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# Standing Committee on National Defence

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Chair: Mrs. Karen McCrimmon





## Standing Committee on National Defence

Monday, March 22, 2021

• (1100)

[*English*]

**The Chair (Mrs. Karen McCrimmon (Kanata—Carleton, Lib.)):** I call this meeting to order.

[*Translation*]

Good morning, everyone.

[*English*]

Welcome to meeting number 21 of the House of Commons Standing Committee on National Defence.

[*Translation*]

Today's meeting is taking place in a hybrid format, pursuant to the House order of January 25, 2021. Committee members will participate in person or through the Zoom application. The proceedings will be posted on the House of Commons website. For your information, the webcast will always show the individual speaking rather than the entire committee.

[*English*]

For those participating virtually, there are just a few rules to follow.

You may speak in the official language of your choice. Interpretation services are available for this meeting. If interpretation is lost, please inform me immediately, and we will ensure that interpretation is properly restored before returning to the proceedings.

Please, before speaking, wait until I recognize you by name. All comments by members should be addressed through the chair. When speaking, please speak slowly and clearly. When you're not speaking, your mike should be on mute.

With regard to a speaking list, the committee clerk and I will do our best to maintain a consolidated order of speaking for all members.

We've put in the agenda for today some committee business that is related to our subcommittee report. What it does is lay out the scope for our next study, which is the military justice study.

If we wish to debate that or any other motion, I would suggest maybe we move that to the end of the proceedings so we have the maximum time available for our witness. Does anybody have an objection to that?

Go ahead, Mr. Bezan.

**Mr. James Bezan (Selkirk—Interlake—Eastman, CPC):** It's not that I have an objection, Madam Chair. I filed a notice of motion to call the current ombudsman, Greg Lick. We can deal with that at the end of the meeting.

Also, I would like to get an indication from you as to how we're making out with some of the invitations that went out from committee to the other witnesses we wish to hear from, like Elder Marques and Zita Astravas, to see where we're at with those. You can give us an update.

Also, where are we on the call for the production of papers, which was in the motion we passed a couple of weeks ago? Has PCO complied and provided those papers to the law clerk and are they now being looked at, or is there a delay?

**The Chair:** Thank you.

I can answer some of those questions now or we can just wait until the end and we can discuss all of them under committee business after the witness. Would 20 minutes—

**Mr. James Bezan:** My preference would be that you could just give us a quick update right now on those two questions as to witnesses and production of papers.

**The Chair:** Okay.

The witnesses were all invited. The plan for Friday is to have Madam Sherman, who has confirmed for next Friday, and Mr. Boland. We have not heard back from any other witnesses. Is that correct?

The clerk says that he is in discussion with one other witness from that list right now, so that's all we have for now.

As for the production of papers, they are in the possession of the law clerk at this present time.

Are there any other questions? All right. Then let's leave 20 minutes. Will that be enough at the end of the meeting to do the committee business?

Then let's carry on and we'll come back to these issues with 20 minutes left to go in the meeting.

Pursuant to Standing Order 108(2) and the motion adopted by the committee on Tuesday, February 9, 2021, the committee is resuming its study to address sexual misconduct issues in the Canadian Armed Forces, including the allegations against former chief of the defence staff Jonathan Vance.

With us today by video conference is Mr. Ray Novak, former chief of staff to former prime minister Stephen Harper.

Thank you very much, Mr. Novak, for accepting our invitation. I would like to now invite you to make an opening statement. Please go ahead.

• (1105)

**Mr. Ray Novak (As an Individual):** Thank you, Madam Chair.

I appreciate the opportunity to contribute to the committee's work on this important matter. This is obviously a challenging and very difficult time for the Canadian Armed Forces, particularly for women in the Canadian Armed Forces.

Madam Chair, I'll spend the next few minutes offering my recollection of the process used to replace the outgoing chief of the defence staff in 2015, in the hopes that this can constructively contribute to improving these processes in the future.

In doing so, I must note for the committee that I am relying on recollections of this period six years ago and publicly available sources and dates. I do not have access to public service records of the period. Political notes and records, including the chief of staff and executive office files, were donated to Library and Archives Canada as part of the historical collection of Prime Minister Harper's tenure.

The selection process—

**The Chair:** Excuse me, please, Mr. Novak. The interpreters are having a bit of a tough time. Could you raise your microphone a bit? It might make it a little easier.

**Mr. Ray Novak:** Yes. Can you hear me clearly now?

**The Chair:** Yes, we can. Thank you very much.

**Mr. Ray Novak:** That's great. Thank you.

Madam Chair, I'll spend the next few minutes offering my recollection of the process used to replace the outgoing chief of the defence staff in 2015, in the hopes this can constructively contribute to improving these processes in the future.

In doing so, I must note for the committee that I am relying on recollections of this period six years ago and publicly available sources and dates. I do not have access to public service records of this period. Political notes and records, including the chief of staff and executive office files, were donated to Library and Archives Canada as part of the historical collection of former Prime Minister Harper's tenure.

The selection process for the chief of the defence staff was run by an ad hoc committee constituted for this purpose. I believe the committee was composed of the Clerk of the Privy Council; the national security adviser, which is a senior position in the Privy Council; the deputy minister of national defence; and the Minister of National Defence.

The Prime Minister's deputy chief of staff attended meetings of the ad hoc committee, as did the chief of staff to the Minister of National Defence. Operationally, PCO's national security adviser led the process.

My general understanding was that the ad hoc committee undertook its work by reviewing prospective candidates from the senior ranks, seeking input from the current CDS and others, and building a list of potential candidates for consideration. Prospective candidates were then interviewed and assessed by the committee, and at the conclusion of the process the views of committee members were consolidated into a written recommendation that was delivered to the Prime Minister via the Privy Council Office.

This same process was used to appoint General Natynczyk and General Lawson.

In early or mid-March 2015, the Prime Minister met with the Minister of National Defence to discuss the committee's recommendation. Prior to that meeting, the national security adviser briefed the Prime Minister on an issue relating to the leading candidate, General Vance. The NSA briefed that, while in Italy on a NATO deployment, the general was in a relationship with a U.S. officer who was subordinate to him though not in his chain of command, and that the Canadian Armed Forces and Department of National Defence had reviewed the matter and that there was no open investigation or reprimand against the general.

I believe we were also briefed that the U.S. Army review of their files indicated no reprimand of the other officer involved. In addition, we were informed that the U.S. officer in question was, by 2015, the fiancée of General Vance.

Following the Prime Minister's meeting with the Minister of National Defence, a meeting with General Vance was scheduled. I attended that meeting along with our deputy chief of staff. In the course of that meeting, the Prime Minister raised the issue of the general's time at NATO. He outlined the facts briefed to us by the Privy Council and asked if there was anything else he should know. I don't recall the general making any comment other than to state he and his fiancée were relieved that the matter had been reviewed and was behind them. The appointment was publicly announced in April 2015, and the change of command ceremony was planned to occur in mid-July.

Sometime in early July, two additional pieces of information were received.

First, the chief of staff to the Minister of Veterans Affairs contacted me to relay a rumour that General Vance had an inappropriate relationship and/or had improperly sought to further an officer's career during his time at CFB Gagetown, which I believe was in 2001. I advised the national security adviser about the call and asked him to investigate further.

Around the same time, the national security adviser briefed the Prime Minister's Office that an anonymous email had been received by a senior officer at the Department of National Defence. We were briefed that the email alleged an inappropriate relationship during the general's time at NATO but contained no new information. However, we were informed that receipt of the email triggered a further review of the matter by the Canadian Forces national investigation service.

In subsequent conversations among the Prime Minister's Office, the Privy Council Office and the minister's office, it was agreed that the change of command ceremony would be delayed, if needed, to allow sufficient time for further investigation and review.

• (1110)

In the course of the next week or so, the national security adviser briefed the Prime Minister and the Prime Minister's Office that the NIS had found nothing further with respect to the general's time at NATO, and that their review of the matter was closed.

As for the Gagetown rumour, the national security adviser briefed the Prime Minister and the Prime Minister's Office that there was nothing in DND's files, no record of a complaint and no current or former investigation.

The NSA also briefed that he had discussed the rumour directly with General Vance, who responded that he had been in a public relationship with the named individual at the time and that this person did not report to him. He denied improperly acting to further her career.

As the facts relating to the general's time at NATO had not changed, and with no other known issues, the change of command ceremony proceeded on July 17, 2015.

In conclusion, Madam Chair, I'd like to add a final comment.

Like all members of this committee, I have been deeply disturbed by allegations made in a number of recent interviews. Women in uniform, like all Canadians, have the right to a workplace free of harassment. Clearly, serious structural and cultural change is required so that female members of the Canadian Armed Forces are not only protected but also empowered to bring allegations forward to trusted independent investigative bodies.

I hope this committee's work contributes constructively to that process of change.

Thank you, Madam Chair.

**The Chair:** Thank you very much, Mr. Novak.

I will now open the floor for questions.

First up, we have Mr. Bezan, please.

**Mr. James Bezan:** Thank you, Madam Chair.

I want to thank Mr. Novak for his statement. I also want to echo his sentiment that it is shocking what has been happening in the Canadian Armed Forces, and especially for the brave women who serve us in uniform.

I just want to confirm, Mr. Novak, that, unlike the current situation, where Minister of Defence Harjit Sajjan and Prime Minister Justin Trudeau took no action, in the situation back in 2015, Prime Minister Harper, you, the defence minister at the time and others all questioned General Vance directly regarding any possible sexual misconduct.

• (1115)

**Mr. Ray Novak:** As I said in my statement, when Prime Minister Harper met with General Vance in March, he did raise the issue that was known at the time pertaining to the general's time at NA-

TO, and I indicated in my statement what the general's response was to that.

After the appointment was announced in April, as I indicated, some months later in early July additional information was shared with us by our officials in the case of the anonymous email that was received. In that instance, the national security adviser briefed us that the NIS had again reviewed the matter, had found no new information and that the investigation at that time had been closed.

With respect to the rumour that was passed to us, that was immediately conveyed to the national security adviser and Privy Council, with a direct request to ascertain if there were additional facts or if additional reviews or investigations needed to be undertaken so that we could then delay the change of command ceremony to ensure we had any additional facts.

I have reported in my statement that the national security adviser came back advising us that in fact there was no record of a complaint, nothing in DND's files regarding this rumour, and that when he spoke with General Vance directly about it, the general denied it, said he had been in a public relationship with the individual and had not improperly furthered her career.

**Mr. James Bezan:** It's interesting that the national security adviser in the Privy Council Office played a major role in actually taking evidence. Even though it came to you anonymously, it was still acted upon by the government, while we have Minister Sajjan pushing away from table, saying no and refusing to look at evidence that was provided by the ombudsman at the time.

In hindsight, do you think the national investigative service received the full co-operation of General Vance, and did the NIS do their job adequately, based upon the information that we know now?

**Mr. Ray Novak:** With respect to the national security adviser, absolutely. That is one of the most senior positions in the public service of Canada. That is a position that interacts regularly with the Prime Minister and the Prime Minister's senior staff. It was fairly typical for me as chief of staff to the Prime Minister to speak to the national security adviser daily, and sometimes multiple times a day. That was an individual who, in this particular process, was operationally the lead of the ad hoc committee and responsible for guiding that process and interacting with the Department of National Defence and with the Canadian Armed Forces.

With respect to the member's questions about the national investigation service, obviously the Prime Minister's Office is not an investigative body. I did not have direct interaction with the NIS or the Canadian Armed Forces or the department on the matter. I was briefed by the Privy Council primarily via the national security adviser.

**Mr. James Bezan:** Minister Sajjan's always saying that he put the complaint into the proper authorities, meaning the PCO. The PMO's not an investigative body. Is the PCO an investigative body?

**Mr. Ray Novak:** The PCO is obviously the “most” department in the Government of Canada. The Privy Council Office is the department for the Prime Minister's Office. In an ad hoc committee process vetting a senior GIC appointment like the one we're speaking about, it is the PCO that is the conduit between the Prime Minister's Office and, in this case, the department and the Canadian Armed Forces.

Absolutely, in the case of the rumour I mentioned in my statement, it was entirely appropriate that, first, this rumour was brought to the Prime Minister's Office, and second, the Prime Minister's Office immediately conveyed that information to the senior officials in the Privy Council Office responsible for this appointment process, requesting them to review the matter, investigate the matter and report back with any findings. That's what was done.

**Mr. James Bezan:** Mr. Novak, do you believe General Vance lied or misled you and the Prime Minister?

**Mr. Ray Novak:** What I would say to the member is that I watched, as I think all members of the committee did, the interview that Major Brennan gave some weeks ago. It was obviously deeply disturbing. I think it's clear that she made extremely serious allegations.

If they are true, and I have no reason to doubt her, that means the general was not truthful with the Prime Minister in their meeting in March of 2015.

**Mr. James Bezan:** Based on your decade in the PMO, have you ever heard the chief of the defence staff referred to as anything other than “chief” or “CDS” or by the rank name? What we always seem to have happening right now is that the government wants to refer to General Vance as an order in council or GIC appointment.

• (1120)

**Mr. Ray Novak:** No. As far as I recall, the chief of defence staff was always referred to with that title, both verbally and in written materials received from the Privy Council.

**Mr. James Bezan:** Then why would you think that in all the information that came out through access to information requests, and in the aftermath of the testimony of Gary Walbourne, everything in the PCO referred to General Vance as a GIC appointee?

**Mr. Ray Novak:** I'm not sure I'm able to speak to that. I don't recall ever seeing that type of reference in written materials. Probably that's a good question for officials from the Privy Council.

**Mr. James Bezan:** You mentioned how the national security adviser of the day in 2015 was very involved in the vetting process, including being the lead on the ad hoc committee for appointing the chief of defence staff.

Can you just relay to the committee and to Canadians why it's important to have the national security adviser vetting the chief of the defence staff, when you look at the security clearances that are required, the physical evidence of misconduct that would have to be looked at, whether it be going through everything from correspondence to pictures to financial transactions, and how those materials come into play in the appointment of the chief of the defence staff?

**Mr. Ray Novak:** Obviously, from the perspective of the ad hoc committee, I think it's clear that the presence of the Clerk of the

Privy Council and the national security adviser in the Privy Council on that committee, guiding that committee, speaks to the extremely high-level nature of the appointment. There are very few appointments that are more high-level and important than appointing a chief of the defence staff. That's why there is such a direct connection between the most senior levels of the Privy Council Office and the Prime Minister's Office when assessing an appointment like this.

Obviously, I can't speak to the interplay between the national security adviser and the department or the Canadian Armed Forces. Clearly, given what's transpired, given the allegations made six years later, we need significant cultural and structural change within the Canadian Armed Forces so that women in uniform are not only safe but are empowered and enabled to come forward to trusted independent investigative bodies.

**Mr. James Bezan:** How much time do I have left, Madam Chair?

**The Chair:** You're just about done, Mr. Bezan.

**Mr. James Bezan:** I have just one quick question, if I may.

**The Chair:** Okay.

**Mr. James Bezan:** Mr. Novak, when you're looking at the national security clearances that the chief of the defence staff has, and when you look at the allegations that have been brought forward against the current and the former chiefs of the defence staff, do you believe that their security is compromised, that they are now potentially at risk of blackmail or other espionage from our adversaries?

**Mr. Ray Novak:** All I can say is that obviously, when serious allegations are brought forward, and it seems they were a number of years ago, that does raise troubling questions about who else might have those allegations and what interactions may or may not have existed with chiefs of the defence staff. I think it's a good question. I'm not sure I'm well positioned to answer it, but I think it's a good question.

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

We will go on to Mr. Bittle, please.

**Mr. Chris Bittle (St. Catharines, Lib.):** Thank you very much, Madam Chair.

Thank you, Mr. Novak, for appearing today and answering questions.

It's safe to say for the appointment to go forward you didn't have any concerns based on the investigations that happened. Is that a safe thing to say?

**Mr. Ray Novak:** Madam Chair, I think I spoke very clearly to this in my statement. We were advised in March 2015—

**Mr. Chris Bittle:** Mr. Novak, if I can interrupt, these are yes or no questions. I don't have a lot of time and I'd appreciate if you'd stick to that.

Just to confirm, you didn't have any concerns—yes or no. After all of the investigations that you spoke about, you didn't have any concerns and recommended the appointment to go forward. Is that correct?

**Mr. Ray Novak:** If the member would let me finish, the ad hoc committee did report to us the matter of the general's relationship in Italy in March 2015.

**Mr. Chris Bittle:** Madam Chair, can Mr. Novak be directed to answer the question?

**Mr. Ray Novak:** I'm attempting to answer the question, Madam Chair. The member doesn't seem to want to hear the answer.

**The Chair:** Please, go ahead, Mr. Novak.

**Mr. Ray Novak:** In March 2015, we were advised of the matter of how General Vance met his then fiancée. As I indicated, we were told that the matter had been closed. There was no reprimand against the general. That's what we knew in March 2015. The appointment was announced in April.

I have briefed the committee on the rumour that was brought forward in April and I briefed the committee on the anonymous email.

• (1125)

**Mr. Chris Bittle:** Madam Chair, again, my question isn't being answered, so I will interrupt.

That aside, I appreciate your answering that question. In the end, in July, is it safe to say you did not have any concerns with General Vance in recommending the appointment? I'm not trying to trick you here. You recommended the appointment to the Prime Minister, I'm guessing. Is it true that you didn't have any concerns about the appointment?

**Mr. Ray Novak:** I think my actions demonstrate I took the rumour that was brought to me very seriously. I immediately, the same day, spoke to the national security adviser and asked for a review and investigation of that rumour. I think that demonstrates very clearly a high level of concern. At the same time I've indicated to the committee that there were no facts—

**Mr. Chris Bittle:** Mr. Novak.

**Mr. Ray Novak:** —briefed back to us by officials at the time.

**Mr. Chris Bittle:** Madam Chair, if I can—

**Mr. James Bezan:** I have a point of order, Madam Chair.

Mr. Bittle is really badgering the witness here. We want to hear the answers and his constant interruption is not adding to the discussion in any way, shape or form.

**Mr. Chris Bittle:** Madam Chair, no one is answering my question. I've asked a simple question with respect to his thoughts in July. I'm not suggesting that he didn't have concerns based on previous evidence. I'm asking what his concerns were at the end of the investigative process and if he had concerns in recommending. He hasn't answered the question, which is why I'm raising these concerns.

I've already lost a couple of minutes on a simple yes or no question.

In July before General Vance took over as chief of the defence staff, did you have concerns with his appointment?

**Mr. Ray Novak:** I've been very clear about that, Madam Chair. When rumours were conveyed, I took those very seriously and I was concerned. I wanted to receive from our officials the facts and to know whether there were any outstanding investigations or information that we were not aware of. Our officials reported back that there was not.

**Mr. Chris Bittle:** It's very weird how cagey you're being, Mr. Novak, about this. You did have concerns still remaining in your mind in July 2015 after all the investigations, or you were content with the appointment of General Vance?

**Mr. Ray Novak:** Madam Chair, I appreciate the member is trying to have a bit of a partisan discussion about this. I'm not before the committee in a partisan capacity. I've been very candid. I was concerned to receive a rumour about the appointment. I reported that immediately to the Privy Council and requested a further investigation.

But let's be candid. These appointments proceed on the basis of facts. When a rumour is reported to the Privy Council and no information is returned, when an anonymous email is sent in and we are briefed there is no new information, there's no investigation and the matter has been closed, those are the facts that are available.

Had there been other facts another decision may have been made. There were not at the time.

**Mr. Chris Bittle:** Based on the facts, you were content with the decision to appoint General Vance.

What I'm getting at, Mr. Novak—and this isn't a partisan discussion—is that based on the investigation by the Privy Council Office and all other agencies involved at the time, and on the information, you were content and advised the Prime Minister, who was also content with the appointment of General Vance. That is the question I've been asking from the start.

**Mr. Ray Novak:** I've been very clear.

When rumours were raised, I was concerned. That's why I asked for an additional investigation review from the officials responsible for running the process.

I'm not sure how I can be more clear with the member, Madam Chair.

**Mr. Chris Bittle:** It would be clear to answer yes or no.

I will move on, Mr. Novak. I'm worried that this suggests that you still had concerns based on what was going on. I thought that would be a very easy answer, to say that investigations happened, they were independent and...moved on.

I'd like to now focus on what you said. PCO was guiding the process. Do you agree with me that this was fundamental and that you didn't want the appearance of impropriety by elected officials or PMO officials interfering in an investigation? You wanted this to be a clear process, especially based on the concerns that there was sexual misconduct.

**Mr. Ray Novak:** I might ask the member to restate the question.

Is this a question about the ad hoc committee process?

**Mr. Chris Bittle:** This is a question regarding the process of receiving complaints. It was important to you that PCO lead the investigation process because you didn't want to be seen to be interfering in an investigation that involved allegations of sexual misconduct.

**Mr. Ray Novak:** The member knows that the Prime Minister's Office is not an investigative body. Senior officials in the Privy Council Office are the ones responsible for interacting with the Department of National Defence and the Canadian Armed Forces with respect to this matter.

I've been very candid about what was known at the time. There was the matter of the general's time at NATO and the issue around how he met his wife. There was the rumour that was relayed to us. I've been very candid.

I think the member needs to be mindful of the fact that there are serious questions about how allegations have been dealt with in more recent years and the fact that two years later the chief of the defence staff was still serving the government.

• (1130)

**Mr. Chris Bittle:** Well, Madam Chair—

**The Chair:** Mr. Bittle, I'm afraid your time is up.

**Mr. Chris Bittle:** It's disappointing that none of my questions have been answered.

I appreciate it and hope I have another opportunity, Madam Chair.

**The Chair:** We'll move along.

[*Translation*]

Mr. Barsalou-Duval, you have the floor.

**Mr. Xavier Barsalou-Duval (Pierre-Boucher—Les Patriotes—Verchères, BQ):** Thank you very much, Madam Chair.

Mr. Novak, thank you for testifying before us today. Your testimony is important, because you have information about what has happened in the past which could inform us as we move forward. We need to be very concerned about all these issues of sexual allegations.

I may have to interrupt you. If that happens, it's nothing personal, but it's to get a clear picture of the situation in the fairly limited time that we have.

I assume you have seen the testimony of Mr. Walbourne and Minister Sajjan over the past two weeks. In his testimony, Minister Sajjan told the committee that it was not the role of the Minister of National Defence to act on allegations against senior members of the military hierarchy.

Do you agree with him?

[*English*]

**Mr. Ray Novak:** My perspective on this—which I think is borne out by what I conveyed in my statement—is that when the political level of government is made aware of rumours or even allegations, I believe they have a responsibility to convey them to officials immediately and ensure that the information, whatever it may be, is pursued and investigated. If there are findings, they should be reported back to the political level of the government for further decision if necessary.

That's how I acted in 2015 and I believe that's entirely appropriate.

[*Translation*]

**Mr. Xavier Barsalou-Duval:** Thank you very much, Mr. Novak.

In his testimony, Mr. Walbourne mentioned that he would have liked to present evidence and information to Minister Sajjan, who refused to see it and subsequently also cancelled all his meetings with him.

Do you believe that, had Minister Sajjan been aware of the information that Mr. Walbourne wanted to present to him, he might have acted appropriately toward the chief of the defence staff?

[*English*]

**Mr. Ray Novak:** I obviously am not aware of what information was potentially offered to the minister. All I can say is that, when I became aware of a rumour, I was concerned and immediately passed that information to senior officials and asked them to investigate. I think that's appropriate and I'm surprised that it hasn't been done in later years.

[*Translation*]

**Mr. Xavier Barsalou-Duval:** Let's say the Canadian Armed Forces Ombudsman comes to you, as chief of staff, and says he has evidence to support allegations that the chief of the defence staff has acted inappropriately toward members of the Canadian Forces.

Would you recommend that the Minister of National Defence meet with the ombudsman to review this information?

[*English*]

**Mr. Ray Novak:** In that situation, if I had been in my role as chief of staff of the Prime Minister and information or allegations were brought to me, I would have acted exactly the same. I would have immediately conveyed that information to either the national security adviser or the Clerk of the Privy Council and requested an immediate investigation, because that is how the system is structured. It is the reason senior officials are there.



I think it's the responsibility of the political level of government to ensure that information is passed to them, that investigations are undertaken and, if decisions are required, that they be taken subsequently.

[*Translation*]

**Mr. Xavier Barsalou-Duval:** Do you find it normal for a Minister of National Defence to refuse to meet with the Canadian Armed Forces Ombudsman when the ombudsman rings his doorbell to tell him that there is a problem with the chief of the defence staff?

The chief of the defence staff is not just anyone. He's not a corporal or a soldier at the lowest level; he's probably the highest ranking person in the military.

• (1135)

[*English*]

**Mr. Ray Novak:** I would concur with the member. I don't think it's normal or appropriate, particularly given the context, particularly given the issues that we're all aware of.

Clearly, structural and cultural change is badly needed in the Canadian Armed Forces, and clearly it's not acceptable that information, whether in the form of rumours or allegations, not be pursued immediately to the full extent, so that if change needs to be made, it is made promptly.

[*Translation*]

**Mr. Xavier Barsalou-Duval:** From your perspective and experience, would you be able to tell us why a Minister of National Defence would choose to refuse to meet with the ombudsman or to be privy to such important information?

[*English*]

**Mr. Ray Novak:** I'm afraid I can't explain why the minister would take that position. I've indicated that when I was in a position in which rumours were shared with me, I immediately relayed them to the most senior officials in the government and requested an investigation. I can't explain the actions of others.

[*Translation*]

**Mr. Xavier Barsalou-Duval:** In his defence, for now, the Minister of National Defence says it was because he did not want to interfere with the investigations and did not want to conduct them personally.

From your side, do you think that looking at the information and asking questions of the people who have the information constitutes interference with investigations?

[*English*]

**Mr. Ray Novak:** I'm not a lawyer. What I would say and what I have said is that political staff and ministers clearly aren't investigative entities in our system of government. However, I believe they have a responsibility to relay information they may come across to the appropriate senior officials and ensure that the information is investigated and that appropriate measures are taken, if necessary.

[*Translation*]

**Mr. Xavier Barsalou-Duval:** Would you agree with me that when you report such important information to a minister, for ex-

ample, the Minister of Defence, and he refuses to see it, it is so that he does not have to justify not acting if things go wrong?

Was this a way to protect himself, rather than wanting to make the right decisions with the information in hand?

[*English*]

**Mr. Ray Novak:** I'm certainly not going to speculate on how or why the Minister of National Defence acted as he did. He can speak for himself. I know he's been before the committee on a number of occasions.

All I can say is that when serious information—a rumour—was relayed to me in 2015, my reaction was to pass the information to the most senior officials in the Privy Council and request an immediate investigation so that action could be taken, if that investigation yielded any facts or information we were unaware of.

**The Chair:** Thank you.

We'll go to Mr. Garrison, please.

**Mr. Randall Garrison (Esquimalt—Saanich—Sooke, NDP):** Thank you very much, Madam Chair.

I want to start by thanking Mr. Novak for his frank and comprehensive testimony today before the committee. I think it is quite helpful.

I have some questions about the timelines and, again, the “who knew what when” question.

What you've told us this morning is that there was an initial investigation into the allegations involving General Vance when he was at NATO. It seems to be that those were dismissed on the basis that there was a consensual relationship.

I don't know whether you ever saw the report, but it seems to me a bit strange that it's okay for a senior member of the military to make advances toward a more junior officer, providing that they're wanted and that it doesn't indicate problematic behaviour. Was that the sense of that report, or did you see that report?

**Mr. Ray Novak:** What I can share with the member is what officials in the Privy Council briefed us on, which was that while the general was deployed on the NATO mission, he was in a relationship with an officer who was subordinate to him but not in the chain of command. The review of that matter had not yielded any reprimand of the general and the investigation was closed. We were told that the other officer involved was the general's fiancée.

**Mr. Randall Garrison:** Really [*Technical difficulty—Editor*] ask you to draw this conclusion. I am actually drawing a conclusion. Everybody is saying, well, General Vance was lucky in this case because the advances weren't unwanted. They would have been quite inappropriate had they been unwanted advances.

Would the ad hoc committee that looked at this have been aware of that initial investigation and that initial allegation of sexual misconduct in making their recommendation?

• (1140)

**Mr. Ray Novak:** As I mentioned in my statement, in the process leading up to the appointment in April, the ad hoc committee's work had yielded this matter of the general's time at NATO. We were briefed again by our officials on the fact that the general had been in a relationship with a subordinate officer not in the chain of command, that there was no open investigation into the matter, that there had been no reprimand of the general, and that, by this time in 2015 when we were learning about this, he was engaged to the other officer.

**Mr. Randall Garrison:** Would the two new pieces of information that came forward in July to the ad hoc committee, which included the Minister of Defence, have been made available, or were those dealt with just by the national security adviser rather than the ad hoc committee at that point?

**Mr. Ray Novak:** Essentially the same members of the ad hoc committee were aware of the two pieces of information that came forward in early July: the anonymous email that was received by someone at the department and the rumour that was relayed to me, which I reported to the national security adviser.

**Mr. Randall Garrison:** What you've told us is that General Vance was asked directly about the Gagetown.... Well, it's called a rumour at this point.

Given the seriousness of the allegation and that it was the second or third allegation of sexual misconduct against the potential chief of the defence staff, and given that obviously you knew which officer was involved with General Vance, did anyone interview the victim in this case?

**Mr. Ray Novak:** As I said in my statement, let's be very clear on what was known at the time. In March 2015, we were briefed on this matter of how the general came to meet his fiancée while on a NATO deployment. We were told that she was subordinate and not in the chain of command.

**Mr. Randall Garrison:** I'm sorry. I'm asking about Gagetown.

**Mr. Ray Novak:** I'll come to Gagetown.

**Mr. Randall Garrison:** Okay.

**Mr. Ray Novak:** I just want to ensure that we're not adding allegations that we were not aware of at the time.

That's what we were aware of in March, the issue relating to NATO.

In early July, before the change of command ceremony, the issue of the rumour was raised with me and I reported it to the national security adviser at that time. The rumour was—as I said earlier—that the general was in an inappropriate relationship some 15 years before and/or had interfered to further the career of an officer. That was the rumour. That's what was relayed to the national security adviser for investigation.

**Mr. Randall Garrison:** Did anyone interview the officer Vance was allegedly involved with or had furthered the career of at this time? Vance said, according to your testimony, that he did have a public relationship with this person, so it was obviously known whom we were talking about at the time.

**Mr. Ray Novak:** All I can say to the member is what I said in my statement, that I relayed the rumour to the national security ad-

viser. The national security adviser, sometime later, reported back that he had done two things. He had investigated that with the department, with the Canadian Armed Forces, and had found nothing, and he had spoken to General Vance about it directly, who denied it.

**Mr. Randall Garrison:** Given the shortness of time, I'm going to go on. What records would have been kept of these investigations and these concerns that were raised? Would the Privy Council Office have these or have had these on file? Would they be part of some kind of file about the chief of the defence staff and his appointment?

**Mr. Ray Novak:** There would have been memos related to the ad hoc committee process from the Privy Council during the course of February and March 2015. As I stated, I don't have access to those records at this time.

**The Chair:** That's great. Thank you very much.

We move to Mr. Benzen.

Go ahead, please.

**Mr. Bob Benzen (Calgary Heritage, CPC):** Thank you, Madam Chair.

Thank you, Mr. Novak, for appearing here today.

Mr. Novak, I'd like to ask you a question. If the Minister of Defence were given evidence of sexual misconduct, and he looked at that evidence and he then wanted an investigation started, would that be interpreted as political interference?

• (1145)

**Mr. Ray Novak:** Again, I'm not a lawyer, but I think my actions speak to my views on this matter. When someone at the political level of government, whether that is a senior staff member or minister, comes across serious allegations or, frankly, even a rumour, I believe they have a responsibility to convey that information to the appropriate officials and to insist on an investigation, and insist on knowing the results and acting on facts or further information, if any, as the result of that.

**Mr. Bob Benzen:** According to the investigations that were done at your time, there was no evidence of sexual misconduct presented against Mr. Vance that you refused to accept and investigate.

**Mr. Ray Novak:** I've been very clear. We were essentially aware of two different issues.

One was the matter of the general's time when he was posted to NATO. As I mentioned, in March 2015 it was conveyed to us that he had been in a relationship with an officer who was subordinate, not in the chain of command. There had been no reprimand against him following the review of the matter, and by 2015 he was engaged to this individual.

In July, as I mentioned, we were made aware of a rumour that, while at Gagetown, he allegedly was in an inappropriate relationship—and it was a rumour that was not completely clear—and/or he had acted improperly to further someone's career. That was the rumour. Those were the two different issues we were aware of. As I mentioned with regard to the rumour, that was relayed to the NSA for investigation.

**Mr. Bob Benzen:** Thank you.

Clearly the Prime Minister wanted to make a good selection when he was picking a chief of the defence staff. Can you talk a little about how many investigations the Conservative Party carried out? Can you talk about how many departments and agencies were involved and how in-depth you went into this investigation to make the right choice or the choice that you made?

**Mr. Ray Novak:** As indicated, we were briefed by the Privy Council that the NATO matter had been investigated by the NIS, by the department and by the Canadian Armed Forces. I relayed to the committee what we were briefed in March 2015, which was that there had been no reprimand, that there was no open investigation and that the general had been in a relationship with a subordinate who wasn't in the chain of command.

In July, as I indicated, the rumour that we picked up was relayed to the NSA, which investigated that matter. As he briefed us later, with the department, with the Canadian Armed Forces, he reported to us that there was nothing in the files. There was no record of a complaint. There was no complainant.

Separate from that, as I indicated at the outset, when an anonymous email was sent into the department in July—this pertained to the NATO matter—we were briefed that there was nothing new in it. We were briefed that the receipt of the email caused the national investigation service to review the matter again, which it did, and we were briefed that the matter was later closed with no new finding.

**Mr. Bob Benzen:** Were you briefed on all these investigations that were going on, as chief of staff?

**Mr. Ray Novak:** Yes. As I indicated in my statement, I was briefed in March on the NATO deployment issue as I've described. In July, I was the one who received the rumour, which I relayed to the national security adviser for investigation, and I was briefed by the national security adviser on the anonymous email that had been received pertaining to the NATO matter.

**Mr. Bob Benzen:** Based on what you know now and what you knew then, I think you said today that you believe you were misled by General Vance in some of his answers and some of the stuff he gave the committee. Is that true?

**Mr. Ray Novak:** As I said earlier, the Prime Minister met with General Vance towards the end of March of 2015. In the course of that conversation, he asked him directly about the issue relating to his deployment at NATO and recounted the information that had been provided to us by officials about that matter, which was that he had been in a relationship with a subordinate not in the chain of command, and we were not aware there had been any reprimand against him.

The Prime Minister asked him directly whether there was anything else that he should know. All I recall the general saying, as I indicated at the outset, was that he was glad the matter had been reviewed and was behind him, and that was it. Clearly, when we, six years later, have the very serious allegations brought forward by Major Brennan, if they are true—and as I said earlier, I have no reason to doubt her—that means the general was not truthful when he met with the Prime Minister in March of 2015.

• (1150)

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

[*Translation*]

Mr. Robillard, you have the floor.

**Mr. Yves Robillard (Marc-Aurèle-Fortin, Lib.):** Thank you, Madam Chair.

Good morning, Mr. Novak. Thank you for your testimony today.

Can you tell us more about the process of appointing General Vance as chief of the defence staff?

[*English*]

**Mr. Ray Novak:** As I indicated in my statement, there was an ad hoc committee constituted for the purpose of making a recommendation on this deployment. That's the same process that had been used for General Natynczyk and General Lawson. That committee was composed of the Clerk of the Privy Council; the national security adviser, which is a senior position in the Privy Council; the deputy minister of national defence; and the Minister of National Defence. As I indicated, the Prime Minister's Office participated in that committee via the deputy chief of staff to the Prime Minister.

I believe the ad hoc committee began its work some time early in 2015. My understanding of the process is that the committee reviewed the senior ranks of the Canadian Armed Forces, consulted the existing chief of the defence staff and others for advice and built a list of prospective candidates. Over time that list was narrowed. The committee interviewed potential candidates, and eventually the committee's work concluded by providing a recommendation to the Prime Minister via the Privy Council.

**Mr. Yves Robillard:** Thank you, Mr. Novak.

[*Translation*]

How did the former prime minister, the Right Honourable Stephen Harper and his office conclude that the allegations against General Vance were unfounded? What exactly was the process followed at that time?

[*English*]

**Mr. Ray Novak:** I have been very clear with the committee that, in March of 2015, there was one issue raised. That was the issue pertaining to the general's deployment at NATO and how he met his then fiancée. That was the issue raised. That was in March of 2015. The appointment was announced in April of 2015.

As I mentioned in my opening statement, in July of 2015, prior to the change of command ceremony, two additional pieces of information came forward.

One was an anonymous email sent to someone at the Department of National Defence pertaining to the general's time at NATO. We were briefed by our officials that the email was investigated by the national investigation service. They found nothing new that wasn't known in March, and that matter was closed.

With respect to the rumour, as I indicated earlier, the rumour I received was relayed to the national security adviser who investigated it at our request and reported back some time later that there was no record of a complaint, no complainant, no investigation that was either open or closed, and that he had directly spoken to General Vance about the matter, who denied improperly acting to further someone's career and also indicated he had been in a public relationship with the individual during his time at Gagetown.

[Translation]

**Mr. Yves Robillard:** Why did you then terminate the investigation of General Vance by the Canadian Forces National Investigation Service, CFNIS?

[English]

**Mr. Ray Novak:** I'm not sure I understand the member's question.

The Prime Minister's Office didn't stop any investigation. The Prime Minister's Office is not an investigative body. Our officials briefed us that, with respect to the NATO deployment, that matter had been investigated by entities in the Canadian Armed Forces and at the department. Our officials briefed us in March that the matter had been reviewed, the investigation was closed and there had been no reprimand of the general.

When someone sent an anonymous email later on in July, we were briefed that the email contained no new information and that the NIS had again reviewed it and had closed its review, finding nothing that was not already known.

I am not sure I understand the member's question.

[Translation]

**Mr. Yves Robillard:** All right.

Who in the former prime minister's office was involved in the appointment process and background check of General Vance?

• (1155)

[English]

**Mr. Ray Novak:** As I indicated in my statement, the ad hoc committee process was led by the national security adviser, a senior position in the Privy Council; the Clerk of the Privy Council; and the deputy minister of national defence. The committee included the Minister of National Defence and the deputy chief of staff in the Prime Minister's Office. Those were the individuals involved in the ad hoc committee search process.

[Translation]

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

Mr. Barsalou-Duval, you have the floor.

**Mr. Xavier Barsalou-Duval:** Thank you, Madam Chair.

Mr. Novak, the minister suggested that interfering with this issue would be tantamount to political interference. I would like to ask you some questions about that, with examples.

If the Canadian Armed Forces Ombudsman requests a meeting with the Minister of National Defence, is that considered political interference?

[English]

**Mr. Ray Novak:** I don't believe it would be, but I cannot offer a legal perspective to the committee on this question. I've been very candid that, when the political side of the government encounters allegations or even rumours, particularly pertaining to the head of the Canadian Armed Forces, those should be reported for an investigation.

[Translation]

**Mr. Xavier Barsalou-Duval:** Thank you, Mr. Novak. You have answered the question well.

If the minister had decided to initiate, request or order an investigation with the information in hand, would that have constituted political interference, in your view?

[English]

**Mr. Ray Novak:** I'm not sure I caught the full question. Again, I don't believe [*Inaudible—Editor*] to pass information and request an investigation.

[Translation]

**Mr. Xavier Barsalou-Duval:** You still answered my question.

As I understand it, when you heard rumours about Mr. Vance, you reported it to the Privy Council Office.

So in a way, the information was shared. It was noted that Mr. Sajjan also informed the Privy Council Office of the situation, which is quite normal.

Where I have more questions is that the minister did not want to see the file, but he informed the Privy Council Office of a potential problem. Yet the reaction of the Privy Council Office was to investigate the victim rather than General Vance.

Can you enlighten me further on this? Do you find this to be an appropriate action by the Privy Council?

[English]

**Mr. Ray Novak:** Clearly, I'm not well-positioned to comment on the actions of the Privy Council post-2015. All I can say is that, in the case of the rumour that was relayed, at my request, for investigation in July 2015, this appointment would not have proceeded if that investigation had yielded any actual facts or any findings. That's the purpose of relaying rumours for investigation.

**The Chair:** We'll move on to Mr. Garrison, please.

**Mr. Randall Garrison:** Thank you, Madam Chair.

I'd like to return for a moment to where I left off, when I ran out of time last time, in terms of the records of these investigations.

My question is a fairly simple one, Mr. Novak. In a briefing of an incoming Prime Minister's chief of staff or deputy chief of staff, would information about the concerns regarding the appointment of the chief of the defence staff have been made available to the incoming Prime Minister's Office, or would it have been available if they sought such information?

**Mr. Ray Novak:** Obviously, I can't speak specifically to what briefings the incoming Prime Minister would have received. In my experience those briefings are very thorough and very detailed. Obviously, I do believe if a prime minister or a minister or a senior political staff member made inquiries of the Privy Council, they would have the ability to find out information pertaining to the appointment that had been made.

**Mr. Randall Garrison:** Thank you very much.

I want to turn to the larger context, because I think what you've told us today is that there was a real incident focus in terms of the allegations and investigations. Let's look at the timeline of what was going on at the same time.

In March, when the allegations about General Vance and his NATO posting became public, Madam Deschamps was already investigating the problem of sexual misconduct in the military. Her report was released in April, saying sexual misconduct was a problem and that there was a culture tolerated it.

By the time you had two additional allegations in July against the chief of the defence staff, which would have been known both to senior staff in the minister's office and the Prime Minister's Office, and probably to the Minister of Defence himself and the Prime Minister, did anyone look up from this incident-based focus and ask if this was the person we should be appointing as chief of the defence staff at this time, given multiple allegations of sexual misconduct in the face of the report the government had just received from Madam Deschamps on the sexualized culture in the Canadian military?

• (1200)

**Mr. Ray Novak:** Yes, the external review was commenced under our government and did report that spring. That is exactly the case.

Let's be very clear about what information was available to us at the time.

In March 2015, we were aware of the matter of how the general met his future wife at NATO. I've spoken to that. Second, we were aware of a rumour that we ask officials to investigate. That was the only information at the time.

What I don't mind saying to the member is that, obviously, looking back on this six years later, a range of very disturbing allegations have been made. When one makes an appointment to a position as senior as the chief of the defence staff, the head of the Canadian Armed Forces, one of the most historic and storied military institutions in the world, one is expecting that individual to uphold the proud record of that institution and leave it in a better place than he or she found it. Unfortunately, clearly, that has not been the case.

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

We'll move on to Madam Gallant, please.

**Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC):** Thank you, Madam Chair.

Would the Minister of National Defence, looking at defence of wrongdoing by a member of his own department, be considered political interference and negate the process?

**Mr. Ray Novak:** Again, I can't bring a legal perspective to that answer, but I think it is not only appropriate but essential that, if a political level of the government, whether that be senior staff or the minister, receives information, rumours or allegations, those be immediately shared and investigations be pursued by the appropriate authorities.

**Mrs. Cheryl Gallant:** You said you were briefed on the investigations against General Vance. As the Prime Minister's chief of staff, were you briefed on all investigations against senior government officials?

**Mr. Ray Novak:** Thank you, Madam Chair.

In the case of this appointment, I think I've been very candid about the information that I was aware of in the spring of 2015. As the ad hoc committee process unfolded, I don't recall being briefed at the time on other allegations regarding senior officials.

**Mrs. Cheryl Gallant:** To your knowledge, the rumour you heard about a possible sexual misconduct allegation against General Vance in Galetown, was that regarding Major Kellie Brennan, who came out publicly regarding General Vance this year, or was it a different woman?

**Mr. Ray Novak:** I don't recall hearing Major Brennan's name until recent weeks when she did the interview. That said, I cannot recall with certainty the name that was conveyed to us with that rumour six years ago, so I'm not completely sure.

**Mrs. Cheryl Gallant:** At a time when you had allegations against General Vance from third parties, even without a complainant coming forward, even confidentially, you still opted to direct an investigation to be undertaken. Is that your testimony?

**Mr. Ray Novak:** That's correct. The rumour that was conveyed from the chief of staff of the veterans affairs minister in July 2015 was taken very seriously. That's why I conveyed the rumour directly to the NSA and requested an investigation. That's why we had internally agreed this appointment would be deferred or cancelled, if necessary, if those investigations yielded additional information, which they did not.

**Mrs. Cheryl Gallant:** Is it normal to give a \$50,000 raise to the chief of the defence staff?

**Mr. Ray Novak:** I again can't speak, obviously, specifically to the pay structure and the decisions made. I do note that the timing of that bonus is certainly troubling, given the other facts that seem to have been known at the time.

**Mrs. Cheryl Gallant:** What other facts—relating specifically to the allegations of sexual misconduct or something else?

**Mr. Ray Novak:** I'm simply referring to media reports that, in 2018, there were allegations that were brought forward that, for whatever reason, weren't investigated at the time.

**Mrs. Cheryl Gallant:** Could there be any other reason for a pay raise of that significance to be given to an individual such as the CDS?

• (1205)

**Mr. Ray Novak:** I won't speculate on why the pay raise decisions were taken. I think those questions are best directed to the government of the day.

**Mrs. Cheryl Gallant:** How did you react to General Vance's role in the removal of Vice-Admiral Norman?

**Mr. Ray Novak:** I'm before the committee to discuss the appointment process for General Vance, so I'm not sure.... I do have views on that, but I'm just not sure it would be appropriate to get into them today.

**Mrs. Cheryl Gallant:** Did any chief of the defence staff routinely socialize with Prime Minister Harper?

**Mr. Ray Novak:** Not to my knowledge, no.

**Mrs. Cheryl Gallant:** Was the previous Conservative government prepared to cancel his appointment as chief of the defence staff if the investigations concluded General Vance was guilty of an offence?

**Mr. Ray Novak:** Yes, absolutely. I am very confident in saying that if there had been additional information known, whether conveyed by that anonymous email, or whether the investigation of the rumour had picked up any facts or anything else that needed to be investigated, that change of command ceremony would have either been deferred or cancelled.

**Mrs. Cheryl Gallant:** Did you ask for briefings on the investigations that were being carried out?

**Mr. Ray Novak:** Yes, absolutely. In the case of the rumour, I conveyed it to the senior officials in the Privy Council and asked that it be investigated. In the case of the email that was received by someone at the department, it was our senior officials in the Privy Council who briefed us on it who indicated to us that the receipt of the email had triggered the national investigation service to again review the matter. Then ultimately, they reported back that the review was closed and no further information was found.

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

We'll move on to Madam Vandenberg, please.

**Ms. Anita Vandenberg (Ottawa West—Nepean, Lib.):** I just want to say that this discussion we're having today is so incredibly important. When we look at the safety of women and men in the Canadian Armed Forces, it is really vital that we look at how people are promoted, how people are appointed and what kinds of qualities and traits are the things that are rewarded, what kinds of incentives and what qualities and traits are overlooked as peripheral.

I think that what we're seeing systemically is that when there have been accusations, allegations, rumours that have to do with sexual misconduct, those have not seemed, in history, to have been things that have prevented people from being rewarded. I think that is a fundamental thing we have to remember in the line of questioning that we're doing today.

First of all, I'd like to ask you to confirm who appoints the chief of the defence staff. Is it a Governor in Council appointment?

**Mr. Ray Novak:** The chief of the defence staff is a GIC appointment. That is correct.

**Ms. Anita Vandenberg:** Perfect.

**Mr. Ray Novak:** The appointment is made by the Governor General on the advice of the Prime Minister.

**Ms. Anita Vandenberg:** Yes, I wanted to clarify, because I think there was some confusion earlier. I'd like to make sure that I'm getting your testimony exactly right.

You mentioned that, after the initial part of the vetting process, allegations or rumours were brought to you about an inappropriate relationship in Gaagetown—and I'll note that's not Naples, but in fact, Gaagetown—which was the relationship with his then fiancée, now his wife, which is consistent with what we heard later from Major Brennan, and that this allegation came to you from the chief of staff of the then minister of veterans affairs.

Erin O'Toole was the Minister of Veterans Affairs then, and I understand the chief of staff is still his chief of staff today. The person who alerted you to this was the chief of staff to the current Leader of the Opposition.

**Mr. Ray Novak:** No, that's not correct. The chief of staff to the Minister of Veterans Affairs at the time was a different individual.

**Ms. Anita Vandenberg:** Okay. I apologize for that, but that was Erin O'Toole who was the Minister of Veterans Affairs, and it was his most senior official who brought the allegations to you.

**Mr. Ray Novak:** That's correct. Minister O'Toole was the minister at that time and it was his chief of staff who conveyed the rumour to me.

**Ms. Anita Vandenberg:** My understanding is that, when you heard that rumour, you then took that to the appropriate independent authority, which was PCO, and I would note that the NSA is in PCO. You took that to senior officials in PCO, asking them—I'm paraphrasing a bit what you said—to investigate this and report back, and that when nothing further was returned, there was nothing further to be done at that time. Is that correct?

• (1210)

**Mr. Ray Novak:** I'm not sure which part of the testimony the member is referring to, but if we're speaking about the rumour, that is correct. The rumour was conveyed to me. I asked the national security adviser in Privy Council to investigate the rumour immediately, which he undertook to do and did and reported back to us, as per my testimony.

**Ms. Anita Vandenberg:** What I would ask is this: How is that different from when Minister Sajjan, similarly heard—and we now know from the media that it was an email about inappropriate behaviour—again an allegation from somebody who wanted to remain anonymous and immediately, within hours, brought it to PMO and PCO and asked PCO, because the investigation began with the ombudsman, to be in touch with the ombudsman to continue that investigation.

When nothing further was coming—there was no copy of the email, no name of the person, no indication that the person wanted to go forward and there was nothing further reported—wouldn't that be the exact same process that you would have used?

You have an allegation, you take it to PCO, you ask them to investigate, they get to a point where there is nothing further reported, and then they come back with the fact that there is nothing further to be done about it.

**Mr. Ray Novak:** I obviously am not privy to all the details of who knows what in the current government between the minister and the Privy Council. All I can say is that, in my case, when rumours were brought to me, I immediately conveyed them to officials, asked for an investigation and ensured there was an outcome, and if there had been facts, then decisions would have been taken accordingly.

**Ms. Anita Vandenberg:** Okay.

I would note that in the case when Minister Sajjan was made aware of rumours, it was the very next day that PCO called in the former ombudsman and tried to do an investigation at that time. What I would like to know, though.... We've heard in this committee that it is really difficult. The system was not set up to deal with allegations against the highest-ranking military official, the chief of the defence staff, but when you were dealing with this, he was not yet the chief of the defence staff. Similarly, you had rumours. You had one allegation that you had already known had been investigated. You had another one that came to you through the office of Erin O'Toole, the Minister of Veterans Affairs at the time.

What is the threshold? Again, I go back to my initial statement. What kinds of things are rewarded and what kinds of behaviours are seen as not relevant or peripheral when you're making this kind of very important appointment? Why at the time did that not give you pause?

I think the threshold, when appointing someone, is very different from a threshold once they're there. You have to have a reason to be able to then remove them, but when you're vetting somebody, this would have been enough reason. If not you, was there anybody else on the political side—the minister, the Prime Minister—who raised concerns that maybe this wasn't the most appropriate person in terms of even just the questions being raised?

**Mr. Ray Novak:** I've been very candid on what information was known. I've been very candid that the then prime minister directly asked General Vance, in March of 2015, about the issue from the NATO deployment relating to how he met his wife, and I have been very candid on what his answer was to that.

With regard to the rumour, the rumour was relayed to officials. We asked for an investigation. They reported back that there were no facts.

I think the real challenge at the heart of this is that, if there had been other facts or other information, then another decision would clearly have been taken. Really, underlying all of that, I think, as the committee has been deliberating for weeks, is this: How do we achieve cultural and structural change in the Canadian Armed Forces to not only keep our women in uniform safe but to ensure that they are empowered to bring forward allegations for independent investigative review?

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

We will move on to Madam Alleslev, please.

**Ms. Leona Alleslev (Aurora—Oak Ridges—Richmond Hill, CPC):** Thank you, Madam Chair.

Thank you for this excellent testimony today.

My first question, if I may go back to the allegations and rumours around Gagetown, is this. You said that you acted to have them investigated. Did you also make the then minister of national defence aware of these rumours? Was he aware of them?

**Mr. Ray Novak:** Yes, I believe that in early July, when the rumour was received and conveyed to the national security adviser for investigation, there was, in the days thereafter, a discussion about the need potentially to defer or cancel the change of command ceremony. In that context, there was a discussion between the Prime Minister's Office, the Privy Council Office and the office of the Minister of National Defence.

• (1215)

**Ms. Leona Alleslev:** In your opinion, under the National Defence Act, is the Minister of National Defence legally accountable for the direction and management of the Canadian Armed Forces?

**Mr. Ray Novak:** Thank you, Madam Chair.

I can't give the committee a legal perspective on that. That is my understanding, but I can't give the committee a legal opinion on it.

**Ms. Leona Alleslev:** That's fair enough, but this is the way you were operating, as if it were his responsibility.

In that light, would you consider that there is a somewhat different process for vetting a potential candidate for chief of the defence staff and an actual sitting chief of the defence staff, who reports directly to the Minister of National Defence?

**Mr. Ray Novak:** Yes. The committee process that we used for appointing three chiefs of the defence staff—I obviously can't speak to the one used by the current government—was, as I described, an ad hoc committee constituted for the purpose, composed of the most senior officials in the Government of Canada, which, I think, clearly speaks to the importance of the appointment.

**Ms. Leona Alleslev:** Your responsibility was obviously a very important one. Had the allegations been made around a sitting chief of the defence staff and had the Minister of National Defence brought this to your attention, would you have advised conducting an investigation?

**Mr. Ray Novak:** Yes, absolutely I would have. I think it is incumbent on the political leadership of the government, if they are made aware of either rumours or serious allegations regarding the comportment of a senior official, especially someone who is leading the Canadian Armed Forces, that the government insist that the matter be immediately investigated and that appropriate action be taken, if necessary.

**Ms. Leona Alleslev:** Would it have been your advice to suspend the individual during the course of that investigation, considering his serious and important position?

**Mr. Ray Novak:** I think it is entirely dependent on the exact nature of the allegations and the context. I'm not sure I can speak to that. I think the important point for the committee to deliberate on is that if allegations—whether they are rumours or allegations or complaints—are raised to the political level of the government, they be immediately reported to responsible officials and that there be an investigation and, if there are facts or outcomes from that investigation, that action be taken immediately.

**Ms. Leona Alleslev:** If the minister had required an investigation and had wanted the results to be reported back to him, would that have been viewed in your mind as political interference or as his doing the job for which he is responsible to the Canadian public?

**Mr. Ray Novak:** I don't view that as political interference. Particularly given the very serious nature of this topic, given the very disturbing allegations that we've all seen in a range of recent interviews, I think it is essential that any allegations or even rumours relating to these matters be reported to the appropriate officials and that immediate action be taken, if the facts warrant the taking of action.

**Ms. Leona Alleslev:** Thank you.

Knowing what you know now, do you regret the appointment of General Vance as chief of the defence staff?

**Mr. Ray Novak:** Let me give you the example of watching Lieutenant-Colonel Eleanor Taylor's interview recently. I was absolutely struck by what our country has lost in her case: a highly capable, decorated officer, the first Canadian woman to, as I understand it, lead troops into combat. She has now resigned in disgust and left the forces. Potentially we have an entire generation of young Canadian women who may have taken their skills into the Canadian Armed Forces to protect our country, and now they may be looking elsewhere, thanks to what has gone on.

As I said earlier, when one appoints a chief of the defence staff, one is seeking a leader who will uphold the finest traditions of that institution and leave it in a better place than he found it. Clearly that has not been the case. I think the current government might say that also about their own recent appointment of a chief of the defence staff who only served a number of weeks.

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

We'll go on to Mr. Baker, please.

**Mr. Yvan Baker (Etotobicoke Centre, Lib.):** Thank you very much, Madam Chair.

Mr. Novak, I'd like to go back to confirm some information and then ask you a question.

My understanding is that the chief of staff to the veterans affairs minister brought forward rumours and those were shared with [*Technical Difficulty—Editor*] officials for investigation. Is that correct?

• (1220)

**Mr. Ray Novak:** That's correct.

In July of 2015 the chief of staff to the veterans affairs minister relayed a rumour to me, which I immediately reported to the national security adviser in the Privy Council and asked him to investigate.

**Mr. Yvan Baker:** Could you explain to us why you shared it with the Privy Council for investigation?

**Mr. Ray Novak:** Because, as we've discussed, the Prime Minister's Office is not an investigative body. The Prime Minister's Office acts and interacts with the rest of government through the Privy Council Office.

As I've described, the national security adviser operationally had led the ad hoc committee process that vetted candidates for the chief of the defence staff. When it comes to a rumour of this nature, reporting it to the national security adviser was the appropriate action for the Prime Minister's Office to take. That was the individual I asked to investigate and report back to the Prime Minister's Office.

**Mr. Yvan Baker:** Is there a reason you didn't consider sharing it with the Minister of National Defence for investigation at the time?

**Mr. Ray Novak:** The minister's office was absolutely made aware of both the rumour and the anonymous email. In this case, the Prime Minister's Office operates through the Privy Council Office. That is why I asked the national security adviser to investigate that rumour. The results of the investigation were briefed back to us, as I indicated to the committee.

**Mr. Yvan Baker:** Is there a reason you didn't have the Minister of National Defence investigate?

**Mr. Ray Novak:** The Minister of National Defence, through his chief of staff and his office, was absolutely aware of this and was briefed on the results of the national security adviser's investigation. As I indicated in my testimony, the NSA had interacted with the department and the Canadian Armed Forces, and had spoken with the general himself. They then reported the results of that investigation back to the PMO.

**Mr. Yvan Baker:** What I'm hearing you say is that the Minister of National Defence was briefed, but was not asked or encouraged at any point to lead an investigation. Is that correct?

**Mr. Ray Novak:** It was the NSA who was asked to lead the investigation. The minister's office was absolutely aware of it. The officials that the NSA was interacting with certainly would have been available to the minister. If there were conversations there, I'm unaware. It was the NSA—one of the most senior officials in the Government of Canada—who led the investigation into the rumour that was relayed to us.

**Mr. Yvan Baker:** Okay.

Is there a reason that it wasn't going to the Minister of National Defence for an investigation? Why were the actions you took to have this issue investigated the appropriate actions? Why not get the Minister of—

**Mr. Ray Novak:** Because political staff and ministers don't personally lead investigations. Their responsibility is to take information, provide it to their officials, ensure that the officials are investigating and, if there are facts or results of the investigation, ensure that immediate action is taken.



**Mr. Yvan Baker:** Can you explain why ministers or political staff should not be driving or leading investigations?

**Mr. Ray Novak:** This goes to the structure of our system of government. We rely on our senior officials to undertake investigations of this matter.

I don't think any of us believes that the solution to the problems we've all seen in recent months is to empower political staff to start doing their own investigations. I think the issue here is making sure information is provided to the responsible officials for investigation and frankly, underlying that, making sure we achieve cultural and structural change in the Canadian Armed Forces so that women are not only safe but empowered to bring forward allegations for independent investigation.

**Mr. Yvan Baker:** I hear you saying, Mr. Novak, that when an allegation is brought forward about impropriety, sexual assault, sexual harassment or something of that nature against the chief of the defence staff, this should be brought to the Privy Council Office for investigation. Is that correct?

**Mr. Ray Novak:** As I said in my testimony, in the case of the rumour I received in July 2015, I brought that immediately to the national security adviser. I believe that's the appropriate process. In the case I was dealing with, the NSA had been operationally leading the ad hoc committee process in making recommendations for the selection of the chief of the defence staff. I think the appropriate process in that case was to bring whatever information was received to the responsible officials, ask for investigation and act if necessary.

• (1225)

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

**Mr. Yvan Baker:** Thank you.

[Translation]

**The Chair:** Mr. Barsalou-Duval, you have the floor.

**Mr. Xavier Barsalou-Duval:** Thank you, Madam Chair.

Mr. Novak, you said earlier that if you were a minister and you were made aware of important information such as the serious allegations of a sexual nature we have heard against the former chief of the defence staff, the least you could do would be to launch an investigation. It appears that the Minister of National Defence saw things differently. In fact, he decided to look the other way.

In your opinion, is this a lack of courage or, worse, willful blindness?

[English]

**Mr. Ray Novak:** I'm not going to speculate on how or why the current minister has handled this matter. All I can speak to is how I handled a rumour, as I have, the rumour that was brought to me in July 2015. I think it's entirely not only appropriate but essential that this kind of information, whether it's a rumour or an allegation, be immediately relayed to the responsible officials for investigation and, if there are facts coming out of that investigation, that appropriate and remedial action is taken immediately.

[Translation]

**Mr. Xavier Barsalou-Duval:** Please allow me to share my opinion: I think the minister has shown a lack of courage and willful blindness.

Let's take the hypothetical example of a woman employed in the Canadian Armed Forces, who has been sexually assaulted or sexually harassed. She finds that it was the chief of the defence staff who allegedly did such things, that the information was [Inaudible] to the minister's office, and that the Minister of Defence's office decided to do nothing. If I were that woman, I would be upset and truly disheartened.

Do you think the minister's reactions are helping to amplify the problem that exists in the Canadian Armed Forces right now? Could they in some way lead to a loss of confidence among female personnel or people who are experiencing these situations?

[English]

**Mr. Ray Novak:** I think it's up to the current government to speak to the facts of the matter. I think it's up to them to explain why General Vance served as many years as he did, even if there were questions or allegations being asked. All I can convey to the committee is what was known at the time of the appointment in 2015, which I think I've spoken very candidly to.

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

We will go to Mr. Garrison, please.

**Mr. Randall Garrison:** Thank you very much, Madam Chair.

I just want to clarify a point.

I'm not asking for legal advice, Mr. Novak, but certainly the chief of the defence staff serves at the pleasure of government. Is that not correct? There was a member implying there would need to be some reason to remove a chief of the defence staff. If they serve at pleasure, could not the government decide a new chief of the defence staff could be necessary at any time?

**Mr. Ray Novak:** I believe the member is correct. This is an "at pleasure" appointment. I believe it can be changed at any time.

**Mr. Randall Garrison:** While you were in the Prime Minister's Office, you referred to how three times the chief of the defence staff changed and there were new appointments. Was this because it was the normal practice for them to serve a term, and then have a new chief of the defence staff?

In other words, is what happened with General Vance unusual in terms of being extended as the chief of the defence staff?

**Mr. Ray Novak:** I don't believe there's a set term. If the member reviews the history of the duration of incumbents in the position, generally speaking, it seems to be two, three or sometimes four years. Clearly, there is no set term. I can't speak to why the current government made the decision that it did with respect to General Vance.

**Mr. Randall Garrison:** Thank you very much, Mr. Novak.

It seems, as we're probably coming to the end of some of our time here, what we learned today is that Prime Minister Harper and Minister of National Defence Kenney knew about allegations of sexual misconduct against General Vance before he was appointed, and, of course, we already knew the current Minister of National Defence knew at the time of his extension, and probably Prime Minister Trudeau.

When there are so many other senior officers of distinction in the Canadian Armed Forces, why do you think the appointment of General Vance proceeded? Weren't there other possible appointments that could have been made that would have better fit the needs of the Canadian Forces at that time? Maybe I'm asking you in retrospect, but it certainly seems true to me that there were other, better appointments that could have been made.

• (1230)

**Mr. Ray Novak:** In hindsight, knowing what we know now six years later, particularly with the allegations we've all seen—very disturbing allegations—I think that's a fair question. At the time, I can't speak to the committee's deliberation on other candidates.

I have shared very candidly with the committee the issue that was known in March, which was related to the general's deployment in Italy and how he met his wife. I've spoken very candidly to the rumour that we received in July. That was the information that was available to everyone at that time.

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

We will move on to Mr. Bezan, please.

**Mr. James Bezan:** Thank you, Madam Chair.

Again, thank you, Mr. Novak, for your candour today.

An interesting thing in your testimony today and the questions that followed is that, when a chief of staff to a minister received an allegation and a rumour, they reported it directly to you. Is it normal practice for chiefs of staff to ministers to report to the Prime Minister's chief of staff?

**Mr. Ray Novak:** Certainly in the case of something as serious as a rumour pertaining to the chief of the defence staff, I think it's entirely appropriate and expected that a chief of staff to a minister, or frankly any political staffer in the government, would undertake to relay that forward to ensure it was investigated and reviewed.

**Mr. James Bezan:** When you received this rumour, the second one about Gagetown, did you share that information with Prime Minister Harper at that time?

**Mr. Ray Novak:** As I indicated, when I received the rumour, I immediately relayed that information to the national security adviser and asked for an investigation. The Prime Minister was briefed, as was the Prime Minister's Office, on the results of that investigation some time after that.

**Mr. James Bezan:** With any responsible government, you would think that the chief of staff would have briefed the Prime Minister, including that Prime Minister Trudeau would be briefed by Katie Telford. I don't expect an answer on that.

Coming back to the evidence that was presented to Minister Sajjan and his pushing away and refusing that evidence, wouldn't it have been more responsible to have accepted that evidence and

shared it with the appropriate authorities, like the national security adviser, rather than giving this argument that it was political interference?

**Mr. Ray Novak:** All I can say to the member.... I assure you, Madam Chair, I've never told someone I don't want to hear it when it comes to a rumour or an allegation of serious misconduct, harassment or anything else. I think how this rumour was handled in July 2015 was entirely appropriate in relaying it to senior officials and asking them to investigate.

**Mr. James Bezan:** I think it's very unfortunate that information wasn't gathered at that time by Minister Sajjan and shared with the national security adviser.

Can you dive deeper into why the national security adviser is such an important person within the Privy Council Office and why it's important that they are the lead on vetting someone like a chief of the defence staff?

**Mr. Ray Novak:** The national security adviser, as I spoke to earlier, is one of the most senior public servants in the country. As chief of staff for the Prime Minister, I interacted with the NSA daily, sometimes multiple times a day. It's an individual who, in my experience in government, is briefing the Prime Minister often daily—at least a few times a week—on matters of national security. It's a key position in the Privy Council in our system of government.

When it comes to the selection process for a chief of the defence staff, operationally, that individual, the NSA, is a key member of that process, who in fact led that process. When there are issues or concerns, he is the responsible individual in the Privy Council Office who would then, working with the Canadian Armed Forces senior members, with the department, access those other bodies, ensure that investigations were carried out and report the findings back to the Prime Minister's Office and the Prime Minister for any action that was necessary.

**Mr. James Bezan:** In the situation, if the NSA had come back on General Vance with more substantive allegations of sexual misconduct, there's no question in your mind that the government of the day would have stopped the appointment of General Vance as CDS.

**Mr. Ray Novak:** As I said, in July 2015, if either the anonymous email that was received or the rumour I received that I asked the NSA to investigate.... If either of those two issues had yielded additional facts or frankly any additional questions or avenues that needed to be pursued, or opened investigations, I am very confident in saying that appointment would not have proceeded at that time.

• (1235)

**The Chair:** Mr. Baker, you have the last five minutes of questions.

**Mr. Yvan Baker:** Mr. Novak, I want to circle back to the line of discussion we were having, when I asked questions in the last round.

We spoke about the fact that the chief of staff for the veterans affairs minister brought forward rumours, and that those rumours were shared with officials for investigation.

Is it fair to assume the minister would have known about those rumours?

**Mr. Ray Novak:** I believe the minister did know about those rumours.

I've been very candid that it was his chief of staff who relayed them to me as I would expect, and I asked for them to be investigated immediately by the national security adviser.

**Mr. Yvan Baker:** You spoke earlier in your discussion with me about the fact that investigations should not be led by political offices or politicians, and that they should be led by the appropriate people, in this case, the national investigation service.

Can you explain why that is? Why is it important that it be led by an investigative service?

**Mr. Ray Novak:** It's abundantly clear that political offices, political staff, are not equipped. It would be entirely inappropriate to have the political organs of the government leading investigations.

As we discussed, in our system, what is necessary and appropriate is for any information that anyone acquires to be relayed to the responsible officials for full investigation and to ensure that those investigations are pursued. If there is information, facts or otherwise that require remedial action, that action should be taken immediately.

**Mr. Yvan Baker:** Mr. Novak, for the people who are watching this hearing, who may not be familiar with the specifics as to how government operates or how investigations are run, what is it about the investigative services that makes them, in your view, the appropriate place for allegations like this to be brought and investigated?

**Mr. Ray Novak:** The perspective I can offer on that is from someone who spent 10 years in the Prime Minister's Office. Clearly, political staff are not equipped, trained or appropriate for these kinds of investigations. That's why we have senior officials. That's why we have structures in the Canadian Armed Forces and in the department.

Candidly, clearly, given the allegations we've all witnessed in recent weeks, there is a very real question about the culture and structure in the Canadian Armed Forces that seem not to empower and enable women to come forward to have allegations investigated by appropriate independent authorities.

**Mr. Yvan Baker:** How did you, Prime Minister Harper and his office conclude that the allegations brought against Mr. Vance were unfounded?

**Mr. Ray Novak:** Actually, I've been very clear in my testimony that in March 2015 we were briefed by officials about the matter pertaining to the general's time at NATO, that he had been in a relationship with someone who was subordinate but not in the chain of command, and that he was at that time engaged to that individual. The appointment was announced some weeks after that.

In July 2015, we were advised of an anonymous email. We were told it contained no new information, and that the investigation to the email was closed. We were also provided with a rumour that

was investigated by our officials, who briefed us that there was no complainant, nothing in DND's files, and that the general denied the rumour. That's the information that was available to us at the time.

**Mr. Yvan Baker:** At any point during your time with Prime Minister Harper, did you ever share the allegations or any concerns you had about General Vance? In terms of the allegations, did you share these with anyone else, anyone taking up a position in the office subsequent to yourself or to a subsequent team?

**Mr. Ray Novak:** The only allegations I'm aware of are the ones I've spoken about. The issue related to how the general met his wife, and the rumour that was passed to me in July 2015 that I asked the Privy Council to investigate.

Those are the only allegations I'm aware of. They were discussed, as I indicated to the member and to the committee, with the Privy Council Office and the Minister of National Defence's office at the time.

• (1240)

**The Chair:** I'd like to thank you, Mr. Novak, for joining us today. I'm sorry that it was so early out in Vancouver, but we're probably all jealous of the lovely springtime. You're way ahead of us. However, thank you for joining us today. I thought you brought a lot to our discussions.

We'll sign you off, and thank you, once again, for joining us.

**Mr. Ray Novak:** Thank you, Madam Chair. I know you also served in uniform so I thank you for that, and I appreciate the opportunity today.

**The Chair:** Thank you.

**Mr. James Bezan:** Madam Chair, do you want to deal first with the subcommittee report?

**The Chair:** Yes.

Thank you, everyone. You all got a copy of it. It really deals with the scope and what we're going to work on for the military justice survey. Is everyone all right with it or does anyone want to read or review or debate it?

Does the committee wish to adopt the report?

(Motion agreed to [*See Minutes of Proceedings*])

**The Chair:** Thank you. That's excellent. It's the one piece that's been hanging around for a while, so we really needed to get it so we could move ahead with preparing for the next study.

Go ahead, Mr. Bezan.

**Mr. James Bezan:** Madam Chair, at some point in time over the next week or two, I think it would be good to have a subcommittee to just organize the work of committee, knowing that we have two reports that have been drafted as well as another study that we want to get under way while we're still dealing with the study on sexual misconduct in the armed forces.

Based upon the evidence that we received today, I move the following:

That the Standing Committee on National Defence, concerning its study of addressing sexual misconduct issues in the Canadian Armed Forces, including the allegations against former Chief of Defence Staff Jonathan Vance and Admiral Art McDonald, invite Daniel Jean, former National Security and Intelligence Advisor to the Prime Minister of Canada; that the witness appear for no less than two hours; and that the meeting be held in public and be televised.

To that motion, I think, based upon what we have heard now and how important a role the national security adviser played in the original screening and vetting of General Vance back in 2015, as well as the role that the national security adviser played, as Mr. Novak said, in the appointment process of General Natynczyk and General Lawson, that it is crucial that we have Daniel Jean, who was the national security adviser at the time these allegations were presented to the Minister of Defence in March 2018, appear.

**The Chair:** We have Madam Vandenberg, and then we have Mr. Baker.

Go ahead, please.

**Ms. Anita Vandenberg:** Thank you, Madam Chair.

I know there was a notice of motion for a different witness. The member—

**Mr. James Bezan:** I'll get to that. Don't worry.

**Ms. Anita Vandenberg:** Okay.

Mr. Bezan just mentioned that perhaps there should be a steering committee meeting to look at what the further studies should be. I would imagine that would also include what further witnesses, if any, there should be. Having heard the testimony today, I can think of a few people who were mentioned today who might be invited as witnesses too. I didn't come prepared today—

**Mr. James Bezan:** I'd love to hear from Katie Telford.

**Ms. Anita Vandenberg:** —to put forward those names.

I know we have our witnesses for Friday, as you mentioned this morning, and since there was a motion saying two maximum in two hours, that would fill up Friday.

I know we have two constituency weeks coming up after that. I would imagine there would be plenty of time for the steering committee to sit down and look at all the different names, and maybe some that other members are also interested in bringing, and then at that time it could see whether or not it's necessary to pursue this study further, or whether it's also possible to have more panellists per meeting. I think the steering committee could then report back to us on that.

I also would just like to say that, given everything that's happened, I am very eager to get started on the military justice study. I think if we look at what survivors are saying right now, there are a lot of questions about the military justice system and its ability to look at things like criminal sexual assault and other things. I think that's a very important study.

Obviously if we are to continue further with this study.... I think we had said four meetings, and we've already done one or two, I believe. You can correct me if I'm wrong, Madam Chair. We have one on Friday.

I think it would be good for the steering committee to get together and discuss exactly how many days are left, how much time we want to spend on different studies and which witnesses we want to bring. Again if we're going to be starting to add witnesses ad hoc, one by one, in individual meetings like this.... On this particular one, I see that there was no notice given. I just think that it's just not the best practice to be able to just say this witness and that witness. I think we need to look at the testimony today and at other testimony and see who might be the best people to bring in.

My preference, Madam Chair, would be that we would not vote on individual witnesses one by one—I've said this in this committee many times—but instead that we would have a steering committee meeting and have all of the witnesses discussed there.

• (1245)

**The Chair:** Go ahead, Mr. Baker, please.

**Mr. Yvan Baker:** Thank you very much, Madam Chair.

I want to come back to what I think we should be focusing on as a committee—and we've heard it from a number of those folks who have presented to us and other witnesses—which is how to address the problem with culture and ultimately eliminate sexual harassment and assault in the Canadian Armed Forces. That would be my preferred focus for our team. I think that is the best way to provide justice to the victims, to the survivors.

Right now, we're still focused far too much, in my view, on things that don't help us resolve those questions and make recommendations to government that allow us to do that.

My strong preference would be to focus our attention on those issues and on hearing from folks who we think can complete our knowledge of why this happens and how to get it resolved. That would be a much better use of the committee's time, rather than going further down this path. I think we owe it to the survivors to focus there. I would ask the committee members to consider that.

**The Chair:** We will hear from Mr. Spengemann, Mr. Bezan, and then Mr. Robillard.

**Mr. Sven Spengemann (Mississauga—Lakeshore, Lib.):** Madam Chair, thank you very much.

I just wanted to echo the comments of my colleagues, Ms. Vandenberg and Mr. Baker, with respect to the committee finding traction on a constructive way forward. We've heard from a range of witnesses. The most recent witness echoed the importance of having a serious look at the structural and cultural changes that are required.

I think we're coming to an area of agreement with respect to how the accountabilities flow, that it is not proper for a minister or a prime minister to launch an investigation. Mr. Novak was very clear in his testimony on that. He was equally clear, as have been other witnesses and the committee as a whole, that the well-being of members of the Canadian Armed Forces needs to be front and centre in this inquiry. This includes, most prominently, women who have had the courage to come forward, but equally, women and men who have not had the courage to come forward for reasons relating to the culture that's been described and the levels of seniority involved.

There is some important work ahead of us as parliamentarians, work that is beyond and in addition to the question of what happens with this former chief of the defence staff. That's where we should focus. I think your suggestion to use the subcommittee for a discussion of witness names as they come forward through these conversations is important. Equally, your suggestion to coordinate the committee's work with respect to crossovers and linkages to the military justice study is, I think, very important.

To deal with systemic change, we need to think about our study systemically and connect those thoughts to other areas of inquiry if we are to make sure we get to those hurdles, with respect to culture, that stand in the way. They have stood in the way, by all accounts, at least since the external review authority—which the previous witness just described—in 2015, if not for a long time before. We have some urgent work ahead and we really need to focus on overcoming these obstacles.

**The Chair:** Thank you.

We'll hear from Mr. Bezan, Mr. Robillard and then Monsieur Barsalou-Duval.

**Mr. James Bezan:** Madam Chair, I understand why Liberal members are very uncomfortable with continuing with the study, but we owe it to the Canadian Armed Forces, and especially the women who serve us, to get to the bottom of what's happened.

We had a new revelation today about the role of the national security adviser. To not call a national security adviser at that time would be a misjustice on our part and a missed opportunity to get more information and details on how that investigation took place.

We heard the minister say on multiple occasions that he handed this off to the proper authorities, and the PCO, as we've heard from Liberal members, was the proper authority. Let's talk to the person in the PCO who would have been in charge of the investigation, the national security adviser. To do otherwise would be short-sighted on our part.

Madam Chair, I know the Liberals are going to want to continue to talk this out and filibuster, but I can tell you that I am prepared to stay and debate this and other motions as we go forward.

Aside from the fact that we need to have a steering committee to look at our total, overall business, it is in order to suggest witnesses after hearing testimony. Based on the testimony we heard today about the role of the national security adviser, I think the former NSA, Daniel Jean, is a person of interest who this committee must hear from.

• (1250)

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

[*Translation*]

Mr. Robillard, you have the floor.

[*English*]

**Mr. Yves Robillard:** Madam Chair, since this next week will be the last week that we have with our constituents, I would suggest that we have a little bit of time for business in our ridings.

**The Chair:** All right. Thank you.

[*Translation*]

Mr. Barsalou-Duval, you have the floor.

**Mr. Xavier Barsalou-Duval:** Thank you, Madam Chair.

I see that the clock is ticking. It seems that the members of the committee have a lot to say about the motion. I would like to take this opportunity to express my concern about what my colleagues, particularly those from the government side, have been saying about the possibility of shortening the study that is underway, which has just begun. This is a very important issue. We are talking about allegations involving the current chief of the defence staff and his predecessor.

It seems necessary to me to take these matters seriously, to study them in depth and to hear from all the witnesses who are relevant in this context. That is why I believe that the motion tabled today by my colleagues should be adopted. I understand the desire to have a meeting of the subcommittee, but I do not see how that would prevent us from adopting today's motion, which would allow us to do more planning in the weeks to come. It is important to get organized. It would only take a few seconds to pass the motion. Then we can move on. I am sure that other witnesses could even be proposed later on and their testimony could be just as interesting for the purposes of our study.

[*English*]

**The Chair:** Thank you.

We'll go to Madam Gallant, and then Mr. Bagnell.

**Mrs. Cheryl Gallant:** Madam Chair, I was concerned about what Mr. Robillard said, stating that we only had one more week left with our constituents. I had thought we had two weeks coming up.

Why would he say that we only had one week? Is the Prime Minister planning on calling an election?

**The Chair:** All right.

We'll move on to Mr. Bagnell, please.

**Hon. Larry Bagnell (Yukon, Lib.):** Thank you, Madam Chair.

I just wanted to echo what Mr. Baker said, and the witness.

This is a huge, terrible problem in the military. There are thousands of people that have been affected, not just the several that we've talked about so far.

Those people serving in the military right now would want us to get on with what Mr. Baker was saying and to deal with the structural problems, the independence of the process and the culture. This is no small task. We really have to address it and get on with it. I think everyone on the committee is committed to solving that problem, military-wide, so that men and women no longer fear serving in the Canadian military, which is a very proud career.

Thank you.

**The Chair:** Thank you.

Mr. Baker, go ahead, please.

**Mr. Yvan Baker:** Thanks, Madam Chair.

There's no question that what we have been studying is important. You're not going to hear me say that it's not. What I think is important for me to qualify is that, what to me is even more important is that we spend a proportionate amount of time in this committee dealing with—and when I say “proportionate”, I don't mean equal; I mean proportionate—the problem that's before us.

Unfortunately, we know that there are hundreds, thousands.... We don't know exactly how many, but we know there are many victims. We've had witnesses come forward and talk to us about the problems of culture in the Canadian Armed Forces. I think that these are issues that are really complex and require the time to study them. There is a great urgency to do that because if we do that and do it effectively and quickly, then the sooner we can tackle it. The sooner we tackle it, the sooner we're reducing the number of people who are being victimized and, hopefully someday, eliminating it.

I guess what I'm saying is that I think we've spent a significant amount of time investigating the events around General Vance. I'm not diminishing the importance of that. What I'm saying is that, to me, what is most important and should be ranked paramount are the people who've suffered and who are suffering right now. I think that we should apply proportionate time and energy to solving that problem, which is the one before us, both the government and the Canadian Armed Forces. That is critical.

When I think about the lives that are being.... I think it's important to remember, too, that members of the forces who have been victims are watching this. They're following this. I think about what they're thinking as they watch this. They're watching us, as elected officials, spend a lot of time on the circumstances that we've focused on—and again I'm not diminishing the importance of that—but I think what they would want, if they were here, would be for us to tackle the underlying issue that has made them victims and that has, in some cases, destroyed lives.

I would just suggest that we dedicate a proportionate amount of time to the problem that is before us and that is touching lives today. To me, that means moving to a phase where we're calling witnesses and focusing on finding the best solution so that we can actually shape the outcome.

It's not good enough for us, as politicians.... It's not appropriate for us to sit here on this committee and criticize whomever we want to criticize, saying “they didn't do this” and “they didn't do that”. Let's talk about what we are going to do. Let's start talking about solutions. Let's start understanding the problem. We've started a little bit. It's a complex problem. Perhaps there's more understanding that's needed. Then, let's tackle it. That, to me, is what we should be doing.

If I think about the people who've suffered and been victims, and if they're watching this at home, I'm confident that's where they would like us to apply our time. I'm urging us, as people who are focused on making the lives of other people better, to focus our energies there. That's why I suggest that, Madam Chair.

• (1255)

**The Chair:** All right. Thank you.

Next we have Madam Alleslev, Monsieur Barsalou-Duval and then Mr. Spengemann.

Go ahead, Madam Alleslev.

**Ms. Leona Alleslev:** Thank you very much.

We need to be conscious of the fact that there is a status of women study as well. I think that there are two very different objectives that parliamentarians need to achieve.

This national defence committee, in my opinion, needs to be looking at holding the government—and, therefore, the processes, what happened, and how—to account. We can't fix something if we don't fully appreciate all the places where it fell down or where the ball was dropped.

We absolutely need to continue to hear from the national security adviser, Zita Astravas, Elder Marques and others we uncover who should have been involved in the process and weren't, or who were and didn't behave in accordance with the roles and responsibilities that they were entrusted with in that process.

The status of women committee should be looking at what we need to change structurally and organizationally, and at how we measure that.

Ultimately, the victims—and I've heard from a number of them in the military, and from women in the military in general—want, yes, to know that these types of things will be prevented in the future. They also do need to know that all of those senior officers—and anyone who is involved in sexual misconduct—are held accountable for their behaviour, and that, whether they were complicit through their silence or their actions, there is a process by which they will be held accountable. I think that's part of the role and responsibility that we on this committee need to fulfill.

Thank you.

• (1300)

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

[*Translation*]

Mr. Barsalou-Duval, you have the floor.

**Mr. Xavier Barsalou-Duval:** Thank you, Madam Chair.

What I understand from the interventions of my colleagues, particularly those of the Liberal Party, is that their intention is not to debate the motion that has been tabled, but to close the study that has just been undertaken on the subject. This is a kind of headlong rush to avoid talking about this issue, which is very serious. It is of the utmost importance. We are talking about the chief of the defence staff of the Canadian Armed Forces, Madam Chair, so I am somewhat surprised by this attitude. I don't know what the government has to hide, but I think the events deserve a thorough review and we need to hear from the witnesses mentioned.

I understand the importance of addressing the issue of the culture in the Canadian military, particularly with respect to sexual assault. It is a very important topic. Yet I feel that my Liberal colleagues are trying to put that study at odds with the conduct of this one, when they are both intimately related. I am sure that any victim of sexual assault in the military would tell us that they want to know what happened that involved the chiefs of the defence staff. They would tell us to pursue this investigation, because the reality is that they are the bosses. To trust the institution, victims would also want to have an idea of what the top brass did.

Why would anyone want to hide what happened at the highest seat of power in the Canadian military? I find it disturbing, and I don't think it would contribute to a much-needed investigation into the culture in the Canadian military.

I would invite my Liberal colleagues to explain why they do not want us to pursue this study, but also why we should not vote.

Everyone has had a chance to speak, so I think it's time to take a vote, Madam Chair.

[*English*]

**The Chair:** Thank you.

I have Mr. Spengemann and then Madam Vandenberg.

**Mr. Sven Spengemann:** Madam Chair, thank you very much.

I just wanted to follow up on the previous comment and echo colleagues who have said that rather than anybody wanting to shut down the study, the idea is to focus our energies on those issues that matter most, those issues that have been long-standing and those issues that are echoed by witnesses and, most importantly, by female victims and their families and men who are allies on the issue of gender equality.

Madam Chair, just to refer you back briefly to a report that this very committee did in the last Parliament of June 2019, entitled "Improving Diversity and Inclusion in the Canadian Armed Forces", it's a broader issue than the issues of sexual harassment and misconduct, but Mr. Bezan, Mr. Garrison, Ms. Gallant, Mr. Robillard and I were part of that committee. There were some great recommendations put forward with respect to leadership within the Canadian Forces on the issue of gender equality.

We should stay in that track and focus more specifically now on the issue of sexual misconduct and harassment and the systemic nature of it. It's not a question of shutting down the study. It's a question of directing it to what matters most.

My intervention, Madam Chair, really is aimed at supporting the comments of my colleague Ms. Vandenberg to strategically use the subcommittee to identify those witnesses who will put us onto that track and take us forward.

**The Chair:** I have Madam Vandenberg.

**Ms. Anita Vandenberg:** Thank you very much, Madam Chair.

On what was said by my colleague opposite, we know how important this study is. We know that the study that's starting in the Status of Women committee is vitally important. We already have witnesses who we proposed many weeks ago, such as the current Canadian Armed Forces champion for women and others, who

have tremendous recommendations to bring, and who, I'm sad to say, were rejected by all the opposition parties at the status of women committee when I brought them forward last week.

We have those names already. We have a number of witnesses who have already been proposed and that the chair has invited. I think it is very reasonable that we would continue this study and make sure that we come up with the right recommendations for the minister, who has said very clearly that all options are on the table. He wants to hear from parliamentary committees on this.

Having said that, I really don't think that we want to be here all day. I have said before—and I will continue to say—that the practice of surprising people with names one by one and voting on one person at a time at meetings is not the best procedure in this committee. Having said that, I think we are probably prepared to vote on this one right away, because I note that it is one o'clock and, members, this committee meeting was supposed to end at one o'clock.

I know that there was a notice of motion. If we want to vote on that quickly, I just have one small note, which is that in those motions, if Mr. Bezan could clarify the timeline in the current one.... Because given that we have two constituency weeks coming, if you say "14 days", it requires a meeting during that constituency break time. If we could make sure that both of those motions say "21 days" instead of "14 days", so that it can be at the next meeting of the committee that's currently scheduled, then I think we're prepared to vote on both of those right away.

Just, please, as a practice.... I had names that came out of today that I would love to put forward as well, but I think we need to give each other the courtesy of having time to consult one another and to talk to each other about names and which ones are priorities, and how long we want to continue the study. I think these are all legitimate questions.

Madam Chair, if there's nobody else on the speaking list, I think we could proceed to a vote on this motion, presuming that it didn't have a timeline of 14 days. I just want to clarify that.

● (1305)

**Mr. James Bezan:** Just for clarification, Madam Chair, there is no timeline at all because I've left that up to the discretion of the chair and the steering committee.

**Ms. Anita Vandenberg:** Okay.

**The Chair:** There isn't a time limit on either of those motions.

**Mr. James Bezan:** There's no time limit on the one we're voting on. On the notice of motion we brought forward there is, and we can deal with that when that's on the floor. Let's not cross our wires yet.

**The Chair:** Okay. This is the motion that was just brought forward from Mr. Bezan to call Monsieur Daniel Jean.

Is anyone voting against that motion?

**Mr. Yvan Baker:** Chair, I had my hand up.

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

**Mr. Yvan Baker:** Chair, I would like to propose an amendment to Mr. Bezan's motion that we limit the meeting with this witness to one hour.

**The Chair:** Would anybody like to weigh in on that?

**Mr. James Bezan:** Given the important role that the national security adviser plays, based upon the testimony we heard today, in carrying out and heading up both the vetting process and the investigations within the PCO, I think there are a lot of questions to be asked. It's only fair to all committee members that we hear from Daniel Jean for a full two hours.

**Ms. Anita Vandenberg:** Madam Chair, I know that, one by one, having witnesses just for two hours.... I know traditionally we have had panels. Also, I note, Madam Chair, that you've been very good about making sure panels are of like mind so that we can ask similar questions. I don't think the motion said that we would have this single witness for two hours. If we do that with every witness, we're going to be on this study for months. If that wasn't in the motion, then I think we can leave it to the discretion of the chair.

**Mr. James Bezan:** Just for clarification, I didn't ask for him to appear individually. I just asked for two hours.

**Ms. Anita Vandenberg:** Okay. Then we're good.

**Mr. James Bezan:** Actually, ideally, I'd like to see him appear alongside Mr. Wernick.

**Ms. Anita Vandenberg:** Then we're good.

**The Chair:** I just need to clarify with the clerk.

**Mrs. Cheryl Gallant:** On a point of order, Madam Chair, it is not customary to have panels. It has become an abnormal series of meetings to have panels. However, we find that if we have more than one person on a panel at a time, we do not have adequate time to ask the questions of the individuals on that panel. Please don't build up the panels to the point where we don't have an opportunity to ask the necessary questions.

**The Chair:** It's been my experience that panels are more the norm than not, but I understand what you're asking for and we will take that into account.

Do you have Mr. Bezan's motion? Can I read it?

• (1310)

**Mr. Yvan Baker:** On a point of order, Madam Chair, I moved an amendment to Mr. Bezan's motion. I just want to make sure we have an opportunity to vote on that.

**The Chair:** I guess we have to deal with the amendment first, reducing from two hours to one hour. Is there anyone who is against that amendment?

**Mr. Yvan Baker:** Madam Chair, if I may, I apologize. I'd like to seek unanimous consent to withdraw that.

**The Chair:** Okay.

Does anyone deny unanimous consent? No.

(Amendment withdrawn)

**The Chair:** We go to the main motion to invite.... I would appreciate at least having something on paper. It really makes it a lot easier for me to keep it straight.

**Mr. James Bezan:** Madam Chair, we'll get that in to you. That was one we did just based upon what we heard.

It's a table drop, and I moved it verbally based on the structure of previous motions. I'll read it one more time just so everybody is clear on it.

I move that the Standing Committee on National Defence, concerning its study on addressing sexual misconduct issues in the Canadian Armed Forces, including the allegations against former Chief of Defence Staff Jonathan Vance and Admiral Art McDonald, summon Daniel Jean to appear for no less than two hours; and that these meetings be held in public and be televised.

**The Chair:** Go ahead, Madam Vandenberg.

**Ms. Anita Vandenberg:** I understood the first time the member said it that he asked to "invite" Daniel Jean—

**Mr. James Bezan:** Yes, it's "invite", not "summon".

**Ms. Anita Vandenberg:** Thank you.

**The Chair:** The clerk is asking that you repeat it once again. This is why if we could have a quick written copy, that would be good.

Go ahead, Mr. Bezan.

**Mr. James Bezan:** I've asked my office to send it in, but I'll do it one more time. It says:

That the Standing Committee on National Defence, concerning its study of addressing sexual misconduct issues in the Canadian Armed Forces, including the allegations against former Chief of Defence Staff Jonathan Vance and Admiral Art McDonald, invite Daniel Jean, former National Security and Intelligence Advisor to the Prime Minister of Canada; that the witness appear for no less than two hours; and that the meeting be held in public and be televised.

**The Chair:** Okay.

Are we ready to vote on that motion?

(Motion agreed to)

**Mr. James Bezan:** Madam Chair, I'd just like to move the motion that I gave notice on. I move:

That the Standing Committee on National Defence, concerning its study of addressing sexual misconduct issues in the Canadian Armed Forces, including the allegations against former Chief of Defence Staff Jonathan Vance and Admiral Art McDonald, invite Gregory Lick, Ombudsman for National Defence and the Canadian Armed Forces to testify before the Committee, that the witness appear for no less than two hours, that the meeting be held in public and be televised, and that the witnesses be called to testify within 15 days of this motion passing.

Madam Chair, we have seen that Ombudsman Lick has been in the news recently talking about the role that Gary Walbourne has played in the past, that he was treated unfairly and that the ombudsman's office should be made independent.

Madam Chair, I think it is only responsible on our part to hear from the current ombudsman about the role of the ombudsman's office as well as the treatment of Gary Walbourne.

**The Chair:** Thank you.

Madam Vandenberg.



**Ms. Anita Vandenberg:** Madam Chair, I think that's a very reasonable person to call before the committee. Having said that, of course we have Friday's meeting already booked and then no meetings for 14 days, so I would like to propose an amendment to say within 21 days, not within 14 days.

**The Chair:** We have an amendment to the main motion on the floor, which amends the timeline for the invitation from 14 days to 21 days.

Is anyone against that amendment?

• (1315)

**Mr. James Bezan:** I'd like to speak to it briefly.

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

**Mr. James Bezan:** Madam Chair, we are dealing with a large issue here that has really demoralized the Canadian Armed Forces, and they need to know what role different individuals and offices play within the Department of National Defence. It is incumbent upon us to talk to all those officials. Even though Parliament may not be sitting for two weeks, I think it's important that we take at least one meeting during the break for us to continue to work on this study. I think it's just too important.

I don't believe anybody is going to be running off on spring break and partying on the beaches in Florida, so I think it's more important that we do this work and get down to answers. I know how important it is to be in our constituencies, but most of us are working from home these days anyway and are able to deal with our constituency issues. I believe at least one meeting during those two weeks off from Parliament would be in order, and I'd request that the committee support that.

**The Chair:** Go ahead, Madam Vandenberg.

**Ms. Anita Vandenberg:** I think it is very inappropriate to assume that we would be using those two weeks to go on beach vacations, frankly. I know that MPs work incredibly hard during constituency weeks to be able to touch base with the very people whose views we're here to try to represent.

Madam Chair, I would note for the record that in every constituency week for the last several months either this committee or now the status of women committee has held meetings on this topic, and I believe it is very important to be debating this topic. I also think, however, that we now have a lot of witnesses whom we're calling on this topic, but I think it is very important that we spend time with our constituents as well. I would like to go to a vote on the amendment to 21 days.

Thank you.

**Mr. James Bezan:** On a point of order, I wasn't accusing anyone of going on holidays. I was just saying that all of us are stuck at home.

**The Chair:** All right.

Go ahead, Mr. Baker.

**Mr. Yvan Baker:** Thanks, Chair.

I really want to speak to this. I think what's important for me anyway, in my riding of Etobicoke Centre, is that, if I'm to do my job effectively as an MP, I need to also be able to spend that time

with my constituents. That doesn't mean it's face to face. Whether it is face to face or over the phone is really secondary.

Right now the constituency work in my office.... I realize the pandemic has hit different parts of the country differently, and I respect that, but certainly in my community, a lot of folks are struggling and are reaching out to me for help, for guidance or for discussion about government policy, etc. I'm sure all the members on this committee are receiving a significant amount of that type of outreach from their constituents.

Whether I'm physically present or not, when it's a so-called Ottawa week right now during the pandemic, as I'm sure is the case for most of my colleagues here, my obligations as a legislator occupy almost all of my time, between committees and preparation for these discussions and the caucus meetings that allow us to advocate for whatever issues we believe are important for our constituents.

Those constituency weeks are really important blocks of time that are set aside for us to be able to serve our constituents. Of course, outside of pandemic time, that means we're physically in our ridings. It would make it impossible in those circumstances for the committee to meet unless under very unusual circumstances.

**The Chair:** Thank you very much. I appreciate that.

We have an amendment on the floor and we want to bring it to a vote.

**Mr. Yves Robillard:** Madam Chair, I raised my hand.

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

**Mr. Yves Robillard:** I don't want to take up too much time, but I only want to tell everybody that I'm a very understanding person and I agree with what Mr. Baker said, but I don't like to have other members of the committee judging me, please. I'm respectful to you. Please be respectful to everybody.

• (1320)

**The Chair:** All right.

[Translation]

Thank you very much, Mr. Robillard.

[English]

We need to vote on the amendment to change the deadline from 14 days to 21 days in order to call the witness.

Is that correct? Do I have a correct understanding?

Okay. We'll need to take a vote. The clerk will get that set up and we'll have a recorded division.

(Amendment negatived: nays 6; yeas 5)

**The Chair:** We will go on to the main motion. Is there anyone who wants to vote against the main motion?

(Motion agreed to)

**The Chair:** Go ahead, Madam Vandenberg.

**Ms. Anita Vandenberg:** Madam Chair, I move a motion to adjourn.

**Mrs. Cheryl Gallant:** Mr. Bezan had his hand up before she said that.

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

**Mr. James Bezan:** Madam Chair, at the beginning of the meeting I asked a question about whether or not a witness has accepted our invitation to attend. In particular I'm interested in whether Ms. Zita Astravas and Elder Marques have accepted our invitation. Could you give us an update?

**The Chair:** We have heard from Mr. Marques and he's in negotiations with the clerk at this present time. He's indicated that there is an openness to the idea. We have not heard back from Madam Astravas.

**Mr. James Bezan:** On that then, Madam Chair, I move the following:

That the Standing Committee on National Defence, concerning its study of addressing sexual misconduct issues in the Canadian Armed Forces, including the allegations against former Chief of Defence Staff Jonathan Vance and Admiral Art McDonald, summon the following witness to testify, Zita Astravas; that the witness appear individually for no less than two hours; that this meeting be held in public and be televised; and that the witness be called to testify within ten days of this motion passing.

**The Chair:** Okay. It's open to debate.

We'll have Madam Vandenbeld and then Mr. Baker.

● (1325)

**Ms. Anita Vandenbeld:** Madam Chair, first of all, we know that we've issued these invitations. As I mentioned last time, in the entire history of this defence committee, Mr. Walbourne was the first person we summoned. Mr. Trotter was the second person we summoned in the history of this committee.

This is something we really need to take very seriously, when invitations have gone out and you have the clerk reaching out to people. As I've said before, we have to be very careful using the power this committee has to summon people.

Having said that, you know that I've said many times that having one motion after another after another, one by one voting on people, is not the best way to conduct business in this committee. We have a steering committee. We have the ability to sit down together as members, prioritize those we want to invite, prioritize the amount of time we want to spend on each study and plan out our studies. That's traditionally the way things have been done on this committee.

Having a name thrown at us and having to quickly consult our colleagues and come to a consensus in the middle of a committee meeting isn't the best way to conduct business.

I appreciate Mr. Bezan's giving notice about the motion concerning Mr. Lick. I think that's a good practice in this committee, and I was okay with debating and voting on it, because we had a bit of notice.

One reason I felt originally that we could go to a vote on the two you brought up was that I thought, at that point we could adjourn. There has already been an agreement to have a steering committee meeting during the break, and at that point we can sit down and discuss as a committee.

There's a certain point at which throwing things out like this and asking for a vote and asking for a summons.... We have responsibilities here, as a parliamentary committee, to use our power in a

responsible way. We have responsibilities to our colleagues, to each other, to make sure that we are giving each other advance notice of the things we want to debate in this committee.

This process of going one by one, throwing names out the way we have.... I don't know how many other names the member opposite might want to do. We know that this meeting was supposed to end at one o'clock.

We could do the same. I have a list of names of people that we submitted quite some time ago. I would say that some of the names that we submitted when this study first started, about six weeks ago, haven't been called yet. They haven't been brought to this committee.

I know that the chair was giving priority to some of the names coming from the opposition, but I'd love to hear from somebody like Rear-Admiral Rebecca Patterson. I would love to hear from some of the other names that we put in of people who really have lived this, who understand the issue and who want to talk about how we make it better.

I know that trying to find out who knew what when and pointing fingers back and forth is a legitimate thing, but when I talk to the women, talk to survivors, the message I'm getting from them is that we finally have a parliamentary committee looking at and studying this issue at a time when women, with great courage, are stepping up, stepping forward, believing that we as leaders are listening to them and genuinely want to make this better.

I want to hear from them. I think the status of women committee has a tremendous opportunity. I put forward a list of names that includes Dr. Preston, whom we heard from. It includes Professor Maya Eichler, who, by the way, when she came to this committee, gave her opening statement and had no time for questions, because there were motions and points of order and the same sort of thing that we're seeing today—just trying to put a name forward and have a vote, and should we summon, and should we....

Frankly, she never got a chance to answer any questions. She has spent her career as an academic, as an expert on sexual misconduct in the military, and she never got a chance to answer questions.

● (1330)

I brought her name forward to come the status of women committee, and all the opposition parties combined voted against her. I brought a name like Julie Lalonde, who is an expert on culture change within institutions. She is a feminist who has even been consulted by the military at the Royal Military College. She has a lot to say on this, and her name was rejected by the opposition in the status of women committee.

Many of these names are on the list that we've provided to the chair. I'm not going to go through them one by one and name individual private citizens and put them on the spot so that they would then have to turn around and explain publicly why they did or did not accept an invitation to this committee, but I have to say that, in terms of collegiality and process and in terms of parliamentary courtesy, this idea that all we're doing here is throwing another name, another name of somebody to see if we can maybe try to score points needs to stop, frankly.

We need to hear from the women. I think we need to hear from the veterans, from the serving women in the Canadian Armed Forces whose roles and responsibilities are to do exactly this. We have a minister who came to this committee and said that every option is on the table. He wants to change things. He wants to make a difference, and he wants this committee to come up with recommendations.

I'm going to just ask one more time for all members of this committee to step back from this kind of let's summon and let's.... Let's step back from that. We have a meeting on Friday. We've agreed to a steering committee meeting over the two constituency weeks. We've also agreed to a meeting over the constituency weeks with Mr. Lick and possibly some of the others we've asked for.

We should perhaps agree to just adjourn the debate right now, wait until we have that steering committee meeting and discuss how we want to proceed with this study. Frankly, let's listen to what the women are saying—and men—what survivors and those impacted are saying. They are saying that all of this pointing of fingers between one party and another party is not helping them. It is demotivating them. What they want to see is this committee come up with recommendations and hear from the people who understand. The answers are out there. People understand what is needed. Everybody knows what needs to be done. We need to be listening, and we need to be hearing from those people.

I would love to sit down, have a steering committee meeting and put together a list of people who can give us excellent recommendations about what we're going to do to fix this problem. It can't continue. You heard the minister say that the time for patience is over, but I think that, in terms of the way in which this committee functions, we really need to go back to the courtesy where we work together, where we sit down and look at names, and we don't start using this power to summon in a way that has historically never been done in the House of Commons.

If you look at the annotated Standing Orders, at the bottom of the Standing Orders there's a footnote with a handful of names over the history of the Parliament of Canada of people who've been summoned to come here. We summoned Gary Walbourne. I don't think we needed to. I think he would have come. The clerk is currently in discussion with one of those witnesses who has said that, yes, he is willing to come. I would like to give the clerk a little bit more time to go back and forth with some of these people and give them a chance to come of their own volition.

Honestly, Madam Chair, I'll hear from colleagues on this, but I think that sitting here all day today and debating something like this, after the time of this committee has already formally supposed to have ended, doesn't help the women. I don't think that helps the women of the Canadian Armed Forces. I don't think that helps the men and women who are victims. I don't think that helps change the culture. I think all it does is tell them that the people who are watching are just playing politics. Frankly, that is not what I came here as a member of Parliament to do. I'm here because I want to make sure we do right by the people who serve our country.

I would very much encourage our colleagues to adjourn today, come back next week in a steering committee meeting and really

put forward the names of people who are going to be able to move this file forward.

• (1335)

Thank you, Madam Chair.

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

**Mr. Yvan Baker:** Thanks, Chair.

Given that we are well over our planned schedule, I move that the committee do now adjourn.

**Mr. James Bezan:** I believe that's out of order.

**Ms. Anita Vandenberg:** I think he meant the debate be now adjourned.

**Mr. Yvan Baker:** I have a point of order, Chair.

My understanding is that it's a dilatory motion and, therefore, it's in order.

**The Chair:** Okay, Mr. Baker.

Can you go ahead and repeat what you brought to the floor earlier?

**Mr. Yvan Baker:** Given that we are well over our planned schedule, I move that the committee do now adjourn.

**Mr. James Bezan:** Can we have a recorded vote, please?

**The Chair:** One moment, please.

Go ahead, Mr. Bezan.

**Mr. James Bezan:** It's a question on a point of order about whether or not adjourning a committee meeting in the middle of a debate is in order. Should the motion be to adjourn debate?

**The Chair:** According to the clerk, it is in order.

We will take a recorded division.

(Motion negatived: nays 6; yeas 5)

**The Chair:** Go ahead, Madam Gallant.

**Mrs. Cheryl Gallant:** Thank you, Madam Chair.

We just heard from the chief of staff for the former prime minister for two hours. We had fulsome questioning the entire two hours. There were not politics being played. The opposition is not simply throwing out names or "playing politics".

I thought we all committed to getting to the bottom of this very serious issue. Just throwing it off to another committee that is not that for which the defence committee is intended, and to follow through on our previous studies, is just a distraction. We owe it to the women, as we've talked about, as well as men, to get to the bottom of this. By just passing it off to another committee that has a different take on things and is not necessarily going down the military avenue....

Madam Deschamps did her best and made the recommendations. They were not implemented.

As we heard today, the national investigative service did not, for whatever reason, do its part. Whether they had nothing to go on or whether or not there was evidence that was not accessible to them is not known.

We have a number of avenues that we still have yet to investigate, and it is not to play politics. It is to set right, once and for all, what is terribly wrong and is missing in this military. Also, if we ever hope to get to your Prime Minister's 25% of women in the military, we have to address this very serious problem now.

• (1340)

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

**Mr. Yvan Baker:** Thanks, Chair.

I want to pick up on where Madam Gallant left off. That's the crux of this. Madam Gallant spoke about the need to address this problem now. The debate we're having here really centres around what the problem is that we're trying to solve.

I think the problem that is impeding increasing numbers of women, minorities and other equity-seeking groups in the armed forces is the issue of... There's an issue of culture, which we've heard about, and issues of sexual harassment and of assault. Those issues are not the ones we are tackling with this type of motion. This motion doesn't help us address those issues. This motion is not designed to address those issues. This motion is designed to further study what happened when.... I won't put words in Mr. Bezan's mouth, but it's meant to study things that won't help us to address the underlying problem that is preventing us from attracting the best and brightest of all backgrounds to the Canadian Armed Forces, and retaining the best and brightest of all backgrounds.

We've recently seen someone, a very high-profile person, a woman, leave the armed forces, citing some of these very things, and we're not, as a committee.... We're the defence committee. We talk about how big of a problem it is, and then we're not passing motions that would allow us to actually address those problems.

That is the underlying concern I have around the direction. The types of witnesses we're calling aren't helping us to solve the problems that the survivors, the minorities and the women have asked us to solve. I've heard from women who are survivors, and they are begging us to tackle the issue of the culture of toxic masculinity. They're asking us to address sexual assault and sexual violence in the armed forces much more. By continuing to pursue motions like this, we're not doing that. That is the underlying reality.

In regard to the change to the motion that Mr. Bezan has proposed, which is to say "summon" versus "invite", I have concerns with that. This committee, and committees in the House of Commons, operate on the basis of invitation. I don't think that is necessary.

We invite people to come. We make sure that we follow up with them. It takes time. I don't know the background on the communication, I really don't, but generally speaking, sometimes we are responded to quickly as a committee, and sometimes we're not responded to quickly. Just because we don't get a response quickly, we don't go out there and summon every time. That's not the way committees work. They haven't worked that way in the past, and I

think this is an unprecedented step that sets dangerous and unhelpful precedents for future studies, including this one.

On the substance of adding the word "summon" or altering the motion to the word "summon", I have a concern.

I also want to speak to something that Mrs. Vandenbeld spoke to earlier, which is the way in which we work together. My background, prior to this, was as a member of provincial parliament in Ontario. Perhaps the culture there is different. I don't know. However, I was not accustomed at that level or at the federal level, until very recently in this committee, to just springing motions on each other left and right. I think that if we want to make thoughtful decisions about how we vote, we need time to consider what is being proposed and the implications of what is being proposed, and to discuss it with each other and to hear each other out, and to do it in a thoughtful way. I think the approach of surprising folks with motion after motion after motion is not helpful for us to come to the best list of witnesses to study what we want to study.

I know we're disagreeing on what we should study. Some of us are saying, let's focus on addressing the underlying problems, let's focus on understanding what is causing this culture of toxic masculinity and let's figure out how to solve it. Some of us are arguing, no, let's talk about other things. That's a separate issue.

Again, I urge us to focus on the victims and their needs, and on how we solve the underlying problems that have made them victims. That said, I also think that, in working together, springing motions on each other is not helpful, and I think that the summons is unnecessary. I see no evidence to believe that it is necessary.

We have a series of scheduled meetings already. We have a series of witnesses coming. We've agreed to that. Let's move forward with that.

• (1345)

I think that should be our immediate next step.

Thanks.

**The Chair:** All right.

Go ahead, Mr. Bagnell.

**Hon. Larry Bagnell:** Thank you, Madam Chair.

I just want to reiterate what I said before. I think that instead of just dealing with a few people, somehow we have to deal with over a thousand people who have been involved through the surveys that have been done on this terrible situation. I'm not sure how we get on track to that. Maybe Ms. Vandenbeld needs to add witnesses related to improving the system, related to changing the culture that the experts have said is the major part of the problem.

As Mr. Baker said, I think the people watching want us to get on with dealing with the structural changes, the procedural changes and the culture changes so that both for men and for women the culture of masculinity doesn't prevail to the extent that people are uncomfortable serving there or uncomfortable in reporting, and so that action will be taken on their reports.

Thank you.

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

**Mr. Alex Ruff (Bruce—Grey—Owen Sound, CPC):** Thank you, Madam Chair.

I'd like to bring something up as somebody who—as obviously most of the committee is aware—has served 25 years and likely is one of the more recent members of Parliament to have served and knows a number of the players, including Lieutenant-Colonel Taylor personally, who has resigned from the military in disgust and disappointment. I speak with a level of confidence to say that the rank and file do want to understand how a situation occurred that allowed the chief of the defence staff to have allegations brought forward and not have those allegations properly investigated.

This is something that the minister, in committee on the 12th of March, the last time I participated, admitted. He was responsible for the failure of those allegations to come forward. I think it's completely appropriate to get these witnesses here as soon as possible in order to testify, because we need to get to the root of what allowed this situation to occur. Then we can tackle, very appropriately, the structural changes that are required in the Canadian Armed Forces.

Thank you, Madam Chair.

**The Chair:** Thank you.

It was brought up by the clerk that Ms. Astravas has not denied the invitation. Normally, we use a summons when people refuse to appear. As far as I know, it has not been a refusal. I think it's also.... Summoning someone sets a very high precedent, really, and I'm not sure.... Is this something that we can talk about in the steering committee meeting? We can decide if there are certain criteria—I don't know—by which people decide to make it a summons instead of an invitation.

The clerk wanted to make sure. He's still, as I said, in conversation with somebody else. It sometimes takes a little longer than people would like to admit, but if there has not been a refusal, do we actually want to go ahead and do a summons? It's something that we can definitely talk about. I think it would be totally appropriate to discuss this matter in the steering committee and actually come up with a consolidated way forward. How are we actually going to deal with issues of this nature and the issue of things like summonses?

I would like to have a steering committee very much in the near future.... This is also one of those things that we could discuss at that time, plus what the ongoing scope and focus of this study will be. Those are just a couple of points for your consideration.

We'll go to Mr. Baker and then to Madam Gallant.

• (1350)

**Mr. Yvan Baker:** Thank you, Chair.

I was going to speak to that very issue and ask whether Ms. Astravas had declined. To me, it's at that point that committees decide whether they want to summon or not. It's not when we have a delay in a response, for whatever reason.

I think that's a dangerous precedent to set. I think we need to give the time for those.... Whatever the outreach is, the scheduling, we don't know what's happening, what Ms. Astravas is dealing with. We don't know about the communication issue and why she hasn't responded. We don't know. A summons is a very harsh tool. It's not justified when someone hasn't refused to testify and just hasn't responded.

I think that's the precedent that's been set. It's a precedent that's been set by MPs of all parties going back decades. We should realize that precedent was set, that MPs of all parties, whether it was majority governments or minority governments, have operated that way for a reason. I think one of the reasons is that, for the most part—not always perhaps, but for the most part—we get the best content and insight from our witnesses when we invite them rather than when we summon them. That's one of the reasons.

The other reason is that I don't think it's necessary. It's not required in this case. It's not necessary to ask Ms. Astravas to.... It's understandable that we want to invite her. We've extended the invitation. I think we should give a reasonable period of time for that invitation to be heard and responded to. We don't know what's causing that delay in response. There's a lot going on right now, including a pandemic. I'd ask us to respect that and not set a new precedent that we will regret.

**The Chair:** All right.

Madam Gallant.

**Mrs. Cheryl Gallant:** The government members seem to be doing everything they can to delay, deflect and stop Ms. Astravas from appearing before the committee. We may be in the last weeks of this Parliament, which would mean it could be another nine months to a year before we get back on track with following through with this investigation and getting results for the women in the armed forces.

I'm wondering if the clerk would be able to share with us the outline of the number of times he tried or heard back from Ms. Astravas. Has there been a going back and forth with Zita, or have you just sent the invitation out and not heard back? Could you detail that for the committee, please?

**The Clerk of the Committee (Mr. Wassim Bouanani):** Madam Chair, I attempted on a few occasions to speak on the phone with Ms. Astravas. I was not able to connect directly with her, so I left a voice mail or I left a message. I also sent one email and one reminder.

• (1355)

**Mrs. Cheryl Gallant:** You attempted to contact her...?

**The Clerk:** Three times.

**Mrs. Cheryl Gallant:** Over a span of time, or one right after the other in the same day?

**The Clerk:** It was not on the same day.

**Mrs. Cheryl Gallant:** No official letter has gone out or any invitation by mail or by...?

**The Clerk:** There was an invitation by email and a reminder. I don't have the exact timeline, but over 10 days.

**Mrs. Cheryl Gallant:** Given that we have the parliamentary secretary for defence in this meeting, one would think that the message could be communicated to her somehow.

Thank you, Madam Chair.

**The Chair:** Thank you.

Mr. Bagnell, go ahead please.

**Hon. Larry Bagnell:** I was going to say that we have a significant time to try to get a response. There's already a meeting proposed for the end of this week, and then there's the weekend, so we have some time to hear a response. We could then proceed if we don't get any response.

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

**Mr. Alex Ruff:** Thanks, Madam Chair.

I'll just go back to the clerk's response because it wasn't clear—at least, I didn't pick up on it, maybe with the audio.

Can he please confirm the exact number of times he emailed and phoned, and the dates and times that he did that, so that it's clear to us how spread out those attempts to contact were and who he called in trying to get hold of her? Is there a personal, listed number in the government directory? Was it through the office staff, etc.? We want to know who and how, please.

Thanks.

**The Chair:** Just so you know, we did ask for people with knowledge.... We asked, "If you know how to get hold of this person, we ask for that information to be provided to the clerk." The clerk used whatever information was provided to try to reach out. If the information that the opposition provided was not accurate, then maybe we have not found the correct avenue moving forward. We did ask everyone to submit information to the clerk, and that he would go ahead and look into whatever was provided, but there's no guarantee that what was provided was correct.

**Mr. Alex Ruff:** Madam Chair, I'm not asking whether or not it was correct. I'm asking for confirmation of what numbers, when, how many times and on what date. Obviously, the staffer we're trying to get hold of is a chief of staff to a minister in the government. This is not somebody who's hidden away, who's retired, who's gone somewhere across country and who we can't track down.

I mean, I'm sure that I'm more than capable of walking over to this person's office and passing this information on personally if we can't get hold of her, so I'm more than willing to volunteer to do that if the House of Commons staff needs assistance.

**The Chair:** I just want to say that it's a significant step forward when it's to....

I would like to get information from the law clerk, actually, about what the precedent is. Is there a set of criteria that we use to determine what the seriousness is that would necessitate a summons? It's not something that I'm all that knowledgeable about. I would like to learn a little bit more. I think it's a very serious process that's available to us.

**Mr. Alex Ruff:** Madam Chair, I'm just—

**The Chair:** I would like to have the opportunity to meet in the steering committee. If the steering committee decides that this is the right way forward, then, fine.

**Mrs. Cheryl Gallant:** I have a point of order, Madam Chair.

**The Chair:** However, I would like to have the opportunity to talk about this in the steering committee so that we are all aware of the seriousness of issuing a summons. If we get that briefing and decide that we still want to do it, fine, then we do it. Before we take a really significant step forward—

**Mrs. Cheryl Gallant:** I have a point of order, Madam Chair.

**The Chair:** —I think it's important that we discuss this and have all of the information we need in order to make that decision. Instead of this being something that's coming in at the last moment that has not been sent to the committee in advance, we have the time we need to actually consider this very serious motion. That's my two cents.

Go ahead, Madam Gallant.

• (1400)

**Mrs. Cheryl Gallant:** With all due respect, Madam Chair, it's not your role to decide whether or not we have to defer to the law clerk on whether or not a motion is in order. We should be focused on the matter at hand. We know that the witness we're asking for is in the office of the Minister of Public Safety. Perhaps we should have the RCMP see if they can find her.

This is more subterfuge, it would appear, and delays. For whatever reason, the government members do not want to have her before this committee. We feel that she can be helpful in explaining to us exactly what happened and how the process occurred so that we can correct it for the future.

**The Chair:** All right.

**Mr. Alex Ruff:** Madam Chair, I have a point of order.

I didn't realize I'd ceded the floor.

Again, I'll go back to my original question. It was addressed to the clerk. It was just to ask him to provide the date, times and phone numbers that he contacted or that he tried to invite the witness with. If I could just have that.... If he doesn't have that information available immediately, could he ensure that it gets passed to the committee and put on the record, please?

I will now turn over the floor, but I'd like a response from the clerk, please.

**The Chair:** We will discuss with the clerk afterwards.

Go ahead, Mr. Baker.

**Mr. Yvan Baker:** Thanks, Chair.

I want to follow up on a couple things that Madam Gallant said.

One was that Ms. Gallant made mention that it's not the chair's role to decide anything. For the record, I don't think that the chair was trying to decide anything. I think the chair is trying to contribute to a constructive solution to the questions that are being raised, and I think that it's completely within the chair's role to do so.

The other point that Madam Gallant made that I have concerns about is that she said the government members don't want Ms. Astravas to appear. That's not at all true. It's very clear that we've voted already on a motion to invite Ms. Astravas to appear. It's the will of the committee that she appear. That includes the members of the Liberal caucus who are on this committee. That's not what's up for debate here at all.

What's up for debate here is whether a summons is required. I think that the summons is unnecessary for a few reasons. One is that this study, as we've just voted and agreed on, has time left in it. We still have time to discuss what we need to do as a committee to make sure that we hear from all the people we want to hear from. We're looking at another two weeks at least, if I'm not mistaken. I could be corrected—it could be longer—but it's at least two weeks for this study. If that's the case, then we have further meetings where this particular issue can be debated and discussed, but I think we should exhaust the option of inviting Ms. Astravas before we summon her. I think there are a lot of good reasons for that. There are the precedents that we've talked about. There's making sure that we get the best possible testimony and insight.

I think there are a lot of reasons why someone may not have responded. It's not for us to speculate what those are, but I think it is for us to follow precedent. As the clerk has pointed out, usually you don't summon someone unless they have refused to appear, and that's not the case in this case. I just think we should give time to hear back from Ms. Astravas for that reason.

**The Chair:** Thank you.

Go ahead, Mr. Spengemann.

**Mr. Sven Spengemann:** Madam Chair, thanks very much. I had to sub out for a bit. I'm just getting my bearings here in the discussion, but I think there are a couple of points that are important.

I think the most important is, of course, the question before us, which is how we change the culture in the Canadian Forces with respect to sexual harassment and sexual misconduct. Pretty much every witness who's been in front of us has said that, and members across party lines on the committee have echoed that. That's where the committee's energies should go.

With respect to witness selection, just about an hour ago, I think a very important point was made, which was that we have the mechanism of a subcommittee to talk about witnesses and to reach agreements, which would keep the committee's time focused on what matters most.

With respect to the exercise of a summons, I understand there's very strong precedent to not issue a summons if somebody has not specifically declined an invitation. As my colleague just mentioned, Ms. Astravas is willing to come, or has indicated willingness. The committee has indicated willingness to hear her. There has been no rejection on her part. For that reason, I think that channel needs to be open and worked through.

Again, in the last few sessions, the committee's attention has been in large part on the allegations against the former chief of the defence staff, the investigation. There are important questions that flow from that, which the committee has heard and needs to hear for accountability reasons, but the bigger question is no longer an

elephant in the room. A very open question, certainly since the ERA in 2015, has been the culture in the Canadian Forces, and that it's not only very disparately affecting women who are serving today but equally discouraging women and men from considering the Canadian Forces as a career choice. That really, I think, in the last Parliament and in this Parliament, has been the attention of the committee and needs to remain so.

Let's use our strategic tools. Let's be thoughtful about this. Let's get the right people into the room. Let's move the yardstick. I think there's a lot of goodwill across party lines to do that. The most recent witness we had in front of us earlier today was also quite emphatic with respect to the structural and cultural changes that need to happen. It was good to hear, from a former chief of staff to a former prime minister, words that really echo, almost to the word, the commitment of the current Minister of National Defence.

I'll put it back to you, Madam Chair. I think we should move forward in an efficient and expeditious manner and solve the questions before us.

• (1405)

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

Go ahead, Mr. Bagnell, please.

**Hon. Larry Bagnell:** Thank you, Madam Chair.

I just wanted to speak to the precedent—considering that we have time; it's not like we don't have time to hear back—of making that draconian step that's very seldom used. It's there if we need it.

All the committee has said that we want Ms. Astravas and she hasn't said she wouldn't appear. We're not even having a meeting until Friday. There's lots of time to hear back from her and for people to get in touch with her to make sure she has the appropriate message and can get back to the committee without having to set a bad procedural precedent, which may end up being studied and used to change those powers, if they're used frivolously by throwing it in the overtime of a meeting before we even need it.

The point I've made at all the meetings is that we should really... The people who are watching in the military want to be safe and comfortable. Over a thousand people have mentioned that the system is a problem and they have had terrible situations. We need to deal with the processes, the culture and the ability for someone to report and feel comfortable. These are major structural issues. We're really not focusing on those as much as we should, from my view.

This committee could really have a major effect on the military if we deal with the large problem at hand and come up with recommendations to deal with that.

Thank you.

**The Chair:** All right. Thank you, Mr. Bagnell.

Mr. Baker, go ahead, please.

**Mr. Yvan Baker:** Thanks very much, Chair.

I want to pick up where Mr. Bagnell left off.

He's right. We have a meeting on Friday. We can discuss this at the Friday meeting, the meeting after that or the meeting after that. We have a number of meetings scheduled. I think we have lots of time. This is not to consider this, but at this point, I think it's too early and it's unfair. We should all pause and think about what precedent we're setting and what this does if we just start summoning when we don't hear from witnesses at committee. I think it's dangerous to our work, to the partisanship on committees and to getting things done in general.

Mr. Ruff said something that I think is interesting. I don't want to put words in his mouth, but he kind of offered to help the clerk track down a person we're trying to reach out to. That's the spirit of what we should be focused on in my view. How do we reach Ms. Astravas, make sure she's being contacted at the appropriate place and make sure something isn't happening that's causing her not to respond? I don't know. I think approaching it that way is more constructive and useful. It allows us to make sure we exhaust the invitation option. We haven't exhausted that. Ms. Astravas hasn't refused to appear. We don't know what's happening or why she hasn't responded.

I think we just need to give that invitation time to play out. A summons is incredibly harsh and unnecessary under these circumstances. We—committees in this Parliament and past Parliaments—have not used the summons like this. We all know that. I think it's unfair to the individual and to future committees for which the precedent will have been set that if someone doesn't respond within a relatively brief period of time, we start summoning people. That has incredibly damaging effects—reputational and otherwise—that are unnecessary.

Let's just take stock of the impact this is going to have if we keep doing this to people. If somebody refuses to come, it's fair game to have that discussion. If someone has not refused to come, I don't think that's fair to the person.

I'm sure there's still hope to reach Ms. Astravas. Mr. Ruff proposed some solutions. I'm not sure if those are the right ones or not. I'm not going to pretend to know. The point is that we try to do what we can to reach her and hear back from her. That's the issue at play here. Nobody said she shouldn't testify or doesn't want to. The members of this committee, certainly on the government side, have been supportive of having her present to testify.

Let's not go the route of the summons. I think that's extreme at this juncture and has damaging effects.

• (1410)

**The Chair:** Thank you.

Madam Gallant.

**Mrs. Cheryl Gallant:** Madam Chair, the clerk has tried to reach Ms. Astravas multiple times over the course of six weeks. There's been no response whatsoever. We've asked for her.

The committee is well versed. Given the other committees that have had to put forth summons, the public is now well versed in what is required in a summons. I don't think we need to take up a meeting or any side time for a briefing from the clerk on the seriousness of a summons.

Given all the interference we've had from different members, it's pretty well time to call the question on the motion that's before the floor and get a result on the vote.

Thank you.

**The Chair:** Thank you.

Mr. Spengemann, go ahead, please.

**Mr. Sven Spengemann:** Thank you very much, Madam Chair.

Again, I apologize for having missed probably a 30-minute segment of the committee's discussion, for having to sub out. I think when I came back there was just the tail end of an exchange involving my colleague Mr. Ruff and the clerk's desk.

I would like to echo the comments of my colleague Mr. Baker. I think a summons is heavy-handed. It's the strongest tool at our disposal with respect to making somebody appear. Also, in the exercise of it, the committee is signalling that it has a perception that there is unwillingness on the part of that particular witness to appear. That willingness, so far, has not been expressed. If anything, there's no evidence with respect to Ms. Astravas's unwillingness to appear.

In the meantime, I think it's important that the committee continue to direct its energies in parallel to that effort of solving this question in a constructive way. I don't believe the summons, at this stage, would be appropriate. I'd like to hear from the clerk on this in terms of past practice and history.

I think it is important that the committee keep its eye and its mind tuned to the utility of other witnesses who could come here in the interim and continue to inform the committee on their views with respect to the question of culture. To my mind we've heard testimony on it, but I don't think we have any sense yet of how to resolve this. We really need some recommendations and some advice. The minister has indicated that he's open to all options.

We need to hear what this committee, in 2021, should recommend to the Government of Canada with respect to changing the culture in the armed forces. There are negative elements to the culture that we've heard descriptions of. There are also positive elements with respect to the commitment to excellence, to service and to the obligation to look out for one's teammate, one's fellow serving member of the Canadian Forces.



These discussions, to my mind, have not led to our having a level of detail or to [*Technical difficulty—Editor*] the ability to make recommendations to the government. I think that even if we answer the procedural questions, of the kind that are in front of the committee now with respect to the misconduct allegations, if we fail on the big questions, we'll have done a disservice to Canadians and to serving members and their families.

I would urge the committee to continue to not drop the ball on these parallel discussions. Again, I would not be supportive.

Madam Chair, through you, maybe we can hear briefly from the clerk on past practice. Given what I've heard now, though, I'm not supportive of the exercise of a summons under these circumstances.

• (1415)

**The Chair:** Thank you.

We can ask the law clerk to talk to us about the kinds of criteria normally used for a summons, the precedence of summons and how often they're used. I believe that office can provide us a briefing on those topics, and maybe that would not be a bad idea in these circumstances.

We have Mr. Baker, I think, and then Mr. Barsalou-Duval.

**Mr. Yvan Baker:** Thank you, Madam Chair.

I thought Mr. Bagnell had his hand up first, but I'm happy to go if he'll relinquish his spot in the speaking order.

Mr. Spengemann really, I think, raised an important point, which is helping us to understand what the implications of a summons are. He spoke to some of those implications, which I think we can all understand. Mr. Spengemann very clearly indicated that this is signalling publicly that we believe the witness is unwilling to appear. We have no evidence to support that belief. To do that, I think, would be damaging and unfair.

Let's think longer term here, beyond this particular committee, this particular hearing or even this particular study [*Technical difficulty—Editor*]. We've invited her. That signals that we want to hear from her. Let's think longer term about, if we begin summoning people left and right, what that's going to do.

I agree with Mr. Spengemann. It would be great to hear from the law clerk on that issue so that we could fully understand what we're voting on here, because we're sort of in unprecedented territory just using a summons when we have no evidence to suggest that someone doesn't want to appear.

I want to second that suggestion and urge us to really consider that before voting on this.

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

[*Translation*]

Mr. Barsalou-Duval, you have the floor.

**Mr. Xavier Barsalou-Duval:** Thank you very much, Madam Chair.

I have listened carefully to the debate so far. I have held back from speaking to fully understand all the ins and outs of a summons to appear before the committee, as it is a procedure with which I am

less familiar. I do not have 30 or 40 years of committee experience. However, to the best of my knowledge, this procedure can still be implemented by a committee, if necessary.

I have a little difficulty understanding the logic and the arguments that a witness could not be summoned to testify because the witness did not refuse to come to the committee. I find this surprising, because, following this logic, as long as someone does not respond, we do not have the right to summon them to testify. In the end, if you don't want to testify, all you have to do is not answer. Since we did not refuse, we cannot be summoned to testify. The logic is a bit hard to follow.

I would even add that it's not like we were looking for someone like Ms. Astravas, who disappeared into the mist and we are unable to find. If this is indeed the case, there is a problem, because as far as I know, she is still a government official. If the government is unable to find its officials to testify, there are serious questions to be asked.

For that reason, I would invite everyone to finish this round of questions and proceed to the vote. Everyone may not have had a chance to speak, but I think there are several people who have spoken a few times and have already had a chance to make their point. I wouldn't want them to exhaust themselves repeating the same arguments.

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

[*English*]

Go ahead, Mr. Spengemann, please.

**Mr. Sven Spengemann:** Madam Chair, thank you very much.

One of the very important points of discussion of this committee has been the question of accountability, and adjunct to that question, the idea of investigative independence. We've heard from witnesses of all stripes, including the witness today who testified that it's not appropriate for a minister or a political entity to be involved in driving, leading or being part of an investigation.

The witness who is under discussion now, potential witness Ms. Astravas, would be part of that political apparatus. As far as I understand, I think the committee has come to a landing on the question with respect to accountability. Investigative processes need to be independent. We have some very clear testimony that was given earlier today in an exchange with my colleague Mr. Baker that makes that point very precisely.

Just to contextualize the interests on the part of members of the committee to hear from this particular witness, it would be in that question of accountability and political independence from an investigation. That is one aspect of the committee's work. It's an important aspect that shouldn't be slighted, as colleagues have pointed out, but it forms a part of a much bigger whole, and the bigger whole has been left unanswered almost in its entirety since 2015, even though initiatives have been undertaken.

We have a minister at the moment who came to this committee twice with tremendous openness to look at all options, and I think the committee now has a mandate to find those options. Going forward, what do we need to do to break down the barriers, to restore the confidence of women, men and Canadians of non-binary gender identity and expression serving in the Canadian Forces today, and equally importantly, who seek to serve in the Canadian Forces tomorrow and in years to come?

When the Canadian public looks at this committee, I think it will have a high level of expectation of achieving a substantive outcome beyond quibbling over what witness should appear under what procedural tack. Again, my view is strongly that maybe there's even an opportunity, Madam Chair, through you, to hear from our clerk. I don't know if it has to go through the law clerk, but maybe there is some experience that would be useful in terms of the frequency of summons being applied in the last Parliament before this committee.

Some of my colleagues today were members of that committee. I do not recall the committee exercising its power to summons. There may have been discussion on that exercise, but if there was, they would have been left with the conclusion that this is really a last resort measure, and again, it has implications with respect to the perceptions that it generates. If there's unwillingness to appear on behalf of a witness who has important, salient information to offer, then it may be a tool that is applied, but as a last resort.

Madam Chair, through you, is there any information, any helpful counsel from the clerk currently in the room today with respect to the exercise of summons, the discretionary powers and how they should be applied by the committee that we could gather? If not, you mentioned the law clerk. That's fine. I think that would be a more comprehensive and probably more legal briefing, but just in terms of precedence and use in the past across committees, it's my sense that this mechanism is used extremely rarely and may, in many committees, have never been used.

Thanks, Madam Chair.

• (1420)

**The Chair:** Thank you.

The clerk says that the law clerk is the one who can best answer those kinds of questions, but it would probably be worthwhile.

We have Mr. Baker and then Mr. Ruff, please.

**Mr. Yvan Baker:** Thanks very much, Chair.

[*Translation*]

I would like to comment on what Mr. Barsalou-Duval said. In his speech, he said that we only summon a witness when it is neces-

sary. That is exactly what he said, and I do not think that it is necessary in this case. I think it is only necessary when a person refuses to testify or when there is reason to believe that he or she will not appear before the committee. I don't know exactly how much time has passed in this case. I think it has been about 10 days since we invited Ms. Astravas. The chair can correct me if I am wrong. In my opinion, the fact that 10 days have passed does not justify summoning someone.

In the last year, since the last election, many witnesses have taken much longer than 10 days to respond to an invitation, not only to this committee, but to other committees as well. We're not going to start summoning everybody. That's why I don't think it's necessary, at this point.

On the other hand, we have time. It does not hurt our study to wait a little while for the answer. Summoning a witness after only 10 days could set a serious precedent, and such a practice could damage people's reputation.

Again, I am of the opinion that this is not necessary yet. We should only use this tool when it is absolutely necessary.

• (1425)

[*English*]

**The Chair:** Madam Vandenberg.

**Ms. Anita Vandenberg:** Thank you, Madam Chair.

I would like to move to adjourn the meeting.

**Mrs. Cheryl Gallant:** I think we have a motion on the floor. She needs unanimous consent to adjourn the meeting.

**Ms. Anita Vandenberg:** No, a motion to adjourn takes precedence over that.

**The Chair:** That's right.

The question on the floor is this: Shall the meeting be adjourned?

**Mrs. Cheryl Gallant:** No, the question on the floor is the motion.

**The Chair:** The motion to adjourn takes precedence.

(Motion agreed to: yeas 6; nays 5)

**The Chair:** That concludes the meeting. The meeting is adjourned.







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