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# Standing Committee on Procedure and House Affairs

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Chair: Ms. Ruby Sahota





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Tuesday, February 16, 2021

• (1100)

[English]

**The Chair (Ms. Ruby Sahota (Brampton North, Lib.)):** I call this meeting to order.

Welcome to meeting number 23 of the House of Commons Standing Committee on Procedure and House Affairs.

Today's meeting is taking place in a hybrid format, pursuant to the House order of January 25, 2021. Therefore members are attending in person in the room and remotely by using the Zoom application. The proceedings will be made available via the House of Commons website. Just so you are aware, the webcast will always show the person speaking rather than the entirety of the committee.

Today's meeting is also taking place on Zoom webinar format. Webinars are for public committee meetings and are available only to members, their staff and witnesses. Members may have remarked that the entry to the meeting was much quicker and that they immediately entered as an active participant. All functionalities for active participants remain the same. Staff will be non-active participants only and can therefore view the meeting in gallery view only. I would like to take this opportunity to remind all participants to this meeting that screenshots and taking photos of your screen are not permitted.

Given the ongoing pandemic situation, and in light of the recommendations from health authorities to remain healthy and safe, all those attending the meeting in person are to maintain two metres of physical distance. They must wear a non-medical mask when circulating in the room. It is highly recommended that the mask be worn at all times, including when seated. As well, those attending must maintain proper hand hygiene by using the provided hand sanitizer at the room entrance. As the chair, I will be enforcing these measures for the duration of the meeting. I thank members in advance for their co-operation.

For those participating virtually, I'd like to outline a few rules to follow. Members and witnesses may speak in the official language of their choice. Interpretation services are available for this meeting. You have the choice at the bottom of your screen of floor, English or French. With the latest Zoom version, you may now speak in the language of your choice without the need to select the corresponding language channel. You will also notice that the platform's "raise hand" feature is now in a more easily accessible location on the main toolbar, should you need to speak or alert the chair.

For members participating in person, proceed as you usually would when the whole committee is meeting in person in the com-

mittee room. Before speaking, please wait until I recognize you by name. If you are on video conference, please click the microphone icon to unmute yourself. For those in the room, your microphone will be controlled, as normal, by the proceedings and verification officer.

All comments by members and witnesses should be addressed through the chair. When you are not speaking, your mike should be on mute. With regard to the speaking list, the committee clerk and I will do our best to maintain a consolidated order of speaking of all members, whether they are participating virtually or in person.

I would now like to welcome our witnesses for today. We have Minister Rodriguez, the House leader; Mr. Allen Sutherland, assistant secretary to the cabinet; and Mr. Donald Booth, director of strategic policy and Canadian secretary to the Queen.

We will allow the minister an opening statement of about 10 minutes, which will precede probably two rounds of questions. Just so the committee is aware, the minister will be here for the first part of the meeting for one hour. The officials who are accompanying him will stay behind for the second hour for further questioning.

I want to take some time now to welcome a few new members today.

Welcome back, Mr. Nater.

I see that we have Mr. Fragiskatos with us again.

Mr. Kent, welcome to the committee. I know that an official change was made and that you and Mr. Nater will be our new permanent members of the committee. I think the committee is looking forward, as I definitely am, to working with all of you.

Minister, please go ahead with your opening remarks.

**Hon. Pablo Rodriguez (Leader of the Government in the House of Commons):** Thank you, Madam Chair.

I will take only about five minutes so that we can have more direct exchanges.

• (1105)

[Translation]

Good morning, everyone.

[*English*]

Good morning, colleagues. I'm pleased to be with you virtually as you conduct your work on the issue of prorogation. This is very important work.

Back in the 2015 election, our party promised a new role for Parliament to examine this issue. As you may remember, the previous government invoked prorogation on multiple occasions without ever explaining to Parliament why it had done so. We promised to change the Standing Orders, and we did in 2017. Actually, many of you were there at the time.

The new standing order states that soon after Parliament resumes sitting following prorogation, the government must submit a document outlining the reasons for the prorogation. Once that happens, this document must immediately be referred to PROC, and this is exactly what has happened, Madam Chair, for the first time in our history.

The government has submitted an extensive report on the matter, and I'm here to speak to you about the report and answer all your questions. In other words, we're following through on our promise. We're being transparent and open in explaining our reasons for last year's prorogation.

[*Translation*]

So, let's review what happened last year. In December 2019, following the election, our government came forward with a Throne Speech that reflected our agenda. It was a forward-looking agenda, but one that was truly grounded in the reality of the time, when there was no COVID-19 pandemic. The pandemic simply changed the world, not just here at home, but around the world. It has changed the priorities that any government must put at the top of its agenda.

We had to take steps to protect the lives of Canadians and reduce the risk of contracting COVID-19. These were unprecedented steps to support the financial health of Canadians and help them pay their bills. Pandemic or not, the bills kept coming. We needed to do everything we could to help our workers, our businesses and our guardian angels in the health sector, and we did it together.

Remember all the sessions of Parliament in the spring and summer when we passed all those bills together to help Canadians.

[*English*]

By the summer, it was clear that members of Parliament would be facing a new and much different landscape when the House of Commons returned in the fall. As the Prime Minister said in August when he announced the prorogation, Canada was "at a crossroads". This was a time to protect Canadians, rebuild the economy and build a more resilient Canada that is healthier, safer, greener and more competitive. This would require a reset, a new plan. We committed to coming forward in Parliament with a new throne speech to reflect the extraordinary times we found ourselves in.

Just as important, members of Parliament would be given a chance to vote on this plan. That was fundamental. The Prime Minister was very clear in August when he made the announcement. You'll remember that.

Here are some of the things he said: "We are proroguing Parliament to bring it back on exactly the same week it was supposed to come back anyway, and force a confidence vote. We are taking a moment to recognize that the throne speech we delivered eight months ago had no mention of COVID-19, had no conception of the reality we find ourselves in right now. We need to reset the approach of this government for a recovery to build back better. And those are big, important decisions and we need to present that to Parliament and gain the confidence of Parliament to move forward on this [very] ambitious plan."

Colleagues, this is exactly what happened.

[*Translation*]

Parliament began a second session with a new Speech from the Throne, which set out a clear roadmap to tackle the pandemic. The House voted in favour of the Speech from the Throne. It supported it, which was very important for the way forward.

Since then, as promised, our government has continued to focus its efforts to defeat the pandemic. For example, we announced a transition from the Canada Emergency Response Benefit to a more flexible, more accessible employment insurance system. For our businesses, we announced the new Canada Emergency Rent Subsidy, which we have extended to June 2021.

While the world looked forward to the day when vaccines against COVID-19 were ready, we continued the work we had begun long before. As we've said before—and we'll say it again—by September, we will have enough doses to vaccinate every Canadian who wants to be vaccinated.

● (1110)

[*English*]

These are some of the steps that have been taken. These are the actions of a government that put COVID-19 at the top of its agenda.

The House was prorogued last year for one reason: to come forward with a new plan to confront the biggest health and economic crisis of our time. That's it.

Now I am happy to answer your questions.

[*Translation*]

Thank you very much.

[*English*]

**The Chair:** Thank you, Minister.

I will just remind all the members that the government House leader's opening remarks were also circulated to everyone, in case you want to refer to them while you ask questions.

I believe we're going to begin with six minutes for Mr. Deltell.

Mr. Deltell, welcome to the committee and thank you for subbing in today. Go ahead, you have six minutes.

**Mr. Gérard Deltell (Louis-Saint-Laurent, CPC):** Thank you so much, Madam Chair.

[*Translation*]

I am very pleased to participate in this committee meeting. I want to greet all my colleagues, especially my colleague across the way, the minister responsible for Quebec and Government House Leader.

Madam Chair, the minister forgot two fundamental points in his speech. First, he forgot to say that everything that the Prime Minister said in his Speech from the Throne could very well have been said in a statement in the House of Commons. Indeed, there was absolutely nothing new that merited prorogation and a Speech from the Throne, since, as he said, the government and Parliament were already working to address the issues related to the pandemic. There was no need to prorogue Parliament and no need for a Speech from the Throne. A statement by the Prime Minister in the House would have done the trick. So why did he prorogue Parliament?

Let's review the events, Madam Chair.

On August 19, the Standing Committee on Access to Information, Privacy and Ethics, which was studying the WE charity scandal, was scheduled to receive the Speakers' Spotlight group, which had contracts with the WE movement and the Prime Minister's family. This group was scheduled to testify on August 19. However, as luck would have it, it was on August 18 that the Prime Minister decided to prorogue Parliament and dissolve this committee and the work of Parliament. Yet Speakers' Spotlight had stated that it had in the past held discussions with the Prime Minister's family and the Prime Minister himself.

Was the minister aware of the discussions between Speakers' Spotlight and the Prime Minister's family?

**Hon. Pablo Rodriguez:** Madam Chair, you will not be surprised that I disagree with my colleague's analysis of the facts, although I am very pleased to see him. I even miss him, just imagine!

The government needed to focus all its efforts on the pandemic. As I said earlier, and as the Prime Minister said at the time, the entire government, not just the political wing but all the civil servants as well, needed to focus on the priority, which was COVID-19, the biggest public health crisis since the Spanish flu and the biggest economic crisis in a hundred years.

That's what we did. We're from different parties and we see things differently, and that's fine, but my reading of things is quite different from that of my colleague.

**Mr. Gérard Deltell:** My question is more specific, Minister. Did you know that Speakers' Spotlight had held discussions with Prime Minister Trudeau's family, yes or no?

**Hon. Pablo Rodriguez:** My colleague, the Opposition House Leader, is asking specific questions about things I have no idea about. What I do...

**Mr. Gérard Deltell:** Did the Prime Minister influence things? You tell me you don't know. So, should the Prime Minister appear before this committee to give Canadians the straight goods if you can't do that?

**Hon. Pablo Rodriguez:** Mr. Deltell, I am extremely pleased to be here on behalf of the government. I speak here on behalf of the government and all of my colleagues. I was the one who had the opportunity to table this report in the House, which I'm sure you've read. I'm here to answer your questions about the report and prorogation...

**Mr. Gérard Deltell:** You speak for the government, but you are not able to...

**Hon. Pablo Rodriguez:** Mr. Deltell, if you invite me to talk about the report and the prorogation, I expect there will be questions about it.

**Mr. Gérard Deltell:** The reason for the prorogation was that the family of the Prime Minister was to testify through Speakers' Spotlight, which was scheduled to appear on August 19. Did the Prime Minister have any influence on this decision, yes or no?

**Hon. Pablo Rodriguez:** Madam Chair, we have two very different visions of things.

• (1115)

**Mr. Gérard Deltell:** I will help you answer the question. In your speech, you mentioned transparency three times. Are you prepared to table with the committee all the exchanges that took place between your office and the office of the Prime Minister that led to prorogation?

In the interest of transparency, are you prepared to table these documents, yes or no?

**Hon. Pablo Rodriguez:** Madam Chair, committee members may make any request they wish.

**Mr. Gérard Deltell:** So, let me ask you: are you ready to do this?

**Hon. Pablo Rodriguez:** Mr. Deltell, we are not in court before a jury. We're talking with colleagues, and in principle, we should be talking about prorogation and the enormous amount of work...

**Mr. Gérard Deltell:** Yes, but you're not able to tell me how much influence the Prime Minister had. I want to help you with your thinking. I invite you to table all documents, that is, notes, emails and texts exchanged between your office and the Prime Minister's Office relating to prorogation.

Are you ready to take part in this exercise in transparency, yes or no?

**Hon. Pablo Rodriguez:** Mr. Deltell, this committee did an enormous amount of work. You were not at this committee...

**Mr. Gérard Deltell:** Answer yes or no.

**Hon. Pablo Rodriguez:** ...but your colleagues did an enormous amount of work. They discussed prorogation, they did research, they heard experts and university professors, and so on. This led to the report, and to my presence here today, to discuss prorogation with you.

**Mr. Gérard Deltell:** Canadians want to know what the Prime Minister's role was in the ultimate decision to prorogue Parliament. He was the one who announced it. What led to that? We want to know the answer to that question.

What might help you and Canadians, most of all, is to agree to table the emails, text messages and notes exchanged between your office and the Prime Minister of Canada's office.

Are you ready to carry out this exercise in transparency, yes or no?

**Hon. Pablo Rodriguez:** Mr. Deltell, you talk about what would help Canadians understand the reason for the prorogation, but I just explained it to you. I've done it in a few words, to limit my intervention and answer more questions...

**Mr. Gérard Deltell:** So the answer is no. You are not willing to table the documents.

**Hon. Pablo Rodriguez:** I explained to you why the government made this decision. Today, I speak for the government. I tabled the report in the House on behalf of the government, and I think that was a very serious process.

By the way, Mr. Deltell, you imply that this has never happened in history, but when your party was in government, it prorogued Parliament without any reason, and more than once.

[*English*]

**The Chair:** Thank you, Minister Rodriguez. That's all the time we have.

Monsieur Lauzon, you have six minutes, please.

[*Translation*]

**Mr. Stéphane Lauzon (Argenteuil—La Petite-Nation, Lib.):** Thank you very much, Madam Chair.

I would like to thank Mr. Rodriguez for his speech.

What I understand, Mr. Rodriguez, is that prorogation is a fresh start, with the government's Speech from the Throne. The Prime Minister clearly announced it that way. The pandemic changed priorities a great deal. We needed a fresh start to focus on new priorities and meet the needs of Canadians.

You gave some examples earlier. I would like you to tell us about the fact that the government had to send members of the Canadian Armed Forces to long-term care homes in the spring. Some patients were not being fed or were wearing dirty diapers; some patients were lying on the floor after falling; and some seniors were found dead in their beds. The Canadian military had to step in to stop this. It became clear that the federal government's role in health care in a crisis situation was very important, as was the need to create national health standards for the well-being of the population, especially seniors, whom I represent here as parliamentary secretary.

Some politicians today are trying to make us believe that with a little money we can fix everything. They are trying to divert attention from this terrible and inhuman tragedy. We have seen why the prorogation was necessary. COVID-19 has already taken the lives of over 20,000 Canadians. This is about our fellow Canadians and our families. Our government will never forget the inhumane con-

ditions in which many died. We have done everything in our power to ensure that this will never happen again, and we will continue to work hard.

Can the Government House Leader explain how prorogation allowed the government to work on a number of issues that are priorities for Canadians?

● (1120)

**Hon. Pablo Rodriguez:** Mr. Lauzon, thank you for the important work you do as parliamentary secretary for our seniors. It is absolutely essential work, and you do it brilliantly.

The pandemic changed everything. It has affected our seniors more than any other group. What has happened is absolutely unacceptable. We realized that our seniors were much more vulnerable than we thought and that our social safety net was not as strong as we thought. Too much was falling through the cracks. The number of deaths among our seniors is incredibly sad.

We stepped in as much as we could to lend a hand, in collaboration with the provinces, by the way. We collaborated well with Quebec and all the provinces, but we had to do this restart, that is to say press a button and start again.

At the beginning of the pandemic, the government had made its first Speech from the Throne and we were just coming out of a fresh election campaign. Who would have thought that we would be talking about a pandemic, an economic crisis, outbreaks, rapid tests, masks, hand sanitizer, wage subsidies, vaccination campaigns? No one did. We dealt with all this as much as possible. Again, I repeat that we did it in co-operation with all parties—I see Mr. Therrien, Mr. Deltell and Mr. Julian—because it's not just the responsibility of government alone to look after Canadians, it is the responsibility of all parliamentarians. We were all elected for the same reason.

This is why, once again, I would like to thank my colleagues from the different parties for their co-operation. This has allowed us to pass a series of bills that have given us the means to help people. However, towards the end of the summer, we realized that there would be a second wave. The question was no longer whether there would be a second wave or not, but rather what the impact would be. We wondered how we were going to respond and what tools we would need to deal with it. That's when we made the decision, as a government, to press "pause" and refocus all of our actions, not just those of the executive, but of all public servants.

**Mr. Stéphane Lauzon:** That is a very important point, indeed. We saw how vulnerable seniors were at that time. We also saw what steps the government took after prorogation.

The first pillar of the fall 2020 Speech from the Throne was to protect Canadians from COVID-19 in a minority government context. While it is important to respect democracy, it is also important to remember the scope of this pandemic. It was necessary for a majority of Parliamentarians to support our government's plan, and that is what happened. The prorogation of Parliament in August 2020 allowed us to create a plan to protect Canadians.

Can the House leader tell us about the importance of prorogation? It allowed the government to put in place a plan in the context of a health and economic crisis, a plan which could be supported by a majority of parliamentarians, not just Liberal MPs.

**Hon. Pablo Rodriguez:** That is a very good question.

You're right, it was absolutely essential...

[English]

**The Chair:** Unfortunately, that's all the time we have. Hopefully, in another round you can get that in.

**Hon. Pablo Rodriguez:** That was a very good question.

**The Chair:** It was a very good question, but Monsieur Therrien is next.

[Translation]

**Mr. Alain Therrien (La Prairie, BQ):** Thank you, Madam Chair.

Good morning, Mr. Rodriguez. I'm very happy to see you again. I also want to acknowledge my colleague, Mr. Deltell. We work a great deal together and it's a pleasure to do so.

I don't have much time, so I'll ask some clear questions.

We're told that the prorogation was prompted by the need for a renewal or by the COVID-19 situation.

Mr. Rodriguez, when were COVID-19 policies introduced?

**Hon. Pablo Rodriguez:** Thank you for your question, Mr. Therrien. It's very good to see you again.

We started to make adjustments as soon as we saw the first outbreaks. Like you, we were looking at what was happening in other parts of the world. We started to put things in place with the opposition. However, we needed a clear statement or a clear direction, and that's what we did—

• (1125)

**Mr. Alain Therrien:** Mr. Rodriguez, I'm just asking you when the policies related to the COVID-19 crisis were introduced.

**Hon. Pablo Rodriguez:** As soon as we were able to start introducing bills, either in March or April.

**Mr. Alain Therrien:** Okay.

**Hon. Pablo Rodriguez:** We spoke to each other every day, Mr. Therrien.

**Mr. Alain Therrien:** That's fine.

So why didn't you prorogue Parliament in March? You said that the prorogation in September was prompted by COVID-19. It should have taken place in March, because that's when the practices completely changed.

**Hon. Pablo Rodriguez:** We made all kinds of decisions. We decided to shut down Parliament temporarily. When we resumed, it was in the form of a committee to address the COVID-19 issues.

In hindsight, you can develop all sorts of theories and ask all sorts of questions. Maybe we should have done it before, and maybe not. I don't know.

**Mr. Alain Therrien:** Would it have been better to prorogue Parliament in March?

**Hon. Pablo Rodriguez:** Ultimately, it would have been better if there had never been any COVID-19.

**Mr. Alain Therrien:** Come on.

**Hon. Pablo Rodriguez:** Mr. Therrien, I can ask you several questions and ask you what would have been better eight months ago. We went as far as we could at that time, thanks to you, Mr. Deltell and Mr. Julian. However, at a certain point, we really needed to refocus all the government's efforts, and that's what we did.

**Mr. Alain Therrien:** Okay, but in this case, it would have been better to do this in March, because that's when all the COVID-19 policies were implemented. In September, you gave the public more of the same. That's what I understand.

**Hon. Pablo Rodriguez:** No, not—

**Mr. Alain Therrien:** What significant event happened on August 17?

**Hon. Pablo Rodriguez:** It wasn't a specific day.

**Mr. Alain Therrien:** No?

**Hon. Pablo Rodriguez:** Discussions came into effect. They started a long time ago—

**Mr. Alain Therrien:** What happened on August 17?

Mr. Rodriguez, you're a very intelligent and very well-informed man. I'm sure that you were well prepared before coming to speak to the committee about this matter. The extremely significant event that happened on August 17 was the resignation of your Minister of Finance. That's quite significant. You shut down Parliament on August 18. What were the activities of Parliament when you decided to shut it down? What was happening in Parliament at that time?

**Hon. Pablo Rodriguez:** We were discussing COVID-19 and a whole bunch of things.

**Mr. Alain Therrien:** Mr. Rodriguez, what exactly was going on?

**Hon. Pablo Rodriguez:** At one point, we needed to make the decision to prorogue Parliament. Could we have done so a week earlier or a week later? Probably.

**Mr. Alain Therrien:** I'll ask my question again. On August 17, the Minister of Finance resigned. On August 18, what was Parliament working on? I'm asking for a straightforward answer.

**Hon. Pablo Rodriguez:** Parliament was working on COVID-19 measures, Mr. Therrien.

**Mr. Alain Therrien:** Parliament was focused on the WE Charity scandal. All the committees were focused on the scandal. When you shut down Parliament, you shut down the work on the WE Charity scandal. That's what you did.

The experts who appeared before the committee said that a proration is a time to wipe the slate clean, which you didn't do. We were continuing the work undertaken in March, the work that guided the economic policies on COVID-19. So there was nothing new.

The experts also said that Parliament couldn't be shut down for long because it was an essential tool for fighting COVID-19 and for our job as legislators. They said that, if the government had wanted to wipe the slate clean, they would have shut down Parliament on September 18. You shut it down on August 18.

Why didn't it make more sense to shut down Parliament on September 18? Why were you fine with Parliament not sitting for a month? Why didn't you do this on September 18 instead of August 18?

**Hon. Pablo Rodriguez:** Is it possible to write a Speech from the Throne in three or four days?

**Mr. Alain Therrien:** Come on.

**Hon. Pablo Rodriguez:** That's basically what you're asking us, Mr. Therrien.

**Mr. Alain Therrien:** It's very simple to rewrite a Speech from the Throne like the one you wrote, because there was no break. It was more of the same. You took the 2019 Speech from the Throne and added some of the COVID-19 items that we had been working on. That's it.

**Hon. Pablo Rodriguez:** Mr. Therrien, let's agree to disagree on that. I disagree completely.

**Mr. Alain Therrien:** Mr. Rodriguez—

**Hon. Pablo Rodriguez:** I completely disagree with your approach, and that's fine.

**Mr. Alain Therrien:** Mr. Rodriguez, governing involves planning, which you haven't done since your government was elected in 2019. It would have been easy to plan for a Speech from the Throne and still let Parliament run. You could have prorogued Parliament on September 18, as suggested by all the experts who appeared before this committee. Parliament should have been shut down for as short a time as possible so that we could do our job.

Why didn't you wait until September 18, so that the committees could continue to work on the WE Charity scandal?

**Hon. Pablo Rodriguez:** Mr. Therrien, Parliament has done its job, an excellent job in fact. We've worked together to pass bills. You'll recall the committees that we set up in June and July. We made sure that the opposition could ask as many questions as possible in the COVID-19 committees. You should recall this because you were there. The opposition had the opportunity to ask many more questions than usual and to play its role, which is crucial.

Now, is there any continuity? Of course. The pandemic has continued. It hasn't stopped. It hasn't taken a break. It has continued, and we're also continuing to do what needs to be done.

• (1130)

**Mr. Alain Therrien:** Why did you choose August 18?

**Hon. Pablo Rodriguez:** A date is a date, Mr. Therrien. It could have taken place before or after.

**Mr. Alain Therrien:** What you're telling me here encapsulates the way that you've been governing from the beginning. You're saying that it isn't a big deal—

**Mr. Alain Therrien:** You had a very clear purpose for doing this, even though you don't want to say it—

**Hon. Pablo Rodriguez:** We had to prepare for the second wave.

**Mr. Alain Therrien:** You can't govern like this all the time, by picking one date or another, one vaccine or another, and so on. It doesn't work.

[English]

**The Chair:** Mr. Therrien, that's all the time we have for this round.

Next we have Mr. Blaikie for six minutes, please.

**Mr. Daniel Blaikie (Elmwood—Transcona, NDP):** Thank you very much.

You said a few times now that proration was necessary so that the government could work on the speech. How many people were working on this speech? What do you think government would...? What jobs would the government have been doing, if Parliament were sitting, that it didn't do during proration? What I'm hearing is that proroguing meant that the government was off the hook for all sorts of work that otherwise would have kept it so busy that it couldn't have written a half-hour speech.

What were the things the government wasn't doing while proration was in effect, so that you were able to commit so much time and resources to this apparently momentous speech?

**Hon. Pablo Rodriguez:** Thank you for your question, Mr. Blaikie, and thank you for the work of your party during this crisis, because we were able—as I said to Monsieur Therrien and Monsieur Deltell—to work together to help Canadians. That includes all of you.

We needed to send a clear message that the government was fully concentrating all its efforts on this—a clear message to the population and a clear message to all the public servants. We needed that reset so we could focus and consult. There's been a lot of consultation. That takes time. It doesn't take three days—



**Mr. Daniel Blaikie:** Indeed it does, but what is the work that your government did not perform that it otherwise would have done if there had been no prorogation? What you're telling me is that prorogation let you off the hook for certain kinds of work in order to focus on the Speech from the Throne. What work was it that you weren't doing as a result of prorogation that gave you so much more time, which you're telling us was needed, to get the Speech from the Throne right? What were you not doing during prorogation that you would have been doing if the House had been sitting?

Incidentally, it was only supposed to sit for one day out of the entire period it was prorogued. Was it just during that sitting day that you guys were working on the Speech from the Throne and you really needed the time, or were there other days you weren't doing things that you would have been doing otherwise?

**Hon. Pablo Rodriguez:** Mr. Blaikie, you know that a Speech from the Throne takes time. It takes time because you're not there sitting by yourself in a room drafting a few notes here and there. You have to consult. You go out and you consult. There are people are on the ground, experts from the business sector, from the social sectors, from everywhere, and this is what we did.

**Mr. Daniel Blaikie:** During the pandemic response, while Parliament was sitting, you weren't consulting with people.

**Hon. Pablo Rodriguez:** We were.

**Mr. Daniel Blaikie:** You're telling me you only had time to consult if Parliament was prorogued, and that civic consultation and Parliament sitting are incompatible for your government. Do I have that right?

**Hon. Pablo Rodriguez:** It amplifies the efforts. It puts a focus on what we're doing. It sends a clear message to public servants and to all of us, to everyone, that we're really concentrating on this. Through all the discussions also with the provinces... There's no recipe to manage a crisis, Mr. Blaikie. You know that. When we got here, who knew about COVID-19? No one.

**Mr. Daniel Blaikie:** In what ways was Parliament distracting you from consulting with civil society on the direction that we should be taking? What was the burden you were relieved of in order to be able to focus more on consulting with Canadians, which apparently you hadn't been doing much of prior to prorogation, at least not effectively, which is why you needed the time off from Parliament, if I understand you correctly?

**Hon. Pablo Rodriguez:** I wouldn't call it a distraction because the work that Parliament and committees do, and you guys in the opposition do, is fundamental. What we wanted—

**Mr. Daniel Blaikie:** Could we not have continued doing that work while your government consulted?

**Hon. Pablo Rodriguez:** We did everything we could.

Listen, we've been going out for months, sitting down with the opposition, putting pieces here and there. I think we needed a clearer vision, something more broad, something that was based on consultation and very, very clear. We needed a path to follow because, again, none of us is an expert in managing a crisis the size of this pandemic.

**Mr. Daniel Blaikie:** Did it make sense to take that time while there was a looming deadline for the expiration of CERB and mil-

lions of Canadians were wondering what was going to happen to their household incomes and looking to Parliament to be hammering out a solution, and instead saw that the work of Parliament had stopped in that regard? I mean, couldn't the timing of this have been different?

If your government really felt the need to have an expression of confidence by the House, a Speech from the Throne is not the only tool to do that. The opposition had been calling for a budget for some time by then. Also, there's the option for your government at any time to introduce a motion to the effect of whether or not the House has confidence in the government. You don't need a Speech from the Throne to do it. You don't need a budget to do it. A simple motion would have been good enough. It would have allowed the work of Parliament to continue through the weeks between August 18 and when Parliament went back.

Why not choose those options? Why not test the confidence of the House with a simple motion and then wait for the consultative effort until after we had done right by Canadians and made it clear what would happen on the day that the CERB program expired, instead of leaving it until the eleventh hour, which caused a lot of unneeded stress and anxiety for many Canadian families in very difficult positions.

● (1135)

**Hon. Pablo Rodriguez:** Mr. Blaikie, getting the confidence of the House on this broad, very detailed program sent a clearer message, and I think that was necessary. It was definitely the right thing to do.

**Mr. Daniel Blaikie:** I just have to disagree that the Speech from the Throne provided a detailed program. Most of it was a rehash of things we'd heard before.

The details Canadians were really interested in were the details of what happened with the WE charity scandal, particularly students—

**The Chair:** Thank you, Mr. Blaikie. That's all the time you have.

Mr. Nater, you have five minutes.

**Mr. John Nater (Perth—Wellington, CPC):** Thank you, Madam Chair, and thank you, Minister, for joining us.

I'm curious. Did the government or the Liberal Party undertake any public opinion research informing the decision to prorogue—polling, focus groups, anything of that nature?

**Hon. Pablo Rodriguez:** I could not tell you that. I can tell you that there were clear indications that we really had to focus and re-set to make sure that we could build this very comprehensive and detailed plan to move forward, which would then also, as I said to Mr. Blaikie, get the confidence of the House to move forward.

**Mr. John Nater:** Would you be able to undertake to go back to PCO, or to the Liberal Party, and confirm whether or not there was research undertaken, public opinion research? If so, could you share that with our committee?

**Hon. Pablo Rodriguez:** You can ask the chair. You can make decisions. You're a committee so.... I've been sitting on committees and your work is super important. I'm not preventing you from doing that. I'm here to answer your questions.

**Mr. John Nater:** On what date did you become aware that the House would be prorogued?

**Hon. Pablo Rodriguez:** The exact date I don't know.

We had discussions about the second wave that was coming and, at a certain point in time, it was not about whether we would have a second wave anymore. It was about how hard it was going to hit us and how all our energy had to be focused on that second wave, preventing it as much as possible but also attacking it and fighting it.

**Mr. John Nater:** You don't have an exact date, but was it a couple of days before, a couple of weeks before? When did those conversations start?

**Hon. Pablo Rodriguez:** I don't know. Honestly, I don't know. Those are discussions that go back and forth, but the main discussion was on how we would focus on this and how we would send a clear message to the public servants, to the population and to the provinces that we really had to focus our efforts on fighting this huge tragedy, the huge crisis that is COVID-19.

**Mr. John Nater:** Thank you, Minister.

I often go off-script myself. I don't always read things word for word, but I noticed a small change in your speaking notes. When you spoke today you said the "one reason" we prorogued was to come back to the House with a new plan. It doesn't say that in your speaking notes.

Can you confirm that the one and only reason for proroguing was to come back to the House...?

**Hon. Pablo Rodriguez:** I changed it this morning when I woke up. We do that all the time, right? We change our notes.

For me it was clear, so I just wanted to make it clear. There's never been a doubt in my mind that was the reason. COVID-19 is a big enough reason for that.

**Mr. John Nater:** I'm not denying that we all go off-script, much to the chagrin of our staff sometimes, but I just wanted to confirm that the only reason in your mind was to come back with a plan.

I want to talk a little bit about committees. Your government often says that committees are independent and that they don't take orders from the centre, if you will. After prorogation, what we saw was a rather concerted effort on multiple committees to filibuster the committees, to block motions from coming forward and to suspend meetings for days on end.

Do you stand by your decision that none of that was coordinated and it was all entirely independently done by individual committees?

• (1140)

**Hon. Pablo Rodriguez:** Yes.

**Mr. John Nater:** You're confirming that there was no coordination and no communication with committee members on any of these committees from the House leader's office, from the whip's office or from Liberal Party operatives.

**Hon. Pablo Rodriguez:** Mr. Nater, I had the privilege to be in opposition for seven years. I was trying to do your job as best I could. Mr. Lukiwski was there, and some of you were there at the time. I knew then and I know today how important it is to keep the independence of those committees, and we respect that. I'm sure you do too on your side. It's fundamental.

**Mr. John Nater:** It is a privilege to serve in opposition. I hope you get an opportunity to serve in opposition once again.

**Hon. Pablo Rodriguez:** I've been there before.

**Mr. John Nater:** It's quite an honour.

I want to go back to this. There were no emails, no memos and no communications between the House leader, the whip's office, Liberal Party operatives and members of the committee.

**Hon. Pablo Rodriguez:** I'm sure there's regular communication between members of a caucus. I'm sure you do the same thing, but are we there to direct committees? No. The committees are masters of their own destinies. They do their job and they do it well. It's fundamental in our democracy.

**Mr. John Nater:** The Liberal Party 2015 platform says fairly clearly, "We will not resort to legislative tricks to avoid scrutiny. Stephen Harper has used prorogation to avoid difficult political circumstances."

Would you not agree that the WE scandal was a very difficult political situation for your government and your party?

**Hon. Pablo Rodriguez:** You're trying to make a link between that and the prorogation. As I explained before, there isn't one. COVID-19 in itself is important enough to prorogue and reset.

**Mr. John Nater:** That's with the helpful benefit of a political situation there.

Thank you, Madam Chair.

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

Mr. Turnbull, you have five minutes.

**Mr. Ryan Turnbull (Whitby, Lib.):** Thank you, Madam Chair.

Thank you, Mr. Rodriguez, for being here. It's a pleasure to see you and I really appreciate all your collaborative leadership throughout this pandemic.

There have been some implications that other committee members have made here, but you said in your opening remarks that no one really could have predicted the biggest health and economic crisis of our time. In the first throne speech there was no mention of all kinds of things that appeared in the renewed throne speech we got more recently.

In terms of the significant impact and context shift that we saw during COVID-19, could you highlight one or two aspects of that? I think what you said was that the contextual shift really required a re-evaluation of the government's priorities. I don't mean to put words in your mouth, but maybe you could talk about those big impacts.

**Hon. Pablo Rodriguez:** It was huge, I would say, for all of us. Just think about the fact that we're here on a screen. We can't meet in person and we can't go to Parliament. Everything changed, Mr. Turnbull, as you say. I'm sure all colleagues agree on that.

The first throne speech was really about looking forward, being innovative and looking to the future, but it was based on the present. It was based on the situation we were in. There was no word of testing, vaccination, relaunching the economy, massive loss of jobs or closing the borders. That didn't exist. We needed to adapt. Honestly, we did the best we could for a while.

Again, I'm turning to Mr. Deltell and Mr. Therrien, and Mr. Julian for the NDP. We sat together and we were able to work for Canadians, but we got to a moment where it was clear that we were heading into a second wave. We didn't know how big it was going to be. It's huge. We needed to reset, and this is what we did.

**Mr. Ryan Turnbull:** It's as if there was a moment of crisis with all hands on deck. Would it be fair to say we were working full out, as effectively as possible, for a period of time, and that between the first and second waves there was a moment where it seemed like a good time to reflect and ask ourselves if we were on the right path? Would you say that's true?

• (1145)

**Hon. Pablo Rodriguez:** You're absolutely right.

I cherish those few weeks that we had in the summer, when things seemed more positive. There was sun and we could go outside, but at the same time we knew that things were about to change and this second wave was going to hit us. We saw at that moment that other countries were being hit by that second wave. At the same time, we were heading into the fall and winter, which meant schools being back and people being inside, so there would be more challenges and more danger of contamination.

We had been working since day one without a clear plan. We had been doing the best we could, collectively. I'm looking at all the parties. We needed that frame—that big plan—and this is what we went to get with the throne speech.

**Mr. Ryan Turnbull:** Thank you.

Just for clarification, several other members have made comments about rewriting a speech and how it would take only 30 minutes or that it's very easy to rewrite a throne speech. I seem to recall a very significant, worthwhile consultation process that happened leading into the throne speech. I'm a new member of Parliament. I don't know if that's a regular occurrence, but from what I hear from other members, you don't usually have that big a consultation process leading into a throne speech.

Do you want to speak to that, Mr. Rodriguez, in terms of the process?

**Hon. Pablo Rodriguez:** Absolutely.

Any throne speech will take time, but for a throne speech that is a master plan to fight a pandemic not seen since the Spanish flu, coupled with this recession, of course you will need time. Of course you will consult. Of course you will need to talk to experts. Who am I to say that this is what we have to do to end the pandemic or to relaunch the economy? I have my own ideas. We consult people from everywhere—experts—and took some time to draft the speech, and this led us to the second throne speech.

**The Chair:** Thank you, Minister.

Next we have Mr. Therrien.

You have two and a half minutes, Mr. Therrien.

[*Translation*]

**Mr. Alain Therrien:** Thank you, Madam Chair.

I'll ask a straightforward question. We're talking about telework; the Canada emergency response benefit, or CERB; the wage subsidy; and getting a vaccine.

When did we start talking about all this, Mr. Rodriguez?

**Hon. Pablo Rodriguez:** During the first phase.

**Mr. Alain Therrien:** When was the first phase?

**Hon. Pablo Rodriguez:** When we collectively became aware of all this and shut down Parliament, in March. At that point, we had already known since February that things—

**Mr. Alain Therrien:** Okay. So in March.

**Hon. Pablo Rodriguez:** Yes.

**Mr. Alain Therrien:** So, if the prorogation were based on these reasons, it should have taken place in March.

**Hon. Pablo Rodriguez:** We shut down Parliament in March, Mr. Therrien.

**Mr. Alain Therrien:** I understand. However, since you're saying that the prorogation took place for these reasons, meaning telework, the CERB, the wage subsidy and the vaccines, it should have taken place in March.

**Hon. Pablo Rodriguez:** We didn't even know whether we would return to Parliament, Mr. Therrien.

**Mr. Alain Therrien:** So don't say that you prorogued Parliament in September because all this came about. It happened in March. You just confirmed this.

**Hon. Pablo Rodriguez:** Out of respect, don't put words in my mouth, Mr. Therrien. I said that we made this decision because a second wave was coming and we had no idea how big it would get. In the end, it was huge. We wanted to focus the government's efforts on that.

**Mr. Alain Therrien:** Okay. However, when you bring up telework, the CERB and all these reasons for the prorogation, you're misleading the committee, because we started talking about this in March.

I'll go back to August 18. You're telling me that it's a date like any other. I'm troubled to hear this from the Leader of the Government in the House. I know you well, Mr. Rodriguez. I know that your comments are more specific and that you're smarter than this.

You're telling me that you chose August 18, but that it could have been another date.

Why did Mr. Morneau, who was the Minister of Finance, resign on August 17?

**Hon. Pablo Rodriguez:** Look, you should refer to his own statements. I don't remember them, but I could send you his speech.

**Mr. Alain Therrien:** Are you serious? You don't know why!

**Hon. Pablo Rodriguez:** I am serious. He had his own reasons for doing so—

**Mr. Alain Therrien:** We're talking about the Minister of Finance. We aren't talking about—

**Hon. Pablo Rodriguez:** I'm not sure what this has to do with the prorogation.

**Mr. Alain Therrien:** Was he involved in the WE Charity scandal?

• (1150)

**Hon. Pablo Rodriguez:** The committees discussed this matter.

**Mr. Alain Therrien:** I'm asking you the question. Was he involved in the scandal?

Was his name brought up in the meetings of the committees that looked at the WE Charity scandal?

**Hon. Pablo Rodriguez:** Did the opposition bring up his name? Yes, they brought up his name, along with many other names—

**Mr. Alain Therrien:** Okay. So he's involved in it.

**Hon. Pablo Rodriguez:** However, again, I don't see what this has to do with the prorogation.

**Mr. Alain Therrien:** It's very clear to me. On August 17, the Minister of Finance was forced to resign because of his involvement in the scandal. On August 18, you prorogued Parliament, thereby putting an end to the work of the committees that were looking at the WE Charity scandal.

Who were you trying to save?

Once the Minister of Finance had resigned, who would have been next to end up in the hot seat and be forced to resign because of his involvement in the scandal?

[*English*]

**The Chair:** Mr. Therrien, your time is up.

[*Translation*]

**Mr. Alain Therrien:** It's your Prime Minister.

You saved your Prime Minister. You absolutely did that.

**Hon. Pablo Rodriguez:** With all due respect, Mr. Therrien, I completely disagree with you.

[*English*]

**The Chair:** Your time is up.

Mr. Blaikie, you have two and a half minutes.

Go ahead, please.

**Mr. Daniel Blaikie:** Thank you very much, Madam Chair.

You've said a few times that we should believe that the consultation requirements for the Speech from the Throne were sufficient reason to accept that the government prorogued Parliament when it did, even though there were several investigations into the WE Charity scandal going on at the time, even though it followed right on the heels of the resignation of the finance minister, apparently as a result of the same scandal, and even though there was still a lot of work yet to be done on how to replace CERB with another income support program, to not leave millions of Canadian families out in the cold.

The question isn't whether consultation is required when you're doing a speech like that. The question is whether government has the resources to both consult and continue to do the job of the government.

What I am hearing is that you don't believe that the government could continue to do the job of the government, including being accountable to Parliament, and consult adequately to prepare a Speech from the Throne. I find that incredible because it seems to me that government ought to continuously be consulting on important initiatives even as it runs the country and is responsible to Parliament.

What I can't fathom is how your government thinks it doesn't have the resources to consult with people about a meaningful Speech from the Throne while continuing to do the job of running the nation, including being accountable to Parliament. Why do you think your government can't pull off being consultative and accountable to Parliament at the same time?

**Hon. Pablo Rodriguez:** With all respect, Mr. Blaikie, you're coming back to the same question you've asked twice, so this is the third time, and I did answer.

**Mr. Daniel Blaikie:** I haven't had a good answer yet, so I continue to give you opportunities to impress.

**Hon. Pablo Rodriguez:** I'm sorry if you don't like my answer. I am doing my best—

**Mr. Daniel Blaikie:** You continue to disappoint.

**Hon. Pablo Rodriguez:** —to give you a good answer, but the thing is that we needed that plan and I said it in both languages before. We went as far as we could. We did everything we could to try to manage this crisis, project by project, bill by bill, this and that. We needed a master frame that would lead us to fight the second wave, and this is what we did, and it was—

**Mr. Daniel Blaikie:** What I am saying is that you had a duty to prepare that plan, if you really felt that was what was needed, while engaging with parliamentarians on the question of how to replace CERB, so it wasn't done at the last minute, as it ultimately was.

There have been issues with some of the programs that were designed and agreed to there, which we might have been able to foresee and prevent had we had parliamentary time to study them.

You had a duty to prepare that framework even while answering important questions about how you guys really let down a lot of students in the summer because you didn't give them access to CERB. You gave them access to a reduced emergency benefit on the pretense that there was going to be a job program for them that never came to be, because people were playing footsie under the table with folks at WE Charity. It was students who bore the real price of that because they didn't get the job program that was promised to them, to make up for the fact that they didn't get the same income replacement they would have had on CERB.

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

Next we have Mr. Lukiwski, for five minutes, please.

Mr. Lukiwski.

**Mr. Tom Lukiwski (Moose Jaw—Lake Centre—Lanigan, CPC):** Thank you, Chair.

Minister, it's good to see you again. You and I go back a long way.

**Hon. Pablo Rodriguez:** Yes, we do.

**Mr. Tom Lukiwski:** We were both elected in 2004. We've been here ever since, except you took a four-year hiatus in 2011, but it's good to see you back here again.

I'm going to speak very honestly and candidly with you, Minister, and I hope you reciprocate.

It is clear to everyone in this committee, and I know it's clear to you as well, there was only one reason for prorogation being called in early August and that was to shut down committees that were investigating the WE Charity scandal. That was the singular reason for doing so. Every academic who has come before this committee—and we have had several—admits that was the reason. They all agree to that. They all agree, in addition, that prorogation was not necessary. If it had been the case that prorogation was necessary, it could have been called much later, even literally days before Parliament resumed.

The prorogation excuse that you are offering, Minister, is weak. I know most Canadians who are paying any attention to this understand that fundamentally. One of our academics went so far as to say that the Prime Minister's decision to prorogue Parliament was an abuse of power. I agree with that as well. Prorogation is a tool. The Prime Minister chose to use it and that was his decision, that was his prerogative.

I want to go back to what Mr. Nater, my colleague, was saying about the extension of prorogation and one of the ancillary effects of prorogation and that is the impact it had upon committees. Because, since your Parliament shut down committees through prorogation, it took it one step further when Parliament and committees

were reconstituted in mid-September. That is, Liberals on both the ethics and finance committees started filibustering.

You have stated, Minister, on the record before this committee that it was independent of any decisions from your office, the whip's office or the PMO that parliamentarians on those committees made those decisions.

I've been around a long time. I've filibustered on many occasions and you know that. You were on the same committee as me when I went on for about eight and a half hours and you know—

• (1155)

**Hon. Pablo Rodriguez:** You filibustered my bill.

**Mr. Tom Lukiwski:** You know as well as I do, Minister, that filibustering doesn't just occur when committee members wake up one morning and say, "Hey, you know something, let's filibuster today." They are instructed to do so. There are consultations, there are meetings between the whip's office and committee members, they are given a game plan and they follow it.

Minister, I don't expect you to admit that you or the whip's office instructed parliamentarians to filibuster, but can you at least show some modicum of honesty and tell us exactly what discussions were held between committee members, your office, the whip's office and the PMO, prior to the filibustering of those two committees?

**Hon. Pablo Rodriguez:** Hello, Mr. Lukiwski. It's good to see you, by the way.

You did filibuster a lot of the time. If you remember, you filibustered my bill. I had a private member's bill on Kyoto and you did speak, I think, for two hours during that meeting. You were pretty good at it.

That being said, of course, you will not be surprised that I disagree with your comments, because you see it one way and I see it the other way. I'm part of the government—

**Mr. Tom Lukiwski:** It's a simple question, and you are compelled, Minister—and I know you know and I don't have to lecture you on this—to speak the truth at committees, particularly in your role as a minister.

**Hon. Pablo Rodriguez:** Of course.

**Mr. Tom Lukiwski:** Are you saying for the record that there was no influence, no direction given, no suggestions given from anyone in your office, the whip's office or the PMO to committee members to engage in filibustering? Are you saying that on the record, sir?

**Hon. Pablo Rodriguez:** Mr. Lukiwski, you know very well that committees are independent. You sat on committees for years. I sat on committees for years. They're independent. Again, if I may, you have said a lot of things, but I'll be short: There's no recipe to manage a pandemic. We're doing our best. You're doing your best. All of us, we're doing our best. We went as far as we could by adopting bills here and there, and we needed that master plan—

**Mr. Tom Lukiwski:** You didn't answer my question about filibustering and whether there was any direction given to committee members to filibuster. Were the instructions given by someone, in your office or the whip's office or the PMO, to committee members to engage in filibusters of the ethics and the finance committees, yes or no?

**Hon. Pablo Rodriguez:** Again, it's the same question, Mr. Lukiwski. Committees are independent. We have very smart people on all sides sitting on these committees and they know what they have to do.

**The Chair:** Thank you, Minister.

**Mr. Tom Lukiwski:** If you honestly think that's the truth, Minister, I feel very sorry for you.

**The Chair:** Thank you.

Next we have Ms. Petitpas Taylor. Then we'll say goodbye to the minister and we'll have the officials on for the remainder of the meeting.

Ms. Petitpas Taylor, you have five minutes.

**Hon. Ginette Petitpas Taylor (Moncton—Riverview—Dieppe, Lib.):** Thank you so much, Madam Chair.

Before I ask a few questions, I just want to, for the record, indicate that we also had some academics who appeared before committee. Some of them indicated that they approved. They felt that it was very appropriate that we used prorogation, that it was at an appropriate time and that it was called for, specifically when we are dealing with a global pandemic and that pandemic is not just a public health crisis but touches all parts of our society. I just wanted to make sure that was clear on the record.

Mr. Minister, thank you so much for being with us today. It's always a pleasure to see you.

I'm going to have a few basic questions to ask you, questions that perhaps we as parliamentarians believe are basic but for Canadians who are watching PROC.... I'm sure there are many people out there watching this committee work today, and I thought it would be good for the record for people to understand the language that we use. I bring this up because in August, September and even October, I met with my youth council members in Moncton—Riverview—Dieppe, and I took it for granted that they knew what prorogation was all about, the purpose of it and even throne speeches. Then my staff person kind of winked at me and said, "Ginette, perhaps you could explain to people the purpose of prorogation, and the steps that are taken when that occurs."

First and foremost, could you just explain to Canadians the purpose of prorogation? What does prorogation mean? What steps are taken when proroguing Parliament?

Those are my three questions, and I'll give you my remaining time to answer.

• (1200)

**Hon. Pablo Rodriguez:** Thank you very much, Madam Petitpas Taylor, and thank you for all the work you do, especially with the caucus. It's really appreciated, especially during this tough time. I know it's difficult for all of us, all caucus members and all different parties. I want to thank you for what you and all our colleagues have done.

Basically, when you prorogue Parliament, it's temporarily dissolved. It's been used in the past. We think that it's an important tool, but you have to explain why it is used. That's not what was done in the past. Mr. Lukiwski was there when Mr. Harper prorogued twice, and he prorogued for weeks and there was no reason. I think it would have been important for Parliament at that moment to have received this type of explanation.

[*Translation*]

That is why we included the following in our 2015 platform. Any government using prorogation must table a report in the House of Commons, which I did on the government's behalf. That report is directly passed on to the Standing Committee on Procedure and House Affairs, as in this case, and the government must explain why it wants the prorogation. That is what I am doing today before you on the government's behalf.

It is extremely important for us to have added that layer of transparency, which I would refer to as a strengthening of democracy, as it may occasionally be necessary to prorogue Parliament. This has been seen in many governments, no matter what party was in power. What is just as important, Ms. Petitpas Taylor, is that the House receive the report and understand why it is necessary for the government to proceed in this way.

I am appearing before you today to explain that this prorogation was absolutely necessary because we were facing the worst pandemic since the Spanish flu and the biggest economic crisis since 1929. We worked with the opposition parties—the Conservative Party, the Bloc Québécois and the NDP—to introduce bills. It was absolutely necessary to build this comprehensive plan that would allow us to focus all our efforts on the fight against COVID-19 to help all Canadians.

When we did this, we were not wondering whether there would be a second wave. We knew there would be one, but we did not know how serious it would be. We now know that it is very serious. We wanted to focus the government's efforts on that crisis, and that is what we did.

**Hon. Ginette Petitpas Taylor:** Thank you very much.

Madam Chair, I have only 15 seconds left. I will yield the floor to someone else.

**Hon. Pablo Rodriguez:** Thank you.

[*English*]

**The Chair:** Thank you for keeping track. That was exact.

Minister Rodriguez, thank you so much for taking time out to be with us today.

**Hon. Pablo Rodriguez:** I'd just like to say thank you to all the members.

[*Translation*]

I thank you all.

[*English*]

See you in the House.

**The Chair:** Goodbye, and thank you again.

Mr. Sutherland, Mr. Booth, do you have opening remarks as well?

**Mr. Allen Sutherland (Assistant Secretary to the Cabinet, Office of the Deputy Secretary to Cabinet (Governance), Privy Council Office):** I do, Madam Chair. Thank you for that opening.

**The Chair:** Please go ahead.

**Mr. Allen Sutherland:** Thank you for the invitation to participate in the meeting.

As you mentioned, I'm with Don Booth, who, as mentioned earlier, is my director of policy and is the Canadian secretary to the Queen, so he has one of the more interesting job titles and roles in the Canadian public service.

We read with great interest...and there was some allusion during the first part of the meeting to the committee meeting of January 28, which I found very interesting. Sometimes I feel that our democratic practices are less understood than they should be, so it was really heartening to hear some very thoughtful reflections from your witnesses, though I would note that given their quality, it's not really surprising that professors like professors Brodie, Cyr, Lagassé and Turnbull were very thoughtful on this subject.

In their presentations, the professors laid down the fundamentals of the exercise of the royal prerogative as it is practised in Canada. This included such principles as the Prime Minister having the authority to advise the Governor General to prorogue Parliament, which was mentioned by several of the professors; that under the principles of accountable government, the Governor General must act on this advice, which was mentioned most explicitly by Professor Brodie; and that in the history of Canada, a Prime Minister's request to prorogue Parliament has never been denied, which I believe was mentioned by Professor Turnbull.

During his presentation just now, Minister Rodriguez elaborated on the government's reasons for proroguing. He made reference to the Prime Minister's August press conference announcing prorogation, and I believe there was even a mention of the government's report that was tabled in October titled "Report to Parliament: August 2020 Prorogation—COVID-19 pandemic", which was an innovation and was the first time this sort of thing had been done.

I think where Don and I can usefully build on the foundation of knowledge that's already been established is on the mechanics of proroguing. How does it happen within the system? We're also in a position to lay out some of the streams of work that are initiated within the system when prorogation occurs; that is, how the public service responds to proroguing.

On the "how" of proroguing, there are a number of steps. In brief, the Governor General's authority to prorogue Parliament is set out in the "Letters Patent Constituting the Office of Governor General of Canada", 1947. It's in section VI for those who wish to look it up. Normally, when it is clear that the government intends to prorogue, the Governor General is made aware that a formal request from the PM will be forthcoming. PCO seeks formal PM direction regarding the intended date of prorogation as well as the date for resuming the House. With that PM direction, PCO drafts an instrument of advice and a proclamation for the Governor General's approval. Once approved by Her Excellency, the proclamation is published in the Canada Gazette. That's essentially the process that was followed.

On the prorogation in August, the public service kicked into gear to frame up the Speech from the Throne—and there was some discussion in the first part of this session on that—which was delivered on September 23, upon the return of the House after prorogation. This essentially engaged the priorities and planning group at PCO and involved considerable interdepartmental work to identify initiatives and themes, as well as to consider iterative work with the Prime Minister's Office.

As the minister mentioned, there was also a consultation process. The main themes of the Speech from the Throne, "A Stronger and More Resilient Canada", were the following: protecting Canadians from COVID-19, as the minister mentioned; helping Canadians through the pandemic; building back better; having a resiliency agenda for the middle class; and achieving the Canada we're fighting for, which had a real social justice, fairness and equity dimension to it. These themes from the Speech from the Throne were also prominent in the fall economic statement and also cascaded through to the supplementary mandate letters, which were released on January 15, 2021.

As you may know, the mandate letters are the Prime Minister's marching instructions to his ministry and the public service. In these letters, the Prime Minister explicitly addressed the pandemic and reiterated four key themes for the government going forward, which will sound very similar to what was in the Speech from the Throne because they were built off of it: protecting public health, ensuring a strong economic recovery, promoting a cleaner environment, and standing up for fairness and equality.

● (1205)

Having laid out briefly how prorogation is initiated and, in broad strokes, how it impacts the work of the public service, Don and I would be happy to take your questions.

Thank you.

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

We'll begin with Ms. Vecchio for six minutes.

Go ahead, please.

● (1210)

**Mrs. Karen Vecchio (Elgin—Middlesex—London, CPC):** Actually, I believe that we can go on to Peter Kent for this. Peter should be next, and then I'll be after that.

Thank you.

**The Chair:** Sure.

Go ahead, Mr. Kent.

**Hon. Peter Kent (Thornhill, CPC):** Thank you, Madam Chair.

Thank you, Mr. Sutherland and Mr. Booth. We send our best regards to Clerk Shugart as he deals with his health problems.

**Mr. Allen Sutherland:** Thank you.

**Hon. Peter Kent:** Did the Privy Council Office recommend prorogation, or was the PCO simply told after discussions that prorogation would occur?

**Mr. Allen Sutherland:** To my knowledge the Privy Council Office was asked. Advice was requested of us on the “how” of prorogation, not on whether to prorogue.

**Hon. Peter Kent:** When you were told about the prorogation, did you caution the Prime Minister that the sensitive work being done by committees would be lost with prorogation?

**Mr. Allen Sutherland:** It would have been well understood that proroguing the House would set in motion impacts on the committees, less so on private member's bills, but also on order paper questions, so that full suite of impacts would have been well known.

**Hon. Peter Kent:** On what day was the trigger pulled? On what day was the Governor General notified to be prepared to meet the Prime Minister to answer his decision to prorogue?

**Mr. Allen Sutherland:** I'm sorry, Mr. Kent. I can't give you an exact answer, but it's typically the case that it's just before. Months do not pass, nor even weeks. It would have been in the lead-up to the 19th, I guess.

**Hon. Peter Kent:** The Governor General was quick to respond and made herself available almost immediately.

**Mr. Allen Sutherland:** She made herself available.

**Hon. Peter Kent:** Can you tell us how long the meeting between the Prime Minister and the Governor General lasted?

**Mr. Allen Sutherland:** I cannot.

**Hon. Peter Kent:** We know that while the point was made, you mentioned that prorogation has never been denied by a Governor General. We do know that in some instances the Governor General pressed the Prime Minister of the day to justify and to explain, sometimes to the extent of more than an hour's discussion.

**Mr. Allen Sutherland:** That's correct. I know what you're referring to.

**Hon. Peter Kent:** The Prime Minister made the announcement on August 18, only hours after Minister Freeland had been sworn in as the new finance minister. Was the Governor General aware at that time that she would be asked to prorogue Parliament hours later?

**Mr. Allen Sutherland:** I'm trying to remember. I cannot be certain, but I think that sequence is quite likely.

**Hon. Peter Kent:** Could the PCO undertake to provide this committee with all of the emails, memos or documents that may have been circulated between the Privy Council Office and the PMO, or passed between the PCO and Rideau Hall about the options or the plans for the prorogation?

**Mr. Allen Sutherland:** If that's the committee's will, yes.

**Hon. Peter Kent:** I suspect it will be the committee's will. Thank you, sir.

Was the PMO fully aware, or did you have to inform it, that in fact prorogation could have occurred even on the day that Parliament was scheduled to resume, September 22?

**Mr. Allen Sutherland:** I don't know that for certain, but it is well known that some governments have had quite a short gap and others have had a much longer gap. The gap that was being proposed in this instance was well within the norms of what we've experienced.

**Hon. Peter Kent:** Finally, you referred to a number of highly qualified witnesses that the committee has heard from. Would you agree with the consensus that prorogation, while a perfectly legitimate tool of government, is often taken by governments in some political distress for political reasons?

● (1215)

**Mr. Allen Sutherland:** It's fundamentally a political decision, and it's not unusual for it to occur in a highly charged political context.

**Hon. Peter Kent:** The Prime Minister put an awful lot of stock in holding a confidence vote, in justifying prorogation and the return of Parliament and a new Speech from the Throne on confidence, but in fact, his report on prorogation claims that the “government was duty-bound and honour-bound to ensure” there was continued confidence in the House.

Wouldn't you agree that in fact that vote was not necessary and that there was an element of political theatre to it?

**Mr. Allen Sutherland:** It has been standard since Confederation that when you have prorogation and you have a Speech from the Throne, the next step is to have a confidence motion. Given that well-established precedent, I would say that a confidence motion was inevitable and necessary.

**Hon. Peter Kent:** Thank you.

Thank you, Chair.

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

We have Dr. Duncan for six minutes.

**Hon. Kirsty Duncan (Etobicoke North, Lib.):** Thank you, Madam Chair.

Thank you to Mr. Sutherland and Mr. Booth for coming today. Please extend our best wishes to Ian Shugart.

Protecting the health and safety of Canadians and protecting our economy are paramount during a pandemic. While this is an important study, I think there are much more pressing issues right now: addressing the variants; protecting Canadians' health and safety and democracy during an election should one happen; and learning from the response, so that the parliamentary precinct, Parliament and parliamentarians are better prepared for a future pandemic. Pandemics are a matter of when, not if.

Because I have a limited amount of time, I will be asking for largely yes-or-no answers.



As you know, this committee is concerned with the proceedings of the House and with the parliamentary precinct. While we are clearly in the throes of responding to the pandemic and our focus must be on the response, it will be important for this committee to later review the parliamentary precinct's response.

Was there a plan for the parliamentary precinct when the pandemic began? I'm looking for a yes or a no, please.

**Mr. Allen Sutherland:** I'm going to turn to Don.

Do you know that, Don?

**Mr. Donald Booth (Director of Strategic Policy and Canadian Secretary to the Queen, Machinery of Government, Privy Council Office):** Not that I'm aware of, but that doesn't really fall into our bailiwick, so there may well have been.

**Hon. Kirsty Duncan:** Thank you.

Could we find out if there was a plan? If there was a plan, everyone within the precinct should know that.

Could the groups...? My questions are going to be difficult now. You're not aware if there was a plan for the parliamentary precinct. Is that correct?

**Mr. Allen Sutherland:** No, we're not. It's not our area of expertise.

**Hon. Kirsty Duncan:** Okay. Seeing as most of my questions were related to that, I will turn this over to my colleague, Stéphane Lauzon.

Thank you.

**Mr. Allen Sutherland:** You have my apologies.

**Hon. Kirsty Duncan:** No, not at all—thank you for sharing your expertise.

**The Chair:** Go ahead, Mr. Lauzon. You have three and a half minutes.

[*Translation*]

**Mr. Stéphane Lauzon:** Mr. Sutherland and Mr. Booth, thank you for being here.

You talked about prorogation dates. Is there a mechanism that determines a specific date to begin prorogation? You also talked about a return date. Is there a mechanism that forces us to have a specific date? Explain the principle to me please.

[*English*]

**Mr. Allen Sutherland:** There is precious little; it is governed by convention. There are some limits as to how long the House can—as I'm sure members know—not sit. The limit is 365 days. In terms of setting the date, it is entirely within the PM's prerogative to determine the dates.

I would turn to my colleague, Don Booth, who has additional information on recent dates and prorogation.

• (1220)

**Mr. Donald Booth:** When the proclamation is drafted to prorogue, a pro forma date must also be set at that time as established by the Prime Minister. Generally, traditionally it has been 40 days or thereabouts, but in the past few decades that has varied. The pro

forma date can be changed. Doing so just requires the issuing of a subsequent proclamation.

Over the last three or four decades, it has varied from 14 days in 2002 to 32 days in 2007 to 63 days in 2009. It really depends on the circumstances of the day and the decision. It's the PM's decision.

[*Translation*]

**Mr. Stéphane Lauzon:** That brings me to another question. I don't want to interrupt you, as this is very interesting, but I don't have much time left.

There were prorogations under the Conservatives. We all heard it today.

Is there a difference between how those prorogations occurred and how this last prorogation occurred?

[*English*]

**Mr. Allen Sutherland:** No, the same basic procedures would have been followed and have been followed since Confederation and indeed since before Confederation.

**Mr. Donald Booth:** There used to be an alternative process that was a more formal process in the Senate, but that was discontinued back in the 1980s. Now it is just the issuing of an instrument of advice followed by a proclamation.

[*Translation*]

**Mr. Stéphane Lauzon:** I would like to ask one last question if I have enough time left, Madam Chair.

[*English*]

**The Chair:** You might just get the question out.

**Mr. Stéphane Lauzon:** I'm sorry...?

**The Chair:** You have 20 seconds.

[*Translation*]

**Mr. Stéphane Lauzon:** Do you agree that preparing the Speech from the Throne with a view to prorogue is a lot of work?

You mentioned the Privy Council Office and all the groups that worked on this file. It's a long preparation.

Do you agree with me?

[*English*]

**Mr. Allen Sutherland:** Yes.

[*Translation*]

**Mr. Stéphane Lauzon:** Thank you, Mr. Allen.

[*English*]

**The Chair:** That was perfect. Thank you.

Next we have Monsieur Therrien for six minutes.

Go ahead, please.

[*Translation*]

**Mr. Alain Therrien:** Thank you, Madam Chair.

I thank the two witnesses for joining us today.

Experts told us that, ideally, a prorogation should be short, to avoid preventing Parliament from doing its work. In this case, we were in the middle of a pandemic. So there was work to be done and urgent files to deal with.

Do you agree with those experts saying that a prorogation must be as short as possible?

[English]

**Mr. Allen Sutherland:** The practice of prorogation is entirely at the PM's prerogative, so the length of time that was actually undertaken was well within the average.

I would note, too, that in fact only one day of House time was lost as proposed.

[Translation]

**Mr. Alain Therrien:** I think that Mr. Rodriguez explained this idea well. We were in an exceptional situation. So, in this case, a medium-length prorogation is not very effective. It should have been as short as possible.

Some have even told us that the Liberals could have closed Parliament during the week leading up to the return to the House. Others, who were more audacious, even said that prorogation could have taken place on September 18.

Would it have been possible to prorogue Parliament on September 18 and to return the following Wednesday?

[English]

**Mr. Allen Sutherland:** Yes, it would have been.

[Translation]

**Mr. Alain Therrien:** I am very satisfied with this answer. I think it is more than adequate. I am somewhat taken aback, as I was not expecting this.

So it was possible, but the Liberals did not do it. They prorogued Parliament on August 18, while they could have done it on September 18, according to what you are saying. All governments prepare. Usually, there is a vision. That's not always the case with the current government, but we assume it is usually the case. The Liberals could have laid the groundwork by saying they would prorogue Parliament on September 18, that they would let committees and Parliament continue to operate and that we would be back on the Wednesday following the prorogation.

You are telling me that this is possible.

• (1225)

[English]

**Mr. Allen Sutherland:** It is technically possible. I would tell you, though, that what you would lose is your ability to frame the throne speech in the same way, because it would have been impossible to have the consultations in that way, in my view.

Once I was the project manager for what I think was a pretty good Speech from the Throne for the Conservative government, so I have some experience in this. It would have been challenging to have such a short one. You would probably have had to keep it within the PMO, which wasn't what was done in this case. There

was widespread consultation and framing of future directions with the public service.

Just to make sure I'm understood accurately, it is possible that it could have been in one day—and I answered your question honestly and accurately—but there are some advantages to having a month's time or so.

[Translation]

**Mr. Alain Therrien:** Okay, I'm fine with this answer. Thank you. You elaborated on what you previously said.

Can you tell us when you were told of the government's wish to prorogue Parliament, or did you have no idea it was going to happen?

[English]

**Mr. Allen Sutherland:** I can't tell you to the hour, but I know that we prepared the formal advice on how to do prorogation I believe on August 17.

[Translation]

**Mr. Alain Therrien:** On August 17, the day the Minister of Finance resigned. Is that right?

[English]

**Mr. Allen Sutherland:** I'm sure that's easily checked.

[Translation]

**Mr. Alain Therrien:** Okay.

Your work consists in determining how to proceed and in saying what the steps to follow are to prorogue Parliament. I see that you agree. You do not try to understand the government's motivations; you just help it prorogue properly.

[English]

**Mr. Allen Sutherland:** Following the steps to make sure it fits with our constitutional traditions is our focus. It's not on whether to prorogue; it's on how you do it.

[Translation]

**Mr. Alain Therrien:** Okay. I have obtained the answer to my question and will talk about something else.

At a previous meeting, Hugo Cyr talked to us about prorogation in a context of a minority government. He suggested that the Constitution be amended to ensure that, before proroguing Parliament, the government would obtain the House's approval.

Would it be relevant for a minority government to need to have the House's support to prorogue Parliament in the future? You don't have to answer, but I thought this was an interesting idea. I would like to know what you think about it.

[English]

**Mr. Allen Sutherland:** It won't surprise people who know about the machinery of government that we are big believers in conventions and the traditions of our system, so we are very reluctant to propose changes of that sort.

[Translation]

**Mr. Alain Therrien:** Okay, thank you very much. I...

[English]

**The Chair:** Thank you, Mr. Therrien. That's about all the time you have. There are only five seconds left.

[Translation]

**Mr. Alain Therrien:** Thank you, Madam Chair.

[English]

**The Chair:** Next we have Mr. Blaikie for six minutes.

**Mr. Daniel Blaikie:** Thank you very much.

When it comes to the budget process, for instance, that's a process that involves a lot of interdepartmental communication and stakeholder consultation. Do you think that's a comparable process to what was undertaken for the Speech from the Throne last September?

**Mr. Allen Sutherland:** It's hard to compare the two, Mr. Blaikie.

I would say that typically the SFT process—and this is drawing more on past speeches from the throne—is more restrictive than recent budget processes, which have had long consultation processes as well as input from ministers at various times. Actually, cabinet feeds the budget system, as do some meetings between the Prime Minister and the ministers, so I think the budget process is typically a longer one.

**Mr. Daniel Blaikie:** Okay.

What we've heard very clearly today is that when the government is preparing an important document like a Speech from the Throne, which appears to be a less demanding process than the budget process, the government can't have Parliament sitting and do that at the same time.

If we're about six to eight weeks out from a budget, somewhere in there, would you be advising the Prime Minister at this time to prorogue Parliament so that government can effectively prepare a budget?

• (1230)

**Mr. Allen Sutherland:** No, I certainly would not be....

**Mr. Daniel Blaikie:** However, in the case of a less demanding document, the Prime Minister thought it was appropriate to prorogue Parliament in order to be able to prepare the Speech from the Throne. I find that passing strange, because it seems to me that Parliament is in the habit of effectively sitting even while government prepares budgets year over year. Last year, of course, was an exception, but I don't think it was because Parliament was sitting that the government failed to deliver a budget in the normal time frame.

I think that's worth noting. It seems to me that we saw the government House leader make a lot of the fact that they needed to consult, but in fact the template is there, both for stakeholder consultation and for interdepartmental communication, in order to be able to effectively deliver a massive policy document even while Parliament sits.

I'm not asking you to confirm or deny your own personal feelings. However, it seems to me that it's not really a sufficient reason for prorogation.

This also speaks to a question of timing. It seems to me that if the counter-argument were that it was an attenuated time frame and that we needed to deliver a Speech from the Throne in three to four weeks, then I would ask why it was that the intention to have a Speech from the Throne only came about in August.

Was there any doubt at the highest levels of government that Canada would experience a second wave in the fall?

**Mr. Allen Sutherland:** I think that was broadly understood.

**Mr. Daniel Blaikie:** Was there any doubt about the expiration of the Canada emergency response benefit legislation and when that would cease to continue supporting Canadians as it had through the early months of the pandemic?

**Mr. Allen Sutherland:** I understand where you're headed, Mr. Blaikie.

I would simply note that in developing a Speech from the Throne, what the government is choosing to do is to set out its vision of its forward plan. The Prime Minister clearly determined that he wanted to set his forward plan at the start of the fall. There are good reasons for doing that. The fall is a natural time of change. The Speech from the Throne—and I think Minister Rodriguez talked about this—sets a new page and sets the agenda going forward. I think that, in fact, the Speech from the Throne did do that, and it has profoundly affected the government's agenda on a go-forward basis. I would just make that observation.

**Mr. Daniel Blaikie:** It seems to me there's a difference between deciding that you want to launch a new policy direction in the fall and deciding in the fall that you want to launch a new policy direction. All of the factors that we've heard about, in terms of there being a pandemic and—well, that's really it. The fact that there was a pandemic was known in June. The fact that we might well be facing a second wave in the fall was known in June. The government could have decided much earlier than August 17 that it was interested in having some kind of prorogation in the fall and in coming back with a speech from the throne, and without proroguing Parliament, it could have undertaken to do the consultative work over a longer period of time than what the Prime Minister left the government to do it.

I'm wondering what changed between any time previous to August 17 and August 17, such that the Prime Minister decided on a much shorter timetable than was necessary that he wanted to re-launch the entire policy direction of government. It seems to me that he had the same information in June that he had in August about whether the pandemic would call for a shift in policy response. He could have provided direction earlier to government to begin those consultations to work towards a new Speech from the Throne in September and obviated any need—and I stress that, because I don't think there was any need in the first place.

Certainly had the government started earlier, as it does with the budget, it could have undertaken broad-based consultations with civil society, had plentiful interdepartmental communication and produced perhaps an even better document than it did, in fact, produce in September, which, I submit, would not have caused a great strain.

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

Next is Mr. Nater for five minutes.

• (1235)

**Mr. John Nater:** Thank you, Madam Chair.

Again, I thank our witnesses.

I want to follow up a little bit, Mr. Sutherland, on the necessity of a confidence vote following a Speech from the Throne. I don't think anyone is arguing that a confidence vote is required after a Speech from the Throne, albeit there is some discussion that it's not necessarily happening but has generally happened. I want you to confirm that you can still have a confidence vote through other means without actually proroguing Parliament.

**Mr. Allen Sutherland:** That's correct.

**Mr. John Nater:** I want to follow up a little bit on the discussion with the Governor General. You mentioned that the Governor General made herself available. I notice you left out the word "immediately", but we won't read too much into that.

Could you talk about the dynamics of that conversation? Was it a phone call? Was it an in-person meeting, or was it a Zoom meeting during which the prorogation was formally requested?

**Mr. Allen Sutherland:** I know that they did speak. I'm not precisely sure of the forum, whether it was a conversation over the phone or a meeting. As you know, at the time they lived quite close to one another.

**Mr. John Nater:** It could have been a conversation during a walk around Rideau Hall, but I appreciate that. I noticed you nodding your head about not reading too much into the leaving out of the word "immediately", so I do appreciate that clarification.

**Mr. Allen Sutherland:** That's not a problem.

**Mr. John Nater:** I wouldn't want to erroneously mislead the committee. I appreciate that.

From the PCO perspective, often we ask the minister about public opinion polling. What type of public opinion polling was being done by the Privy Council Office at the time prorogation was being requested? I'm talking about the late-August time period.

**Mr. Allen Sutherland:** I'm not the person who works with public opinion polling for PCO. I know that probably by that time they would have been doing some COVID-related public opinion polling. You would expect that, but I don't know, with precision, the answer to your question.

**Mr. John Nater:** Would it be possible for you to follow up with the committee with that information?

**Mr. Allen Sutherland:** Yes. Just so I understand your question, do you mean over the summer of 2020?

**Mr. John Nater:** Just to narrow it down, let's say it's during the month of August 2020 for the types of public opinion polling that PCO was undertaking at that time.

**Mr. Allen Sutherland:** Yes, I will do that.

**Mr. John Nater:** Again, following up on some of the earlier questions, you were asked to prepare the information on prorogation on the 17th of August and, of course, this was announced publicly. Are you aware of any conversations being held prior to the 17th of August, whether on seeking advice or having information

sought from PCO officials prior to the 17th? Was the 17th of August the first time that PCO officials became aware of that?

**Mr. Allen Sutherland:** Mr. Nater, if you could give me a day either way, because it took us some time to develop the advice, so we may have known it on the 16th.... Your question I think really speaks to if there were earlier conversations that spoke more to the "whether" issue, and I do not believe so.

I would turn briefly to my colleague Don Booth to see if he has any knowledge of that.

**Mr. Donald Booth:** Not that I'm aware of. We were engaged I think on, as Allen said, the 17th, to start preparing the proclamation, the appropriate documentation, but not privy to what conversations may have taken place before that.

**Mr. John Nater:** I appreciate that, and the one day either way, give or take, that's neither here nor there, so I do appreciate that.

Is there anything preventing the government from announcing their intention to prorogue on a certain date, but not formally proroguing until closer to that date? Is there anything that would prevent a government from doing that and just taking consultations and having discussions about what ought to be in the Speech from the Throne leading up to that point?

**Mr. Allen Sutherland:** You're asking whether the PM could say today, let's say, on February 16, "I'm going to ask for the Governor General's agreement to prorogue on the 25th of February." Is that your question? I want to make sure I understand it.

**Mr. John Nater:** That's correct.

**Mr. Allen Sutherland:** There isn't.... It's certainly not the practice. These things are very closely held. I don't know of an instance.

Don, do you?

**Mr. Donald Booth:** No, I'm not aware of an instance where that has taken place. As Allen has said, you don't want to presume that the Governor General...so you wouldn't announce that "we will be proroguing next week". It would basically be couched in terms of "it would be my intention to ask for a prorogation", but in terms of practice, I'm not aware that this has actually transpired.

• (1240)

**Mr. John Nater:** Certainly, with the—

**The Chair:** That's all the time you have, John.

**Mr. John Nater:** Thank you, Madam Chair.

**The Chair:** Next we have Mr. Fragiskatos, please.

**Mr. Peter Fragiskatos (London North Centre, Lib.):** Thank you, Madam Chair.

It's great to see colleagues.

As you know, Madam Chair, I am an associate member of this committee, not a full member. I've been sitting in for my colleague Mark Gerretsen over the past few weeks. I am very interested in the proceedings of this committee on this and other issues.

Since we have a number of other associate members from the opposition parties sitting in today—I'm surprised they decided to sit in today for this meeting; it's a shock—for their benefit and for the committee's benefit as a whole, I think putting things in context is helpful. I would refer, Madam Chair, to the meeting of December 10 when we had a number of academics testify at our committee.

One was a noted constitutional scholar, Barbara Messamore, who said the following in her opening remarks when she talked about prorogation and her view as to whether or not it was justifiable:

...there is also a strong case that can be made that the unforeseen eruption of the COVID-19 crisis since the start of the 43rd Parliament provides a rationale for a new session, with a new Speech from the Throne setting out a fresh legislative program. For this reason, I think prorogation was entirely justifiable.

This is, as I said, a noted constitutional scholar. Professor Messamore regularly provides media commentary on constitutional issues, specifically issues relating to the Crown and all things to do with the Crown, including prorogation. I think it's important for us to reflect on that perspective.

Mr. Sutherland mentioned a number of other academics who testified before this committee recently. They certainly did, but Professor Messamore's perspective counts for a lot. This is a scholar who has agreed with the government on some occasions and disagreed with the government on some occasions, someone who is independent and, as I said, highly respected for her work.

The other thing that came up in that meeting of December 10—again, I'm trying to put things into context and I do have questions for our witnesses here today—was the fact that the average prorogation period in Canada since 1867 is 151 days. The most recent prorogation lasted from August 18 to September 23. I would ask opposition colleagues to reflect on that. I think that's important.

Mr. Sutherland, you mentioned something before about one day being lost. Can you just go over that one more time?

**Mr. Allen Sutherland:** That was just the return of the House. There was one day between September 22 and 23. In pure House time, one day was lost.

**Mr. Peter Fragiskatos:** One day was lost, and we are spending a great deal of time examining this issue when I think the government has been pretty clear that the reasons for prorogation were straightforward. That rationale has also been echoed, again, by independent observers. I mentioned Professor Messamore. Others have testified to that fact.

Could I ask Mr. Sutherland and Mr. Booth, whoever wishes to take the question, if you can walk me through again? You went into this in your opening remarks, but could you go over it again? What's the process of constructing a throne speech?

It's not necessarily this throne speech that we just saw a few months back in the context of the pandemic—I will ask you that later on—but tell us more about the general process of coming up with a throne speech, the back-and-forth for PCO, working with departments, working with the Prime Minister's Office. How does that all come together? It seems a bit complicated, and I think it would be good to better understand that.

**Mr. Allen Sutherland:** The truth is that there is no single way to do a Speech from the Throne. Sometimes they're entirely written by

the Prime Minister's Office. Other times they're entirely written by the public service.

You start with framing the main thematics. Then you also try to define some of the signature items that will be the takeaways for Canadians, because really what you're doing with a good Speech from the Throne is that you're trying to set out the future agenda for Canadians. You're basically saying to Canadians, "Here are the things that I want you to judge us by as a government." That's really the intent of it.

One of the interesting things about a Speech from the Throne is that the first two paragraphs are written by the Governor General, and then the government takes over. She or he has two or maybe three paragraphs. It depends on the Governor General. However, there is this difference between different parts of the Speech from the Throne that is kind of interesting.

• (1245)

**Mr. Peter Fragiskatos:** I will assume, of course, that COVID-19 made that process much more complicated.

Would that be correct?

**Mr. Allen Sutherland:** It—

**The Chair:** Unfortunately, that's all the time we have.

We have two and a half minutes for Monsieur Therrien.

[*Translation*]

**Mr. Alain Therrien:** Thank you, Madam Chair.

The research on prorogation focused on two pillars, including the motive. Was there a reason to prorogue Parliament or, in other words, to hit the reset button? I know you cannot help us in this respect because we're not really talking about motivation in the case that concerns us and that could concern you. My question is more about the need for the prorogation to be as effective as possible, so as short as possible.

My colleague from the Liberal Party talked about the average prorogation period. It does not make sense to talk about averages when we are experiencing the worst pandemic of the century. I am not the one saying this; Mr. Rodriguez is. This is the worst economic crisis....

[*English*]

**Mr. Ryan Turnbull:** Madam Chair, on a point of order, there is no translation. It hasn't been there at all.

**The Chair:** We can hear it now.

I'll stop the time, and perhaps we can have that portion repeated.

[*Translation*]

**Mr. Alain Therrien:** Okay.

We are talking about the average prorogation period, but in this case, we cannot talk about averages. Mr. Rodriguez said that we are experiencing the worst pandemic of the century, and he was right. He also said we were going through the worst economic crisis since 1929, and he was right. This context led the experts who came to see us to call for the shortest prorogation possible.

My esteemed colleague from the Liberal Party told us we lost only one day in the House of Commons, but we actually lost three days. We could have been called back to the House at any time, as had previously been done, had there been urgent bills to vote on. There were also committees sitting fully, but, unfortunately for the Liberals, those committees were considering the somewhat chaotic management of WE Charity.

I have one last question for you. Am I right in thinking that it is possible to prepare consultations for prorogation in parallel to parliamentary work?

[English]

**Mr. Allen Sutherland:** Is that the consultations on prorogation, or consultations...? I'm not sure I understand what the consultation—

[Translation]

**Mr. Alain Therrien:** I am talking about consultations to prepare for the prorogation.

[English]

**Mr. Allen Sutherland:** Typically the government doesn't consult on whether it's going to prorogue, because the—

[Translation]

**Mr. Alain Therrien:** I misspoke. It is possible to prepare a prorogation while keeping Parliament open. That is at least what I understood earlier.

[English]

**Mr. Allen Sutherland:** I see. What you're asking is with regard to whether government work can occur while the steps for prorogation take place.

I want to make sure, Mr. Therrien, that I understand your question properly.

[Translation]

**Mr. Alain Therrien:** You said that, when a government is considering proroguing the House, it often holds consultations to justify its decision, and it prepares the writing of a Speech from the Throne to have it delivered. It can do all this at the same time. That was my question, and I misspoke.

I thank you very much, and I thank the witnesses for their presentations.

I have no further questions, Madam Chair.

[English]

**The Chair:** Thank you.

Mr. Blaikie, you have two and a half minutes.

**Mr. Daniel Blaikie:** Whether in this case or in the case of some previous controversial prorogations, I think part of the idea for this

change in the Standing Orders in the last Parliament was to create a forum for Canadians to get some satisfaction when there are doubts about whether prorogation is really in the public's interest or whether it is in the government's own political interests.

Earlier I heard—and I'm sure you heard the same—the government House leader say that we are from different parties, we have different takes on it, and we'll have to agree to disagree. I don't think anybody would have found that to be a satisfactory answer in the case of the 2008-09 prorogation when Prime Minister Harper prorogued Parliament to avoid a confidence vote.

If the result of this exercise is that we just accept that there are different points of view depending on what your party is and we don't have anything concrete to say about the circumstances of prorogation and the obvious political effects that they have, that will be a disappointment. It seems to me that having the legislature more involved in decisions about prorogation at the front end and evaluating government responses at the front end would do more to mitigate these apparently intractable disputes.

I'm wondering if you have any reflections on that, given your experience in government. I know it is the PCO's job to defend the existing prerogatives of the Queen, but I also know that those prerogatives have changed in different ways over the years. I'm wondering if you have any reflections for us on how that convention might change in this regard in order to try to avoid these kinds of intractable disputes post-prorogation and to have a more constructive process to build consensus around the need for a prorogation.

• (1250)

**Mr. Allen Sutherland:** I have, perhaps, a few thoughts on this. The mere fact that the committee is studying prorogation as per the changes in the Standing Orders is novel and represents what, over time, might be a change to the convention.

I would say that the convention is a very long-standing one. It predates Confederation. For the history wonks among us, it goes back to 1530. It is a long-established convention. It has been an established Canadian convention since 1867, and foundational for that convention is that the PM has the prerogative. It often takes place—I'm willing to say always takes place—in a very political context because it's a political move. That's never going to change.

I do think that the standing committee's work is actually a very interesting way of bringing light and sunshine to the decision, so I thank the committee for its work.

**The Chair:** Thank you, Mr. Sutherland. We thank you for being here.

Ms. Vecchio, you have five minutes.

Go ahead, please.

**Mrs. Karen Vecchio:** That's fantastic. Thank you very much. I really appreciate that.

Mr. Sutherland, are there any other mechanisms? I note here that it was actually three days that we lost because we lost the sitting days—

**Mr. Allen Sutherland:** I'm sorry. You have my apologies.

**Mrs. Karen Vecchio:** It's all good.

We lost more than just one day. We lost two additional days as well, so we lost a total of three days from this, but we did lose all the work that was being done in committees. I recognize that a lot of work being done was focused on WE, and it was very embarrassing for the government, but there were other committees that were doing some sensational work. I note the work that we were looking at, regarding women during the pandemic, in the FEWO committee.

Were there any other mechanisms this government could have used to say, "We're going to reset the agenda but we know it's important to continue to do the committee work"? Were there any other mechanisms through which they could have done that?

**Mr. Allen Sutherland:** I did look at this a little bit in preparation for the committee meeting, and one of the things that I focused on was the government bills that were in Parliament prior to prorogation. I would note that with one exception all of them were reintroduced and are making their way through the system. I note that it does appear that—and since it's a minority Parliament, it takes goodwill on both sides—the various bills that were before committee or at second reading have been reintroduced. The one exception, I think, was appropriate. It involves what was then Bill C-3.

In terms of some of the other stuff, I think the government endeavoured to bring things back to the stage they were at before. With regard to the PMBs, there was no practical impact—

**Mrs. Karen Vecchio:** But on the committee business, they had to restart.

**Mr. Allen Sutherland:** That's absolutely right, with the exception of PROC.

• (1255)

**Mrs. Karen Vecchio:** Yes, with the exception of PROC.

Are there any times when they can say, yes, here's what we're going to do, but committees, you can go back to business? You have to reset those committees, basically. It is up to the committee to decide, so if you have government members who do not wish to see the WE Charity scandal or anything else brought forward, they will continue to filibuster, which we saw in multiple committees. I just wanted to check if that was a thing.

I also want to look further at this. You're indicating...and I really appreciate it. It brings the light onto this long-standing convention that we have when it comes to prorogation by doing this report. I want to ask you.... Perhaps you cannot be quite fully open to this, but do you feel that this report that was tabled is 100% accurate? Are there any missing details?

**Mr. Allen Sutherland:** I'm not in a position to comment on the report. It was tabled. It's the government's reasons and—

**Mrs. Karen Vecchio:** That's fair enough.

I wanted to look at some other indications, because we had talked about some of the consultations that were being done and the reason they needed to have this. The House leader indicated something about more consultations and being able to amplify all of this. Did you see an incredible increase in consultations after August 18

up to September 23, the day of the throne speech, or had these consultations been going on throughout that period of time?

**Mr. Allen Sutherland:** I think there was an uptick, and the reason I'm laughing is that normally I work quite close to the priorities and planning group, and I know that when prorogation hit them, it was a surprise. It was late August and they knew that they had to kick into gear really quickly, so the nature of their consultations, both the public ones and also the ones within government, were quite intense.

I know that there was a comment earlier about how it's only a speech, but it's a very special speech and it does take time to put it together properly. I can assure you that things ramped up really quickly and on multiple levels.

**Mrs. Karen Vecchio:** I appreciate that.

I've gone through the speech. Actually, you can take almost three-quarters of the speech and say, "Here's the 2019 and here's the 2020 speech". The wording may be different, but the change is the COVID, whether it's the economic or the environmental, you know, the two billion trees, there's nothing new there. I understand what you're indicating here—

**Mr. Allen Sutherland:** Just on that, there's always a mix of continuity and change in any Speech from the Throne. It would be entirely inappropriate if suddenly black were white and white were black in a speech—

**Mrs. Karen Vecchio:** Yes, that's very fair.

**Mr. Allen Sutherland:** —so it's not a surprise that there would be things that would continue on.

**Mrs. Karen Vecchio:** I just think that for many of the members we see sitting here, we all knew, as we've indicated, that they were essential programs that were helping Canadians each and every day, like the CERB and all of these benefits that were helping businesses, and they were all coming to an immediate stop. The government introduced Bill C-2, which then became Bill C-4, and now we're back and having to do another bill. I think it might be Bill C-20, but I know that it still hasn't been tabled.

There continue to be these bills that need to be introduced because of the lack of programming or planning on this. I'm not saying that it's an issue because of bureaucrats, but these are some issues.

My last and final question for you is this. When we talk about the writing of the speech—and you indicated the first two paragraphs are always done by the Governor General—was it the work of the senior bureaucrats or the work of the PMO that finalized the speech?

**The Chair:** Maybe in the next few minutes Mr. Sutherland will get that in.

Mr. Turnbull.

**Mr. Ryan Turnbull:** Thanks, Madam Chair.

Thanks, Mr. Sutherland and Mr. Booth, for being here. I really appreciate it.

Mr. Sutherland, I have a quick question for you. How many years have you been in the federal public service?

**Mr. Allen Sutherland:** You're asking me my age here.

**Mr. Ryan Turnbull:** No, I was just wondering how many years of experience you bring to this committee.

**Mr. Allen Sutherland:** It's over 30.

**Mr. Ryan Turnbull:** That's wonderful. Thank you.

Mr. Booth, do you want to answer that too?

**Mr. Donald Booth:** It's approaching 30.

**Mr. Ryan Turnbull:** Thank you for your many years of service.

You've seen a few prorogations in your days, I guess.

**Mr. Allen Sutherland:** Yes.

**Mr. Donald Booth:** Yes.

**Mr. Ryan Turnbull:** Is the one that's in question here the most controversial you've seen?

**Mr. Allen Sutherland:** No.

**Mr. Donald Booth:** No.

**Mr. Ryan Turnbull:** Okay. Was it the longest one you've ever seen?

**Mr. Allen Sutherland:** No.

**Mr. Ryan Turnbull:** Historically speaking, if you look at many prorogations, are there not always some differing opinions about why they occurred?

**Mr. Allen Sutherland:** I can't be sure on this, but I'm fairly certain to say, yes, you're correct.

**Mr. Ryan Turnbull:** Okay. Is there anything that stands out as unique about this particular one?

**Mr. Allen Sutherland:** From a convention perspective, there is nothing at all.

• (1300)

**Mr. Ryan Turnbull:** Thanks.

Mr. Sutherland, you mentioned widespread consultation. I'm very interested in this, because I know as a member of Parliament in the governing party, we went through quite an extensive consultation process, and I'm confident that I only saw one fraction of what was actually going on.

Could you give us a bit more detail on how widespread that consultation process was leading into the new Speech from the Throne?

**Mr. Allen Sutherland:** I can speak most to the consultation that occurred within the public service.

What you would have seen is every government department engaged with chipping in ideas as to the sorts of thematic or signature items that might help give life to the Speech from the Throne. That would have kicked in late August, early September, and then

you would have seen a lot of iteration between PMO and the Privy Council Office.

On top of that, I think Minister Rodriguez spoke to the public dimension of the consultations that occurred as well.

**Mr. Ryan Turnbull:** Thank you. That sounds very extensive.

You also talked about the new Speech from the Throne profoundly affecting the government's agenda, and I wonder if you could give us a little more detail on that. How and where specifically did the agenda shift, keeping in mind your previous comment, which is a good one I think, that there's always some degree of continuity and change in any new Speech from the Throne?

**Mr. Allen Sutherland:** I think with some of the areas... It's hard, because the Speech from the Throne is a governing template—there are a lot of things in it—so I will almost certainly miss a few things.

We saw with it, of course, COVID and the issues around building back better. We saw a commitment to clean energy that I think is quite remarkable. As well, I think you saw imbued in the Speech from the Throne, and subsequently in the mandate letters, Black Lives Matter, and the concern around equity and fairness that has been moving to the fore in the Canadian agenda in recent months. I think you can chart its genesis from the Speech from the Throne, the mandate letters and, as well, the fall economic statement.

As well, of course—and this is where continuity comes in—with regard to indigenous reconciliation, there was some sharpening of that in the Speech from the Throne, and subsequently in the mandate letters as well. There's an interesting continuity in the Prime Minister's personal commitment to indigenous reconciliation that was reinforced both in the speech and in the mandate letters.

**Mr. Ryan Turnbull:** Thank you for that.

One would think that, from a common-sense perspective, for a government that was elected shortly before coming into this 100-year crisis, essentially abandoning any commitments that were in a previous platform...

What I'm trying to get at here is that it just wouldn't make sense to the general public if the government didn't have some continuity in its new Speech from the Throne. Wouldn't you say that's true?

**Mr. Allen Sutherland:** I would agree with that.

**Mr. Ryan Turnbull:** In essence, the new Speech from the Throne updated the platform commitments but applied them to the new context, which was a global pandemic.

**Mr. Allen Sutherland:** That's very nicely put.

**Mr. Ryan Turnbull:** Okay. Thank you for that.

You also—

**The Chair:** We can maybe wrap it up there. Thank you, Mr. Turnbull.

I especially want to thank our witnesses.



Please send our best wishes and regards to Mr. Shugart. We are hoping that he has a very speedy recovery. I know that all the members appreciate all the time he has spent, and the good work that he's done. We hope to see him back soon.

**Mr. Allen Sutherland:** We do too.

**The Chair:** To the regular members, I just wanted to point out a couple of things for our next meeting. First of all, I tried to—and there was a notice sent out—to schedule a meeting for the completion of the draft report on the election study we've done. The timing didn't work for a lot of people, and I know the one to two timing also doesn't work for some members as well, so I'm finding an hour in Thursday's meeting.

Only two witnesses have confirmed to come, and we would have the second hour free. Therefore, with your permission, I was wondering if I could schedule the consideration of the draft report in the

second hour on Thursday. I think that's all it's going to require, hopefully. Sometimes we go over what I think, but I'm hoping we can maybe get it done in one hour. That way, in the coming week, we could have that report tabled and then we can carry on with prorogation next week as well.

I'm thinking we might have to have committee business next Tuesday, so that we can make sure we know the plan on prorogation going forward and the other things that might be coming. However, I'll let you know on Thursday if I have other witnesses slotted in for next Tuesday and who they might be.

Does that sound good, if I put in consideration of draft report on Thursday for one hour?

That's perfect. You will get that notice. Thank you.

The meeting is adjourned.

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