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Chair: Mr. Chris Warkentin



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• (1405)

[*English*]

The Chair (Mr. Chris Warkentin (Grande Prairie—Mackenzie, CPC)): We'll call this meeting to order.

This is meeting number 28 of the House of Commons Standing Committee on Access to Information, Privacy and Ethics. I'd like to remind members that today's meeting will be televised and be available via the House of Commons website.

Pursuant to the order of reference of March 25, 2021, and the motion adopted by this committee on Monday, November 16, 2020, the committee is resuming its study on questions of conflict of interest and lobbying in relation to pandemic spending.

Today, of course, committee members will remember that the House motion stipulated that Ben Chin, the Prime Minister's senior adviser, be ordered to appear before this committee today. We understand that member of the Prime Minister's staff has been instructed not to comply with the House order.

Members will have received a letter [*Technical difficulty—Editor*] who has offered to substitute herself for the witnesses the House did prescribe. What I need from members is a decision with regard to whether or not they will consider this request.

I'll turn to Monsieur Fortin to begin. I see his hand is raised.

I have a speaking order that is growing here. It's Monsieur Fortin, followed by Mr. Angus, Mr. Barrett and Madame Shanahan.

I'll go to Monsieur Fortin.

The floor is yours.

[*Translation*]

Mr. Rhéal Fortin (Rivière-du-Nord, BQ): Thank you, Mr. Chair.

With all due respect, I would say that the committee simply does not have the authority to decide to hear from Mrs. Fortier today. Mr. Chair, you called this meeting pursuant to an order of the House of Commons for one simple reason, and that is to hear from Ben Chin. That is our mandate. The Prime Minister had the opportunity to appear in Ben Chin's place. Again, I respectfully submit to you that the committee does not have the authority to decide whether or not Mrs. Fortier can replace Mr. Chin. As such, I don't think she can.

As I pointed out last time, the job of the committee is to note the absence of the witness and report it to the House, because we are

proceeding today pursuant to an order of the House. The House will decide what it wants to do. In my view, it should ask the recalcitrant witnesses to explain their absence today and on other occasions. Then it should decide what to do with them. I think the committee can only report to the House and ask that it take whatever action it deems appropriate in the circumstances.

I have shared a motion addressing all the appearances that were scheduled for March 29, March 31 and April 8. On March 29, Rick Theis was scheduled to appear; on March 31, Amitpal Singh; and today, April 8, Ben Chin. The motion notes the failure of these witnesses to appear, as well as the failure of the Prime Minister, who had the opportunity to replace them. The motion also notes that the committee never relieved the witnesses of their obligation to appear. It therefore calls upon the House to take such action as it deems appropriate. I move the adoption of this motion, which you have received and which applies to all the witnesses that we had scheduled.

I have sent you another motion with much the same purpose. It has to do with the due diligence reports on WE Charity, which were due by April 1 and were never produced. We have received documents that are hundreds, if not thousands, of pages long; I have not counted them. I personally have done investment and due diligence work and I can tell you that the documents we received are documents that an accountant or a lawyer might request from a company or a person undergoing due diligence. However, this is not an audit report. A due diligence audit report should be one page or [*Technical difficulty—Editor*]. It should contain the auditor's findings about the investment and their recommendations. That's what a due diligence report is. We didn't receive one. So that's another obligation that has not been met.

I am therefore moving these two motions to note the failures to appear and to prepare reports, and to report them to the House.

I see no other reason to make this committee meeting longer, Mr. Chair. With all due respect, I think that's the extent of our mandate.

Thank you.

[*English*]

The Chair: We'll debate these one at a time.

Mr. Fortin, if it would please you to begin, it would be best for us to deal with the first motion you moved. I'm going to proceed with debate on that motion first.

I will proceed with the speaking order before me. If members decide this isn't what they would like to speak about, then they can drop off and we can hear from them later on different matters, but we'll proceed through debate on the motion that has been moved.

We'll move to Mr. Angus.

Mr. Angus, go ahead, please.

Mr. Charlie Angus (Timmins—James Bay, NDP): Thank you, Chair.

Thank you, Madam Fortier.

[*Translation*]

I have a great deal of respect for my colleague, who has a lot of family in my region in northern Ontario. However, it is clear that Mrs. Fortier's appearance is not necessary today.

[*English*]

The committee is focused on very specific questions to very specific witnesses. We are in the final stages. I would like to be at the report stage of our findings. I don't think that Madam Fortier's presence here will help us. She wasn't involved in the questions that we are seeing. With all due respect, I don't think it is necessary for her to be here.

As for Mr. Fortin's motion, I'm very interested in it. However, I just received a new copy, and the language has changed from what I thought we were going to be debating. I would prefer not to move ahead with that motion until I have perhaps the law clerk's interpretation, but I would like to make sure that if we are moving a motion to the House, that we have done it with due diligence. At this last minute, I can't move forward with Mr. Fortin's motion until my team has at least had a chance to look at the implications.

● (1410)

The Chair: Thank you, Mr. Angus.

I just want to ensure that there weren't technical challenges. Are you saying there are two different versions in circulation, Mr. Angus?

Mr. Charlie Angus: No, it's just that what I thought we were going to be debating with Mr. Fortin's motion.... When I saw the language, it is different from what my understanding was. It's been augmented, which is fine. That's his prerogative, but it's also my prerogative to make sure I understand the full implications before I vote. Doing that would be reasonable on my part. I'm not ready to vote on it yet.

The Chair: I just wanted to ensure that it wasn't an issue on our front. Thank you.

Mr. Barrett, we'll turn to you.

Mr. Michael Barrett (Leeds—Grenville—Thousand Islands and Rideau Lakes, CPC): Thank you, Chair.

It's disappointing that we find ourselves for a third time experiencing the Liberals "choose your own adventure of parliamentary democracy", regarding which rules of Parliament and which laws need to be followed. The order from the House was very clear, and it gave the government the option to substitute a cabinet member—

a minister—in place of the witnesses if they felt that was more appropriate.

There was an option given to the government. There were the three witnesses who were named for this committee or the Prime Minister. Any choice other than those two is contrary to the will of Canadians. Canada's Parliament voted by majority for this to go ahead, so it's incredibly concerning. It puts everyone in a really tough spot, when you want to have confidence in your democratic institutions, but we have the government that's [*Technical difficulty—Editor*] aside a decision that Parliament has made, a lawful order that was issued. It's not for the government, within the rules that have been established, to say, "No, we don't like the rules". They had a majority for four years. They could have changed them, but no, we're in a situation in which the House did pass this order.

It's always great to have a minister appear at committee, and as I said the last time, if Minister Fortier has information about the committee's study, I would invite the minister to provide to the committee a written brief and detail that information to the committee. I will give it my immediate and thorough review, as will all committee members, I expect, and we can incorporate that information into the report by this committee.

The motion put forward by Monsieur Fortin is the logical next step. I certainly have my interpretation and my opinion on what the government's decision constitutes. It's for the House to be informed now that their instructions were disregarded by the government.

I've heard Mr. Angus in response to the motion from Monsieur Fortin. I am inclined to agree that it would be prudent that we hear from the parliamentary law clerk, because I don't think there is a great deal of precedent for this situation and it is important that we discharge our obligations correctly.

Just having seen the motion and then heard the comments from Mr. Angus, I wonder whether there is an option for the committee to amend the motion to offer points one through six as the information, and to have a seventh point—and I'm thinking out loud here, Chair—that the committee do invite the law clerk to appear with respect to the details above, and following that meeting, that the committee report these events to the House of Commons in order to express its dissatisfaction, no later than 48 hours following that meeting with the law clerk.

● (1415)

I'm not sure if that stream of consciousness is going to be found in order by the chair or even if it would be satisfactory to Mr. Angus with respect to his concerns, or if the mover, Mr. Fortin, is even supportive of it, because I think his motion in and of itself is quite good. I would like some consensus so that we can provide direction.

The other thing we have to consider is that opposition members were clear about this at committee a few weeks ago. We said that we wanted to hear from these witnesses so that we could conclude the study, report it back to the House and move on to the other business that this committee has committed to undertake.

Now we're in a position where the House ordered those witnesses to appear, so it would have been done during the two break weeks and then we could have been instructing the analysts, completing our report and moving on, but we're now jammed up with shenanigans that leave us unable to complete our report. I was clear that unless there was new ground broken in hearing from those witnesses, and we were assured by the government.... We were assured by the government House leader last week that there's no new information to be had. If that had been the case, when we heard from the witnesses and received the due diligence report on time and in the form requested, then we'd be done with this study.

I want to have some closure. Perhaps instead of formally proposing it, Chair, I'll let the discussion continue, and I'll put pen to paper here with my initial concept, but I'll hear from.... I see that Mr. Angus is speaking after Madam Shanahan, so I'll hear what they have to say and see if there's any appetite to amend. Then we'll take it from there.

Thank you.

The Chair: Madame Shanahan, we'll turn to you.

[*Translation*]

Mrs. Brenda Shanahan (Châteauguay—Lacolle, Lib.): Thank you very much, Mr. Chair.

First, I want to thank Mr. Fortin for sending us the motion before the meeting. It's very helpful. However, the minister is here, so I would still like to hear from her.

Also, I don't think this is really the time to discuss the issue raised by Mr. Fortin's motion. I think we have already spent a lot of time on it and we can move on. Having said that, like Mr. Barrett, I would like to hear a little more from the other members of the committee.

[*English*]

The Chair: Thank you.

Mr. Angus, we'll turn to you.

Mr. Charlie Angus: I was trying to work my way through Mr. Barrett's stream of consciousness, so I'm not sure exactly where I found myself at the end of all of that, but I think it goes back to Mr. Fortin because it's his motion. If we are moving forward with new language on the motion, I think we want to have the law clerk.

The motion as it was, to me, is very straightforward. It is important for us to recognize that the witnesses that were called for by Parliament did not appear. That's a fact. That needs to be part of our report. Whatever further instructions we give the House, I'm uncomfortable moving at this point without the law clerk, so I'm happy with the original motion that we had, I think, which is the original six points.

If we're going to go with a further instruction to the House, I would like the law clerk to give an opinion, but I'm willing, if Mr. Fortin modifies his motion, to vote on it because.... I agree with Madame Shanahan. We've done a lot of work on this. We need to get this thing done. I don't want to go into next week and be still arguing about this, because we have other committee work, and we have Bill C-11 coming.

I think we're at the point.... I don't see any other witnesses, but it is incumbent upon us to remark that the witnesses we asked for did not appear. That will be in the report. That's something that we need to be able to say. If we can agree on the motion and move on, I'm ready to have that. If not, I'm willing to wait until we get [*Technical difficulty—Editor*] or advice.

• (1420)

Mr. Michael Barrett: I have a point of order, Chair.

I didn't want to interrupt Mr. Angus, or Mr. Fergus before he speaks, but I'm not sure if we're all dealing with the same version of the motion presented by Monsieur Fortin. Mr. Angus spoke about the motion. I believe he was okay with six points. The most recent version I received from the clerk is the version that starts "Pursuant", lays out six points and then concludes with "dissatisfaction".

I'm just looking for your clarification.

The Chair: Thank you.

On the point of order, for the sake of clarity and to ensure everybody is on the same version of the motion, I am going to suspend the meeting. I'm going to ask the clerk to distribute the most recent version that has been provided to her. We can verify if that's the one Monsieur Fortin has moved or not. At that point, we will call the meeting back to order.

I think we can probably do this pretty quickly, but let's suspend for six minutes to ensure we're all debating the same motion, and we'll return at that point.

• (1420)

(Pause)

• (1430)

The Chair: I will call the meeting back to order.

Mr. Fergus, you are next on the speaking list.

[*Translation*]

Mr. Greg Fergus (Hull—Aylmer, Lib.): Thank you very much, Mr. Chair.

I would like to thank all my colleagues. I certainly thank Mr. Fortin for introducing this motion.

Having heard my colleagues Mr. Barrett and Mr. Angus, I also think it would be a good idea to have the law clerk and parliamentary counsel appear before the committee to give us his opinion on the issues before us today.

Once again, I am seeking consensus. I have sensed the desire of other members of the committee to take the time to fully consider the options presented in Mr. Fortin's motion. That is why we took that six to eight-minute break to discuss them.

Mr. Chair, I think my proposal is appropriate.

[*English*]

Therefore, I move to adjourn the meeting.

The Chair: I'm sorry, Mr. Fergus. I missed the last bit. The mike didn't pick up your last sentence. I was hearing the translation, but I didn't hear your English sentence.

Mr. Greg Fergus: I apologize for that. All of a sudden I had a blank in my head as to how to say this in French, so I did what's common in the Outaouais. We change from one to the other, whichever one seems a little bit clearer in our heads.

Therefore, Mr. Chair, I move to adjourn the meeting.

The Chair: I had a feeling that maybe it was an important sentence.

[*Translation*]

Mr. Greg Fergus: Every sentence is important, Mr. Chair.

[*English*]

The Chair: Very good.

That is a non-debatable motion. Therefore, we—

Mr. Charlie Angus: I have a point of order, Chair. It's a point of clarification.

The Chair: I'll entertain this point of clarification. I'm sure all members would be interested in what the question is.

Mr. Charlie Angus: I may be willing to vote for Mr. Fergus's motion, but he did say that he's interested in hearing from the law clerk. Am I correct?

Mr. Greg Fergus: Yes.

The Chair: I think there's an agreement—

Mr. Charlie Angus: If we're willing to hear from the law clerk, then we can wrap this up. I'm okay.

Thank you.

The Chair: This is not a debatable motion now, so we will move immediately to a vote.

I'll ask the clerk to assist us with this motion.

[*Translation*]

Mr. Rhéal Fortin: Could you clarify something, Mr. Chair? Before I vote, I want to make sure I understand.

[*English*]

The Chair: Mr. Fortin, I do apologize. This is not a debatable motion. We will move now to the vote.

[*Translation*]

Mr. Rhéal Fortin: I do not want to debate, Mr. Chair. I just want to understand the motion. Is it asking that we call the law clerk and parliamentary counsel to the next meeting, or is it to postpone this issue until later?

I was listening to Mr. Angus and Mr. Fergus. They both want us to hear from the law clerk—

[*English*]

The Chair: Colleagues, this is not a debatable motion. If members would like to debate, carry on debate or seek clarification, they will have to vote this motion down and then continue the debate. If members would like to do that, they can vote this motion down. However, this is not a debatable motion, so we will move to the vote immediately.

Madam Clerk, please assist me with the roll call.

(Motion agreed to: yeas 6; nays 4)

The Chair: Members, I will take your instruction.

The meeting is adjourned.

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