting somebody else, and I'm sure that by this point most members of the committee know exactly who said this. It was, of course, the Hon. Pierre Poilievre when he was minister of democratic reform. He stood up in the House as a result of the following question:

Mr. Speaker, in response to an NDP access to information request to see the Minister of State for Democratic Reform's briefing books, the PCO first refused altogether. Then, after we filed a complaint, it finally disclosed the minister's 200-page briefing book.

The problem is that the PCO blacked out 99% of it. It even redacted what looks to be two thirds—

• (2420)

Mr. Ted Falk: I have a point of order, Mr. Chair.

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

Mr. Ted Falk: The current rant that we're on has nothing to do with the subamendment. He's not even talking economics any more. He is merely engaging in a personal attack on the Hon. Pierre Poilievre, who has demonstrated his very fine ability at this committee—

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

The Chair: I will hear one point of order first, and then we will go to the other. Finish your point of order, Mr. Falk.

Mr. Ted Falk: I think the personal attacks should stop. Maybe he should focus on the topic of the day or at the very least talk about the dismal shape that our economy is in, which the government has put us into.

Mr. Mark Gerretsen: I'd like to add to that point of order, Mr. Chair.

The Chair: Who was the other person who raised a point of order first?

Mr. Peter Fragiskatos: I was, Mr. Chair.

The Chair: Mr. Fragiskatos is next, and then we'll go to Mr. Gerretsen.

I would say, Mr. Falk, that the subamendment talks about the redaction of documents, and what Mr. Gerretsen is talking about previous precedents and responses in the House, so it is in order, I believe.

Mr. Fragiskatos has the floor.

Mr. Peter Fragiskatos: Thank you, Mr. Chair. I have had the honour of knowing Mr. Gerretsen for five-plus years now. To describe, as Mr. Falk just did, his words to committee today as a rant besmirches his reputation and the reputation of—

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

Mr. Peter Fragiskatos: I just wanted to come to the defence of a friend of mine, someone whom I admire, someone who served his community as mayor, who is now a member of Parliament—

The Chair: Okay, Mr. Fragiskatos, your point of order is over.

We'll go back to you, Mr. Gerretsen.

Mr. Mark Gerretsen: I'm pretty sure that Mr. Fragiskatos was trying to make a push—

The Chair: Mr. Brunelle-Duceppe has a point of order.

[*Translation*]

Mr. Alexis Brunelle-Duceppe (Lac-Saint-Jean, BQ): A point of order.

There are so many points of order that the interpreters can't keep up. We will have to proceed more slowly for the French speakers. I think I'm the only francophone here tonight.

This should be done properly and calmly so that we can follow. It's not fair to people who are following along through the interpretation.

Do you understand my point of order, Mr. Chair?

[*English*]

The Chair: That is a very valid point of order, Mr. Brunelle-Duceppe. I understand it entirely.

We'll go back to Mr. Gerretsen.

Mr. Mark Gerretsen: Thank you, Mr. Chair.

I appreciate your ruling on that point of order. Indeed, I am just setting a precedent here, a precedent to demonstrate that this is, by far, not the first time this has happened, and if Mr. Falk has an issue with that, he'd better buckle up, because I have another 10 to 12 examples from Conservative ministers that I would like to share with them, so here we go.

I want to read that again, because I think it's really important to get that on the record, uninterrupted, from beginning to end:

Mr. Speaker, in response to an NDP access to information request to see the Minister of State for Democratic Reform's briefing books, the PCO first refused altogether. Then, after we filed a complaint, it finally disclosed the minister's 200-page briefing book.

The problem is that the PCO blacked out 99% of it. It even redacted what looks to be two thirds of the table of contents.

I have a simple question for the minister. Can he tell us what is in that table of contents that he would like to hide from Canadians?

This was a question, Mr. Chair, from an NDP member, Craig Scott, when he was in the House at the time. He was asking this question of Mr. Poilievre.

I will repeat again what Mr. Poilievre responded, which was:

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.

I find it interesting, Mr. Chair, that Mr. Poilievre quite clearly and fully understood the responsibilities of the PCO at the time when he made his point to indicate why he had to black out 99% of

a document. However, for some reason now, as we are discussing this issue, Mr. Poilievre thinks that the committee can somehow circumvent the regular established process for blacking out and redacting sections of documents.

I would like at some point to jump into that document that I went through in detail last time. It bears repeating so that some members of the committee can be refreshed on it, but the reality is that what we saw is that the vast majority of redactions were with respect to telephone numbers.

• (2425)

They were individuals' personal cellphone numbers that Mr. Poilievre appears to be hell-bent on getting. Unfortunately, he doesn't appreciate the fact that those numbers need to be kept in confidence and private.

In other examples where there was completely unrelated information in an Excel spreadsheet that related to the request from the committee, they obviously blacked out that information because it hadn't been requested. For some reason, it made complete sense to Mr. Poilievre when he was the Minister of Democratic Reform, but now, when he's sitting in the other seat, he can't seem to be convinced of the same argument.

I [*Technical difficulty—Editor*] see beyond that, because I can, Mr. Chair. I can attempt to look beyond Mr. Poilievre's argument. It still doesn't explain why it is [*Technical difficulty—Editor*] aided and abetted by the NDP and the Bloc, refuse to let the individuals who redacted this stuff come to this committee and explain themselves. It makes absolutely no sense.

If you ask me why I'm sitting here at 12:30 on a Thursday morning fighting this, I have to be honest with you: It's not because I was particularly invited, but because I found out that this committee meeting was still going on. I just couldn't believe that this issue hadn't been dealt with yet. I figured that I have more to say on this, because clearly we have some members here who need some convincing.

I'm willing to put up this fight. I'm willing to go as far as it takes, Mr. Chair, to make sure that members of our public service—the incredible officials that we have—get all of the proper attention that they deserve and can be properly heard before this committee casts their careers in the shadow of having been part of a parliamentary privilege breach.

I want to share another quote with you, Mr. Chair. This is from Peter MacKay from April 25, 2007:

Mr. Speaker, that is patently false. These reports are received, reviewed and redacted in exactly the same fashion as they have since 2002. The previous government went through the same process. There are lawyers and officials in all departments who make these decisions independent of the political branch of government. There were no ministers and certainly the Prime Minister was not involved in any redaction and decisions made as to what information was to be redacted in the reports.

Here we have another former minister explaining to opposition members in 2007, Mr. Chair, about why they were not able to allow just any or different individuals—at the will or the request of the committee—to participate in the redaction of the documents. It is very clearly laid out who is responsible for redacting those documents.

As we can see, and as Mr. MacKay said so eloquently in that speech, there are lawyers, officials and people who understand the content of what they're reading who can properly make the right decision on what needs to be redacted and what doesn't. It goes without saying that a lawyer in a special field is going to have more information at their fingertips to be able to understand the confidentiality of certain agreements and certain correspondence that took place, much more so than the chief legal counsel of Parliament. There's no disrespect meant to those particular individuals, but it is clearly the case that people within these departments have the ability to really understand the content of the material so that they can do the redactions in a proper way.

● (2430)

The Chair: Mr. Gerretsen, I know you're not finished. I don't want to break your line of thought. You seem to have a lot more to say, but for health and safety reasons I'm suspending until tomorrow at the regular meeting time.

● (0030)

(Pause)

● (1614)

The Chair: We will reconvene the meeting.

There have been some side discussions. I think we might be able to break the impasse. I was talking to Mr. Poilievre as well.

Pierre, you had suggested that we go in camera. We couldn't start in camera because we were in suspension. We need a motion to go in camera. From what I can see, based on the offer made last night—I'm trying to figure out what the offer from Mr. Fraser was—if we can establish that and establish the ground, we might be able to come to some kind of an agreement. I think the best way to do that would be in camera, if people are willing to go that route.

Go ahead, Mr. Julian.

● (4015)

Mr. Peter Julian: Mr. Chair, I would object to going in camera unless we have something solid to discuss.

This has been going on for three weeks. The opposition members have offered a whole bunch of different solutions. We simply haven't seen, from the government's side, any movement at all. In fact, yesterday the government was right back to its original position. It was all about killing the privilege motion and not having access to documents that are really important.

Unless there is something that my opposition colleagues believe is worth discussing, I don't see why we would go in camera. I don't think the government has even been discussing in a way that makes sense. We need to have access to documents. We have a couple of ways of going about that. One is through the law clerk, and the other is by having an impartial speaker rule on the privilege motion. We've seen both stymied.

I will defer to my opposition colleagues, and if they feel that it would be useful, I certainly won't block it. My initial reaction is that I've found it very discouraging that the government is intent on continuing this filibuster rather than getting to the heart of the matter, despite many opposition proposals that are very reasonable.

The Chair: Okay. Does anybody want to come in?

I don't think the parties are that far apart when we look at the nub of the issue, but it's up to you folks. Do you want to go in camera?

Go ahead, Mr. Poilievre.

Hon. Pierre Poilievre: In a sense, it is up to the government.

It is my view, and I think the view of the opposition MPs, that we need a solution whereby an independent player can review the redactions and exclusions and tell the committee if they were appropriate. If the redactions and exclusions were appropriate, then we're fine. If they weren't, then we're not.

I did speak to the law clerk's office a few moments ago, and they confirmed a number of things to me. One is that they have the ability to review sensitive material and maintain its confidentiality. They have the highest level of clearance, as high as that of ministers of the Crown. If they were directed to keep the information that they view secret and only comment in general terms to committee members, they would honour that direction. Having obtained the highest levels of security clearances, they will, we can trust, honour that word.

We in the opposition are prepared to adopt a motion that would allow the law clerk and his office to review the information about the WE scandal that has been either redacted or excluded and to then report back to us on whether said exclusions were justified. If the government is prepared to allow that, then we can put the matter to bed and get on to the urgently needed work of the finance committee.

I think it is appalling that so much time is being wasted when we should be working on the economy. That's the job of the finance committee.

If that kind of an offer would end the government—and the Liberal—filibuster, then I would be prepared to do it. If, on the other hand, the government is not prepared to allow the law clerk to view both the excluded and the redacted information, then I don't see any reason to go in camera.

It comes down to that. The government members can signal to us right now which of those is their position.

● (4020)

The Chair: I'll turn to Sean, because I asked him if he could put something in writing that basically spells out what the proposal was last night.

I should report to the committee that I did talk to the law clerk as well. Certainly, he'd be willing to come before the committee. Basically, what he said to me was that the original motion did not request a cabinet confidence. Therefore, the documents on the cabinet end were consistent with the committee's order. For him to go to the original motion on the other documents, other than cabinet, he would need to see the underlying originals so that they could attest as to whether they were done properly. We talked about the areas where the public service does redact based on the Access to Information Act and the Public Service Employment Act. Regardless of that, he said he would need to see the underlying documents, and then he could attest as to whether they did meet the committee's request.

I'll turn to you, Sean.

Mr. Sean Fraser: Mr. Chair, you indicated to me just shortly before the meeting started that there was a suggestion that perhaps we should go in camera. I'll move that we do go in camera.

The Chair: It's been moved. We'll go to a vote.

(Motion negated: nays 6; yeas 5)

Hon. Pierre Poilievre: Mr. Chair, if I could—

The Chair: Just hold on, Pierre. There is a bit of a problem, because you asked me earlier if we could start in camera.

Hon. Pierre Poilievre: Right. May I address that?

The Chair: Just hold on. If you want to address it in public, I didn't realize....

Mr. Clerk, are we in camera or in public right now?

The Clerk of the Committee (Mr. Alexandre Roger): We are currently in public, and televised.

The Chair: Okay.

Hon. Pierre Poilievre: I don't think there's anything wrong with having a brief conversation in camera. I just don't want us to get into an in camera situation that turns into a private filibuster. I wanted to put some time limits on it.

Let's go in camera and hear what the government has to say. If they've come back with an offer to address the concerns we have, we'd be willing to consider them, but I'd like to have a strict 20-minute time limit on the in camera session, after which we would return to a public meeting.

The Chair: Can we do it in 20 minutes, Mr. Fraser?

Mr. Sean Fraser: I expect so.

The Chair: Are you moving that we go in camera for 20 minutes?

Hon. Pierre Poilievre: I propose that we move in camera for 20 minutes.

The Chair: Do we need a vote, or are we agreed?

Mr. Peter Julian: We're agreed.

The Chair: Mr. Clerk, we will have to get you to lock us in camera.

• (4025)

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

The Chair: Go ahead.

[*Translation*]

Mr. Peter Julian: Mr. Ste-Marie wasn't consulted.

Mr. Gabriel Ste-Marie: Anyone who says nothing consents. In other words, I agree.

[*English*]

The Chair: He agrees.

My apologies, Mr. Ste-Marie.

Mr. Clerk, could you let us know when we're in camera?

The Clerk: We will have to leave this meeting. Ms. Evelyn Lukyniuk, the clerk of the committee, is going to circulate new links with new passwords. We will have to click on those links and come back in a new Zoom format, so everybody has to leave this Zoom meeting.

The Chair: All right. This is our new technology. Oh, dear.

[*Proceedings continue in camera*]

• (1625) _____ (Pause) _____

• (1730)

[*Public proceedings resume*]

The Chair: We shall reconvene. We're in public. We will start where we left off this morning.

I have Ms. Koutrakis, Ms. Dzerowicz and then Mr. Poilievre.

Ms. Koutrakis, the floor is yours.

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

I'm going to attempt to explain how the Access to Information Act was applied to the documents provided to the committee by Employment and Social Development Canada.

Unfortunately, we are now well into October, and almost into November, and the Government of Canada is still working in lock-step to ensure that we are doing everything we can to protect Canadians from the COVID-19 virus. Unfortunately, we're well into the second wave, and I'm pretty sure there's a third one down the road. This has been our priority since the start of the pandemic.

Mr. Chair, when it became obvious—

Hon. Pierre Poilievre: Point of order, Mr. Chair.

The Chair: What's your point of order, Mr. Poilievre?

Hon. Pierre Poilievre: Ms. Koutrakis is referencing a statute that is not at stake in this discussion. I have a letter here from the law clerk, who says:

We note that the House's and its committees' power to order the production of records is absolute and unfettered as it constitutes a constitutional parliamentary privilege that supersedes statutory obligations, such as—

Mr. Sean Fraser: Mr. Chair, that's debate.

Hon. Pierre Poilievre:

—the exemptions found in the Access to Information Act.

The Chair: Mr. Poilievre, I believe that is not a point of order. That is debate. I will let Ms. Koutrakis continue.

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

When it became obvious—

Hon. Pierre Poilievre: But the act doesn't apply, Mr. Chair.

The Chair: Ms. Koutrakis—

Hon. Pierre Poilievre: The act doesn't apply to this debate. The Access to Information Act does not apply.

The Chair: Mr. Poilievre, we're into debate—

[*Translation*]

Mr. Gabriel Ste-Marie: Mr. Chair, I'm interrupting the discussion.

The interpreters can't do their job when everyone is talking at the same time. I repeat this several times at each meeting. Please be disciplined on Zoom, out of respect for the interpreters.

Thank you.

[*English*]

The Chair: I'm allowing Mr. Ste-Marie in.

I'm not getting the English translation, Mr. Ste-Marie, but I expect you said that when more than one person is speaking, the translators cannot do their job.

We're back to Ms. Koutrakis, who is starting her remarks.

• (4135)

Mrs. Tamara Jansen: Can I raise a point of order?

The Chair: Yes, you can, Ms. Jansen, if it's a point of order.

Mrs. Tamara Jansen: Well, it's about relevance.

The Chair: Okay.

Mrs. Tamara Jansen: Because that's not what we're discussing right now, it's not relevant, that ATIP information.

The Chair: I think it is relevant.

Mr. Sean Fraser: Mr. Chair?

The Chair: Go ahead, Mr. Fraser.

Mr. Sean Fraser: I think discussing the methodology that was employed to make redactions is relevant when the subamendment that's on the floor and being debated deals with those very redactions. Whether those redactions were appropriate or not might be a different question, but the relevance to the subamendment is there—

The Chair: Okay.

Mr. Sean Fraser: —subject to the redaction.

The Chair: If that is where Ms. Koutrakis is going, it would indeed be relevant.

Ms. Koutrakis.

Ms. Annie Koutrakis: Yes, I'm attempting to explain the methodology used for the redaction of the documents. I believe it's very relevant to the subamendment that we are discussing here today.

When it became obvious that the pandemic was extremely serious, back in March and April, the Government of Canada focused its efforts on providing Canadians with help as quickly as possible. For Employment and Social Development Canada, this meant protecting Canadian workers and employers, Canadian families and also Canadian students from some of the economic impacts of COVID-19. The department's priority—and we've heard this time and time again—was to establish, implement and quickly distribute the CERB, working with the Canada Revenue Agency, as well as to put in place other much-needed supports such as the Canada emergency student benefit.

Our public servants—and I said this again yesterday in my comments—worked around the clock to support the government's response and ensured that Canadians had the supports they needed when they needed them most. Despite these challenges, the department was able to deliver quickly and efficiently so that Canadians received the support they needed.

What were some of the supports for students? Well, we all know that young people have been facing serious challenges during this pandemic, throughout the summer and still today. This is why a series of measures for students and youth were put in place to help them in these trying times. Let me remind everyone of a few measures that were put in place.

We put in place a six-month interest-free moratorium on repayment of Canada student loans. We put forward the Canada emergency student benefit, which provided support to students and new graduates who were not eligible for the CERB. We doubled the Canada student grants for all eligible full-time students, for students with permanent disabilities and for students with dependants.

Mr. Peter Julian: On a point of order, are we still on the subamendment, Mr. Chair?

The Chair: Yes, we are.

Mr. Peter Julian: I fail to see the relevance.

The Chair: The subamendment and the whole amendment, really, relate to what the government did for students. Is that not correct? I'd think it would be relevant.

Ms. Koutrakis.

Ms. Annie Koutrakis: These are just a few measures of the many that were put in place to help students and youth. Furthermore, a general call-out was made to relevant departments, including ESDC, in order to provide options to enhance existing youth- and student-related programs. This was in response to the government's desire to develop a comprehensive package to help students.

The government wanted it to include a volunteer-service component, so a full series of student measures were pulled together to make up a student package. At the end of April the Prime Minister announced a range of measures to assist students during this crisis. These included improvements to the Canada service corps program delivered by ESDC and the new Canada student service grant. As we have said many times before, it was determined that the most effective and efficient delivery approach would be one through a third party, funded through a contribution agreement.

ESDC delivers a range of programs and services that have a direct impact on Canadians of all ages. These provide seniors with basic income security, support unemployed workers, help students finance their post-secondary education and assist parents who are raising young children. None of these programs has stopped during the pandemic.

I would also like to point out that during the period in question, ESDC, including its delivery arm Service Canada, was completely consumed with the program design and implementation of numerous emergency measures—

● (4140)

Mr. Peter Julian: On a point of order, Mr. Chair, I'm sorry, but this is not relevant at all. I've been patient. I certainly accepted that she was coming back to the subamendment, but this has no relationship to the subamendment or the documents, not at all. In terms of relevance, if the government wants, doesn't have anything further to say, certainly we can go to a vote.

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

Mr. Peter Julian: It's not relevant.

The Chair: I'm listening to one point of order right now.

Mr. Fragiskatos.

Mr. Peter Fragiskatos: Mr. Julian is making something of a habit of this. Ms. Koutrakis is trying to get through her speech. She's shown time and again that her words are relevant and you've ruled in favour every time.

The Chair: Okay. I think we're into a bit of a debate here.

I'll just say to Ms. Koutrakis to keep in mind to circle back to the subamendment to the amendment to the motion so that it is relevant.

Go ahead. The floor is yours.

Ms. Annie Koutrakis: Thank you, Mr. Chair. I will attempt to do that.

I'll just to remind everybody that “[o]penness, transparency and accountability are guiding principles” of ESDC and the federal government as a whole. The public servants at ESDC worked for many weeks to gather and prepare the documents requested by the committee. Let me assure you that principles of being open and transparent were applied in preparing the package to respond to the production of papers motion on WE Charity.

Department officials also applied principles laid out in the Access to Information Act when assessing the documents to ensure, among other things, the protection of personal information and cabinet confidence. While more than 97% of the information was re-

leased in its entirety, less than 3% was redacted due to exemptions based on sections 16, 19, 21 and 69 of the act. I will provide more information on each of these sections shortly.

First of all, I would like to point out that ATIP “gives Canadian citizens, permanent residents and any person or corporation present in Canada a right to access records of government institutions that are subject to the Act”. It's also important to point out that:

The Act complements other policies and procedures that are intended to make government information publicly available, such as open government initiatives and proactive disclosure of travel and hospitality expenses, contracts and other frequently requested information.

In the case relevant to this motion, a large volume of records were initially identified as being relevant to the motion. In addition to the motion, the ESDC ATIP office received over 70 requests on the same subject matter. These requests are all being processed formally under the ATIP process.

Let me give you a few examples of the ATIP requests that were received.

One was a request to disclose “all correspondence with WE Charity and ME to WE regarding delivery of the Canada student service grant, as well as any contracts with either of the two organizations regarding the same from April 2020 to June 26, 2020”.

One was to provide “a copy of all decks, presentations and analysis in the possession of Employment and Social Development Canada since March 15, 2020 regarding the administration of the CSSG”.

One was to provide “a copy of all briefing notes to the ADM level and above regarding the administration of the Canada student service grant between between March 15, 2020 and present”—June 29, 2020”.

Another one was to provide “the emails, briefing notes, agendas, minutes, recordings and a list of participants regarding the organization, set-up, consultations and event itself of every meeting involving the Minister of Employment and Social Development mentioning iwanttohelp.org”.

In total, ESDC received 72 access to information and privacy requests. It is to be noted that, out of those requests, the ATIP office was able to offer the release package provided to the finance committee to requesters who agreed to receiving the package responsive to their requests. As such, some of the requests listed are now completed. As for the remainder of the requests, they will be responded to upon completion of the processes required under the ATIP Act.

I will now attempt to address how ESDC processes ATIP requests.

● (4145)

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

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

Mr. Peter Julian: Thank you, Mr. Chair. I think you've been very patient and I think we've been very patient, but this is not relevant to the subamendment. There is just no relevance to it. It's a speech. It has nothing to do with the subamendment.

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

The Chair: What's your point of order, Mr. Fragiskatos?

Mr. Peter Fragiskatos: I would simply and very respectfully ask my colleague to allow Ms. Koutrakis to finish what she is saying, and to take it all in, and at that point he can decide whether it's relevant. I'm thinking it's relevant, and I haven't heard other members object.

The Chair: Okay. I'm going to interrupt here. There are capacity problems on the Hill for committees to meet. The fisheries committee is meeting with witnesses, and if we cramp them, they will not be able to do their duty with the trouble that's happening on the water tonight. With that, I am suspending the meeting.

The meeting is suspended.

• (1754) _____ (Pause) _____

• (1604)

The Chair: We are back. I see Mr. Poilievre and I see Gabriel Ste-Marie. There's more than two sword lengths between them, so we're okay.

Some hon. members: Oh, oh!

The Chair: With that, we'll call the meeting to order. We're resuming the meeting started on Wednesday, October 28, 2020, of the House of Commons Standing Committee on Finance. The committee is now continuing the consideration of committee business pursuant to the motion adopted by the House on Wednesday, September 23. The committee is meeting virtually. Today's meeting is taking place by video conference, and the proceedings will be tele-

vised and made available on the House of Commons committee website.

I'll not go through all the other rules because I think committee members know them and we don't have witnesses before us today.

We left off when we were still speaking on the subamendment to the amendment to the motion by Mr. Poilievre. I know there have been some discussions going on between the various parties. I don't know if anybody has anything they want to report on that.

Mr. Fraser.

Mr. Sean Fraser: Thank you, Mr. Chair. I appreciate that.

Just as per your comment, I've been engaging with some of my opposition colleagues since the committee last met. I've been working on a compromise in real time that I hope will satisfy the committee that the privilege motion can be put aside. We're not quite there, but I could use the next short period to continue working towards a solution.

I would move that the committee do now adjourn.

The Chair: The motion is in order.

Ms. Julie Dzerowicz: I have a point of order. I'm sorry, Mr. Chair, I have no idea what just happened. I lost my connection.

The Chair: Madam Dzerowicz, Mr. Fraser was explaining that there have been some discussions between himself and the parties to try and find a solution here, and he made a motion to adjourn, which is in order, and the clerk is just starting that motion now. The only one she's called on now I believe is Mr. Fraser, who voted in favour.

(Motion agreed to: yeas 9, nays 2)

The Chair: With that, the meeting is adjourned to the call of the Chair.

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