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# **Standing Committee on Procedure and House Affairs**

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**EVIDENCE**

**Tuesday, November 6, 2018**

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**Chair**

**The Honourable Larry Bagnell**



## Standing Committee on Procedure and House Affairs

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• (1100)

[English]

**The Chair (Hon. Larry Bagnell (Yukon, Lib.)):** Good morning and welcome to meeting number 130 of the Standing Committee on Procedure and House Affairs. This meeting is being televised.

Pursuant to Standing Order 111, we are studying the certificate of nomination of the Right Honourable David Johnston to the position of debates commissioner.

We are pleased to have Mr. Johnston with us this morning. As in the past, I would like to remind members that the committee is only empowered to examine Mr. Johnston's qualifications and competence to perform the duties of the office to which he is being appointed. Please be mindful of this in your questioning of today's witness, so as not to stray into matters beyond the scope of the inquiry.

I wish to inform members that Minister Gould will be available to appear on Thursday, November 22, to provide the committee with a briefing on the independent debates commission. I will therefore go ahead and schedule that appearance.

Thank you for making yourself available today, Mr. Johnston. I think the last time we were together we were skating with Daniel Alfredsson in Sweden, which was great fun.

We look forward to your opening statement

**Right Hon. David Johnston (Nominee for the position of Debates Commissioner, As an Individual):** Thank you so much, Mr. Chair. It's a pleasure and honour to appear before this committee.

[Translation]

I would like to thank the members of the committee for giving me an opportunity to discuss a very important issue—the way in which federal leaders' debates are organized in Canada.

[English]

I would like to thank the members around the table for their in-depth study of such an important part of Canadian democracy. I've read the report tabled by this committee with great attention.

[Translation]

Thank you for your excellent work.

[English]

As some of you may know, safeguarding the health of Canadian democracy is a lifelong commitment and passion of mine. It's for this reason that I intend on donating to charity any compensation associated with the functions of the debates commissioner.

[Translation]

I see this entity as a step in the right direction in our ongoing efforts to safeguard Canada's democratic institutions.

[English]

As such, I'm honoured to be considered to lead these efforts, and to work with political parties, stakeholders and media organizations to deliver Canadians the debates they deserve. Having moderated federal leaders debates in 1979 and 1984 and Ontario provincial debates in 1987, I recognize the essential role they play in exposing Canadians to a diversity of political views, including positions that do not always align with their own.

On a personal level, I have always been one to appreciate the political process and the role the media play in a healthy democracy. As commissioner, my priority would be to establish an open and transparent dialogue with Canadians, political parties, media and stakeholders.

I firmly believe that the success of the 2019 debates will rest on the ability of the commission to keep the public interest paramount, while remaining independent and non-partisan.

Members, I look forward to hearing your views on what makes a debate informative and useful for Canadians. I also welcome your thoughts on the composition of an advisory board that reflects a varied repertoire of skills and expertise.

[Translation]

Lastly, I would like to hear your views on who should be consulted.

[English]

A healthy democracy is one that is stable, transparent and oriented toward the public interest. These are the values that should guide the organization of leaders debates, and the ones I intend to carry along this process.

I look forward to working with all of you with a view to reporting back to Parliament in 2020 with recommendations based on the 2019 experience that will benefit and inform the future of leaders debates in Canada.

I'm happy to answer any questions you may have.

• (1105)

[Translation]

Thank you, Mr. Chair.

[English]

**The Chair:** Thank you very much.

Before we begin, I would point out that Elizabeth May will be getting a slot from the Liberals.

I also had a suggestion from the opposition that, if there are bells, because we're so close to the chamber, we continue up to five minutes before the vote. Is there agreement to do that?

**Some hon. members:** Agreed.

**The Chair:** Thank you.

Madam Lapointe.

[Translation]

**Ms. Linda Lapointe (Rivière-des-Mille-Îles, Lib.):** Thank you, Mr. Chair.

Thank you kindly for being here today, Mr. Johnston. It's wonderful to see you.

What prompted your return to public life? The organization of federal leaders' debates is very important work. Why were you interested in the position of debates commissioner?

**Right Hon. David Johnston:** I have spent the bulk of my life involved with institutions, universities, commissions and public policy task forces. As I said in my opening statement, I have moderated three debates in the past. As I see it, debates are an essential part of our democracy and democratic way of life. We must constantly work to strengthen public institutions. When asked the question, I said that it was in the public interest.

**Ms. Linda Lapointe:** Thank you.

During your opening statement, you said you had organized debates. What would you say has changed since then?

**Right Hon. David Johnston:** The biggest change is social media. It's a revolution, really. The range of stakeholder interests and media is broad. It's necessary to engage young people in the political process, not to mention all Canadians, not just by taking a traditional approach to debates, but also by using new platforms.

**Ms. Linda Lapointe:** That's very interesting.

**Right Hon. David Johnston:** The digital revolution is in full swing.

**Ms. Linda Lapointe:** Is your goal for the debates to reach as many Canadians as possible, regardless of the media used?

**Right Hon. David Johnston:** That is correct. Another important consideration is to foster a more comprehensive discourse so that Canadians are encouraged to really consider the options available, rather than just reacting to the important issues affecting the country right now.

**Ms. Linda Lapointe:** You said in your statement that Canadians were familiar with some issues. I gather that you would broaden the

scope of the debates so as not to limit them to the three or four subjects usually in the public eye during an election campaign.

**Right Hon. David Johnston:** That is correct. The easiest solution is to hold the two debates in both official languages. My hope is that the content of the debates will be widely disseminated and that people also consider the big questions that inform our democratic process. We will have to work very hard to make people care more about the debates, so that they pay closer attention to what's being said and a more robust discourse ensues.

**Ms. Linda Lapointe:** That's very insightful. I appreciate your desire to broaden the scope of the debate. Many times, people don't realize that 10 or 20 commitments were made during the campaign, thereby influencing the decisions made following the election.

You have been the Governor General and a moderator. Do you think your experience as Governor General will help you in your new role?

• (1110)

**Right Hon. David Johnston:** I think so, yes. First of all, I'd like to say what a privilege it was to hold the office of Governor General of Canada for seven years. Both my wife and I felt honoured. Perhaps the most important thing is to have a very clear sense of who and what the country is. We were grateful to be able to meet so many Canadians in their communities. We met mayors and city councillors in numerous municipalities, volunteer groups and others dedicated to the public good. Canada is a great country, but we can make it even better.

**Ms. Linda Lapointe:** How much time do I have left, Mr. Chair?

[English]

**The Chair:** Just over a minute.

**Ms. Linda Lapointe:** Okay, that's good.

[Translation]

I'd like to ask you a practical question now. Where would your office be located should you become commissioner?

**Right Hon. David Johnston:** We have a small office not far from Parliament, on Sparks Street. I haven't seen it yet. I also have an office at the Rideau Hall Foundation.

[English]

**The Chair:** Sorry, I wasn't listening, but we're supposed to just be considering his qualifications.

[Translation]

**Ms. Linda Lapointe:** Very good.

[English]

**The Chair:** It's the only topic for today.

[Translation]

**Ms. Linda Lapointe:** Thank you.

[English]

**The Chair:** You have 30 seconds.

[Translation]

**Right Hon. David Johnston:** There will be an office.

**Ms. Linda Lapointe:** I can't ask you questions about your staff. I know that you will be working with people.

**Right Hon. David Johnston:** Yes, if I am appointed, which is not yet confirmed since I have only been nominated. The discussions are under way. However, there will be a secretariat with a small, but strong, team.

**Ms. Linda Lapointe:** It's a privilege to have you here. Thank you very much.

**The Chair:** Thank you.

Mr. Reid, you may go ahead.

**Mr. Scott Reid (Lanark—Frontenac—Kingston, CPC):** Thank you, Mr. Chair.

I will be splitting my seven minutes with Ms. Kusie.

[*English*]

I want to first of all welcome you to the committee, and say, howdy neighbour. Of course, you and Mrs. Johnston are now residents of Lanark County.

It was wonderful to see you at the Brett Pearson Run For Your Life in September. That is one of the best community initiatives in the area, and it meant a lot to them to have you there. Thank you for that.

**Right Hon. David Johnston:** It was a privilege.

**Mr. Scott Reid:** I want to draw upon your experience as the moderator of several previous leaders debates federally, in 1979 and 1984, and also the province of Ontario, to ask about dealing with the difficult question of which party leader is in and which party leader is out. That's a decision which you and the advisory panel are going to have to deal with.

That is going to be a vexing question. Could you shed some light on how you're going to handle that?

**Right Hon. David Johnston:** Fortunately, the mandate provides criteria that are very helpful. I thank your committee for the job you have done not only on that question, but a number of questions.

There are three criteria, two of which must be met. The first two are reasonably clear. The third could present some interpretation issues. I and the advisory board will follow those criteria carefully and make the decisions appropriately.

**Mr. Scott Reid:** Right.

It seems to me that when you deal with the legitimate chance issue, one has to make a call at some point as to where that stands. Poll numbers go up and down. They're particularly going to be the case if you have a party that contests only in one province, for example. It's a relevant question, because the Bloc Québécois is one of those parties. The margin of error goes up when you're dealing with a smaller sample.

Have you thought about how you're going to deal with the timing issue? At some point, the decision can itself make a significant impact on whether or not that party is going to be able to win seats in the next election.

• (1115)

**Right Hon. David Johnston:** Sure.

**Mr. Scott Reid:** I know you are not seeking to unduly influence the outcome of the election.

How would you handle that?

**Right Hon. David Johnston:** You have put very good questions, and I don't have the specific answers to them. They will have to be determined at the time, of course, with the advice of the advisory board.

The timing is a very sensitive and important question, and there are arguments on either side of when that time should be. Of course, it's as soon as possible, but if one is looking at political history, at polling, at the interests of that particular party developing its options, there has to be a time for that to come to fruition.

Then there's some interpretation, polling results being one, the history of that particular party and its interests being another, and the third would be what the legitimate chance is for that party to have members in the next Parliament.

There is no answer I can give you at the moment, other than to say that we'll consider all the factors and try to come to a timely and sensible decision.

**Mr. Scott Reid:** Right.

An example that comes to my mind as one that would have been very, very difficult to decide had this commission been in existence for that election would be the 1993 election and the case of the National Party, under Mel Hurtig, which came out of nowhere. It appeared to have a real potential, depending on who was looking at it, to win some seats.

It seems to me that there would be merit to the idea of having some arbitrarily chosen point in advance, so as to make sure that no one can interpret the decision as being discretionary, as being the time at which one makes the decision for inclusion for a party for which—not every party will have this problem—the realistic chance of winning seats is one of the two conditions that they need to fulfill.

**Right Hon. David Johnston:** That's a very thoughtful observation. It has the beauty, of course, of precision and clarity. On the other hand, you want to determine how much evidence you need.

We've alluded to earlier precedents and we will look at earlier precedents. I'm a lawyer by training and I'm not sure I should say I enjoy those questions, but that's what we do for a living. When I was governor general, we tried to prepare well for constitutional issues that would arise—

**Mr. Scott Reid:** Right. True.

**Right Hon. David Johnston:** —and set up a stream of advice that came independently of the very good advice that we received from the Office of the Prime Minister, the Office of the Clerk of the Privy Council, and the Department of Justice. On legal questions, we used three external people who served pro bono simply to provide that stream of advice.

Without making it too complicated, we would certainly take into account and look at some of the precedents you've suggested. Where there had been a decision made in our jurisdiction or others, we would be guided by those and try to do something that's reasonable.

**Mr. Scott Reid:** Thank you very much, Your Excellency.

**Right Hon. David Johnston:** I look forward to further advice on those matters.

Thank you.

[*Translation*]

**Mrs. Stephanie Kusie (Calgary Midnapore, CPC):** Good morning. Thank you for being here today.

Of course, as a woman, I have tremendous respect for you since you raised four amazing women. Congratulations. I think that's a wonderful accomplishment.

[*English*]

My question is in regard to the extent you plan on engaging with political parties to uphold your mandate.

It's outlined in the leaders debates commission mandate that part of your responsibility would be engaging political parties to negotiate the terms of the debates. This is very vague and allows for a lot of leeway.

I know that you have had much experience before in regard to negotiating and managing groups with competing interests. Based upon your experience, how do you plan to address this consultation?

**Right Hon. David Johnston:** My plan would be consult widely and to ensure that we are consulting with and receiving advice from parties with an important interest in the process. The advisory board itself will be an important body to provide that kind of input and those kinds of thoughts. I will be in contact, of course, with various political parties to seek their advice on those and other questions. I would like to be sure that what we do is inclusive but also transparent and open, and when we make a particular decision, that it's clear and we provide appropriate reasons for it.

Thank you for the comments on women. My wife and I are the parents of five daughters. There are no sons-in-law but—

• (1120)

[*Translation*]

**Mrs. Stephanie Kusie:** I thought it was four.

[*English*]

**Right Hon. David Johnston:** —we have 14 grandchildren: seven boys and seven girls.

**The Chair:** Thank you very much.

I should have mentioned at the beginning, David, that if somebody asks you a question not related to your qualifications, you don't have to answer but I'll let you answer if you want.

**Right Hon. David Johnston:** Sure.

**The Chair:** Mr. Christopherson.

**Mr. David Christopherson (Hamilton Centre, NDP):** It's interesting that you gave that instruction just before I spoke. It was noted.

**An hon. member:** It's just a coincidence.

**Mr. David Christopherson:** It's Mr. Reid's fault.

Thank you, Chair.

Your Excellency, thank you so much for being here.

I don't know if you're aware, but there are some of us who have some problems with the process and we'll be addressing that in due course.

If I may, in my view, we've put this a bit backwards. We've put the cart in front of the horse. We should be having the policy that the government was proposing first, nail that down, and get legitimacy and buy-in from at least two of the three parties—we've moved from unanimity to at least that as the bare minimum—and then proceed to who.

However, I'm quite prepared to leap ahead to the extent that if the government decides to try to legitimize this process—and I'm going to offer a suggestion in a moment as to who—I certainly would be not just comfortable, sir, with you being there but I think you would do us a great service and a great honour.

You are the gold standard of public service and I can't imagine any position for which you wouldn't be eminently qualified to represent Canadians and bring that fairness and values, and your integrity and your intelligence, your experience, to bear. I can't emphasize enough, sir, that any of my comments that are negative are addressed to the process, to the government, to everything except you.

I have the highest regard for you, as does my caucus, and if at the end of the day, you end up being the debates commissioner, we as a country would be well served.

Part of our difficulty, sir, is...and I'm mindful of what you said, Chair, so I'm going to do my very best to stay within the confines while recognizing the latitude that members have, especially on PROC.

Right from the get-go, sir, my worry...and I'm not smart enough to play hidden politics. I just put it right on the table. My concern is, number one, the whole idea that there needed to be a debates commissioner was because one of the major party leaders, who will remain nameless right now, played games and refused to commit to national debates which meant that we didn't have a fulsome, democratic process that included the kinds of debates Canadians need and should have. The idea was that we have to make sure that doesn't happen again.

It was always kind of a slapdash process, reinvented each time as to who made the call, who made the decision. It made a great deal of sense that we do this. Unfortunately, sir, the government has mismanaged every aspect of democratic reform to the point where now we're left with the government saying that they didn't have enough time to bring this in by way of legislation.

Sir, I just want you to know that's not our fault. We don't set the legislative agenda. The government does that. One of the first things that we recommended... I'll tell you what's really annoying me, Chair. It's that the government keeps saying, "We just followed the policies. We just followed the policies of the committee." No, they didn't.

One of the key recommendations we made was that there should be unanimity around the choice of the commissioner. Falling back on this idea that the government decides who the possibilities are and presents a final candidate and we get to say yes or a no, and the government tries to call that consultation is insulting in this day and age. That's exactly what happened.

The day before this policy was announced publicly, the minister met with Nathan Cullen and me. I won't divulge the actual discussion. That wouldn't be appropriate. However, it's fair to say the purpose of the meeting was to brief us on what it was going to be. It was an edict from on high. I will say this because I've said it before publicly. I said to the minister, "This should be a consultation not a briefing." She said, "Once you hear who the candidate is, you'll be fine." As I've explained, there's a complete separation between that and the legitimacy of this process.

First of all, there was supposed to be unanimous agreement on the commissioner. That was ignored. There were key aspects of questions of who got to participate in the debates. As my friend, Mr. Reid, has pointed out, it was very contentious and we couldn't come to an agreement and we didn't try to because we felt that decision ultimately should be made at arm's length from us. Right or wrong, that was our collective interpretation.

• (1125)

Chair, I want to emphasize, we spent a lot of time on this report. While it may not have had the unanimity of all the parties, there was a great deal of debate and discussion. Even when one of the parties said that I was offside on this, it would still participate to try to make it better. We had that collegiality—you continue to do an excellent job as the chair of this committee in bringing that out—and we did a lot of hard work. If anybody wants to say that this is some kind of a political hack job or a joke, or that it doesn't matter, speak up now. I remember how hard I worked, how hard Mr. Nater worked and how hard you worked, Chair. We put a lot of heart and soul into this.

Then the government comes along because of its own mismanagement of its files—it didn't have enough time to do it properly—and expects that somehow the debate process in Canada is decided by one party. That's effectively what's in front of us. Let me say this, because my time is going to run out soon. All the government is doing is playing into the hands of the very party that doesn't want this debate commission by not giving legitimacy to the process. The lack of thought and political thought and process into this is just mind-boggling given that the government's been in office for a number of years now.

My last point is this, Mr. Chair. I would strongly recommend to get this fixed. I don't need a headline, a quote or a clip because I'm not running again, but what I want is to fix our debates and to make our democracy as strong as possible. So, I'm going to throw a lifeline to the government. I'm going to ask it, through you, Mr. Chair, to please submit its proposal to PROC, to allow amendments, and to see if we can find the legitimacy that at least a majority vote representing two of the three recognized parties could emerge from this committee. That, Mr. Chair, would have some legitimacy. It won't be the document that we passed, and it won't be what the government had, but it would be our collective best interest in trying to make that happen. To me, that's one way to salvage what is just an

abysmal embarrassment, as well as an insult, to Parliament: that the Liberal government believes that it alone, unilaterally, can decree how the debate process is going to work, how the rules are going to be set and who does it.

Sir, sorry I had to do that in front of you, but you can appreciate... I saw you sit back. You've been around a long time, and you know how this works. I want to end, sir, by mentioning again the respect that I have for you. If you end up being our commissioner, I would be thrilled. In fact, if you end up in any role representing Canada and helping our democracy, we are better off for it.

Thank you for being here today, sir.

Thank you for the floor, Mr. Chair.

**Right Hon. David Johnston:** Let me say, Mr. Chair, thank you for those very touching personal comments. They do touch the heart and I'm very grateful. When I repeat some of them to my wife tonight, she'll have a different opinion, but that's okay—that's 54 years of marriage.

**Some hon. members:** Oh, oh!

**Right Hon. David Johnston:** Thank you.

**The Chair:** Thank you.

I'm sure all the committee members agree as to the respect we all have for you, David.

We'll now go to Mr. Simms.

**Mr. Scott Simms (Coast of Bays—Central—Notre Dame, Lib.):** Your Excellency, it's nice to see you again. I've followed you over these many years, and I want to wish you the best of luck in this position. I know you'll do a hell of a fine job.

I'll give the rest of my time to Ms. May.

**Right Hon. David Johnston:** I will just respond to say that, Scott, we have a custom that we fine people \$10 any time they use the old titles, and it's double for each subsequent offence, so continue to offend, please, because all that money goes to the Rideau Hall Foundation.

**Mr. Scott Simms:** Duly noted. I'll even add on to it for interest.

**Right Hon. David Johnston:** Thank you.

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** Thank you to my colleague, Scott Simms.

Mr. Chair, how much time do I have at this point?

**The Chair:** You have six and a half minutes.

**Ms. Elizabeth May:** Thank you.

I'm going to take a page out of David Christopherson's book because I love him, although he will not love what I have to say.

I'm going to quickly set out that I'm enormously grateful that the government has taken the bull by the horns and set a debates commission process with firm criteria in advance, because I think we're debating this.... There's no question that it would be much better if all parties.... I'd take out the words "all recognized parties" because the recognized parties, frankly, have been manipulating the debates process for years to exclude anyone but the recognized parties.

There's no ill intention toward you, darling, but honestly, the debates process is one that, viewed by any impartial observer, brings democracy into disrepute.

You have collusion and backroom dealings. The media consortium worked so hard, but not only did they have Mr. Harper threatening not to participate in debates, but the last time around both Mr. Mulcair and Mr. Harper got the English language leaders debate cancelled. So 11 million Canadians who watched the simultaneous English-language leaders debate in 2011 were deprived of that opportunity in 2015, and also the women's debate. Then we had this scattering of other debates, which I believe were put in place specifically to draw attention away from the fact that we'd just lost the nationally broadcast English-language leaders debate.

The problem is that we're looking at this process and saying it's flawed, and I won't say it's perfect, but in comparison to the status quo, it's a huge improvement. I'll give you two reasons why, and for supporting documentation one could look up the article that Tony Burman wrote. He had been chair of the consortium with CBC during the 2008 leaders debate and wrote about how fraught it was, how anti-democratic, how absurd it was to have all this behind closed doors with the threats from different leaders. Also, Andrew Coyne has written very brilliantly on the problem. Andrew Coyne's analogy is that it's like Chrysler, GM and Ford getting together with the TV networks and saying, "Okay, we all agree: no TV ads for Toyota."

That's how unfair, indiscriminate and anti-democratic it has been until now. I do sense that there's a lot of effort to discredit this effort being made from the very same people who never wanted to see it broadened beyond the large parties.

So I wanted to be very, very up front in saying I welcome this effort. One of the key benefits is that, when the media consortium had the fairly thankless task—and I don't blame the media consortium for any of this.... But the problem is that, when the media news directors are making a key decision for democracy, their own reporters have a very difficult time reporting on what's going on. In fact, they can't.

My hope is that with an independent debates commission, with a qualified debates commissioner, with transparency, the news media won't be shut out from reporting on what's going on, because as far as I recall, there was never a news story in the 2015 election about how interesting it was that two federal party leaders—one of them the standing prime minister—had managed to get the debates cancelled.

Let me say that I welcome a predictable, transparent process on which the media can be informed to report on what's happening. I see the biggest risk here—before I move to your qualifications, sir—

being a lack of sufficient buy-in from the larger parties and a lack of sufficient buy-in from the consortium members.

My advice, humbly, respectfully submitted, is that you have seven positions for an advisory board and you should fill them with CTV, CBC, Global, TVA and Radio-Canada—they ran the debates from the 1960s until now—and I would add TVO and CPAC. Let those be your advisers, because as soon as possible, we need their commitment that they will broadcast. There's no commitment now to broadcast the debates that the debate commission produces, and that needs to be very clear early on.

I welcome this. I say hallelujah to the criteria because they work for the Bloc Québécois; they work in fairness for parties like mine, and I think they'll probably end up working for Max Bernier and the People's Party, but we shall see.

I would ask you just one question, if you'd like to reflect on it. In your long and illustrious career, you haven't mentioned one particular role you had that I think has application to this, and that's when you were the founding chair of the National Round Table on the Environment and the Economy from 1988 to 1990, with lots of disparate groups and multi-stakeholder engagement. Do you think that has any application to the new role that I hope you will be assuming?

Thank you.

• (1130)

**Right Hon. David Johnston:** Thank you. I loved that role. It was a round table that brought stakeholders from different interests together and, guess what? We actually reached, for us, some important conclusions, and the inclusiveness was a very big part of that.

That round table lasted for about 20 years, which is very unusual. These things are usually for a particular term of a particular government, and then they disappear. I was delighted and, I must say, surprised that it had that durability. Then there were offshoots of the round table process for sustainable development, which became very much our culture during that process, but the round table process for other interesting activities and important questions before our body politic ensured the notion of having a broad range of ideas to come up with important solutions, and that will be a guiding factor.

I love the notion of the round table because you see everyone. You can look them in the eye and read the body language, and that's very Canadian. I live by the maxim that minds, like parachutes, work best when open, and you need all of the vehicles possible to keep them open.

Thank you also for your advice on some of the very specific questions that we'll have to address.

• (1135)

**Ms. Elizabeth May:** Is there any time remaining, Mr. Chair?

**The Chair:** Yes, you have 10 seconds.

**Ms. Elizabeth May:** Love to Sharon. You guys rock.

Thank you very much.

**Right Hon. David Johnston:** Thank you.

**The Chair:** Thank you.

Just before we go to Mr. Nater, as we agreed, we'll go until five minutes before the vote, which would give us 55 minutes altogether, but the Liberals have also agreed to give up a slot so the opposition will get as much time as they would have in a full hour.

We'll go to Mr. Nater.

**Mr. John Nater (Perth—Wellington, CPC):** Thank you, Mr. Chair. I appreciate those comments.

Thank you, sir, for joining us. In my riding of Perth—Wellington with the city of Stratford, we appreciate your efforts while you were president of the University of Waterloo to establish the Stratford campus in our community. It is much appreciated and reflects a lot of your background in digital technology, which leads me to my first question.

Given your academic background, I would note that on your coat of arms you have a binary code, which I think is appropriate given your background, and it leads me to my question.

I have to disagree a little bit with Ms. May in terms of having major broadcasters form the advisory panel. From my perspective as a millennial, I don't have cable at home. I don't have satellite. I don't rely on television as a source of news. More than half of my generation relies on digital communications and online platforms. I'd be curious, given your extensive academic background, how you would go about ensuring that my generation and those younger than I am.... At age 34, I almost feel old compared to new voters aged 18. Mr. Christopherson says, "Get used to it."

How would you go about ensuring, using your background, that our generation and those younger than I am have the opportunity to engage in debates?

**Right Hon. David Johnston:** Reach out, reach out. My grandmother used to say, "You have two ears, two eyes and only one mouth for a reason. Listen, watch and then maybe speak."

Sometimes people think it's trite, but it's very meaningful to me that all the important things in life I have learned from my children and now from my grandchildren. It's not that they provide all the content of what you know or what you're relearning, but they view life from a different angle. For me, that's been a very important mindset. I write about this kind of thing.

You mentioned a coat of arms that has pluses and minuses at the bottom. That was to indicate my interest in technology and learning, but there was some fun with the media when that was released. They thought it was a secret da Vinci code message, and we'll just leave that as an open question. Maybe people will try to find the hidden message there.

The first book I wrote as a young lawyer was *Computers and Law*. That was in 1967, a long time ago. I was very interested in how technology, which is a rapidly changing and advancing force, was impacting on very traditional norms and conventions of the law that tend to look backward, and how we deal with that tension. I continue to write books in that area, communication law, cyber-law and so on.

What has happened in my professional lifetime, thinking about this and trying to listen a lot and write a little bit, is that the acceleration has been geometrical. It's that kind of curve, and the capacity of the human intelligence to adapt to it and adjust to it is like that, and we're dealing with this huge gap. What do you do? You don't throw up your hands in disgust, but you try to learn and listen to new ways and be sure, as you find moorings and find your way, that you are not shutting yourself off from new ideas, especially those that aren't in your head because you're a generation or two older.

**Mr. John Nater:** I was hoping you might have told us what the binary code means, that there is a da Vinci code, and maybe some day you'll have to write your memoirs and spill the beans on that one.

**Right Hon. David Johnston:** Yes, I think one could spin out probably three or four novels from that.

**Mr. John Nater:** I appreciate that.

Do I have time for one more?

**The Chair:** You have one and a half minutes.

**Mr. John Nater:** Okay.

Drawing on your experience of moderating past debates in 1979, 1984 and the provincial debates, I'm curious about how you will use that experience when it comes to establishing the mechanics and logistics from the staffing side of things. For example, the role of the moderator is probably one of the most difficult, as you would know. How would you go about establishing that type of position or other positions similar to that?

• (1140)

**Right Hon. David Johnston:** I'd say three or four things.

One is that things have changed a lot since 1979, 1984 and 1987, when I was last actively involved.

Two, I'll be very interested in the request for proposals process to see how broad, imaginative, inclusive and wise they are in meeting what you and I would regard as high standards of journalistic integrity...but interest in breadth and coverage. Through the advisory board, and then through reaching out to other people who've thought about this a lot, we'll try to get their views and try to be sure they're reflected and realize whatever decisions are made in general terms of the format, the themes, the degree of participation that'll be for that particular instance. You probably know when you do it the next time, you'll do it somewhat differently.

In the report we will file with you within five months of the conclusion of the October debates, I hope we'll cover some of those possibilities of what we've discovered and what we know that we don't know and yet remain to be discovered.

[Translation]

**The Chair:** Thank you.

[English]

Ms. Sahota, you have five minutes.

**Ms. Ruby Sahota (Brampton North, Lib.):** Thank you, Chair.

It's an honour to have you here today.

As you referenced in your speech at the beginning a little of the experience you've had moderating the federal and Ontario provincial debates, I was wondering if you could delve into that a little more and talk about what experience you gained through that process. What were the difficulties and challenges you foresaw in those debates? How do you think debates have evolved since that time? What do you think those challenges may be going forward?

**Right Hon. David Johnston:** One very specific one was as a moderator. I used to do a lot of labour arbitration and conciliation and served as a commissioner of the Ontario Securities Commission. You're always trying to be extremely balanced, measured and follow a fairly clear set of rules with no deviation. Of course, the broadcasters wanted a free-for-all. If they could get a shouting match and a real tangle, that would be great.

That was a very interesting tension, and I had a video screen on my desk where I was getting instructions from the people who were managing the debate in the rooms beyond, and I had to ignore them because their interests were...they would say as lively as possible, and I would say as disorderly as possible. That's a very interesting tension, and you see various formats where I'd find it unattractive when people are shouting across at one another and would try to avoid that, and other people would find that interesting. That's a very specific comment.

You have to adjust with the times. You have to realize that we use media in a very different way from how we did back in 1979 and 1984, but you take advice from a range of people on what makes for a really informative debate, one that engages the public interest, one that permits the parties' policies to emerge with a degree of clarity, and one can make judgments about the leadership characteristics of the different people who appear in those debates. You try to get into that as far as you can, and as far away as possible from very superficial, emotional reactions that occur from place to place.

I worry an awful lot about what happens with the debates. Do they mean anything to Canadians? How do we get at truth at a time when what are verifiable facts and what are ideological ideas get bandied about a little. Study very carefully how you use the debates as just one part of a large process of first, informing the public broadly, but second, engaging the public broadly, and third, engaging the young. I spent my whole life in universities. I think I did because I find young people so interesting. I think that's a great challenge for us as Canadians. How do we engage young people in saying this is important, and they want to participate in it?

Those are rambling comments.

**Ms. Ruby Sahota:** No, I think that was quite insightful, and I look forward to seeing, if appointed, what you do with the role. I know my colleague Mr. Simms gave up his time graciously to Ms. May, so I want to allow him to ask any questions he may have.

**Mr. Scott Simms:** Thank you.

Just very quickly, sir, we've talked a lot about the—

**Right Hon. David Johnston:** That's only \$5 for the “sir”.

**Mr. Scott Simms:** Sorry? What's that?

• (1145)

**Right Hon. David Johnston:** It's only \$5 for the “sir”. It's \$10 or more for the “excellency”.

**Mr. Scott Simms:** I'm well aware. I have your money right here, sir. You're good for charity, I'll tell you that.

**Voices:** Oh, oh!

**Right Hon. David Johnston:** It's the Scottish in me.

**Mr. Scott Simms:** Just quickly, we talked a lot about the platforms we use, the different demographics that we want to reach out to, but this does go to your qualifications.

Some time ago we talked about communicating with the north from a language perspective, for all the indigenous people and the different types of languages they speak. In your experiences in the past travelling throughout the north, do you have a good idea about how we can engage more people in Canada's north or indigenous communities to be involved in debates?

**Right Hon. David Johnston:** First, we have to work at it and we have to realize we're a country from coast to coast to coast.

Second, I was so struck in the first year of my time in office—in the first year, you visit the 13 different capitals of the country. We were in Yellowknife, and in the legislative assembly there they have 12 official languages. People say, “Twelve official languages—how on earth can you make a country like that work?” It does work. It's Canada. It works very much.

Third, at one of the Governor General's innovation awards last year—this will be its fourth year—there was a marvellous professor at the University of Montreal who had taken some of the less-known indigenous languages, particularly in the north, because of the very small number of people, and by recording them and then using very sophisticated software, was able to develop the vocabulary, the grammar, and actually put it into a teachable form. It's fascinating that this innovation has occurred.

Finally, this is a very personal thing, but it's how we reach the north. The Rideau Hall Foundation, which I chair and which we set up in 2012 to be able to amplify the outreach of the Office of the Governor General, administers the Arctic Inspiration Prize. That's \$60 million by two immigrants to Canada who have left their life savings to produce \$3 million or \$3.5 million a year to promote projects in the north, by the northerners for northerners. We've had four years of it now, and it's one \$1 million prize, two \$500,000 prizes, and then, typically, seven or eight prizes of \$100,000 or less, usually led by young people who are still in the early stages.... Each year at least one of those, maybe two, would have to do with languages and culture. Those are important things in developing a much greater sense of the richness of the languages in our north and preserving them and making them used.

**The Chair:** Thank you.

Now we have Ms. Kusie for five minutes.

**Mrs. Stephanie Kusie:** Thank you very much, Mr. Chair.

Scott, thank you very much for clarifying that the reference to “excellency” is still retained after they leave the office. I wasn't sure, so I appreciate that.

I would like to talk to you a bit, please, Mr. Johnston, in regard to the recruitment process. I would be interested to know who contacted you in regard to the position, if you were informed that there was a short list, and who else might have been on that short list. How was the mandate presented to you in terms of the amount of latitude that you would have to carry it out?

**Right Hon. David Johnston:** You have three questions there.

I had a telephone conversation with the Prime Minister's Office and then had two conversations with Minister Gould. That is point one.

Point two, somewhere in that process I saw the draft mandate as written and it looked to me to be clear. I was very appreciative of that and also very appreciative of the report of your committee, which I thought was a first-class piece of work, plus the testimonies behind that, and then the *sondage* or the consultation effort that was done by the Institute for Research on Public Policy.

I've been involved in a number of public inquiries and commissions—25 or so over 40 or 50 years. What was particularly interesting and attractive to me is how far down the road you had gone to refine the questions and prepare a mandate. As my friend David Christopherson indicates, of course, there is controversy about that, but if you look at that particular controversy, it's very comforting to be considered for this position—it's “if”, as I'm not named and I'm simply a nominee at this stage—and to know that you have a fairly refined set of activities. You know what you have to do. You also know what it is that you have to make some judgments on and how you go about that. For lawyers, who are always looking for a degree of certainty, that's very comforting.

With respect to the third question, which had to do with whether I was aware of other folks, no, there was no discussion of that. I was asked if I would do it, and my answer was that I've spent my whole life in public life and I've always said yes to those questions, save for when I don't have the skill set or don't have the time. On a few occasions in my past, I've said that I really don't have the skill set—

and there's often been an argument about that—or I've said that I don't have the time as I'm a general manager of a university, which is a full-time job. How much time can you carve out? If you can carve it out, you do it, but if you say that you can't do the job properly, then you don't.

That was my response. I don't know what other things were considered.

I'm sorry for the length of that.

● (1150)

**Mrs. Stephanie Kusie:** No, not at all. I think the length is required. Thank you.

Certainly, while I believe that everyone around the table has no doubt that you are an incredible candidate, Canadians certainly have a right to know about the process that brought you here today. I appreciate the clarification on that, Your Excellency.

I know, certainly, that you're no stranger to this. I think it's very interesting that so many around the table point to our previous leaders as having had their own interests served within the debate process, when clearly they're here today advocating for their own interests. I would just like to raise that point.

My final question would be with regard to the budget. It has been noted that there is \$5.5 million put aside for this. Certainly, you have had the opportunity in several of your roles in terms of managing budgets of this magnitude, I would say. How do you envision budgeting the \$5.5 million that has been allotted for this position? What direction have you been given? What have you been mandated to do with the \$5.5 million?

**Right Hon. David Johnston:** One goes to the mandate in terms of the scope of work, so to speak, and of course the very specific matter is to have two national debates in the two official languages, and then, beyond that, to encourage other debates of other kinds. There is an educational element to it, which we hope we'll address in a very thoughtful way. There's a broad consultation mandate or interest to it. There is a coming to understand how these instruments in our democratic process work in our country and in others and to try to provide the best advice on that, and then to finish it with a report that I hope will be thoughtfully prepared and, again, will involve wide consultation to do the job properly.

What that will cost, I'm not sure. I can assure you—I'm Scottish by heritage—that we will be prudent and reasonable and try to justify wisely those costs. We've begun the work of setting up a secretariat and looking at costs of that sort. We don't have that fully itemized yet, and won't, I think, until we have the advisory board. We take their counsel on it as well.

**Mrs. Stephanie Kusie:** You were not provided with an itemized budget. My colleague Mr. Cullen from the NDP said that podiums cost this much, glasses of water cost that much.... Can you confirm that you haven't been provided an itemized budget?

**Right Hon. David Johnston:** I have not. The word “independent” in the mandate I think is an important one. I think it's respected by the government and is one that I think will be comforting to me and my colleagues. That said, the first place we'll go will be Treasury Board guidelines for various expenditures and we'll be prudent and reasonable.

**Mrs. Stephanie Kusie:** Thank you.

I want to return to selecting the established seven member advisory board to you. What processes were you considering to select these individuals? Again, I know that in your many roles, you've had opportunities where you've had to select both staff and advisers. What will you consider as you go to determine these seven individuals? Really, they will have the significant role of advising you in terms of determining the terms, the procedures, and the content of these debates.

**Right Hon. David Johnston:** First of all, I'll go to the mandate in terms of how that advisory board is described. In fact, there are criteria there that indicate the kind of experience one is looking for.

The second is to consult thoughtfully and widely, beginning with this committee. Your views on more particular qualities beyond what is set out in the mandate would be most welcome. We would want to get at it expeditiously. There is some discussion that it will be done by spring. I would like to have it done before then. You know, spring is April, and October comes quickly. One wants to get on with not only the specific debates but all of the educational processes, and to consult beyond that, beginning with some of the 30-plus stakeholders who appeared before your committee and gave very thoughtful advice.

That would be the process we'd take. Obviously, you can't spend six months consulting. You have to get on with a job within a smaller time frame to be sure that you're getting a range of views, and then make a decision.

•(1155)

**The Chair:** Thank you very much.

[*Translation*]

**Mrs. Stephanie Kusie:** Thank you. I have tremendous respect for you, and I appreciate your being here today.

**The Right Hon. David Johnston:** Thank you kindly.

[*English*]

**The Chair:** Thank you.

Yes, Mr. Simms.

**Mr. Scott Simms:** Mr. Chair, I have a quick point of order here. I think Dr. Johnston said earlier, quite convincingly, that every time we mention his former title, we owe his charity \$10.

I think both Ms. Kusie and I are up at \$10 each. I said with interest, too, so that's another \$5....

**Voices:** Oh, oh!

**The Chair:** That was a very good point of order.

I thank the committee for their thoughtful questions.

Mr. Johnston, as you can see, you have great respect from all the members here. You're a great man and a great Canadian.

Thank you.

[*Translation*]

**Right Hon. David Johnston:** Thank you, Mr. Chair.

[*English*]

**The Chair:** The meeting is adjourned.

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