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Chair: The Honourable Hedy Fry



Standing Committee on Canadian Heritage

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• (1105)

[*Translation*]

The Chair (Hon. Hedy Fry (Vancouver Centre, Lib.)): Good morning.

I call the meeting to order.

Welcome to meeting number 41 of the House of Commons Standing Committee on Canadian Heritage.

I would like to acknowledge that this meeting is taking place on the unceded traditional territory of the Algonquin Anishinabe people.

[*English*]

Pursuant to the motion adopted by the committee on Monday, June 13, the committee is meeting on the study of Hockey Canada's involvement in alleged sexual assaults committed in 2018.

Today's meeting is taking place in a hybrid format. Pursuant to the House order of Thursday, June 23, 2022, members are attending in a hybrid setting. Those on the floor, you will know there is a place where you can get interpretation. On the floor itself there's a plug-in space for you to get interpretation. For those attending virtually, there is a little globe icon at the bottom of your screen. If you press that, you will get interpretation in English or French, depending on which you prefer.

I want to make a few comments for the benefit of the witnesses and members. Before speaking, please wait until I recognize you by name. For those participating by video conference, click on the microphone if you wish to speak to activate your mike and then mute your mike once you have finished. Also, if you wish to speak or have anything else, let me know. In virtual, you can raise your hand by using the "raise hand" function. If you are on the floor, the clerk will tell me that you have raised your hand.

I'll remind you that all comments should be addressed through the chair. In accordance with our routine motion, I am informing the committee that all witnesses have completed the required connection tests in advance of the meeting.

Now I would like to welcome our witnesses.

As an individual, we have Mr. Glen McCurdie. From the Canadian Hockey League, we have Dan MacKenzie, president. From Hockey Canada, we have Scott Smith, president and chief operating officer. We have Brian Cairo, chief financial officer, Hockey Canada Foundation and Dave Andrews, chair, Hockey Canada Foundation. We have Tom Renney, former chief executive officer.

From the Ontario Hockey League, we have David Branch. From the Quebec Major Junior Hockey League, we have Gilles Courteau, commissioner. From the Western Hockey League, we have Ron Robison.

I will give each of these witnesses—not every person, but each of the associations and organizations—five minutes. I will give you a 30-second warning. Listen to me yelling "30 seconds" into your ear so that you know that you have 30 seconds to wind up. Then we will begin a question and answer session.

I would like you to be as concise as you can, please, because we have to fit in a lot of questions and we need to make sure we're on time.

Mr. John Nater (Perth—Wellington, CPC): I have a point of order, Madam Chair.

The Chair: Yes, John.

Mr. John Nater: I would ask that the witnesses be sworn in prior to their testimony.

The Chair: Do I have the agreement of all of the committee?

Mr. Peter Julian (New Westminster—Burnaby, NDP): Agreed.

[*Translation*]

Mr. Sébastien Lemire (Abitibi—Témiscamingue, BQ): It's unanimous.

[*English*]

The Chair: We shall go ahead and have the clerk do that swearing in, please.

Mr. Justin Vaive (Procedural Clerk): I will, Madam Chair.

I just have a point of information for you and the members of the committee.

Seven of the witnesses are in person and I will proceed to swear them in momentarily, one at a time. Three of the witnesses are virtual. I've just sent them a text of either the oath or the solemn affirmation and once I'm done swearing in the witnesses here physically in the room, each one of them can be recognized by you and they will read out either the oath or the solemn affirmation to the committee. That will constitute their swearing in.

The Chair: Thank you.

Mr. Glen McCurdie (As an Individual): I, Glen McCurdie, do swear that the evidence I shall give on this examination shall be the truth, the whole truth and nothing but the truth, so help me God.

• (1110)

The Chair: Clerk, you're going to have to guide me on the people on the floor, please.

Mr. Scott Smith (President and Chief Operating Officer, Hockey Canada): I, Scott Smith, do swear that the evidence I shall give on this examination shall be the truth, the whole truth and nothing but the truth, so help me God.

The Chair: I affirm that the witness has been sworn in.

Mr. Brian Cairo (Chief Financial Officer, Hockey Canada): I, Brian Cairo, do swear that the evidence I shall give at this examination shall be the truth, the whole truth and nothing but the truth, so help me God.

The Chair: I affirm that the witness has been duly sworn in.

Mr. Dan MacKenzie (President, Canadian Hockey League): I, Dan MacKenzie, do swear that the evidence I shall give on this examination shall be the truth, the whole truth and nothing but the truth, so help me God.

The Chair: I affirm that the witness has been duly sworn in.

[Translation]

Mr. Gilles Courteau (Commissioner, Ligue de Hockey Junior Majeur du Québec): I, Gilles Courteau, do swear—

[English]

The Chair: Mr. Renney, would you unmute, please.

Mr. John Nater: Madam Chair, the clerk is still swearing in people in the room.

Mr. Justin Vaive: Yes, Madam Chair, we'll be with the virtual witnesses momentarily, as soon as we're finished with the ones in the room.

The Chair: Thank you.

[Translation]

Mr. Gilles Courteau: I, Gilles Courteau, do swear that the evidence I shall give on this examination shall be the truth, the whole truth and nothing but the truth, so help me God.

[English]

The Chair: I affirm that the witness has been duly sworn in.

Mr. David Branch (Commissioner, Ontario Hockey League): I, David Branch, do swear that the evidence I shall give on this examination shall be the truth, the whole truth and nothing but the truth, so help me God.

The Chair: I affirm that the witness has been duly sworn in.

Mr. Justin Vaive: Madam Chair, we've sworn in the witnesses here in the room. Would you please ask each of the three virtual witnesses to repeat the oath or the solemn affirmation?

The Chair: Mr. Andrews, would you repeat the solemn oath or affirmation, please.

Mr. Dave Andrews (Chair, Hockey Canada Foundation, Hockey Canada): Yes, Madam Chair. Thank you.

I, David Andrews, do swear that the evidence I shall give on this examination shall be the truth, the whole truth and nothing but the truth, so help me God.

The Chair: I affirm that the witness has been duly sworn in.

Go ahead, Mr. Renney.

Mr. Tom Renney (Chief Executive Officer (Retired), Hockey Canada): Thank you, Madam Chair.

I do not have the text message with the statement.

The Chair: While you are awaiting it, I shall go to Mr. Robison.

Mr. Ron Robison (Commissioner, Western Hockey League): I, Ron Robison, do swear that the evidence I shall give on this examination shall be the truth, the whole truth and nothing but the truth, so help me God.

The Chair: I affirm that the witness has been duly sworn in.

Now, Mr. Renney, have you received the text?

Mr. Tom Renney: I have not, Madam Chair.

Mr. Justin Vaive: We have sent it to your email, Mr. Renney, but it may not have arrived. I can administer it directly. Would you like to use the oath or the solemn affirmation?

Mr. Tom Renney: I can use the oath, thank you, and I do not have an email or a text. Thank you.

Mr. Justin Vaive: That's fine. We can take care of it this way.

Please repeat after me: I, Tom Renney, do swear that the evidence I shall give on this examination shall be the truth, the whole truth and nothing but the truth, so help me God.

Mr. Tom Renney: I, Tom Renney, do swear that the evidence I shall give on this examination shall be the truth, the whole truth and nothing but the truth, so help me God.

Mr. Justin Vaive: Okay, Madam Chair, all the witnesses have been sworn in.

The Chair: Thank you.

I affirm that the witness has been sworn in.

We should begin, and as I suggested, we'll start with Mr. Glen McCurdie, who is appearing as an individual.

Mr. McCurdie, you have five minutes.

• (1115)

Mr. Glen McCurdie: Thank you, Madam Chair.

Good morning, honourable members. I thank you for the opportunity to be present here this morning.

Before I commence, I would like to take this opportunity to thank the members of the committee for their kind and compassionate acceptance of my request relative to my initial invitation to the first meeting on June 20, 2022. My father, retired OPP constable Ian McCurdie, passed away in the early hours of June 13, 2022. Your consideration allowed me to put my focus on my family, and I truly appreciate that.

We are here to discuss the events of June 18 and 19, 2018, in London, Ontario, specifically as they pertain to the Hockey Canada Foundation gala, as well as the activities that took place thereafter.

I left Hockey Canada in December of 2021. My departure had nothing to do with the serious allegations stemming from the foundation gala, nor from the management of that matter at Hockey Canada from June of 2018 to my departure in December of 2021. In short, there is no correlation between those events and the end of my employment.

To assist the committee, I can provide a timeline of my activities at the pertinent times.

I was in London for the gala in 2018. My partner at the time, and wife now, attended the gala dinner and awards ceremony on Monday night. The following day, I attended the charity golf tournament. In my group were two of my BFL insurance brokers, a representative of Intact Insurance and a celebrity NHL player.

I have checked my phone records which indicate that I received a call at 12:08 p.m. eastern time from Denise Pattyn, senior director of HR with Hockey Canada—

[*Translation*]

Mr. Sébastien Lemire: Madam Chair, the interpretation has stopped.

[*English*]

Mr. Justin Vaive: Madam Chair, we'll suspend for a minute to get the interpretation working again. Please stand by.

Madam Chair, the problem seems to have been resolved, so you can resume the meeting and have the witness continue.

The Chair: Please continue, Mr. McCurdie.

Mr. Glen McCurdie: Thank you, Madam Chair.

—and Scott Salmond, vice-president of men's national teams. They had received a call from the family or the stepfather of a woman who was making allegations against members of the national junior team, and they were looking to discuss next steps with me. They described the allegations to me in a brief manner. I had not dealt with this kind of real-time situation in my 30 years at Hockey Canada, nor have I dealt with one like it since that time.

My first suggestion to them was that we offer whatever assistance we possibly could, including counselling, referral to a sexual assault centre and filing a police report. I then made a phone call to a person I have confidence in when dealing with difficult situations. That person recommended a law firm that I could contact for immediate advice.

I was looking for legal advice because I wanted to make sure that Hockey Canada was responding responsibly and lawfully. One of those firms was Henein Hutchison, in particular, Danielle Robitaille.

I obtained contact numbers for Danielle. Danielle returned my call at 1:30 p.m. eastern time. I did not take notes of that initial call as I was not in my office, but I do recall Danielle highly recommending that we have the complainant attend London Police Ser-

vice if possible, and if not, then I should report the matter. I had no issue in doing so.

Denise acted as a liaison at all times between Hockey Canada and the family of the complainant. She was the original point of contact, and we felt it best to maintain that comfort level with the complainant and her family.

I was confident in Henein Hutchison. I recognized the name and felt comfortable in using a firm we had not retained before as they had no preconceived knowledge of Hockey Canada or its operations. They were starting from the ground level in that regard. I felt this fresh perspective would be helpful and credible.

Tom and Scott were on a flight. I knew they were not available, but I also knew this matter needed immediate attention, so I proceeded to work with Danielle to address the matter as best I could. I felt terribly for the complainant and her family and tried to ensure that our response was as compassionate and responsible as possible while still protecting the integrity of the complainant and her family.

I remember being picked up by my wife at the charity golf tournament and asking her to drive as I had much work I needed to do on the way home. This occurred around 2:30 to 3:00 p.m. on June 19.

I had a call with Tom, Scott Smith, Scott Salmond and Denise at 2:37 p.m. This was followed by a lengthy conference call at 4 p.m. eastern where we reviewed the advice we had received and decided on next steps. I was to report the matter to London police. I did so at 6:44 p.m. eastern time as per my phone records.

My recollection is that I spoke with two female officers; first one and then transferred to another. Both were quite abrupt with me, and I did try to stress to them the need to report. Eventually they did call the stepfather after I provided his name and number. I left her my name and phone number as well.

At 8:14 p.m., as per my phone records, London Police Service phoned me back. I spoke to a Constable Fortier. Constable Fortier indicated that the victim was unwilling to come forward despite their efforts to convince her. Constable Fortier provided me with the incident number and provided me with the name of the detective assigned to the complaint.

● (1120)

The insurers I would normally report this to were with me at the time I received the calls about this issue. They knew what was going on only for that reason. I formally reported this matter in writing to our insurers the next day, Wednesday, June 20, 2018, after I had reported the matter to London police.

In terms of the settlement of this matter, that took place after I was no longer at Hockey Canada. I was not involved in any of the discussions and was not involved in any manner with this file after my departure in December of 2021.

I thank you for your time and look forward to assisting the committee in whatever manner I can.

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

We will now go to the Canadian Hockey League and Dan MacKenzie.

You have five minutes, please, Mr. MacKenzie.

[*Translation*]

Mr. Sébastien Lemire: Madam Chair, the interpreter flagged that the witness was speaking too quickly for the interpreter to interpret the end of his statement.

I still caught what was said, but I encourage the witnesses to be mindful of the interpreters.

Thank you.

[*English*]

The Chair: Thank you.

I don't think there is any interpretation. I'm getting none at the moment.

Could we please suspend while we check that before we begin Dan MacKenzie's testimony?

[*Translation*]

Mr. Sébastien Lemire: Madam Chair, I can confirm that the interpretation is working in French.

[*English*]

Mr. Justin Vaive: Madam Chair, you can resume. The interpretation is fine.

The Chair: It's fine with you; I'm hoping I will get English interpretation. Thank you very much.

Once again, Mr. MacKenzie, please begin. You have five minutes.

Mr. Dan MacKenzie: Thank you, Madam Chair and members of the committee.

My name is Dan MacKenzie. I began my role as president of the Canadian Hockey League in September of 2019, a little over a year after the June 2018 Hockey Canada gala.

The CHL is comprised of three leagues: the Quebec Major Junior Hockey League, the Ontario Hockey League and the Western Hockey League. The commissioners of these three leagues are with me today to assist the committee in any way we can to answer your questions—any that would relate to the 2018 Hockey Canada gala or any other topic. The three constituent leagues in the CHL have a total of 60 privately or community owned and operated teams, and approximately 1,400 players. Of the 60 teams, eight are located in the United States, while the remaining 52 are in communities from Cape Breton to Victoria.

I wish we were here under different circumstances. As the father of two teenagers, I know that the issues we're going to speak about today are extremely important to parents across this country. We are concerned for the victims of the 2018 and recently reported 2003 world junior teams, as the allegations are horrific. We feel strongly

that this is a critical time in our sport. We will fully co-operate with police and other investigations, and expect that any player responsible will be subject to criminal accountability.

Each year, our leagues along with our 60 owners review our policies and educational programs designed for players, coaches, billet families and team staff. For many years, our leagues have conducted training on consent and sexual misconduct, and have worked with organizations, including regional rape crisis centres, the Canadian Mental Health Association, police services, the Canadian Red Cross, and respect in sport, to deliver those programs. Obviously, given the revelations of the past weeks, we ask ourselves: How can we do more to protect victims of sexual misconduct, the communities in which we play, and the reputation of hockey?

Over the past 18 months, we have received two independent reports on how we can improve our respective policies, procedures and training programs relating to off-ice conduct, and are committed to adopting a broad set of recommendations in time for this upcoming season. Having said that, we know that we aren't going to eliminate the type of behaviour alleged in these cases with just policy improvements. The experts have told us that a key element to improvement is a truly independent system of complaints and investigation on these issues to encourage players and other witnesses to come forward knowing that they will be protected from reprisal. On July 15 the CHL's member leagues unanimously endorsed the creation of an independent system of dealing with complaints for implementation this season.

The CHL is part of a larger hockey ecosystem. We stand willing to work with the recommendations of this committee, hockey organizations and outside experts to make real change. Players, no matter their skill, must know that they cannot act with impunity. If they break the law, they will face criminal penalties and severe sanctioning from the CHL or its regional league.

With respect to the world junior tournaments and the 2018 Hockey Canada gala, I would like to note the following for the committee. The gala took place in June, after the end of the CHL season. All of the players on the world junior team were subject to the jurisdiction and supervision of Hockey Canada during the world junior tournaments and the Hockey Canada awards gala. The team was made up of approximately 22 players, all of whom had signed professional contracts. The following season, two of those 22 players returned to the CHL after starting the season with their professional club.

The CHL received the statement of claim in May of 2022. Like all Canadians, we were shocked by the allegations. The CHL was not involved in any settlement discussions with the plaintiff or her counsel. We signed the settlement only after it was negotiated and signed by the plaintiff and Hockey Canada. At the time of the settlement, we were seeking an opinion on whether the claim could be struck against the CHL, as we did not believe we were a proper party to be included in this legal action.

In closing, we look forward to the report of this committee. We are committed to working with you to ensure that hockey remains Canada's game. We want to take care not to damage the reputation of the millions of Canadians who play, coach and volunteer in hockey arenas across this country who are committed, enjoy their experience and have done nothing to warrant the feelings that many Canadians are currently expressing about those involved in these terrible incidents.

We are open to the committee to ask any questions of me or the three commissioners.

Thank you.

• (1125)

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

Am I to understand that the Ontario Hockey League, the Quebec hockey league and the Western Hockey League are here in an advisory capacity to answer any pertinent questions, but they are not bringing witness presentations? Is that right?

Mr. Dan MacKenzie: That is correct, Madam Chair.

The Chair: Thank you very much.

I now move on to Hockey Canada with Mr. Smith, Mr. Cairo, Mr. Andrews and Mr. Renney.

You have five minutes as Hockey Canada to present. You may decide who wants to do your presentation or how you want that presentation to occur.

Thank you.

Mr. Scott Smith: Thank you, Madam Chair.

I'm Scott Smith, the current president and CEO of Hockey Canada, and I'll speak on behalf of our organization.

We welcome this opportunity to speak to the committee once again.

Let me start today by reiterating that Hockey Canada understands Canadians' trust in us has been eroded, and we are committed to take every action possible to earn it back. That includes apologizing for not doing enough to address the actions of some members of the 2018 world junior team.

I know you have questions about the leadership of Hockey Canada and about my leadership. You want answers, and you want to see real action taken to end the culture of silence that allows toxic behaviour and sexism to fester in corners of our game. I do too.

You have asked for transparency. You've asked for accountability. You've asked for Hockey Canada to change. I am here to lead that change.

I took on this role a little over a month ago, just as you and Canadians challenged us to fix our house. I will not walk away from the demands you have rightly put before us. We can and must do better. We know we must make meaningful change to earn back your trust. Last month we committed that we would act, and we have taken the following steps.

We've reopened the independent investigation into the alleged sexual assault in 2018. Any player who does not participate will be banned from all Hockey Canada activities and programs, effective immediately. The investigation, once complete, will be referred to an independent panel of current and former judges to determine the appropriate consequences.

We acknowledge the courage of the young woman involved and respect her decision to participate with the investigation in the manner she chooses.

We are expanding the mandatory training not only for high-performance players, but also for coaches, team staff and volunteers. We'll dramatically expand the number of players who are exposed to enhance education with respect to off-ice issues and to drive a speak-up culture. These players will carry that training back to their leagues, provincial programs and minor hockey associations.

We will ask an independent third party expert panel to conduct a full governance review of Hockey Canada to ensure we have the right people and the oversight in place to give Canadians confidence in us going forward. We will have more to say on who will lead that in the coming days.

We will become a full signatory to the Office of the Sport Integrity Commissioner, which came into effect last month. As well, we are creating a new independent and confidential mechanism to investigate complaints, even those historical in nature, to serve our membership. These and a range of other measures are included in a detailed action plan we released earlier this week.

Culture change will not take place overnight and it is not something Hockey Canada can do alone, but we believe the action plan is an important step forward. We know the work ahead of us will define the future of Hockey Canada.

Before we take your questions, I will just reiterate that the process we followed regarding the incident in London in 2018 was not perfect, but it was intended to ensure that Hockey Canada did not and could not interfere in the investigation. Hockey Canada notified police and engaged an expert firm to conduct an independent investigation that spanned more than two years. Reopening the investigation is a step towards addressing the disappointment you and so many feel about the outcome of the process we followed.

We intend to let this investigation, and that of the London Police Service, proceed with whatever support from Hockey Canada that may be requested, but we have been rightly cautioned to be diligent in any public commentary in order to preserve the integrity of these investigations. That means we will be somewhat limited in what we can say before the committee.

We heard you clearly last month that, above all, you want to see consequences for wrongdoing. So, we trust you will also be diligent to preserve the integrity of the investigation.

• (1130)

The same is true of the troubling information Hockey Canada received last Thursday evening relating to the 2003 World Junior Championship. We were not aware of the allegations until we received an email from Rick Westhead of TSN, but we notified Halifax police that same evening and encourage anyone who has information that can help their investigation to do the same immediately.

To close, Canadians have been clear that they expect those representing our national sport to do better. We recognize that many of the actions we are taking now should have been taken sooner and faster. We own it, and will do better to deliver on our responsibilities to Canadians.

Thank you, Madam Chair.

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

Now we're going to move to the question and answer portion of the meeting. The first round is a six-minute round. The six minutes includes both questions and answers. I'm going to ask you to be as crisp and concise as possible so that each questioner can ask a few questions they may want to ask. I will once again give you a warning when you have 30 seconds left in your question.

We'll begin with Mr. John Nater for the Conservatives.

Mr. John Nater: Thank you, Madam Chair.

Mr. Smith, how many settlements have been paid out from the national equity fund?

Mr. Scott Smith: Madam Chair, Mr. Cairo will be the person who will answer the questions specific to finance and insurance. Thank you, and I will defer to him.

Mr. Brian Cairo: Madam Chair, out of the national equity fund, nine settlement payments have been made, totalling \$7.6 million. Of that, \$6.8 million was for Graham James-related incidents. Uninsured settled claims are 12 in number, for a total of \$1.3 million. One perpetrator has created four of those incidents and accounts for \$1 million of them.

Mr. John Nater: The total dollar figure paid out of that fund is \$7.6 million. Is that correct?

Mr. Brian Cairo: Yes, \$7.6 million, dating back to 1989.

Mr. John Nater: That fund is generated by kids' registration fees. Is that correct?

Mr. Brian Cairo: Yes, among other things. We have insurance from investments as well.

Mr. John Nater: From what fund was Henein Hutchison paid?

Mr. Brian Cairo: It was from the equity fund.

Mr. John Nater: What was the total dollar figure of that?

Mr. Brian Cairo: It was \$280,000.

Mr. Scott Smith: Excuse me, but just for clarity, I believe it was \$287,000.

Mr. John Nater: Thank you.

Yesterday we heard that an interim report was provided to Hockey Canada in September 2018. When was that report shared with the board of directors?

Mr. Scott Smith: The board of directors, in the fall of 2018, was briefed on the report and its recommendation, and the current board of directors has a copy of the report.

Mr. John Nater: Were they briefed within a formal board meeting?

• (1135)

Mr. Scott Smith: They were briefed in a formal board meeting. Whether it was a scheduled board meeting or a specific conference call on that topic, I'm not certain.

Mr. John Nater: Have the minutes of that board meeting been provided to this committee, as required?

Mr. Scott Smith: All of the briefings with respect to this file were held in camera.

Mr. John Nater: What you're telling me is that no in camera discussions have been recorded in the minutes and provided to this committee, despite this committee ordering the production of those papers.

Mr. Scott Smith: In camera meetings have no recording and no minutes.

Mr. John Nater: You're telling me Hockey Canada has no minutes or notes taken of in camera meetings on this.

Mr. Scott Smith: There are no minutes from in camera meetings or from in camera sessions within meetings.

Mr. John Nater: Do you have any personal notes taken from those meetings?

Mr. Scott Smith: I may have notes from the board meetings, yes.

Mr. John Nater: Would you be willing to provide those to the committee?

Mr. Scott Smith: If they would be beneficial to the committee and will not prejudice any of the ongoing investigations, yes, certainly.

Mr. John Nater: How many recommendations did Henein Hutchison make?

Mr. Scott Smith: I believe there was a total of 11.

Mr. John Nater: How many of those have been implemented?

Mr. Scott Smith: Work has been done on all of those starting in 2018 through and including our action plan.

Mr. John Nater: Could you provide this committee with a copy of those recommendations?

Mr. Scott Smith: I certainly can, and will provide an update on the work we've done.

Mr. John Nater: Could you provide us with that by the conclusion of today's meeting, or at least the recommendations?

Mr. Scott Smith: Yes, certainly the recommendations. The update notes I'll provide as soon as possible.

Mr. John Nater: When the decision was made to pay out a settlement in this case, when was the board informed of that settlement?

Mr. Scott Smith: The current board was briefed, I believe, on May 7, after a member forum. Then, I believe, on May 14, we had an additional board meeting, just in advance of the long weekend, when we discussed our approach with respect to settlement, and the board endorsed up to the maximum settlement number.

Mr. John Nater: Who made the recommendation to Hockey Canada to pay a settlement?

Mr. Scott Smith: Excuse me?

Mr. John Nater: Where did the recommendation come from to make a settlement offer?

Mr. Scott Smith: The settlement discussions took place between our counsel, Mr. Winton, who's to my right, as well as the young woman's counsel, Mr. Talach.

Mr. John Nater: Mr. Winton advised Hockey Canada to offer a settlement.

Mr. Scott Smith: It was part of our discussions, and we took his advice. We also were aware of the interest of the young woman, as represented by her counsel.

Mr. John Nater: Who made the decision, then, to make the settlement? Who made the final decision? Was it you or was it Mr. Renney?

Mr. Scott Smith: I think it's best to say that Hockey Canada made the decision. Management reviewed it with our board; then we presented the settlement offer, and it was agreed to.

Mr. John Nater: Then Hockey Canada made the offer, not the board?

Mr. Scott Smith: Hockey Canada is both management and the board.

Mr. John Nater: Did the board approve the settlement before it was offered?

Mr. Scott Smith: The board approved the maximum amount of the settlement, and the settlement offer was made and accepted.

Mr. John Nater: Last night there was a statement from Sheldon Kennedy, who for 20-plus years has been advocating on behalf of victims. He said, "The same people with a new plan expecting different results is the definition of insanity. I call for the resignation of Hockey Canada CEO Scott Smith, his leadership team and the board of directors to resign and step down from their positions immediately. Enough is enough already."

Frankly, Mr. Smith, we agree.

The Chair: You have 30 seconds.

Mr. John Nater: Thank you, Madam Chair.

We agree. For the good of hockey, for the good of the countless volunteers across this country, the good work that countless blameless people are doing in the support of hockey, I strongly believe there needs to be new leadership within Hockey Canada. Will you do that? Will you step down for new leadership to take over?

The Chair: You have 10 seconds.

Mr. Scott Smith: I believe I said in my opening statement that I'm prepared to take on this responsibility for change within our game. I believe I have the experience to do it. Should our board or the governance review that we've outlined in our action plan suggest that I'm not the person, then I'm prepared to accept that.

The Chair: Thank you. The time is up.

I now go to Chris Bittle for the Liberals for six minutes, please.

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

I'm not sure who this question is better addressed to, whether it's Mr. Smith or Mr. McCurdie.

Bob Martin, I understand, works security for the London Knights and is a retired London police officer. Was he ever retained by Hockey Canada to investigate anything involved in this incident?

Mr. Scott Smith: Bob Martin has been a security liaison with a number of our teams—Olympics, world juniors. He was not involved or authorized in any manner to be involved in any of this investigation.

● (1140)

Mr. Chris Bittle: Okay.

I'm going to turn to Mr. Branch.

I'm not quite sure of the direct relationship between you and the individual teams. Do you have any knowledge of whether Mr. Bob Martin was conducting an investigation on behalf of the London Knights and/or their players involved in this instance?

Mr. David Branch: I have no knowledge.

Mr. Chris Bittle: Would you undertake to look into that allegation with the London Knights and report back to the committee whether the London Knights retained Bob Martin to investigate this incident?

Mr. David Branch: I will.

Mr. Chris Bittle: Thank you so much.

I'd like to go back to what Mr. Nater was discussing.

We have an acknowledgement by the individuals here that there's been a cultural failure, but the individuals before us here have been there for decades, going back to Sheldon Kennedy and when those allegations came forward.

Mr. Smith, you've been with Hockey Canada for 30 years. Why is it now in this moment that you think Canadians should trust you, Hockey Canada and senior management when you've been through these processes for decades? What's changed now?

Mr. Scott Smith: First and foremost, I want to be really clear. I've had a long-standing personal and business relationship with Sheldon Kennedy. I respect him, as all of you do. It was difficult to read his comments yesterday, but I still hold Sheldon in high regard.

As I've said, I do believe that I have the experience to take Hockey Canada and our game to a new place. I do believe that I have the support of our staff. I do believe that I have the support of our board and our membership, and I want to be held accountable to take Hockey Canada to a better place.

As I said, if the governance review or our board decide that someone else should do that, I'm prepared to accept that, but I want to be held accountable to deliver on this action plan.

Mr. Chris Bittle: Was the action plan a document prepared by Hockey Canada, or did you hire an outside organization to assist you with the preparation of that plan?

Mr. Scott Smith: The content of the document was developed by a group of staff within Hockey Canada. They ranged from individuals who were responsible for safe sport; legal from a governance perspective; our lead on business development; our lead on strategy; our lead on people, culture and inclusion; our head of finance; and me. We did look for services and support elsewhere. As an example, the sexual assault centre of Waterloo, who does work with the Ontario Hockey League, has been delivering training this month with our high performance programs in Calgary.

Mr. Chris Bittle: To the Canadian Hockey League, I know that, legally so, you're not responsible for what happened at the Hockey Canada gala. But in terms of the culture within the Canadian Hockey League, do you not see that there is a serious cultural problem that would inevitably lead to instances like what happened in London?

Mr. Dan MacKenzie: Our experience with culture has been that it's very much dependent on individual team scenarios. What's the coaching situation? What's the leadership team? What training have they been through? We've found that it's very specific to the team. As it relates to the kind of conduct that this committee hearing is about in terms of sexual misconduct, each league, understanding the team dynamics, has really tried to put programs in place that deal with it at the team level.

In order to help answer this question, would it be okay to pass this on to some of the league commissioners to give some examples of the kinds of things they've done?

Mr. Chris Bittle: Certainly.

The Chair: We have one minute left. Everybody will have to be swift with their answer, please.

Mr. Dan MacKenzie: If it's okay, Chair, I'll turn it over to Mr. Branch. As Mr. Smith mentioned, they have a program they work on with the regional rape crisis centre.

The Chair: Mr. Branch, go ahead, please.

Mr. David Branch: Thank you, Madam Chair. I'll try to be swift.

As stated, in 2015 we developed a program with the Ontario Coalition of Rape Crisis Centres. It's a program that is designed to teach players about their responsibility on how to respect and treat women and really work in that whole genre. We're currently working to expand that program. That was before this committee hearing was called. We recognized the importance of our players understanding the role that they should play and must play.

• (1145)

Mr. Chris Bittle: I don't think I have much time left, Madam Chair.

Thank you so much.

The Chair: Monsieur Lemire from the Bloc Québécois, you have six minutes, please.

[*Translation*]

Mr. Sébastien Lemire: Thank you, Madam Chair.

Mr. Smith, in your opening statement, you said that Canadians' trust had been eroded. You acknowledged that. You said that you were willing to do whatever it took, including apologizing. You seem to be sincere.

I do have the following question, though. What exactly are you apologizing for?

[*English*]

Mr. Scott Smith: I think I've recognized, and we've recognized in our open letter to Canadians, that in 2018 we should have done more and could have done more and could have done things quicker. I apologize for that. We've reopened the investigation. We take the allegations—we did in 2018, and we continue to—very seriously, as I know you do. We are looking for a meaningful conclusion.

As Ms. Robitaille said yesterday to you and the members of this committee, she's looking to confirm the truth. That's her mandate. We're hopeful that we can do that and share the findings of her work with that three-person adjudication panel and take the appropriate actions.

[*Translation*]

Mr. Sébastien Lemire: I think—and I've said this publicly—that the latest measures you've taken are good ones; they are a step in the right direction.

Be that as it may, I really have the sense that nothing at Hockey Canada would have changed had I not done my job as a parliamentarian, had all the parties not come together to get to the bottom of what happened in June of 2018 and in all the other cases in which Hockey Canada was involved, had there not been a public outcry, had the women's team at Hockey Canada not come out with that very dignified statement this week, had the media not taken the story and run with it.

If it took all that public pressure for you to step up, how can we trust you to do what it takes?

[English]

Mr. Scott Smith: Madam Chair, I do want to say that, after Mr. McCurdie's retirement in December of last year... Glen was an excellent long-term employee with Hockey Canada who held significant responsibilities.

We launched a safe sport department. We hired a lead there. We've looked to expand that safe sport department, so yes, there's been lots of work that's been done in the last six weeks, but our interest in providing a safe environment and having a safe sport department that could ensure that we can deliver on that for our membership and for Canadians happened well before the media attention and the attention at this committee.

[Translation]

Mr. Sébastien Lemire: You said you also had a message for victims.

What is that message?

[English]

Mr. Scott Smith: First and foremost, we take any of these situations very seriously. They're very troubling for me as a hockey parent. They're very troubling for you and for Canadians.

We said in our open letter that we want to hear from victims. If there are victims from events at the national level, that will be part of the Office of the Sport Integrity Commissioner. We have a new system that we will have in place for anything below the national level, where it will be independent and have a third party investigate and review, and we will be able to report on all of those issues.

At the end of the day, our 100% goal is to eliminate individuals being victimized in the sport of hockey, and if we can use that to send a message to broader sport or to Canadians, then that's great, but our efforts are to eliminate any inappropriate activity in the game.

• (1150)

[Translation]

Mr. Sébastien Lemire: You were aware of sexual allegations in the past. You just mentioned that you, yourself, were a parent.

Would you have let your own daughter participate in activities run by Hockey Canada or one of its partners, knowing that a culture demeaning to women existed?

[English]

Mr. Scott Smith: For clarity, we have one child, and he's 18. I don't have a daughter, but I do have a wife and I have a sister. I do believe, like you, that the current situation we're in is very troubling. Canadians are questioning. I think we're putting in place even further measures to make sure that we're delivering a safe environment.

I heard from our national women's team players this week. I certainly welcome the opportunity to work with them. They have a strong voice. They're a voice that we and others will listen to, and I do think that there certainly is an opportunity to put young girls in the game and deliver in a safe environment.

If, for some reason, there are incidents with young girls or young boys, we want to make sure that we take every measure to address those and ensure their safety. We're also going to further enhance our efforts, because we do have strong education initiatives, and further enhance our education initiatives, for example, like Mr. Branch said earlier.

[Translation]

Mr. Sébastien Lemire: I want to wrap up by saying how appalling it is to see—

[English]

The Chair: You have 22 seconds.

[Translation]

Mr. Sébastien Lemire: —that, clearly, money is king at Hockey Canada, that some people are above the law, that the culture of silence has endured for years.

I, too, read Sheldon Kennedy's statement, and I read it carefully. Although I feel you're being sincere right now, I have to tell you that I stand with those who don't think you are the right person—if even just symbolically—to lead the sweeping changes needed at every level of the Hockey Canada organization, right down to the dressing room.

Thank you for being here, Mr. Smith.

[English]

The Chair: Thank you, Sébastien.

I now go to Mr. Julian for the NDP.

You have six minutes, Peter.

[Translation]

Mr. Peter Julian: Thank you, Madam Chair.

[English]

Since your last hearing here, Mr. Smith, when you came forward in June, and I believe you stonewalled committee, refused to answer very valid questions that were asked of you, and Hockey Canada refused to answer those questions as well, what we have seen is a complete erosion in the public trust. Very important people in the hockey world, like Sheldon Kennedy, the women's Olympic hockey team and numerous sponsors have withdrawn from Hockey Canada. The Canadian public has lost confidence in Hockey Canada. Of that there is no doubt. I find that this hearing today is really the last opportunity for Hockey Canada to try to establish some credibility.

In your initial comments, Mr. Smith, you said that there's no one in Hockey Canada who was aware of the horrific allegations of 2003. Is that the position of Hockey Canada, that the allegations of 2003, no one in the organization was aware of them?

Mr. Scott Smith: I became aware of the details of the allegation—or Hockey Canada did as well—on whatever the Thursday was last week. We were not aware before.

Mr. Peter Julian: Is it the position of Hockey Canada that you're not aware of any further allegations of any impropriety, sexual violence, sexual abuse?

Mr. Scott Smith: Are you speaking related to the 2003—

Mr. Peter Julian: I'm speaking related to 2003 or any other incidents.

Mr. Scott Smith: Mr. Cairo can walk you through the historical questions with respect to sexual abuse incidents or claims.

To be very clear, we became aware of the details of the 2003 incident on that Thursday evening. About two weeks before that, a former staff member had reached out to current staff and said that they had heard a rumour that something bad had happened. We immediately hired an independent investigator, but we were not aware of the details. When we did receive the email from Mr. Westhead—we obviously take those very seriously—we immediately reported it to the Halifax police service.

We've encouraged anyone who has any of those details to come forward to assist in the investigation.

Mr. Peter Julian: You understand why Hockey Canada doesn't have credibility on these issues when they are not being proactive on something like this. If a staff member was aware of these horrific allegations, Hockey Canada should have taken action years ago.

I will now go to Mr. Cairo to ask about the national equity fund.

• (1155)

Mr. Scott Smith: Just before you do, I really want to confirm that the Hockey Canada staff was made aware on the Thursday evening, when we received Mr. Westhead's email, of the details of those allegations against members of the 2003 world junior team.

Mr. Peter Julian: But you said there was a rumour that was circulating prior to that.

Mr. Scott Smith: There was a rumour, which we immediately reported to Sport Canada, but we also hired an independent investigator. I believe it was two weeks and a day later when we received the details of the allegations via the email from Rick Westhead. We were not aware of any of those details prior to receiving the email.

Mr. Peter Julian: In your testimony a month ago, you said you were not going to speak about two ongoing investigations. In fact your quote is, "I wasn't prepared to speak to the specifics of those [investigations] today."

Are you prepared to speak to them today?

Mr. Scott Smith: I am. I apologize to you and to members of the committee for not having that when we spoke on June 20.

With the 2003 incident, there have now been four reports to Sport Canada: 2018, 2003, and then two additional reports that are not for sexual assault or sexual misconduct. They relate to the family of one of our members, who has suggested their family has received abusive behaviour because their son and daughter have been prevented from registering in the youth hockey system. They have been prevented from registering within the youth hockey system because of the conduct of the father in arenas.

That has been reported, and I believe one report was in 2018 and the second report was in 2021.

Mr. Peter Julian: Thank you.

Mr. Cairo, you mentioned that there have been nine payments made out of the national equity fund. How many victims have received funds from the national equity fund?

Mr. Brian Cairo: Related to sexual abuse, nine.

Mr. Peter Julian: And not related to sexual abuse?

Mr. Brian Cairo: There would have been 20 in total, including those nine.

Mr. Peter Julian: Thank you.

I want to say, because I only have a minute left in my initial round, my concerns with Hockey Canada, I think, are shared by the Canadian public, shared by my colleagues. We simply have not seen Hockey Canada be responsive at all to issues of sexual violence and sexual abuse. We are seeing this pattern repeated.

When we think back to the days of Sheldon Kennedy and the requirement to put into place independent anti-sexual harassment officers, Hockey Canada—

The Chair: You have 30 seconds.

Mr. Peter Julian: —is now doing the follow up that it should have done then. We look at anti-racism—and I'll have more about that later in this hearing. The anti-racism components that were committed to two years ago have still not been put in place.

I feel like many members of the Canadian public. I have lost confidence in Hockey Canada. We have lost confidence in Hockey Canada, and I think it is time for new leadership.

Thank you, Madam Chair.

The Chair: Thank you, Mr. Julian.

Now we go to the second round. The second round is a five-minute round for questions and answers.

We begin with the Conservative member who will be speaking to this.

[*Translation*]

Mr. Richard Martel (Chicoutimi—Le Fjord, CPC): Thank you, Madam Chair.

[*English*]

The Chair: Monsieur Martel, you have five minutes, please.

[*Translation*]

Mr. Richard Martel: I'll be sharing my time with Mr. Waugh.

Mr. Smith, would you let someone play for Team Canada if you suspected they were involved in a sexual assault?

[*English*]

Mr. Scott Smith: I think there are a couple of things I'd like to clarify.

Since our last meeting, we.... I mentioned in our opening statement that anyone who refuses to be part of an investigation would be banned from any and all Hockey Canada activities, including, even in their later years, coaching or other volunteer roles.

If there was suspicion, we would have that subject to an investigation. If an individual chose not to participate in that investigation and it couldn't come to a rightful conclusion, then they would not be permitted to play for Team Canada. If they went through an investigation, it would determine whether that was suspicion or fact.

• (1200)

[Translation]

Mr. Richard Martel: Fine, but you didn't really answer my question.

If you suspected a player of being involved in a sexual assault, would you let him play on Canada's junior team?

[English]

Mr. Scott Smith: If Hockey Canada had suspicions, we would turn that over to an independent investigation. If someone chose not to participate in that investigation, they would be banned. That investigation would then determine whether or not that's a suspicion or a fact. If it was a fact, they would be prevented. If it was cleared, they would be allowed to play.

[Translation]

Mr. Richard Martel: I found it odd that players from the 2018 Canadian junior team represented Canada in the world championships this past May. That made me wonder, and that's why I asked the first question I did.

Hockey Canada's federal funding is currently frozen. Your actions and the statements you made when you appeared before the Standing Committee on Canadian Heritage in June drew intense criticism. It's clear that Hockey Canada needs to repair its image and clean house in a big way.

Tell me why you are the man to set things right at Hockey Canada.

[English]

Mr. Scott Smith: First and foremost, I'm a hockey parent. I'm an individual who cares greatly about this game. I've dedicated other than, I believe, 10 months of my working career to working within our Hockey Canada system, not all at Hockey Canada. I care deeply about delivering a better environment. I take this situation where victims have experienced harm in our game very, very seriously.

I can't express that in any deeper form. I care about this. I care about making the game better for more Canadians. I also care about being part of an overall sport system that wants to be better.

I would like the opportunity to show Canadians—not tell Canadians what we're going to do, but show Canadians—what we have done. I would like a period of time to be able to do that. I'm more than prepared to be held accountable to that. If our board of directors, or as I said earlier the governance review by a third party, suggests that I'm not the right person to do it—my background is not right, my experience is not right, my care and concern for young boys and girls is not right—then I'm prepared to accept that.

[Translation]

Mr. Richard Martel: On your watch, Hockey Canada has found itself in hot water more than once. Before I give my fellow member

the floor, I want to say that Hockey Canada needs an exhaustive cleanup.

[English]

The Chair: You have 30 seconds.

[Translation]

Mr. Richard Martel: Thank you.

I'm done, Madam Chair.

[English]

Mr. Kevin Waugh (Saskatoon—Grasswood, CPC): I have only 30 seconds left, Chair. I'll take the third round.

The Chair: You have 15 seconds now.

Mr. Kevin Waugh: We're done.

The Chair: Good. Thank you, Kevin.

Now we'll go to Mr. Housefather for the Liberals.

Anthony, you have five minutes.

Mr. Anthony Housefather (Mount Royal, Lib.): Thank you so much, Madam Chair.

Mr. Smith, your last appearance here, particularly as related to the settlement agreement, raised a lot of questions. When did the board of directors authorize an individual from Hockey Canada to sign the settlement agreement? What date did the board authorize it?

Mr. Scott Smith: Madam Chair, just for clarity, the board of directors authorized the maximum amount of the settlement. The settlement was negotiated between Mr. Winton, who's to my right, and Mr. Talach, the lawyer for the young woman.

Mr. Anthony Housefather: In my experience as a general counsel of a multinational, you would normally have board minutes that would state someone being authorized on behalf of Hockey Canada to sign the settlement agreement and the board authorizing the settlement agreement. You've now stated that the board authorized the maximum amount. Where is that minuted in a board of directors meeting?

• (1205)

Mr. Scott Smith: As I stated earlier, in camera sessions for the board of directors are not minuted.

Mr. Anthony Housefather: So basically, according to Hockey Canada's practices, you could never prove in the future whether the board did or did not do what you said. I can only say that you need better legal advice and you need better lawyers if that is your practice, sir.

Coming back to the settlement agreement, you settled on behalf of the John Doe players. A number of John Doe players have come forward to say that you never contacted them to even tell them about the claim. Can I understand how you contacted the John Doe players?

Mr. Scott Smith: We advised all players after we settled with the young woman. We made the decision to settle on behalf of Hockey Canada and the other named defendants. We did so in the best interest of the young woman in protecting her privacy and also her benefit going forward.

Mr. Anthony Housefather: What legal right did you have, sir, to settle a claim on behalf of people unknown, or people that you did know who you did not consult with? If I am sued, I have a right to be involved in the question of whether or not there's a settlement paid and whether or not somebody settles on my behalf.

Did you obtain written consent from the other defendants to settle on their behalf?

Mr. Scott Smith: I advised the process that we undertook to settle.

Mr. Anthony Housefather: So basically, you didn't contact people even though you had their emails and you had their legal counsel representation. You chose to settle without consulting with them. You then settled on their behalf. Okay.

You had a claim and you settled it within three weeks or four weeks of the date you received the claim. That is highly unusual. Let me understand this. You and Mr. Renney, at the last committee hearing, professed that you did not even know which individuals were involved. You said there were some statements in the claim made by the plaintiff that were false, and others that you couldn't validate, because she was never interviewed by Henein Hutchison and never interviewed by your counsel, and she made no statement to the police.

Why did you not use the lawsuit as an occasion to depose the plaintiff to see if her claims were credible?

Mr. Scott Smith: I believe this is consistent with my statement on June 20. We made the decision to settle in the best interests of the young woman and to respect her privacy. We did not want to subject her to further discussion or debate that we have now seen through the media in the last 10 to 12 days. We made that decision at the time to help her on a go-forward basis. We stand by the decision to settle with her.

Mr. Anthony Housefather: Okay. So basically, you settled the claim. You didn't know whether you had legal risk or any risk. You didn't know who was involved. Would you do that if somebody else sued you tomorrow?

Mr. Scott Smith: Sorry. There was a phone ringing. I missed that question.

Mr. Anthony Housefather: We've established that you quickly settled the claim—

The Chair: You have 25 seconds.

Mr. Anthony Housefather: —on behalf of numerous people, and you didn't know whether you had legal risk or exposure or not. Would you do that if someone else sued you tomorrow?

Mr. Scott Smith: I don't know if it would be fair for me to surmise what we would do if something happened tomorrow. I do know that we immediately entered into discussions between our representative and the young woman's counsel. As I said, we did so in her best interest, and really wanted to ensure that we were looking after her on a go-forward basis.

Mr. Anthony Housefather: Thank you, Chair.

The Chair: The time is up.

We're going now to Mr. Lemire for two and a half minutes.

[*Translation*]

Mr. Sébastien Lemire: Thank you, Madam Chair.

Mr. Smith, your attitude when you appeared before the committee in June is precisely why you are back here today, in my view. Obviously, that appearance before the committee was necessary in order for things to change drastically.

What did you take away from your appearance before the committee on June 20?

• (1210)

[*English*]

Mr. Scott Smith: When you said our study, are you referring to our action plan?

[*Translation*]

Mr. Sébastien Lemire: I was referring to your appearance before the committee, here, in the House of Commons. Your attitude then was quite different. On June 20, I didn't feel that you had taken the order to appear before the committee seriously or that you were facing up to your responsibility, unlike today.

I genuinely believe that, had you adopted the same attitude you have today back on June 20, we wouldn't be here now.

Unfortunately, there is no rewriting history, so why did you have the attitude you did on June 20?

[*English*]

Mr. Scott Smith: Madam Chair, first and foremost, I don't believe I had a different attitude in June. In June, and in May and in 2018, I, as well as everyone else, took these allegations and the situation very seriously and considered them troubling.

June was the first time I've ever appeared before this committee. If, for some reason, I left people with an opinion other than what I intended, I apologize for that. I can tell you without any question that my attitude in June was out of the utmost respect for this committee but also in the interest of the young woman, and it continues to be maintained today. Finally, my attitude is also focused going forward on delivering on an action plan to ensure that these events never happen again.

[*Translation*]

Mr. Sébastien Lemire: You said you wanted to stay on if you have the confidence of the board of directors. I would like to mention that I am questioning that confidence myself.

Are the board members still fit to make the decision to remain in office, given that they were aware of certain situations and did not act?

[English]

The Chair: You have 30 seconds.

[Translation]

Mr. Sébastien Lemire: I think this speaks to the lack of diversity within senior management and overall leadership of Hockey Canada.

I think the idea of having more women, more representatives of diversity, including young people and people from different cultures, including more francophones and Quebecers, could be part of the solution.

So, Mr. Smith, I expect to see a major overhaul of all senior management, including the board of directors.

[English]

The Chair: Thank you.

I would ask Mr. Nater to take the chair for 10 minutes. I have an emergency that I must attend to right now.

Thank you, John, for being generous with your time.

The next person up is going to be Peter Julian for two and a half minutes.

[Translation]

Mr. Peter Julian: Thank you, Madam Chair.

Mr. Smith, the public has lost faith in Hockey Canada. Sponsors are running away. Members of the women's Olympic team and Sheldon Kennedy have made it very clear that they do not have confidence in Hockey Canada.

You submitted an action plan just a few days ago. This plan has several elements that should have been in place years ago.

When we look at Hockey Canada's history of harassment and racism, we see that in June 2020, over two years ago, the organization reported that it was putting in place a database to record incidents of racism and harassment.

Has this data tracking system been implemented?

[English]

Mr. Scott Smith: Mr. Chair, in late June of 2021, our members, based on work from within our membership and our board, approved a new rule 11 that was intended to address all forms of maltreatment on the ice. That rule was approved in June at a special meeting to ensure that it was available for use and in our rule book for the start of the 2021-22 hockey season.

In addition to that, we built a tracking system to track all of those incidents with each of our 13 members. We have committed to provide that or include the results of that tracking in our annual report, which is presented and also made available to the public at our November annual general meeting.

[Translation]

Mr. Peter Julian: Are you saying that the system is in place and that you now have the data?

• (1215)

[English]

Mr. Scott Smith: We reported the data to our members at our year-end meeting at the end of May or first of June in Moncton, New Brunswick.

[Translation]

Mr. Peter Julian: Will you now make this public?

[English]

Mr. Scott Smith: Sorry. I don't—

[Translation]

Mr. Peter Julian: It's a matter of transparency.

[English]

The Vice-Chair (Mr. John Nater): That's time, but I will allow Mr. Smith to answer the question.

Mr. Scott Smith: I believe we've committed to include that in our annual report that we present at our November meeting.

The Vice-Chair (Mr. John Nater): Thank you.

Next up we have Mr. Waugh for five minutes.

Mr. Kevin Waugh: Mr. Smith, on June 20 I called you out, saying it's a cover-up and you own it. At least today you admitted you have started to own it.

Hockey Canada has a problem. I was a broadcaster before I was an MP, as you know, for over 40 years. I covered the Western Hockey League extensively. I am very happy that you're doing a full governance review. I've had dozens of calls from agents and from players citing Bob Nicholson, Tom Renney and you. It is top down in Hockey Canada. You are the biggest sport organization this country has.

Part of the problem I'm hearing is that the board is not connected with the CEOs. Bob Nicholson told the board, "I'm doing this; follow me." Tom Renney only had a few years; the same. Now you're in the chair. I hope the governance review will follow other national sport organizations in this country in giving the board of directors the power over the CEOs. Bob Nicholson, Tom Renney and you were too powerful. The boards of hockey need to take this over. Canadians coast to coast know this. Players, agents, coaches, general managers and the Canadian Hockey League know this. They keep things from Hockey Canada. I'm going to get into this later with David Branch, Gilles Courteau and Ron Robison.

Hockey Canada needs to change at the board level, Mr. Smith. This is where it has to start. The board has to control Hockey Canada. What Bob Nicholson, Tom Renney and now you...is not working. Canadians have told you this. They've lost trust. The only trust you are going to get back from moms and dads and players is that the board directs you as the CEO.

Can we get that assurance from you? I know that you just took over for the last month, but we saw it with Nicholson and Renney. We don't want to see the same leadership from you. Canadians have asked that.

Mr. Scott Smith: Mr. Chair, first of all, I would like to clarify that I certainly take ownership for some things that we could have done better through the process. I did not take ownership of a cover-up. I want to be clear on that.

Mr. Kevin Waugh: Yes; I called you out on that. Thank you.

Mr. Scott Smith: I serve at the pleasure of the board. I report to the board of directors. I am 100% accountable to them. I think if you spoke to our board, they would tell you that I as well as our senior management staff provide to them good counsel on the day-to-day operations, but as the governors of our organization, they have the ability to set the direction from their level.

I serve at the pleasure of the board of directors. I went through an extensive process in negotiating my agreement with the personnel committee. The full board is aware of that, and I serve at their pleasure.

Thank you.

Mr. Kevin Waugh: I'm hearing that 2018 board members weren't consulted, just the chair. The chair kept it between, at that time, Tom Renney and the chair of Hockey Canada. It does not come down to the board members, and that's wrong.

The governance is wrong. As the most powerful sport organization in this country, it must change. It must change.

Mr. Scott Smith: If I may, Mr. Chair, as I said, the current board of directors, all of them, have a copy of the report. The board of directors—

Mr. Kevin Waugh: The problem is that they were not consulted. In fact, Mr. McCurdie said it. While you were flying back to Calgary, he should have been phoning the board—"we need an emergency meeting"—on June 19. That didn't happen. Instead, you were flying back to Calgary when Mr. McCurdie should have called, or had you or Mr. Renney call, an emergency meeting with the board of governors, with Hockey Canada. That's not happened.

• (1220)

Mr. Scott Smith: Mr. Chair, I think that if you look at our action plan—and our board of directors has had input and has endorsed the action plan—we're looking at a full governance review.

Mr. Kevin Waugh: I get that.

Mr. Scott Smith: If there are improvements and better ways for our organization, then we're certainly prepared to accept that.

Mr. Kevin Waugh: Let me ask one last question, Mr. Smith.

Do you not think the board should have been involved on June 19 when the phone call went to Mr. Glen McCurdie? Do you not

think the head of Hockey Canada's board of governors along with the rest of the board of governors should have been involved immediately on June 19 when that phone call went to Mr. McCurdie?

Instead, they were left out in the dark for probably weeks.

Mr. Scott Smith: Mr. Chair, my recollection is that the chair of the board was advised on June 19 and that within a week we did have an update call with the board of directors where they were briefed.

Mr. Kevin Waugh: Do you not think it should have happened on June 19 or June 20, instead of a week later?

The Vice-Chair (Mr. John Nater): Thank you, Kevin.

If you can answer that in a couple of seconds, go ahead.

Mr. Scott Smith: No, I'm fine, thanks.

The Vice-Chair (Mr. John Nater): Okay.

Next up is Ms. Hepfner for the Liberals for five minutes.

Ms. Lisa Hepfner (Hamilton Mountain, Lib.): Thank you, Chair.

Mr. Smith is probably best to answer this question.

A couple of people have remarked at the homogeneity of the group at the end of this table. Do you think it would help Hockey Canada to have some women in leadership positions within the organization?

Mr. Scott Smith: I definitely do.

Our current board of directors has two women. In our senior leadership team, there are five women and seven men. We have strong female voices within our system, whether that be on standing committees, leadership of standing committees or task teams. We have a female hockey policy committee, and especially our national women's team.

I would definitely welcome that, and I do think that we have strong voices that help us and will continue to help us on a go-forward basis.

Ms. Lisa Hepfner: Can you talk about the discrepancy in funding between women's hockey and men's hockey?

Mr. Scott Smith: I think we can give you an overview of what we spend with respect to our high performance programs, and I would respectfully ask Mr. Cairo to provide an update on that.

Mr. Brian Cairo: Mr. Chair, with respect to spending on the women's program, in the last four years—so including this year—we have spent a total of \$20.3 million compared to the men's program of \$17.8 million, so we have spent more on the women's program over the last four years.

On the para program, we have spent \$4.2 million.

Ms. Lisa Hepfner: Okay.

I'm wondering if you've heard from hockey moms and dads who are concerned about this national equity fund and the fact that part of their—or maybe you can clarify—registration fees would have gone to this fund.

Mr. Scott Smith: Mr. Chair, in a moment I'll ask Mr. Cairo to go through that.

I would like to say that I think—and you will probably hear this from Mr. Lorenzetti later this afternoon—that insurance doesn't cover everything. We're in a situation where we want to make sure that we provide and support families. In some cases, we've made payments out of the equity fund for injuries that may not be covered to the extent they need to be from an insurance point of view. I also would like to clarify that there is a difference between registration fees and insurance fees.

I'll turn it over to Mr. Cairo.

Mr. Brian Cairo: I think Scott's covered most of it.

When the fund was set up in 1995, we purchased commercial liability insurance. Unfortunately, when we purchased it at that point, not all of our risks would be covered. I'm not aware of any company that can totally de-risk any of its risky items.

In 1998, largely stemming from the Graham James incidents, we added a sexual abuse component to our liability insurance. This coverage has been in place for the last 25 years, so that's a real testament to the reputation of Hockey Canada.

When setting up this fund, it was recognized that there are just some unforeseen circumstances where claims are not insured, and you can think of Graham James. The insurance companies were not going to insure us for those types of instances. I've already explained that, out of the claims that we've paid out of this fund of \$7.6 million, \$6.8 million of them have been Graham James related.

Yes, I can understand that the parents aren't happy. I wouldn't be happy either, but that's the reality of the situation. Some risks can't be insured.

• (1225)

Ms. Lisa Hepfner: Thank you.

I understand that nine times the fund was used for sexual assault claims, or am I mistaken on that?

I'm wondering if you agree that, by having a fund that allows potential perpetrators to escape any accountability, it perpetuates the problem. It's saying from the top that this is okay and, if you're accused of sexual assault, we'll get you out of it. Do you understand, or do you agree?

Mr. Brian Cairo: I'm not sure what you mean by letting them out, because Graham James was persecuted to the end. I don't know if he is even still in jail, but it was a criminal matter.

This money is used to support the victims of those individuals, not the perpetrator. We feel very strongly that we need to support those victims.

Ms. Lisa Hepfner: Did you try to use your insurance policy for this 2018 incident in London?

Mr. Brian Cairo: We did not.

Ms. Lisa Hepfner: Why is that?

Mr. Brian Cairo: We felt that, first of all, the right thing to do was to deal with the young woman, and secondly, it was right for the organization. We didn't know all of the details of the night, but we did believe harm was caused.

We had two options. One was basically to work with the young lady to arrive at a resolution that met her needs and didn't revictimize her or force her to litigate, which likely would reveal her identity and would essentially condone this behaviour to Canadians. We didn't believe we would get a definitive coverage answer from our insurance. We are already having debates about insurance of the sexual abuse nature that are committed by players. We didn't feel we would have a covered answer back for months, if not years.

The Vice-Chair (Mr. John Nater): Thank you, Ms. Hepfner. I did allow extra time for that to be answered.

Ms. Lisa Hepfner: I appreciate that.

The Vice-Chair (Mr. John Nater): Next up we have another round for the Conservatives. It's a five-minute round.

I will call on Ms. Vecchio.

Mrs. Karen Vecchio (Elgin—Middlesex—London, CPC): Thanks very much.

I'm going to start off with Mr. Smith.

Mr. Smith, yesterday we heard from counsel that, during the investigation, they ceased the investigation when the complainant wouldn't come forward. Scott, did you have anything to do with ceasing that investigation at that time? Was there any consultation with the counsellor at that time about why this was being ceased?

Mr. Scott Smith: No, I did not.

Mrs. Karen Vecchio: Okay.

One of my main concerns, and if we sit down and really talk about this, we know something happened—

Mr. Scott Smith: If I could, sorry...

Mrs. Karen Vecchio: Please go ahead.

Mr. Scott Smith: You asked if I had anything to do with that decision.

Mrs. Karen Vecchio: Yes.

Mr. Scott Smith: I was made aware of that decision, but I did not direct that decision. Excuse me, Mr. Chair, I wanted to clarify that. I apologize for interrupting.

Mrs. Karen Vecchio: No, Mr. Smith, I really appreciate that. I want a good lead to this thing.

We knew that there was a problem four years ago. I guess, for me, the investigation ceased because the woman wouldn't come forward. I'm asking you, Mr. Smith: If we know that there are approximately eight perpetrators on a hockey team, eight people who are now, it seems to me, signed with the NHL or signed with professional hockey.... We weren't doing anything; it was just being swept under the rug.

I'm just wondering why Hockey Canada decided not to continue with the investigation to ensure.... Forget about the girl. This young woman, forget about that. What I'm looking at is what these young men did in the first place. I'm just wondering why Hockey Canada decided to cease this and not continue asking questions and holding these young gentlemen to account.

Mr. Scott Smith: Mr. Chair, I don't believe that we swept it under the rug. From the outset, we wanted to make sure that Heinec Hutchison was retained to conduct a thorough—

Mrs. Karen Vecchio: Mr. Smith, I'm going to interrupt. I'm just wondering, if we're trying to change the culture, why we were not continuing to look at these perpetrators. Why did we cease looking at these perpetrators? If we're trying to change the culture of it, why, after the payout, did we just cease everything until it became public? Why did we not do anything? Why did you not continue to investigate, if you really wanted to change the culture of hockey?

Mr. Scott Smith: Mr. Chair, I believe on June 20 I stated openly that I would welcome the opportunity for the young woman to come forward and provide a statement. We've reopened the investigation, and we've given additional tools with respect to any refusal to participate in the investigation. We do believe that will allow Ms. Robitaille to take her investigation to the rightful conclusion, and we look forward to taking that forward to the adjudicative panel.

• (1230)

Mrs. Karen Vecchio: Mr. Smith, I applaud you for finally doing that, but, unfortunately, I have to say “finally”. That should have been done four years ago, and I think you know in your heart that it should have been done four years ago.

I want to switch over to the CHL.

Hockey Canada advised you immediately following the 2018 allegations that this had occurred. What did you do as an organization to see what was happening amongst your own teams to ensure that the players who would have participated in this were being looked at, or, because this was a Hockey Canada-sanctioned thing, did CHL have no role in this?

Can you just advise please?

Mr. Dan MacKenzie: I'm going to defer that question to Mr. Branch, who was the president of the Canadian Hockey League at the time.

Mrs. Karen Vecchio: Mr. Branch.

Mr. David Branch: I think in part you answered. Our position at that time.... Hockey Canada advised us—I want to say June 19—of the serious allegations. Days later, we were advised of the action steps that they were taking to investigate, to attempt to contact the family and support the young woman, the police investigation, one thing and another.

Clearly, what we recognized from the get-go is that the event and the national team programs fall under their jurisdiction.

Mrs. Karen Vecchio: Okay, fair enough.

Just with the CHL, can you share with me.... I know that there are many sexual assault centres in the city of London. I know that the London Abused Women's Centre works with the London Knights. Anova does as well.

I'm reaching out to you. Can you share with me what programs you have available so that we can actually talk about this toxic culture and the sexism that does occur, the frat house mentality that occurs when situations like this occur? What do you have in place to ensure there's proper education for these young men, that it's not just 30 minutes once a month and that they're actually living this as well?

Mr. David Branch: As touched on earlier, in 2015 we developed a program with the Ontario Coalition of Rape Crisis Centres to deal with that. We have respect in sport programs through Sheldon Kennedy which deal with such matters. We have harassment and abuse programs. It's a constant education.

We've developed a new app for our players to be able to anonymously report any issues or concerns relative to the question you just raised, along with others. We continue to challenge how we can best serve the needs of the players and help educate them because they are young people, as we all know.

The Vice-Chair (Mr. John Nater): We'll have to leave it there. Thank you, Ms. Vecchio.

I see that Madam Chair has returned, so I'll turn the gavel back over to her.

Thank you.

The Chair: Thank you very much, John.

Now we're moving to the five-minute rounds with Tim Louis for the Liberals.

Mr. Tim Louis (Kitchener—Conestoga, Lib.): Thank you, Madam Chair.

I might pick up with Mr. Smith and where the previous questions were going.

You talked about training starting at around 2015, including through the Sexual Assault Support Centre of Waterloo Region. You're saying that this training is ongoing. You're referring to it as “constant education”.

Do you think the steps were taken regarding this 2018 incident in London? The perception of Canadians is that this incident has been swept under the rug. Do you think this training would be in line with where you are? Where is the breakdown in the policies? If these trainings were working, and how did we get to that point?

Mr. Scott Smith: Madam Chair, if there are questions specific to the training, I think the training that was referenced earlier was the CHL. Do I understand your comment?

Mr. Tim Louis: Yes, you do, and I don't mind if they weigh in.

Mr. Dan MacKenzie: Sure.

This type of training happens at the regional league level. I know Mr. Branch has described their programs in the Ontario Hockey League. What I may do at this point is turn it over to Mr. Robison to discuss what they do in the Western Hockey League in this area. After that, I will turn it over to Mr. Courteau to talk about the Quebec Major Junior Hockey League, if that's okay.

Mr. Tim Louis: Just in the interest of time, from a blanket across the CHL, do you think that this training is working? We see incident after incident, and it doesn't seem to be effective. Canadians don't want to see that a box is being ticked off saying, "This is what we're doing."

Do you see a reduction in incidents since this training has started?

• (1235)

Mr. Dan MacKenzie: I can talk to our approach. As I said before, we think the key spot for the training programs is at the team level, through the leagues at the team level, and with staff, team leadership and so on. As I indicated in my opening comments, in this area, you can never do too much. You can always do better. We know that. That's what we're striving to do.

We've had two independent reports conducted, which have given us a bit of a road map in this area. It wasn't so much around sexual misconduct. It was more about general off-ice misconduct.

Mr. Tim Louis: What happens to those reports? Would you be willing to share those with us? Would you be willing to share them in public to find out what can be done better?

Mr. Dan MacKenzie: Absolutely. They're both on our website. I'd be happy to provide the link to the committee.

Mr. Tim Louis: Great.

In the interest of time, I need to keep moving on. I'll maybe go back to Hockey Canada.

You settled on behalf of these players, some of whom were not contacted beforehand. I believe you advised all players after the settlement. Today you've answered on why you settled, and we're going to accept that answer, but I don't feel you've answered on why you didn't settle through insurance. You settled through the national equity fund, which is parents' fees going into their kids' hockey teams. That's the fund that was used. The perception that a settlement came through the national equity fund instead of insurance, and also that there were no minutes from any of the board meetings....

Why did you choose to settle from the national equity fund and not through insurance?

Mr. Scott Smith: Madam Chair, there are a few things to clarify there, if I could.

First of all, I'll clarify that there are minutes from our meeting, but there are no minutes taken from in camera sessions.

We used the national equity fund because, as my colleague Mr. Cairo said earlier, there were some questions with respect to coverage. We were concerned that it would take months and maybe years to clarify that. We still maintain the right to pursue consideration of this being covered by our insurance after the fact, and we'll take the measures to look at that.

We made the decision to use the national equity fund, as I presented on June 20, in the best interest of the young woman and taking care of her needs given the circumstances.

Mr. Tim Louis: As a last question, you mentioned a lifetime ban. Moving forward, if any player does not participate in investigations, they'll be banned. What about players who are involved in a settlement? If they went through an investigation and there was a settlement, would those players be allowed to continue playing? We don't want this culture of actually encouraging these settlements and allowing these incidents to continue to happen.

Mr. Scott Smith: Madam Chair, we certainly share that view. We don't want individuals who conduct themselves in this manner in our system. If they are proven to have done this through an investigation, then they will not be entitled to participate in our programs. If someone chooses—

Mr. Tim Louis: But after a settlement...?

The Chair: That's it. The time is up, Tim. Thanks very much.

I will now go to Mr. Lemire for two and a half minutes.

[Translation]

Mr. Sébastien Lemire: Ms. Larouche will be speaking.

[English]

The Chair: Ms. Larouche.

[Translation]

Ms. Andréanne Larouche (Shefford, BQ): Thank you, Madam Chair.

Mr. Smith, I'd like to begin by coming back to the topic raised earlier by my colleague Mr. Lemire. He talked about your change in attitude since the June 20 meeting of this committee. I don't think you quite understand what this change in attitude represents. It wasn't just Mr. Lemire and I who noticed your attitude at the time. It was mentioned in many articles. Even some hockey associations noticed your tone and the way you trivialized the facts at that meeting by comparing cases of abuse within Hockey Canada to those in society in general. It really struck a chord.

A coach in my riding, a parent, heard, noticed and qualified your tone. We have the impression that it took a knife to your throat to appear today and to show much more sincerity. Unfortunately, the fact remains that it took a knife to your throat to change your attitude.

You also said that you produced a draft report and implemented the 11 recommendations in it today. Why not make that report more public? Why try, again, to hide all of this by using a sexual assault reserve fund, let alone what you've done to date?

We really feel like you've been more focused on protecting the image of Hockey Canada. That's really what this case is all about.

To reassure the victims, can you tell us what Hockey Canada's approach will be going forward?

What advice would you give to a parent who has heard their child talk about a case of abuse? What is the process for supporting a victim?

• (1240)

[English]

Mr. Scott Smith: Madam Chair, I'd say a few things, if I could.

First of all, I would say once again...and those people who know me outside of this room. If my attitude came across differently on June 20, there was no intention with that. Maybe it was because it was the first time I went through that. I'm not sure. I definitely don't feel that I trivialized any incidents in our game. One incident is one too many. I think I said that on June 20.

With respect to using money, we haven't used money to protect our image. We've used money to respond to and support victims, or we've used our money to support individuals who have suffered an injury that is not fully covered by insurance. We've used money to support families.

Going forward, we have an action plan that consists of a number of things. I don't expect Canadians to say, "Yes, that's good" today. I asked earlier for an opportunity to be measured on the work that we will do on that action plan. The governance review will provide direction. If there are changes required there, we're prepared to accept those. We'll name a third party oversight committee with strong leadership that will make sure we deliver on all of our obligations. We'll—

The Chair: Thank you. The time is up. I'm so sorry.

We will go now to Peter Julian for the NDP.

Peter, you have two and a half minutes.

Mr. Peter Julian: Thanks, Madam Chair.

I have some brief questions to which I'd like brief answers.

I was surprised that when we asked for the board minutes, we were not told that the discussions of the board took place in camera. There were no minutes, nothing to indicate that the association had actually formalized the decision.

Is that the case with all of the nine victim payouts that have been made? Were they all decided upon in camera, with no copies of any minutes?

Mr. Scott Smith: Before I turn to Mr. Cairo on that, I would like to clarify that in the minutes you received, there would have been a reference to discussions but not the content of those discussions, because they were in camera.

Mr. Brian Cairo: Madam Chair, I'm not aware of any minutes existing, but that's simply because I haven't gone back and looked for the previous ones.

Mr. Peter Julian: For any of them.

Mr. Brian Cairo: Yes.

Mr. Peter Julian: Has this been the practice, then, with Hockey Canada when they are talking about victim compensation?

Mr. Brian Cairo: I can't tell you. A lot of those dates are back in the eighties and nineties, and I haven't searched the minutes.

Mr. Peter Julian: It would be helpful for Hockey Canada to provide further information to our committee.

Did you, in each of these cases, advise the government, advise Sport Canada, who is a major funder?

Mr. Scott Smith: We advised Sport Canada starting in 2018, when that protocol came into being.

Mr. Peter Julian: So not previously to that. Have Sport Canada and the minister's office ever contacted you to get more information and more clarification?

Mr. Scott Smith: To date, our protocol with Sport Canada has been to notify them. As I said earlier, I believe now, with the 2003 world junior incidents, we've reported four to Sport Canada since 2018. Two were of one family, and then 2018 and 2003.

Mr. Peter Julian: Yes. Thank you for that.

The Chair: You have 27 seconds, Peter.

Mr. Peter Julian: Was there a liaison from Hockey Canada to the London police both prior to the suspension and now, now that the investigation with the London Police Service has resumed? Is there a liaison with Hockey Canada and the Halifax police now that a new investigation has been opened up into the 2003 world hockey championships?

Mr. Scott Smith: Henein Hutchison would have been in contact with the London police.

With respect to your question on the Halifax police, our general counsel reached out to Halifax police the evening we received the email from Mr. Westhead.

Mr. Peter Julian: And no one else from Hockey Canada?

Mr. Scott Smith: No one.

The Chair: You have 14 seconds, Peter.

Mr. Peter Julian: Thank you.

Do the board of directors or staff receive any bonuses or gifts when a junior team or a Canadian team on Canadian soil wins a championship?

• (1245)

Mr. Scott Smith: The board of directors and our members from time to time have received a version of championship rings. There are some staff members who do have bonuses that relate to medal performance.

Mr. Peter Julian: How much?

Mr. Scott Smith: There would be a variety of those, based on the level of—

Mr. Peter Julian: What is the range?

The Chair: Thank you, Peter. You have run out of time. I'm so sorry. You can ask that later on.

I want to go now to Mr. Nater for the Conservatives.

You have five minutes, please.

Mr. John Nater: Thank you, Madam Chair.

I'd like an answer to Mr. Julian's question.

What is the range of those payments?

Mr. Scott Smith: I would be prepared to provide that to the committee.

Mr. John Nater: Could you provide that by the conclusion of today's meeting? I'm sure there's some staff back in the Hockey Canada office that could provide that.

Mr. Scott Smith: We'll endeavour to do so.

Mr. John Nater: Thank you. I'd like to see that commitment.

There's a Shakespeare quote, "What's past is prologue." I feel like the actions of Hockey Canada over the last number of years have really brought us to this point today.

Earlier, in response to a question from Mr. Lemire, you made a comment about safe sport and about how Hockey Canada has been working on this for some time, but the facts of the matter are that in your own minutes, Hockey Canada has shown hesitancy to some of the objectives of safe sport.

I want to quote from the minutes. It has to do with one sport hotline. The minutes state this: Hockey Canada is seen as a leader. However, some sports are not as sophisticated or established as us. There's great concern the third party involvement would eliminate our ability to control the situation as well as we would.

I would note that they've also received emails where Hockey Canada officials have stated that they would be opposed to third parties looking at complaints.

Here we are today, with that type of attitude over the past number of years that only Hockey Canada could control the situation as well. It takes us to the situation where we have the culture and the situation with Hockey Canada today.

I want you to address that very briefly. How can we go forward with the leadership team that is in place today, which has been involved with the organization for a number of years and has had this attitude in the past?

I'll give you a minute to comment.

Mr. Scott Smith: Madam Chair, first, I'd like to make reference to where we currently are with the Office of the Sport Integrity Commissioner.

I believe that we've joined a group of other national sport organizations that have raised questions with respect to the implementation of the universal code of conduct and the requirements of the Office of the Sports Integrity Commissioner. I would characterize those as not being preventative from going in that direction, but for clarification on the appropriate implementation.

I was briefed yesterday via email that a meeting took place on Monday. The lawyer representing the SDRCC as well as the group of sports have had good discussions. They're working through one component of the indemnification clause and I am very comfortable that we will be an early signatory to that, as required by Sport Canada.

With respect to your question on trust within Hockey Canada and, I think, specifically trust in me, I've attempted to answer that as honestly and as straightforwardly as I can. I believe that I am the right person to lead Hockey Canada to a new place. I believe I have the skill set to do it. I believe I have the drive and commitment to do it and the respect of our board and our membership, as well as our staff.

If through the governance review or if our board were to change their opinion of that, I'm prepared to accept the consequences of that.

Mr. John Nater: I'd like each of the commissioners of the three leagues to answer this next question. It's a three-part question. I'll go through all three and ask each of you to respond.

How many complaints have each of the leagues received related to allegations? How many settlements have been offered? In each of those cases, did your respective leagues inform Hockey Canada?

Mr. Dan MacKenzie: Madam Chair, Maybe we can start with the Quebec Major Junior Hockey League and Monsieur Courteau.

• (1250)

The Chair: Yes, Mr. Courteau, go ahead.

Mr. Gilles Courteau: Could you repeat the question?

The Chair: Please be brief. You only have a minute left.

Mr. John Nater: Madam Chair, he's asking that I repeat the question, so I'd ask that the clock be stopped so I can repeat the question.

The Chair: All right.

Mr. John Nater: How many complaints were received? How many settlements were offered? Did the league advise Hockey Canada of the complaints?

[Translation]

Mr. Gilles Courteau: In our league, we have received two complaints in the past five years, and neither has been forwarded to Hockey Canada.

The two players involved in one of the complaints have been suspended.

[English]

Mr. John Nater: Mr. Branch.

The Chair: You have 30 seconds.

Mr. David Branch: If I understand the question correctly, in the last five years, we've had no sexual assault claims.

We had one report of a sexual misconduct, which was as a result of a player playing in Europe taking a picture that he distributed, which certainly violated the young woman's rights. We took immediate action, even though it did not occur in our league, and we suspended him until January 1. It was subject to reinstatement based on taking counselling and certain educational programs that were approved by the league.

Mr. John Nater: Mr. Robison.

The Chair: You are running out of time, Mr. Nater.

Mr. Ron Robison: Madam Chair, we've had two instances in the past five years. These matters were investigated by police, and the players were suspended from our league. It was not reported to Hockey Canada.

Mr. John Nater: Thank you, Madam Chair.

The Chair: Thank you very much.

Now I go to Mr. Coteau for the Liberals.

Mr. Michael Coteau (Don Valley East, Lib.): Thank you, Madam Chair.

I want to start by saying there's no question that Canadians love hockey. It's something we've always been proud of as Canadians, but over the last few months, I've seen more anger, disappointment and people who are just ashamed of what's been going on.

Your responsibilities as leaders in the system go way beyond just the boardroom and the management of the boardroom. It's interconnected with the dreams of Canadians and the national spirit.

We've all fought...every single one of us here has done something to promote sport and promote hockey. My municipality tried to stop road hockey. I fought against that. I fought against 77 municipalities. Hockey and sport are so important to Canadians because it helps build young people. It gives them the skill sets they need to continue moving forward.

My first question is for any of you. Do you believe there's a crisis in hockey today? If so, why?

Mr. Scott Smith: I believe we have some significant issues that are having a significant impact on what Canadians and, more importantly, parents of young hockey players think about the game.

Mr. Michael Coteau: Do you think there's a crisis in hockey right now? Does your organization have a crisis?

Mr. Scott Smith: I think if there's one incident, that's one too many. That's driving our approach with respect to our action—

Mr. Michael Coteau: Then there's no crisis?

Mr. Scott Smith: I never said that. I said—

Mr. Michael Coteau: Yes or no, is there a crisis in hockey?

Mr. Scott Smith: When there's one incident of this, we need to take that responsibility very clearly. We do believe that we need to

be responsible. We need to act, and we've got an action plan to deliver on that.

Mr. Michael Coteau: Do you know who the Scarborough Sharks, Leaside Wildcats and the Etobicoke Dolphins are?

Mr. Scott Smith: I apologize; I would guess they're members within our membership, but I don't know those—

Mr. Michael Coteau: They're local teams right around the corner from where I represent. They're teams made up of young women. I would consider them shareholders in your organization. Would you agree?

Mr. Scott Smith: They're shareholders within our membership, and our membership are treated as shareholders of Hockey Canada, so yes.

Mr. Michael Coteau: If I give you just 30 seconds to explain why Hockey Canada and the organizations representing hockey have failed young women like them, what would you say?

Mr. Scott Smith: My response would be that the events of 2018 as well as the announcement of 2003 are significant and very troubling. Our focus is to investigate those and bring them to a truthful conclusion.

Mr. Michael Coteau: Let's talk about culture within your organization. You have an action plan that's going to change the culture within your sport. It says here in the plan overview—this is like one of the first statements made in the plan—“Hockey Canada is committed to driving cultural change and addressing the toxic behaviour that exists in corners of the game.”

What do you mean by “corners”? Is this a systemic issue, or is this just an isolated, small part of...? Let's say the corners are less than 10% of the field of play or the ice. Is this issue a systemic issue throughout the entire organization, or is it just an isolated issue that represents a corner of the larger, bigger picture?

● (1255)

Mr. Scott Smith: Well, if I have an opportunity to speak for 30 seconds to the three or four female programs that you represent, we haven't had these issues in the female game. We haven't had these issues in certain segments of our minor hockey program, but we have in other areas of minor hockey as well as levels above that.

Mr. Michael Coteau: Do you see this as a systemic issue within your sport?

Mr. Scott Smith: We see this as an issue that we need to eradicate and abolish, and so—

Mr. Michael Coteau: When we talk about cultural change, obviously there is a big issue of sexual assault and sexual misconduct, and a cultural shift that has to take place there. Do mental health and racism fit into this toxic culture as well?

Mr. Scott Smith: They absolutely do. It's part of our overall opportunity to make sure that we're a welcoming environment. I think our organization has done some marvellous things. Most importantly, on the issues of the day, we need to make sure we're delivering appropriate levels of education that, as someone around the table said earlier, are not box-checking exercises but clearly drive the cultural change we want. We need to find a way to make sure that we can measure that.

I think we've done some things to make the game more inclusive, but that's a process. I'm not sure that we will ever hit the finish line on that. We will continually evolve as an organization. Our board, our membership and our staff are prepared to deliver on that.

The Chair: Thank you very much.

Mr. Michael Coteau: Thank you.

The Chair: We now go to round four.

The Conservatives will put up a person for five minutes, please.

[*Translation*]

Mr. Richard Martel: Thank you, Madam Chair.

When I heard everything that happened at Hockey Canada in 2003 and 2018, I was stunned, really surprised and shocked. I worked in the Quebec Major Junior Hockey League, and the coaching was very strict.

We know that Hockey Canada drafts the best players from each team, often captains. The captains who are chosen must be responsible and highly disciplined leaders. It's hard to understand why things like this happen at Hockey Canada.

I'm curious about the coaching these players receive from Hockey Canada. Every player wants to be on this team because it's the pinnacle of junior hockey in Canada. So much so that for two weeks leading up to this team's training camp, these players don't give their all in our leagues, precisely to be ready to play for Hockey Canada.

I'm really surprised that this is happening at Hockey Canada. You even said that there have been one or two cases a year for the past six years.

I would like an explanation of the coaching these players receive. I was sure it was almost impossible for such things to happen at Hockey Canada.

[*English*]

Mr. Scott Smith: I think in our action plan we've made reference to a few things that may cover what you've just provided as a statement and a question. A couple of key things that stand out for me are further enhancements to our education initiatives and a thorough review by our third party through our action plan to review all of our education initiatives and ensure that it's achieving the objectives we want and that we have the ability to evaluate the effectiveness.

We also have introduced having a third party conduct character assessments on players, coaches, staff and volunteers around our national team program. There are further measures that we have in

place to ensure that the appropriate character is in place with a drive to make sure that these incidents never happen again.

• (1300)

[*Translation*]

Mr. Richard Martel: I can't convince myself that we're on the right track with the people who are currently in place at Hockey Canada. Every year, in the Quebec Major Junior Hockey League, sanctions were imposed, for example, in cases of drug use. Above all, we were constantly informed. I find what has been revealed to us to be disappointing.

I have no further questions.

I'd like to share my time with my colleague Mr. Waugh.

[*English*]

Mr. Kevin Waugh: Thank you very much.

Gentlemen, you're here because we care about the game, but I have to admit, when I look at the seven of you, and three on Zoom, that's not the face of hockey today. NHL teams have moved to women in positions. We are lagging behind. That front row tells me everything.

Mr. Smith, how are you going to change that culture?

Mr. Scott Smith: Madam Chair, I think I mentioned earlier the strength of the female voices that we have across our leadership team as well as our board, the incredible position that our national women's team program has as a voice of influence not only in the sport of hockey, but in sport, given that, for the first time in many years, they're world champions and Olympic champions.

We have female leaders who have taken on the leadership with respect to standing committees and task teams within our system. We have a dedicated female hockey policy committee.

I think, on the path to involving, encouraging and making sure that we have more female voices within a game, those are some examples of what we've done, and we'll continue on that process going forward.

The Chair: You have 30 seconds, Kevin.

Mr. Kevin Waugh: How long is it going to take, Mr. Branch, until we see women in powerful positions in the OHL, in the LHJMQ and in the Western Hockey League? Really, in those three leagues, in the Canadian Hockey League, there is zero influence right now on the women.

You three will have to lead this in the coming months. I would hope that we do see some women in influential positions in the Canadian Hockey League, in the LHJMQ, the OHL and the WHL.

Mr. David Branch: I completely—

The Chair: Thank you very much.

There is no time for an answer here, Kevin. You can bring that up again if you have another round.

Now I go to the Liberals for five minutes.

Anthony.

Mr. Anthony Housefather: Thank you so much, Madam Chair.

I want to come back to Mr. Smith.

In the last round of questioning, you told me that you rushed to settle with the victim, without being aware of the underlying facts, without taking the time to alert the other defendants, because you wanted to act wholly in the victim's best interests. Let's look at the victim's best interests.

Mr. Smith, would it have been in the victim's best interests, in the initial version of the settlement agreement, to have a clause preventing her from speaking to any third party about anything that happened to her, with no carve-out for the police or investigators or to respond to players that may be speaking about her? Would that have been in her best interest, Mr. Smith?

Mr. Scott Smith: Madam Chair, again, this is a layman's explanation of the process, but the minutes of settlement, which is what you're referring to, were part of ongoing discussions between the young woman's lawyer and our lawyer, Mr. Winton, who's to my right. Those were agreed to by both parties. Both parties are experienced, including the young woman's lawyer. I stand to be corrected, but I don't think she would have been prevented from speaking to police.

Mr. Anthony Housefather: Why then did you amend the settlement agreement, Mr. Smith? Why did you enter an amendment, which we received today, into the settlement agreement?

Mr. Scott Smith: Madam Chair, we proactively reached out a little over a week ago, when some of the media reports were representing comments on behalf of players. We reached out to the young woman's lawyer and suggested that she should be given the right to respond to the events of that evening as well. We offered that on a proactive basis, and it took until, I believe, later in the day yesterday to have the young woman's lawyer respond, and Mr. Winton sent that to the clerk of the committee late last night or this morning, as you reference.

• (1305)

Mr. Anthony Housefather: I agree, and I agree that in any settlement there would be negotiation and an agreement, and these clauses are common in agreements. However, to say that you were acting wholly in her best interests when there's a confidentiality clause that says she can't speak to anybody about the event seems to belie that.

Let me go to insurance, because you've talked about why you didn't go to the insurers and why you settled from the fund. Why do you carry sexual conduct liability policy insurance?

Mr. Scott Smith: Thank you for the question.

I'm going to ask Mr. Cairo to answer that, please.

Mr. Brian Cairo: We carry it because it does afford coverage for our existing players. Where we have gaps in the system is when there are individuals when we acquired the sexual misconduct insurance that were identified, and insurance would not cover those individuals.

Mr. Anthony Housefather: Let me understand this better.

If I understand correctly, the claim was reported to the insurers the day that you first heard about this incident in 2018, correct?

Mr. Scott Smith: That is correct.

Mr. Anthony Housefather: Did you report the lawsuit to the insurers in writing in the day or the days following receiving the lawsuit?

Mr. Scott Smith: I stand to be corrected, but I believe we did. I don't know if we did that in writing or if we did it verbally, but we advised our insurer.

Mr. Anthony Housefather: Did your insurer take part in any of the settlement discussions?

Mr. Scott Smith: No, they did not.

Mr. Anthony Housefather: Let me ask, because if an insurer is going to look at a lawsuit, they're going to insist on having facts. They're going to look at their risk and insist on taking over the claim, taking over the defence and litigating it accordingly, but you chose not to have that done, to have an independent third party take over the claim and look at it and assess it. You chose to just run off and settle without being aware of the facts.

Why would you say that was a good decision?

The Chair: You have 30 seconds.

Mr. Scott Smith: Madam Chair, I believe I made reference to this on June 20, as well.

We made the decision to settle in the best interests of the young woman. We didn't want to litigate this. We didn't want to go through the procedure that you make reference to and challenge her by putting her through that circumstance.

We made the decision in the best interest of the young woman.

Mr. Anthony Housefather: Madam Chair, could I have one last...?

The Chair: No, I'm sorry, Anthony. You'll have another kick at the can, but we're finished here.

I'm going to Madam Larouche for two and a half minutes, please.

[*Translation*]

Ms. Andr anne Larouche: Thank you, Madam Chair.

[*English*]

The Chair: May I ask, Madam Larouche, that you speak a little slowly for the interpretation? Thank you.

[*Translation*]

Ms. Andr anne Larouche: I will, of course.

Mr. Smith, I'll repeat the question I asked you during my turn in the last round.

If a player reports an assault, what steps should their parents or they take when reporting it?

How can we reassure silent victims that they will now be respected and heard by Hockey Canada and the other leagues represented at the table?

[*English*]

Mr. Scott Smith: Madam Chair, if there are incidents where someone is convicted of sexual assault, I believe that's criminal in nature. In our action plan, there's reference to our new third party investigative process reporting and tracking mechanism, and we will have the ability to track that and report that on an annual basis.

[*Translation*]

Ms. Andr anne Larouche: Recommendations have already been made.

I'll start with the ones from Karen Phibbs.

Are you going to listen to them and hear them, finally, or are you going to continue to reject them as you've done before?

• (1310)

[*English*]

Mr. Scott Smith: Madam Chair, I apologize. Which recommendations are you referring to, the Henein Hutchison ones?

[*Translation*]

Ms. Andr anne Larouche: Karen Phibbs gave you some recommendations and suggestions, which were apparently rejected.

[*English*]

Mr. Scott Smith: Ms. Phibbs—

[*Translation*]

Ms. Andr anne Larouche: These recommendations came from a woman.

I'll say it again: solutions and reports already exist. There was an open letter from 28 academics stating that studies on toxic masculinity in the world of sports, specifically in hockey, have been around for a very long time, if not decades.

However, this doesn't change. It takes incidents, as I said earlier, it takes a knife to the throat, serious incidents like the ones we've heard about. There have been incidents, not just in 2003 and 2018. There are plenty more.

Will you also consider what is already being done, the work that has been done for decades by researchers, as well as the proposals that are being made?

[*English*]

The Chair: You have 30 seconds.

Mr. Scott Smith: Madam Chair, Ms. Karen Phibbs has not been on our board for a number of years, so I apologize if I can't reference her recommendations.

I do believe that our board has undertaken a number of initiatives over the years to make improvements and advancements dating back to 1997, when, unfortunately, the Graham James incident came forward. We continue to do that, and our action plan will further strengthen that on a go-forward basis.

The Chair: Thank you very much. That's the end of that round.

I go to Peter Julian.

Peter, you have two minutes and 30 seconds.

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

I have some quick questions.

Were all the victims who were compensated out of the national equity fund asked or directed to sign NDAs?

Mr. Scott Smith: I'll be honest with you. I wasn't involved in the details of those discussions.

Glen, I'm not sure it's fair to ask you, but I think you may have had some historical view on that to answer that question.

Mr. Glen McCurdie: Madam Chair, my recollection would be that it was the case, but I don't have access to those files at this time.

Mr. Peter Julian: Perhaps Hockey Canada could provide that to the committee.

Thank you, Mr. McCurdie. We're very sorry for your loss.

Mr. Glen McCurdie: Thank you.

Mr. Peter Julian: Are the employment championship bonuses part of employment contracts with Hockey Canada?

Mr. Scott Smith: Madam Chair, those would either be part of letter agreements that are letters of employment or employment contracts.

Mr. Peter Julian: As president then, as part of your employment contract, what would your championship bonus be?

Mr. Scott Smith: I do not have a definitive championship bonus in my current contract. I have a percentage bonus based on measurable objectives that have yet to be determined for the upcoming year. I would be recommending, and I think the board would accept the recommendation, that all of my efforts be associated with respect to the delivery of this action plan.

Mr. Peter Julian: What has been the highest championship bonus paid out?

Mr. Scott Smith: My preference would be to follow up with the members of the committee as opposed to giving you a number and be incorrect.

Mr. Peter Julian: Is it in the order of \$500, \$10,000, \$50,000?

Mr. Scott Smith: My preference would be to give you that in writing.

Mr. Peter Julian: I feel a little stonewalled, Mr. Smith. I'm sure you're aware of what the amount is. I think you should share it with us.

The Chair: You have 30 seconds.

Mr. Scott Smith: Madam Chair, no, I'm not trying to stonewall. If I were trying to stonewall, I wouldn't give it to you. I will give it to you, but I want to make sure I'm giving you the accurate information. I hope you can respect that.

The Chair: Thank you. We look forward to receiving that.

You have 15 seconds.

Mr. Peter Julian: Thank you, Madam Chair.

Mr. MacKenzie, there's a class action suit against CHL that details sexual and physical abuse.

How can you reassure Canadians that there is no longer any physical or sexual abuse to players within the CHL confines?

Mr. Dan MacKenzie: This would be in reference to the Carcillo action?

Mr. Peter Julian: Yes.

Mr. Dan MacKenzie: There's no doubt that in the past, especially in the 1980s and 1990s, there were issues in junior hockey with hazing. Since the mid-2000s, the leagues have really focused on trying to stamp out that behaviour, have put in a variety of new policies and programs to try to do that, including strong sanctions for that kind of behaviour.

We think we've made positive strides, and we think that is not the current experience of today's junior hockey players.

If you want more details on exactly what we've done, I would be happy to have the commissioners report back to the committee.

Mr. Peter Julian: Thank you.

• (1315)

The Chair: Thank you very much.

I now go to the Conservatives for five minutes. I have no idea who the questioner will be.

Mr. Kevin Waugh: It will be me, Madam Chair.

The Chair: Okay, Kevin.

Mr. Kevin Waugh: I'm going to continue with the Canadian Hockey League.

All three commissioners have been long-serving members of the hockey community.

Gentlemen, I don't have to tell you that hazing and initiations still happen today in your leagues. You may not say it here, but we know it happens.

Mr. Branch, you don't have connections with Hockey Canada when this happens because we have owners that don't want to report it because there could be a certain player who is a first-round pick in the NHL and is worth over \$100,000 to the Barrie Colts or whoever. Therein lies the issue with the Canadian Hockey League. Owners who have first or second draft picks get more money. I'm hesitant to give you my first-round draft pick if he's been involved in a hazing or an initiation because he's going to be an assistant captain or a captain on a team.

We are seeing this because... I am the Moose Jaw Warriors, the Swift Current Broncos or Prince Albert Raiders, and—Ron, you know this—I'm a community-based team. I'm living month by month. If I have a first-round draft pick that I'm going to get \$100,000 for, that could be the make or break of my hockey season and the balance.

As the Canadian Hockey League, how do we move on from here? This is part of the problem. David, Gilles and Ron wouldn't

tell Hockey Canada, "We have an issue with this hockey player, so don't pick him for this team because we all want that player to be identified, and the more Hockey Canada grabs the player, the more money I'm going to get on the draft."

Mr. Branch, you've been around longer than most, I think. How would you assess the issues that I just told you exist in the Canadian Hockey League and the Q, the O and the W?

Mr. David Branch: Well, I think first of all, as president Dan alluded to, we recognized that there were some historical issues and challenges.

Mr. Kevin Waugh: There still are.

Mr. David Branch: I can tell you that we have an absolute prohibition on any rite of passage to join the team, etc. We work to educate. We have an incident reporting map. Players can confidentially contact a person who would be responsible for overseeing hazing situations and the like. We have a professional who goes into teams, interviews all the players and does an intervention and assessment to make sure that the proper environment, the proper programs, are being delivered.

I can tell you, interestingly enough, that an owner contacted me this past September and said, "Dave, we've got a hazing incident, I believe." I said, "Okay, we'll take it from here" and hired an independent investigator. They went in and did an assessment. The appropriate steps were taken. It was verbal harassment, not a physical situation.

I think our owners recognize, Kevin, more than ever before the importance of the connection with the community. Having a positive environment and being able to attract the best young players to our league far override what you might get through the NHL agreement. It's a new environment.

Mr. Kevin Waugh: I agree.

Mr. David Branch: It's a different environment with better attitudes, starting with our owners all the way down.

Mr. Kevin Waugh: I'm concerned that there's no database. There's no database available in this country, through Hockey Canada or through the Canadian Hockey League, other than the Graham James incident and so on. How do I know that someone from Gatineau or someone from Victoriaville was involved in an incident? There is no record that I can go to. That person might move out to Vancouver to be with the Vancouver Giants. I don't have the database needed to make choices from the Q, the O and the W. Why can't we have a database of this stuff?

Mr. David Branch: Well, I know that league by league we are tracking—

Mr. Kevin Waugh: League by league, but people move. The Edmonton Oil Kings hire someone from the O and so on. I mean, you guys know that in coaching you don't hire within the Western Hockey League; you can hire from the Quebec league and from the O. If we don't have a database from the Canadian Hockey League, how would we know as owners or as personnel?

• (1320)

The Chair: You have five seconds.

Mr. Kevin Waugh: How would we know unless we have a database?

Mr. David Branch: Well, we exchange information—

The Chair: Thank you, Kevin. I'm sorry. I think we have no time for that answer. You may want to go after that again if we have another round. Thank you.

I now go to Michael Coteau for the Liberals.

You have five minutes

Mr. Michael Coteau: Thank you very much, Madam Chair. I appreciate the opportunity.

I want to continue with the action plan and with talking about cultural change to take on systemic issues within the organization.

Mr. Smith, perhaps I can ask you. The CHL has 1,400 players. Is that correct? How many players do you have?

Mr. Dan MacKenzie: We have approximately 1,400. You're correct.

Mr. Michael Coteau: You have 60 teams. In the training that exists currently, I know that one of the pillars is education. In your current educational training, is it mandatory for every single player to get the respect in sport training and the abuse program training and the other forms of training that were mentioned earlier today? Is it mandatory for everyone?

Mr. Dan MacKenzie: Sorry. Just for clarity, this is for the Canadian Hockey League, not Hockey Canada and the action plan, correct?

Mr. Michael Coteau: You know what? It's for Hockey Canada and the action plan. Sorry.

Mr. Scott Smith: The reference to the training in our action plan is mandatory for all of our national team athletes—male, female and para. We will be reviewing all of our educational initiatives and making determinations on where training will be mandatory and how we will evaluate that mandatory training going forward.

Mr. Michael Coteau: Someone mentioned that it would be mandatory for only the elite athletes. Does that mean the national team only? What happens to the remaining thousand-plus players across the country?

This is for anyone who can answer the question.

Is there mandatory training for all 1,400 players across the country, at this point?

Mr. Dan MacKenzie: The 1,400, for clarity for the member, is the number of players in the Canadian Hockey League. The number of players who play junior hockey in other divisions outside of the Canadian Hockey League would be much higher. I don't know the exact number.

In the Canadian Hockey League, to answer your question, the 1,400 players receive mandatory training both from the perspective of... Each of the three leagues operates a respect in sport program, and then each of them also has, depending on the regional needs, their own programs in place, and they are all mandatory.

Mr. Michael Coteau: Is there coordination between the three leagues to synchronize that type of training so it's compatible wherever a player is playing or ends up?

Mr. Dan MacKenzie: The respect in sport training has an element that happens consistently across all 60. Outside of that, each of the three leagues treats it a little bit differently based on the scenarios that they're in. As I've indicated before, we have teams in the U.S. and some teams in Canada. There are language differences in a league like the Q, so it is delivered a little bit differently.

Again, if there was a desire from the committee to get more information on exactly what that training looks like, we would be happy to provide it.

Mr. Michael Coteau: This is a question for Mr. Smith in regard to the legal agreements that have been made with victims.

I know that the equity fund has been funding, I believe, all of those agreements since 1987, when it was established. I could be off by a year or two there.

Has any of the insurance money paid for any sexual misconduct or sexual assault cases that have come forward? In addition to the equity fund, has the insurance paid settlement for additional cases?

Mr. Scott Smith: Madam Chair, I will defer to my colleague Mr. Cairo, who can give you an overview of the claims with respect to our insurance program.

The Chair: Go ahead, Mr. Cairo.

Mr. Brian Cairo: Madam Chair, with respect to our insurance, we've settled 12 claims for a total of \$1.3 million.

Mr. Michael Coteau: Is that in addition to the \$7-plus million that was settled through the equity fund?

Mr. Brian Cairo: That's correct.

Mr. Michael Coteau: What would be the total number of cases that were settled from what time period to now from both funds?

• (1325)

Mr. Brian Cairo: From 1989 to 2021, nine cases were settled from the equity fund, and from 1996—because it only came into existence in 1996—to 2022, there were 12 cases from insurance.

Mr. Michael Coteau: There were 21 cases in total.

Mr. Brian Cairo: That's correct.

Mr. Michael Coteau: Have there been any other cases that have been settled with any additional fund or any other sums of money besides those two pots of money?

Mr. Brian Cairo: Not to my knowledge, no.

Mr. Michael Coteau: Not from the general—

Mr. Brian Cairo: Are we talking about just sexual misconduct?

Mr. Michael Coteau: Yes.

Mr. Brian Cairo: Not to my knowledge.

The Chair: Thank you very much, Michael. That's it.

Mr. Michael Coteau: Thank you.

The Chair: I would like to move now to one final round.

We have time for one final round, so I shall begin with the Conservatives for five minutes. I have no idea who you're going to bring up. Please let us know.

Mr. John Nater: It's Ms. Vecchio.

The Chair: Go ahead, Karen.

Mrs. Karen Vecchio: Thank you so much.

We'll start off with Mr. Branch.

Mr. Branch, I was asking you about the training, and right after I was asking you about this, about the sexual assault training, somebody published that not all OHL teams.... I'm going to quote, "According to the Ontario Coalition of Rape Crisis Centres, an independent organization that has been tracking the OHL Onside training, some teams stopped after the onset of COVID-19."

Perhaps, Mr. Branch, you could give me an update on if all of the teams are back into this or what the current status is.

Mr. David Branch: Certainly.

Madam Chair, COVID caused us to have to pause the training. That was at the request of the Ontario rape crisis coalition. One of the pillars of the program that they want to have is that their representatives meet in person.

Mrs. Karen Vecchio: Absolutely.

Mr. David Branch: They didn't want to do it virtually, so we had to pause it there. Last year we had more difficulty because, in the province of Ontario, there were ongoing health and safety guidelines around COVID.

Mrs. Karen Vecchio: Mr. Branch, I'm really sorry. I don't have a lot of time, so perhaps—

Mr. David Branch: Okay, sorry.

Mrs. Karen Vecchio: —you can tell me, if we're looking at today, July 27, 2022, how many of your OHL teams and how many teams would be doing this training each and every month or are currently doing it.

Mr. David Branch: All our teams will engage with the program once again at the start of our season.

Mrs. Karen Vecchio: So all of them will be engaging.

Mr. David Branch: Absolutely.

Mrs. Karen Vecchio: When we're doing this, is it a monthly program? I know it's all different because of those things but is it...? Let's talk about what it is.

Is it an hour once a month? Is it a day? Is it ongoing? How does this actually happen? What are the measurements of this training? Is it that they sit in the room and listen to everything, or are there some measurables to see if this training actually worked?

Mr. David Branch: We have an orientation week that we call at the start of the year, and that's where most of our education programs are introduced and administered.

It's a two-hour program. Each team has a designated support person, and it's through that mechanism, if there's a need for follow-up, that may occur in that fashion.

Mrs. Karen Vecchio: I just want to be sure.

I'm looking at the CHL. I am from a hockey town. I'll be honest; I'm right outside of the London Knights territory, so I am looking at the fact that we're bringing in usually 16 to 18-year-old boys. We're putting them into billet families, where their regular parent systems aren't there.

I know from reaching out—because, of course, this is really important—to some of the billet families with the OHL that they've never had follow up from the team to ensure that their curfews are being met. When they call the parents, there may have been.... With one parent I know, this kid actually had a sign-out. He was going to get the money. He was signed up with the NHL. Curfew didn't matter to him anymore.

The fact is that these are young men we're bringing in here, and young men still need to mature. We know that. I'm a mom. We know that children need to mature and that at the age of 17 and 18 there are going to be bad decisions.

What are you doing to ensure that we are creating good men from these programs?

Mr. David Branch: As a league, we named our very first director of player services last year. One of his core responsibilities is to make sure that all our programs are being delivered and delivered properly. There's no excuse for what you raised here in terms of a team not following up with the billets. Billets are our lifeline in looking after these young men. It's a very structured environment. It has to be for the reasons you've already described. We're managing it, and we're working it as best we can.

Mrs. Karen Vecchio: Thank you very much for that.

I just now want to turn it back to Mr. Smith.

Mr. Smith, in your opening you mentioned that you have the support of Hockey Canada representatives and of associations across this country.

I'm just wondering, from the minor hockey leagues, how did you find out that they're actually supporting you? I just spoke to a coach who texted me saying, "Hey, I wasn't part of that survey, and I do not support what's happening with the Hockey Canada programs."

I'm just asking, Mr. Smith, how do you know you have the support of minor hockey across Canada?

• (1330)

Mr. Scott Smith: Thank you, Madam Chair.

I believe that in my opening statement I made reference to the support that I've received from our board of directors—the Hockey Canada board—as well as our 13 members, which are the governing bodies.

You may have spoken to an individual with a minor hockey association and received that feedback, but they would be part of the member.... I'm assuming they would be a member of the Ontario Hockey Federation, which is one of our 13 members.

Mrs. Karen Vecchio: I just think right here we see so many disconnects—

The Chair: Karen, I don't think we have time for them to answer that question. You have eight seconds left.

Mrs. Karen Vecchio: That's okay. Thank you.

The Chair: After Karen, I think we have Tim Louis.

Mr. Tim Louis: Thank you, Madam Chair.

The Chair: You have five minutes.

Mr. Tim Louis: Maybe I would start my questions with Mr. MacKenzie from the Canadian Hockey League.

Part of the problem that we've seen systemically is that players do not feel comfortable reporting off-ice misconduct, and the broad definition of that misconduct is stuff that we've talked about: hazing, bullying, harassment, sexual harassment, violence, sexual violence, discrimination and physical or sexual abuse.

Parents and Canadians are concerned that the three member leagues largely focus on the protection and the welfare of the CHL and the protection of the members' leagues and their reputational interests. We've read in reports that many of these policies that are put in place contain legal language, and it makes it very difficult to understand what types of behaviour would engage the policy and what recourse or outcomes exist if a breach occurs. In plain language, it's just too complicated.

A good policy has clear language that provides understanding, how an individual can engage and what happens next. How can Canadians hold you accountable? In what ways can you simplify the reporting of incidents?

Mr. Dan MacKenzie: Let me start with the first part of your question. I'm the father of a teenage boy, and we know teenage boys generally do not want to report bad behaviour. It's something we really push against in our league. It's a reality of them at that age.

We try to tackle it. One thing we've done is we implemented last year in each of the three leagues some new independent reporting mechanics to make it easier for players to report if they see something untoward. Again, it's not something that is a completely finished product in terms of its success level yet. We're pushing against that type of view. We're continually challenging ourselves on how we can get better there.

We would be open to suggestions from this committee and outside experts on that topic.

To answer the second part of the question, the types of elements you indicated with regard to how to make the programs and the reporting more successful are exactly the kinds of things that have come through the two independent reports we commissioned. As I said at the outset, the recommendations from those reports for each of our three leagues, based on the way they operate their programs, are going to be implemented for this coming season.

Mr. Tim Louis: I appreciate that [*Inaudible—Editor*], but what exactly was the time?

Mr. Dan MacKenzie: It's something we're working towards, but we're obviously not quite there yet.

Mr. Tim Louis: Then I'll segue to Mr. Smith from Hockey Canada.

It was mentioned previously that there were, I believe, 11 recommendations from the Henein Hutchison investigation. What was the date on which you were provided with those recommendations?

Mr. Scott Smith: I stand to be corrected, but I believe it was September 11 or September 12 of 2018. Sorry, it's September 14.

Mr. Tim Louis: How many of those have been fully implemented? I believe in your testimony you claimed that they've all been worked on. How many would you consider fully implemented?

Mr. Scott Smith: I would say that as we speak and with the new action plan, all 11 will be fully implemented.

• (1335)

Mr. Tim Louis: Will be, okay, so when was the first recommendation fully implemented? When did you start taking action?

Mr. Scott Smith: As I said earlier, I'd be prepared to provide written documentation that you would give you the status report on each of those 11 recommendations, the first of which was focusing in on our code of conduct, which was done in the fall of 2018, before the first event took place after the incidents of the London gala.

Mr. Tim Louis: Okay, thank you.

It just basically is about people asking how we can trust you to move forward if you haven't already implemented some of these programs. You have to know the problems before you fix them. It remains to be seen if that's understood.

Right now it appears that—

The Chair: You have 30 seconds, Tim.

Mr. Tim Louis: —you either did not know about these practices of abuse or that you did know and didn't take action until you had no choice. How can Canadians hold you accountable? What metrics can we use so we can come back later and you can prove that you've earned that trust back?

The Chair: Give a very short answer.

Mr. Scott Smith: Thank you, Madam Chair.

I believe we did act on the incidents and we acted on the recommendations. We will continue to improve them and even evolve them past what those recommendations were from September 2018.

The Chair: Thank you.

I now go to Mr. Lemire for two and a half minutes.

[*Translation*]

Mr. Sébastien Lemire: Thank you, Madam Chair.

Mr. Courteau, will the Quebec Major Junior Hockey League become a signatory to the Office of the Integrity Commissioner and respect the Universal Code of Conduct to Prevent and Address Maltreatment in Sport?

Mr. Gilles Courteau: At the last owners' meeting, a resolution was passed to that effect.

Mr. Sébastien Lemire: It's not clear to me which Canadian hockey leagues are governed by or part of Hockey Canada. Sometimes your organization is considered a not-for-profit organization and sometimes it's not. Evidence suggests that it wasn't required to become a signatory with the OSIC.

You mentioned the first incident, the one in Victoriaville, I believe. A second incident involving the Gatineau Olympiques also occurred.

In light of the information you have today and the mea culpa made by everyone present, do you intend to reopen the investigation and ask yourself more questions about what happened?

According to the Quebec City police, this investigation could be reopened.

Mr. Gilles Courteau: There was a previous investigation into this matter. However, if the police service expresses interest in reopening this investigation, we will certainly co-operate with the investigation.

Mr. Sébastien Lemire: You have previously stated that there has never been a case of sexual assault between players in the last 45 years.

Mr. Branch had previously alluded to this.

Do you stand by that statement?

Mr. Gilles Courteau: That there has never been a sexual assault between players?

Mr. Sébastien Lemire: I'm talking about sexual assaults involving players in the Quebec Major Junior Hockey League.

Mr. Gilles Courteau: To our knowledge, the sexual assaults that have been reported have been addressed.

For those that are not reported, unfortunately it's not possible to properly address them.

Mr. Sébastien Lemire: Hockey Canada cannot impose anything on its partners, because they are members of a partnership relationship.

We know that players are "burrows", to use the expression that was mentioned.

Will you maintain your business relationships?

What impact will there be on money transfers until you comply with the requirements of the OSIC and the Universal Code of Conduct?

Do you know if there will be any impact on money transfers?

[English]

The Chair: You have 30 seconds.

[Translation]

Mr. Gilles Courteau: We will await the various conclusions of this committee regarding the next steps for Hockey Canada. We will then take the time to share this information with our respective owners so that they can make the best decision possible.

Mr. Sébastien Lemire: What impact could the National Hockey League investigation have on the Quebec Major Junior Hockey League?

What will making these revelations public change for the future of your league?

[English]

The Chair: You have two seconds to answer, please. I will allow you two seconds.

[Translation]

Mr. Gilles Courteau: We will co-operate with any investigation that may be undertaken.

Mr. Sébastien Lemire: Thank you, Mr. Courteau.

[English]

The Chair: Thank you.

We now go to Peter Julian for the NDP for two and half minutes.

Mr. Peter Julian: Thank you, Madam Chair.

A big part of the culture of silence is when victims are silenced. Is Hockey Canada prepared to release from non-disclosure agreements any victim who chooses to come forward and speak about their experience?

• (1340)

Mr. Scott Smith: I think we got some advice in the last month about the evolution of the minutes of settlements or NDAs. For victims who will come forward, first and foremost, we want to make sure they have the confidence in our independent investigation. We will continue to work to document their wishes. If they wish to eliminate those, unless there is a legal reason not to that I'm not aware of, I'm not sure why we wouldn't. Our priority is to support the victims.

[Translation]

Mr. Peter Julian: Madam Chair, we have asked for answers today. We got some, but we didn't get answers to all of our questions.

It must be said that the public has very clearly lost confidence in Hockey Canada. It has also lost confidence in the leadership of Hockey Canada. So it's obvious, I think, that there has to be new leadership, which will be able to deal with the total failure that we've seen in the institutions of Hockey Canada in terms of protecting the public, but also the athletes. We see the same problem at Sport Canada. There is a crisis, and there really needs to be change.

If these changes are made, then measures can be put in place that will truly protect the victims, give them a voice, and reassure Canadians, for whom hockey is so important. These institutions must protect them.

I think we should continue our study. These sessions are extremely important.

[English]

Madam Chair, I do want to say that I believe Hockey Canada has failed at its task to protect athletes who are victims—

The Chair: You have 15 seconds.

Mr. Peter Julian: —to protect the public who are victims. Sport Canada has also failed at its task. Because of those reasons, we need to continue our study and continue our work.

Thank you, Madam Chair.

The Chair: Thank you, Peter.

I will now go to the Conservatives for five minutes, please. I don't have a name.

Mr. John Nater: Thank you, Madam Chair. It's John Nater.

The Chair: Yes, John, go ahead for five minutes.

Mr. John Nater: I want to follow up on an angle of Mr. Waugh's concerning the database and a registry of individuals. I want to confirm the following with Mr. Smith: According to your minutes, Hockey Canada specifically and deliberately opted out of that aspect. Is that correct?

Mr. Scott Smith: Are you referring to the database of the universal code of conduct?

Mr. John Nater: Correct.

Mr. Scott Smith: Could I trouble Mr. McCurdie to answer that? I believe that when he was with us he may have been in those discussions. I don't know the answer to that.

Mr. John Nater: According to the minutes, you did.

Mr. Scott Smith: I do know the answer of where we sit today. I have made reference earlier to our clear intention of being a full signatory to the Office of the Sport Integrity Commissioner. I can't go back into history and account for what our decision was potentially at that time and what might have influenced our decision that was documented in the minutes at that time. I apologize.

Mr. John Nater: That's fine, but that's again going back to the history and the culture of the organization. These decisions were made in the past and now you're playing catch-up. You're trying to fix it.

Since March 19 of this year, how many times has the Hockey Canada board of directors met?

Mr. Scott Smith: I believe it met in March. It met again in late April and after our member forum in the early part of May. It met again around our year-end congress. I believe it's had other meetings; it's just that those are the main ones that are typically in the schedule.

Mr. John Nater: The fact is that we have not received the minutes from those meetings. Why not?

Mr. Scott Smith: Those minutes are yet to be approved.

Mr. John Nater: Is there a reason they haven't been approved?

Mr. Scott Smith: No, I would say it's typical that there is a lag period for our minutes to be approved. That's not abnormal. We

will have no problem sending you the minutes you require once they are approved.

Mr. John Nater: I would hope that would be the case. It's rather convenient that those have not yet been approved, considering the timeline that those—

Mr. Scott Smith: As I mentioned earlier, it's not abnormal for us to take a period of time to approve the minutes.

● (1345)

Mr. John Nater: Perhaps that is a governance issue that needs to be addressed more broadly in addition to the other governance issues that are obvious issues.

I want to go back to the Henein Hutchison report. You had just mentioned, in response to a previous questioner, how you've been working on this for some time. I want to quote to you from the Saturday, January 22, 2022, minutes of Hockey Canada, as follows: "The Henein Hutchison report will be reviewed when we meet in-person during the March 17-19 HC board meeting. The recommendations from the HH report will become priority work, with the new staff dedicated to safe sport, and an action plan to address them will be developed."

Why? Why was this only becoming a priority on Saturday, January 22, 2022, when you've had the report since September 2018?

Mr. Scott Smith: The reference to January 22, 2022, was related to recommendations that would be undertaken by our new head of safe sport. At the time we were hopeful, albeit maybe too optimistic, that our director of safe sport would be in place by early March. Natasha Johnston, our VP of sport safety, joined the organization on the first Monday in May, which I believe was May 2.

Mr. John Nater: I want to very quickly address the Hockey Canada Foundation.

Mr. Andrews, can you confirm once again that you were not, and the foundation was not, made aware of these allegations from 2018 until you learned about it in the public record?

Sorry, sir, you're on mute.

Mr. Dave Andrews: Sorry, it's been two hours and 45 minutes on mute.

We had not been made aware until the public was in May. I can confirm that.

Mr. John Nater: Thank you for that. I think that again reflects a challenge with the governance structure within Hockey Canada.

These are the last two comments I want to make. There was a commitment you made earlier in the meeting about the interim recommendations of the Henein Hutchison report, as well as the range of salary bonuses that are provided to Hockey Canada officials. I'd hope that this would be available by the end of this meeting. Can you confirm whether that would still be the case?

The Chair: You have 30 seconds.

Mr. Scott Smith: Thank you, Madam Chair. I wish to confirm for the members of the committee that those already have been sent.

Mr. John Nater: To the committee, to the clerk?

Mr. Scott Smith: Yes, sir.

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

The Chair: Can the clerk confirm that. Thank you.

Mr. Justin Vaive: I can confirm that we have received them. Both pieces have been sent to translation. Upon receipt of the translation they'll be distributed to the members of the committee.

The Chair: Thank you, John. That's the end of your round. You have six seconds. Do you want to make a quick statement or whatever?

Mr. John Nater: Thank you, Madam Chair. I'd reiterate what I said earlier in the meeting. I believe there is a time, and now is the time for new leadership.

Thank you, Madam Chair.

The Chair: Thank you very much.

We now go to Chris Bittle for the Liberals for five minutes.

Chris.

Mr. Chris Bittle: Thank you very much, Madam Chair.

I'm going to ask a couple of quick questions and then split my time with Mr. Maloney.

Mr. Branch, you mentioned an app for reporting incidents at the OHL. Has any player ever reported an incident through the app where you then followed up with an investigation?

Mr. David Branch: First of all, they have. I can give you an example from this past year that you may be familiar with. A player reported a concern of racial abuse to our director of CDI, Mr. Rico Phillips. That was a new position we put in place two years ago. We conducted an independent investigation, and the person who was alleged to have made certain remarks was expelled from our league.

Mr. Chris Bittle: Thank you.

Mr. Smith, it states in the action plan, under the expanded application of the code of conduct, that "failure to cooperate in an investigation could mean never wearing a Hockey Canada jersey—ever". But with respect to earlier comments, you said that those who do not co-operate "will" not be able to participate. What's the discrepancy there between the action plan and your comments?

Mr. Scott Smith: If a player fails to participate in an investigation of the nature that we're talking about, they will be expelled from any and all Hockey Canada activity.

Mr. Chris Bittle: Just to confirm, regardless of their talent, whether they're a generational talent or not, that will apply equally to all players.

Mr. Scott Smith: To confirm: If a player fails to participate in an investigation of the nature that we've been discussing for a period of time now, they will be prevented from participating in hockey programs.

Mr. Chris Bittle: Thank you very much.

I'll turn my time over to Mr. Maloney.

Mr. James Maloney (Etobicoke—Lakeshore, Lib.): Thank you, Mr. Bittle. I appreciate your sharing your time.

I have just a couple of quick questions, gentlemen.

First, if my memory serves me, in June there was discussion about an NHL investigation into the events from 2018. What's the status of that? Do we know?

• (1350)

Mr. Scott Smith: My awareness of the NHL investigation is that it's ongoing. I'm not privy to the details of the status.

Mr. James Maloney: Thank you.

My second series of questions is about the equity fund. My understanding is that the fund was created in 1989. It's been used 20 times to settle civil lawsuits. Nine of those cases involved allegations of sexual misconduct. The other 11 cases had no allegations of sexual misconduct. They're claims of another nature. Is that correct?

Mr. Brian Cairo: Yes. That is correct.

Mr. James Maloney: Without getting into too many particulars, what is the nature of those claims? I guess what I'm really asking is whether this fund was created as a form of self-insurance because you didn't have coverage or you chose from a business perspective to self-insure.

Mr. Brian Cairo: It was a self-insurance fund when it did start, so yes, there is a form of that.

To answer your question about the nature of injuries, one particular injury was a plaintiff who suffered a catastrophic injury in a WHL game and became a quadriplegic. Basically, he endured 40 years until he passed just this very year.

Mr. James Maloney: Okay. Thank you.

Are the monies from that fund used for any purposes other than legal claims?

Mr. Brian Cairo: The money from the equity fund is used to fund our insurance premiums.

Mr. James Maloney: So it's solely for legal purposes. But on the claim you're talking about with the individual who suffered catastrophic injuries, was there a civil action arising from that?

Mr. Brian Cairo: I think Ron Robison would be best to answer that. It happened way back in the early eighties, I believe, so I'm not familiar with it.

The Chair: Go ahead, Mr. Robison.

Mr. Ron Robison: Could you repeat the question, please?

Mr. James Maloney: The question was on the incident that Mr. Cairo was talking about with regard to the individual from the Western Hockey League. Was that payment the result of a civil claim?

Mr. Ron Robison: It was a civil claim. That's correct.

Mr. James Maloney: Thank you.

The Chair: You have 30 seconds.

Mr. James Maloney: Thank you, Madam Chair.

Are you pursuing your insurance company for any of the claims for the monies paid out as a result of this claim in March of this year?

Mr. Brian Cairo: Yes. That is one avenue we intend to pursue.

Mr. James Maloney: They were put on notice of the claim in 2018 when you first become aware of it, and they were notified when you received the claim in March of this year.

Mr. Brian Cairo: That's correct.

Mr. James Maloney: Okay.

Those are all of my questions. Thank you, Madam Chair.

The Chair: Thank you very much.

That brings us to the end of this session with Hockey Canada and—

[*Translation*]

Mr. Sébastien Lemire: Madam Chair, I have a proposal.

Since we still have seven minutes, I propose that each political party get one minute or one and a half minutes to ask more questions.

[*English*]

The Chair: Do I have unanimous agreement from everyone in the meeting?

Mr. Peter Julian: Yes.

The Chair: That would be four minutes, and I'm going to hold you to it. Is there any objection? Hearing none, we will give each political party one minute starting with the Conservatives.

You have a minute for a statement.

Mr. Kevin Waugh: You know, hockey is Canada's game. It's been in everybody's backyard. This hits deeply. I stand by my earlier comments that, not only does Hockey Canada have to own this, but yesterday I called on Sport Canada, too.

We have to blow up Sport Canada as much as some around the table want to blow up Hockey Canada. It's a culture that, as we know in this country, has gone on too long. We've all agreed with that, but there's heavy lifting to go. There will be bumps, there will be celebrations, but, at the end, I think all of us need this. We need a cleansing in hockey. We need a cleansing in sport. We've all been involved for decades with it.

Mr. Kevin Waugh: We all love every sport that we've been involved in.

On behalf of the Conservative Party, I will add thank you for coming here today. We don't have all the answers. Maybe we'll have another meeting in September, but going forward, the glass is half full; it's not half empty.

Thank you.

The Chair: You have 16 seconds.

• (1355)

The Chair: Thank you very much.

Now we go to the Liberals. Who will it be?

Mr. Anthony Housefather: I think it's me, Madam Chair.

The Chair: Go ahead, Mr. Housefather.

Mr. Anthony Housefather: Thank you. I appreciate it.

First of all, I appreciate everybody's coming.

Second of all, I have to say that I've been somewhat disappointed with the answers that we received today in some areas, although I note the progress that Hockey Canada has made in terms of promises, but I don't think they go in any way far enough.

The idea, for example, that you're not approving board minutes at the next board meeting, is not something I've ever heard of in my life in any organization I've been part of. The idea of your saying that you could still claim the insurance when you settled the claim without involving the insurer breaches every insurance contract I've ever heard of. The answers we received with respect to the settlement agreement and the answers with respect to all of Hockey Canada's past lead me to believe that, unfortunately, there needs to be—

The Chair: You have 15 seconds.

Mr. Anthony Housefather: —a bigger cultural change in Hockey Canada than you're currently promising today. There are times when good people have to step aside because the public has lost confidence in them, and I'm afraid this might be one of those times.

The Chair: Thank you, Mr. Housefather.

I now go to the Bloc Québécois for one minute, please.

[*Translation*]

Mr. Sébastien Lemire: Thank you, Madam Chair.

All Canadians, Quebecers, players, the public and parents of young players are watching us now and will be watching over the coming months.

I'm really looking forward to seeing Hockey Canada's reaction during the World Junior Championship, which Canada is hosting in Alberta. Will it ignore what happened or will it become part of its identity, its culture? I'm really looking forward to seeing that.

I'm also really looking forward to the fall, to see the reaction to the Carcillo suit and to all hazing cases or other incidents, because what happened is completely unacceptable. We know that other factors affect Hockey Canada and the Canadian Hockey League. I sincerely hope that their leadership recognizes the problem and that the sport will become far safer.

To conclude, I hope that we have succeeded in restoring trust among victims who haven't yet come forward and that they know they no longer have to remain silent.

[*English*]

The Chair: You have 11 seconds.

[*Translation*]

Mr. Sébastien Lemire: I hope they will be fully heard and that we will be able to restore dignity to our sport.

[*English*]

The Chair: Thank you.

We'll have Mr. Julian for one minute, please.

Mr. Peter Julian: Thank you, Madam Chair.

The allegations of the gang sexual violence contained in the victim's statement from 2018 are profoundly disturbing. The evidence that is emerging around the allegations of a vicious sexual assault in 2003 are disturbing. Reading the allegations contained in the Canadian Hockey League lawsuit is profoundly disturbing. It was a full range of physical and sexual abuse.

You, as the stewards of our national sport, were responsible during these periods, and your organizations were responsible for putting an end to the abuses that we're seeing. Our committee has the responsibility to continue its work to achieve that end.

Thank you, Madam Chair.

The Chair: Thank you very much, Mr. Julian. We're right on time.

I want to thank the witnesses for coming and for spending three hours with us. You have heard suggestions that we may actually want to look at this again in September. But, as chair, I also note that I think that if Hockey Canada is going to represent Canada and junior leagues in hockey, there should be more diversity on their board—a diversity of gender, a diversity of racialized communities and a diversity of indigenous peoples. We need to represent Canada when we're making decisions with what is, in effect, Canada's national sport.

I want to thank you again.

I think what I would do is suspend for about three minutes so that people can have a health break before we go on to the final hour.

Thank you all very much.

• (1355)

(Pause)

• (1405)

The Chair: We now begin this meeting. This is the final hour of these hearings over these two days.

Barry Lorenzetti is the founder, president and chief executive officer of BFL Canada. Now Mr. Lorenzetti, you have five minutes to make a statement. I will give you a 30-second warning when your five minutes is going to be up. You also will be facing some questions and answers.

If you need any kind of interpretation, you will see at the bottom of your screen a globe, and if you press that, it will give you interpretation in French or English, whichever you like. If you have any problems hearing or any technical difficulty, just flag it right away. We will suspend the meeting so that we can fix it for you.

Mr. Lorenzetti, welcome to the committee. You can begin your statement now for five minutes, please.

Mr. Barry F. Lorenzetti (Founder, President and Chief Executive Officer, BFL Canada): Thank you, Madam Chair. I'd just like to mention that I have in my presence my lawyer, Marc-André Coulombe from Stikeman Elliott. You had received notification of this on July 26.

The Chair: Yes. Excuse me, Mr. Lorenzetti. Your lawyer is not allowed to speak. He can advise you at your side. Thank you.

Mr. Barry F. Lorenzetti: That's understood, thank you.

Thank you, Madam Chair, and members of the committee for inviting me today to appear as president and CEO of BFL Canada.

As an active member of our community, I consider it my personal responsibility to be present here today. I, like every other Canadian, was deeply saddened and shocked by the alleged sexual assaults that took place in June of 2018.

I have since read the open letter issued by Hockey Canada to Canadians and most recently their action plan to address behaviour in and around Canada's game. As a supporter of our game, I am relieved and will continue to follow closely the concrete actions introduced by Hockey Canada and its senior management to address these concerns. More importantly, I am pleased to see that Hockey Canada has reopened the investigation and that all players will be required to participate.

• (1410)

[*Translation*]

Like many of you, I'm convinced that professional sports must change, including hockey. That is why, for several years, BFL Canada and I committed to supporting girls and boys who play hockey through donations and participation in various initiatives.

As an entrepreneur and father of two young women, I consider it essential to eliminate barriers women must face, not only in sport, but in other areas too, including business.

[*English*]

For this reason, I started the Barry F. Lorenzetti Centre for Women Entrepreneurship and Leadership at the John Molson School of Business in 2021, amongst other endeavours, notably the High Performance Centre for Women's Hockey and other programs for women's hockey and our family foundation. I say this only because I want to reiterate the importance of these hearings in shedding light on the issues we continue to face in hockey and professional sports, and on the responsibility that I believe we all must take in ensuring that we create a safe and inclusive space, not only in sport but throughout Canadian society.

Before I answer your questions, and as previously communicated to this committee, I do wish to clarify that BFL Canada is an insurance brokerage and benefits consulting firm. We are not an insurance company, and we are not Hockey Canada's insurer. As an insurance broker, we have certain statutory and legal confidentiality obligations pursuant to our code of ethics and the Act respecting the distribution of financial products and services.

Although I am here voluntarily today and intend to answer each and every one of your questions to the best of my abilities, I am of course limited by these confidentiality restrictions, which I cannot violate. That being said, I will do everything I can to assist the committee.

I understand that the committee has very broad powers, but I would respectfully ask not to be placed in a situation where I would need to reveal confidential information that is readily available from other sources such as the insurer or Hockey Canada themselves, who are not bound by these same restrictions. With this in mind, I am here today to answer your questions and hope sincerely that my answers still serve to contribute to these hearings and, more generally to an essential dialogue that all Canadians should share.

[Translation]

Thank you.

[English]

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

I'm going to move to the question and answer component. We begin with the Conservatives for six minutes.

Who will be the Conservative questioner?

Mr. Kevin Waugh: Thank you, Madam Chair.

It's Kevin Waugh.

The Chair: Okay, Kevin. You can begin for six minutes.

Mr. Kevin Waugh: Mr. Lorenzetti, it's interesting that you're with BFL Canada brokerage and that you were also on, what happened to be, the 2018 foundation gala board of Hockey Canada. That's where this incident allegedly took place—at the gala.

I don't know if you heard that night what happened or if it was the next day. When did you find out about these allegations?

Mr. Barry F. Lorenzetti: Thank you, Madam Chair.

To begin with, I was not personally at the London, Ontario gala. I had previous family commitments.

To answer your specific question, I learned of this incident without detail probably a couple of days later.

Mr. Kevin Waugh: That's interesting, because the chair of the Hockey Canada Foundation had no knowledge of what took place that day. In fact, it was several weeks or months later. Hockey Canada never informed him. He was the chair of the Hockey Canada Foundation gala and was never informed of the incident that I've talked about, and yet you being a board member, albeit not at the event, knew a couple of days later.

Yet, Mr. Andrews, I think it was, had no knowledge of this. He had no correspondence from Hockey Canada itself and yet you as a citizen had knowledge a couple of days later.

Who told you about it?

• (1415)

Mr. Barry F. Lorenzetti: I learned of this through my claims manager. Of course, as you can appreciate, any information that I would receive is client privileged. I want to reiterate that I knew

nothing about the horrific details of this until I found out along with all of my other fellow board members of the foundation.

Mr. Kevin Waugh: When did the board members find out?

Mr. Barry F. Lorenzetti: We found out, I would think, just around the time the writ was issued, about May of 2022.

Mr. Kevin Waugh: Were you surprised two years later?

Mr. Barry F. Lorenzetti: I was shocked.

Mr. Kevin Waugh: You're in insurance. We had the event that took place in 2018 and then we have an agreement with the plaintiff.

Go through the steps that you as an insurance broker went through in finding out that a deal had been done between Hockey Canada and the plaintiff.

Mr. Barry F. Lorenzetti: Could you be more specific? When you say a deal was done, do you mean when the claim was settled in 2022?

Mr. Kevin Waugh: Yes, when the claim was settled.

Mr. Barry F. Lorenzetti: This was a decision that was made by Hockey Canada. It was referred to the insurance company, AIG, and AIG gave their blessing to Hockey Canada to settle this claim for, as you now know, the reasons that Hockey Canada gave with respect to this settlement.

Mr. Kevin Waugh: How does BFL Canada work with Hockey Canada? Give us some insight on what you do in that company of yours.

Mr. Barry F. Lorenzetti: Sure.

We represent Hockey Canada in the marketplace. Basically, we are their broker. We place market insurance, not only in Canada but also worldwide, for Hockey Canada's needs. We will do assessments of what Hockey Canada requires with respect to coverage and then we will effectively put a marketing team into play, send them into the market to meet with insurers and place the coverage on their behalf.

Mr. Kevin Waugh: We found out today that Hockey Canada, since 1989, had nine settlements, worth \$7.6 million. Most of it, \$6.8 million, dealt with the Graham James incidents.

As a broker, you're looking for the best insurance deal.

Mr. Barry F. Lorenzetti: Yes.

Mr. Kevin Waugh: I would say rates would be going up when I look at Hockey Canada's past and looking to the future. You're a broker. You're looking for the best deal.

What can you tell me about the deals, if there are any now, for Hockey Canada given their situation, as we have heard, not only in the last two years but certainly in the last number of years as well?

Mr. Barry F. Lorenzetti: When you say "deals", what do you specifically mean by that?

Mr. Kevin Waugh: I mean deals on insurance. You're the one who's brokering Hockey Canada, so you're obviously looking for the best insurance packages at the least cost, I would think, to Hockey Canada.

Mr. Barry F. Lorenzetti: Yes.

Mr. Kevin Waugh: When I look at the testimony here today and see that they have agreements in place and have paid out large sums of money, that tells me that their premiums would go up. Am I right in that assessment?

Mr. Barry F. Lorenzetti: Not being involved in the business, as you can appreciate, and not being involved in the day-to-day management of the account, I will be as detailed as I can. I can tell you that we successfully renewed or extended the current program of Hockey Canada at the same terms and conditions as the previous year.

Mr. Kevin Waugh: When I see the national equity fund charging \$16 a few years ago for registration for people who want to play, in Hockey Canada, and today it's over \$23.50, I have a concern with that. I used to work part time as a volunteer for organizations raising money for kids who can't afford hockey or sport or whatever. When I looked at the records, and they were charging \$16 out of this national equity fund back in 2013-14, and up until this June it was \$23.50, I have a concern. Someone can say, well, that's only seven or eight dollars, but when you're dealing with non-profits raising money just to get the average kid involved in hockey—they have little or no opportunity unless it is non-profit—that really disturbs me.

Do you have any suggestions on that? The national equity fund caught everyone off guard. Did you know about the national equity fund and what they were doing with it?

Mr. Barry F. Lorenzetti: I did not know personally about the equity fund, no, sir. Perhaps I can offer a general statement on that.

• (1420)

Mr. Kevin Waugh: Go ahead.

The Chair: Who is this person...?

Mr. Barry F. Lorenzetti: We deal with thousands and thousands and thousands of clients right across Canada and internationally. It is not uncommon, sir, for a corporation to have a reserve fund or a fund for uninsured losses or claims that aren't recoverable. This—

The Chair: Thank you very much. I think you're going to have to expand on that through another question, Mr. Lorenzetti. The time is up.

I will now go to the second person from the Liberal Party, Anthony Housefather.

You have six minutes, please.

Mr. Anthony Housefather: Thank you very much, Madam Chair.

Thank you, Mr. Lorenzetti, for being here. I want to make sure that we all understand that you've done nothing wrong. Nobody's accusing you of having done anything wrong. We appreciate your being here, very much.

You stated some things in your testimony that surprised me. Let me come to the claim that was made by the alleged victim here. When did Hockey Canada provide written notice of the receipt of the claim to the insurer AIG?

Mr. Barry F. Lorenzetti: As to when we received the claim—again, as I said, I'm not involved in the day-to-day account—it would have been sometime in May 2022 that we would have received a copy of the claim, a copy of the writ, from their lawyers, and then we immediately passed.... We received this from Hockey Canada, obviously. Then, as the conduit to the insurance company, we would have sent this document off to AIG, their insurers.

Mr. Anthony Housefather: Would this be under the sexual conduct liability policy or a different policy?

Mr. Barry F. Lorenzetti: When we reviewed the writ, there were certainly elements of coverage that may apply under their policy, but there were certainly elements of coverage that would not apply under their policy. Not being a party to the contract, we decided we would send the claim off to AIG.

Mr. Anthony Housefather: A hundred percent; and did they send it off to general insurance as well? Did you send it to others or only to AIG under the sexual conduct policy?

Mr. Barry F. Lorenzetti: AIG is the only insurer that's providing the sexual misconduct coverage, so we would only have sent it to AIG.

Mr. Anthony Housefather: Then you introduced, Mr. Lorenzetti, in your testimony, something that Hockey Canada never said. You said that AIG approved them entering into the settlement. They have never testified to that. Are you certain that AIG did so?

Mr. Barry F. Lorenzetti: No, AIG agreed to allow Hockey Canada to settle this claim internally, on their own.

Mr. Anthony Housefather: Right, but what I'm saying is that they have never said that, so that's a new element. You said that they allowed Hockey Canada to do so based on the reasons given by Hockey Canada, which is that they were looking out for the interest of the victim.

Mr. Barry F. Lorenzetti: That's right.

Mr. Anthony Housefather: That sounds very altruistic of an insurance company. I've never seen one in the past say, "We know nothing about the claim. We've never deposed the victim. We know nothing about the underlying facts of the claim or whether the claim is meritorious or not, but just go ahead and settle it, and we may cover you."

Did AIG, based on this, say, "By the way, Hockey Canada, we will never pony up on this claim because you settled it without our review", or did they just say, "Yes, we'll continue to potentially cover this claim"?

Mr. Barry F. Lorenzetti: I don't really think they said it in that fashion. They simply agreed to Hockey Canada's request to settle this claim based on the information that we now know about and that AIG was informed of.

The subject, to my recollection or to my knowledge, never came up as to whether they would reopen the claim down the road if Hockey Canada sought from them compensation or indemnification.

Mr. Anthony Housefather: Okay, normally you advise your insurer because you're potentially going to seek compensation. I'm not sure that, if the insurance company's not covering anything, they need to agree or not agree to consent to settle the claim. Basically it sounds like the two parties agree that Hockey Canada would settle the claim out of this reserve fund and that the insurance wouldn't pay anything.

I'm trying to understand how the insurer may potentially cover a claim that was settled in this manner by Hockey Canada. I've never read an insurance policy that would allow such a thing. Can you explain if you believe that the insurance company may potentially say, "Yes, we're going to pay out this claim based on Hockey Canada having done the type of process that it did"?

• (1425)

Mr. Barry F. Lorenzetti: As I said in my opening statement, sir, and not being a party, I think that question is better answered by AIG, the insurance company themselves, not me.

Mr. Anthony Housefather: I agree with you completely that we need to hear from AIG on that question, absolutely.

Can I ask another question? You have been a broker, I imagine, for many years, distinguished yourself and risen in your field. Do you often see a claim that was potentially insurable settled in this manner so quickly?

Mr. Barry F. Lorenzetti: You know, I've been in this business for, as you said, quite some time, and I've seen a lot of different situations. I would say that, unfortunately in our industry, I can't say that claims are handled the same way for each specific incident. You're a lawyer; I think you'd understand that.

As for this claim or this incident that came about as a claim, as I mentioned earlier, we were of the opinion that not all of the coverage was recoverable. I would suggest that the question would be better addressed to the insurer, with collaboration from the insured.

Mr. Anthony Housefather: Thank you.

Madam Chair, do I have any more time?

The Chair: You have 19 seconds, Anthony.

Mr. Anthony Housefather: I'll just finish up by thanking you very much.

I agree with you that we need to hear from the insurer, so thank you so much, Mr. Lorenzetti.

Mr. Barry F. Lorenzetti: It's my pleasure.

The Chair: Thank you.

We now go to Mr. Lemire for six minutes, please.

[*Translation*]

Mr. Sébastien Lemire: Thank you, Madam Chair.

Mr. Lorenzetti, thank you for being with us. Indeed, your participation in today's meeting wasn't mandatory. Thank you for accepting our invitation.

We considered it important to invite you because there seemed to be an apparent conflict of interest. Furthermore, I sensed a contradiction in the speech on June 20. Based on our understanding, the Hockey Canada Foundation, which you sit on as a member of the board of directors, was not aware of the alleged events in June 2018. Board members learned of them recently, in June 2022. You may have played a role in settling the claim and may not have communicated some information.

What is your reaction to this apparent conflict of interest?

[*English*]

Mr. Barry F. Lorenzetti: Thank you, Madam Chair.

[*Translation*]

First of all, I don't participate in the claims resolution process. BFL Canada is a broker, not an insurance company. It's fairly important to specify that fact.

The Quebec Insurance Brokers Act allows me to say some things, but prevents me from saying others.

[*English*]

I'm sworn by confidentiality, is what I'm saying.

I need to understand. When you speak to the fact that there may be a conflict of interest, exactly what do you mean by a conflict of interest here? I don't see any conflict of interest with my role here specifically.

[*Translation*]

Mr. Sébastien Lemire: That was the thought behind my question. At first glance, I saw a conflict of interest and wanted to give you the chance to maybe respond to it, given the circumstances. Thank you for your answer.

What, exactly, is your role within the Canada Hockey Foundation? Do any aspects go beyond just sitting on the board of directors?

Mr. Barry F. Lorenzetti: I'm very glad you asked that question, Mr. Lemire.

[*English*]

Thank you, Madam Chair.

I apologize, as it's my first rodeo.

[*Translation*]

I'm very engaged in the foundation. I am, above all, a donor.

[English]

I've been very involved with women's hockey. I'm a sponsor through the foundation of women's hockey, specifically coaching, training and mentorship. I'm also involved in what we call the assist fund, to which our company and I personally have donated significant funds to get underprivileged kids into hockey who can't afford registration. There's also a program that I introduced, the dreams come true program, for individuals who want to get a taste of hockey and what it means to put on a pair of skates, skate on a rink in the winter and have fun. I have been heavily involved in the foundation. I have been past chair of the foundation and have been very involved in encouraging diversity and getting more women involved in the sport.

Thank you for asking me this question and giving me the opportunity.

• (1430)

[Translation]

Mr. Sébastien Lemire: Congratulations for your work on advancing women's sports. That is a legacy which I think is important.

Have you ever handled money and transferred money between different partners?

Mr. Barry F. Lorenzetti: Handled money? No.

I hope I understood the question correctly, but the answer is absolutely not.

Mr. Sébastien Lemire: I'd like to hear your observations on the following point, as a subject-matter expert.

Does the Canadian Hockey League use Hockey Canada's insurance program?

Something isn't clear to me. What is Hockey Canada's status as a real legal entity relative to the Canadian Hockey League?

Under which circumstances could the Canadian Hockey League use Hockey Canada's insurance program?

There seems to be some legal uncertainty. Could you enlighten us?

Mr. Barry F. Lorenzetti: That's a very good point.

If I've understood correctly, Hockey Canada is responsible for the insurance program. The Canadian Hockey League's insurance is included in Hockey Canada's insurance program.

Mr. Sébastien Lemire: Based on our understanding of the case before us, the file was settled outside AIG Canada's insurance policy.

Do you know the reasons for settling the lawsuit so quickly?

Mr. Barry F. Lorenzetti: I think Hockey Canada clarified that at the beginning. Hockey Canada and the victims involved made the decision.

Hockey Canada asked AIG Canada's permission before settling the claim. AIG Canada agreed.

Hockey Canada would not have acted without getting AIG Canada's approval.

Mr. Sébastien Lemire: As part of Carcillo's class-action lawsuit, do you know what roles the different insurance policies will play?

[English]

The Chair: You have 30 seconds.

[Translation]

Mr. Sébastien Lemire: Who will be able to pay a settlement if there is one?

Mr. Barry F. Lorenzetti: That's a good question.

This has dragged on for years. I can't give you an answer to that question, because some parts of the claim are covered by insurance and some are not.

Mr. Sébastien Lemire: Does the Hockey Canada Foundation have its own insurance?

Mr. Barry F. Lorenzetti: No, we only have directors and officers' liability insurance, which is part of Hockey Canada's comprehensive program.

Mr. Sébastien Lemire: Thank you very much.

Mr. Barry F. Lorenzetti: My pleasure.

[English]

The Chair: Thank you very much.

I now go to Peter Julian for the NDP for six minutes.

Go ahead, Peter.

Mr. Peter Julian: Thank you very much, Madam Chair. Thank you, Mr. Lorenzetti, for appearing today.

As others have mentioned, we believed that your coming to committee would help to clarify certain things, and it has been very helpful so far.

I want to clarify what you said in French. You were saying that CHL insurance is covered through Hockey Canada.

Mr. Barry F. Lorenzetti: That's my understanding, yes, sir.

Mr. Peter Julian: That would mean, for example, with the class action suit that is currently being undertaken by a number of CHL players—and I know you'd be aware of what was published in the hockey news, the profoundly disturbing details of physical and sexual abuse, which has been ongoing in cases for years.

Does that mean in the case of this particular class action, if there were a move to negotiate compensation for the victims and reach a settlement, that would then come back to Hockey Canada?

Mr. Barry F. Lorenzetti: Thank you, Madam Chair.

Yes.

Mr. Peter Julian: This is a new fact that we were unaware of, and I think it speaks to why it was important to invite you here today.

In the case of any settlement that might come out of the horrific allegations of sexual violence from 2003, that, as well, would be carried by Hockey Canada. I think that is clear to all of us. It was not as clear that the horrific allegations contained in the lawsuit against the Canadian Hockey League would also be covered by Hockey Canada.

In that kind of case, we're talking about absolutely horrific allegations, and I would assume that, if there were a settlement, very significant damages would be provided to the victims. How would Hockey Canada, then, cover all of these potential or current lawsuits?

• (1435)

Mr. Barry F. Lorenzetti: I'm sorry. Are you specifically referring to 2003 or the Carcillo case or—

Mr. Peter Julian: I'm referring to both. It seems to me that there is now a significant body of potential future claims coming forward. You're very knowledgeable about the insurance industry. What does that mean for Hockey Canada?

Mr. Barry F. Lorenzetti: I suppose I could say that Hockey Canada has an excellent broker and would be covered for these claims through their insurance company.

They do have insurances in place for these actions.

Mr. Peter Julian: There were comments made by Mr. Smith earlier about the claim for 2018 not being fully covered.

A little bit like Mr. Housefather was asking, is it your sense as a broker that both the potential lawsuit emerging from the 2003 allegations of gang sexual assault and the liabilities that come from the ongoing horrific allegations of physical and sexual abuse by a number of the players who were in the Canadian Hockey League would be fully covered by the insurance that is currently constituted with Hockey Canada?

Mr. Barry F. Lorenzetti: Let me be very clear on those points.

The 2003 situation is a circumstance. It's an incident. We have not received any detail, or at least I haven't. Our insurance company has not received any details, so it would be very difficult at this particular point in time, sir, for me to decipher as to whether there is coverage and whether coverage would apply under the general liability or sexual misconduct policy.

Insofar as, let's call it, the Carcillo claim goes, we've received a writ. We can see what may be covered and what may not be covered, so we're in a much better position with respect to that particular claim.

My statement would be to the effect that I would defer answering that question until I had all the facts.

Mr. Peter Julian: But you believe right now that there are, with the class action, certain aspects that would not be covered.

Mr. Barry F. Lorenzetti: Do you mean the Carcillo claim?

Mr. Peter Julian: Yes.

Mr. Barry F. Lorenzetti: Yes.

The Chair: You have 30 seconds, Peter.

Mr. Peter Julian: This would mean that Hockey Canada would have to find some other means of covering that for the CHL.

Mr. Barry F. Lorenzetti: I think what we have to be clear on, with all due respect, is that you have been referring to sexual misconduct. Hockey Canada doesn't just carry sexual misconduct coverage. They also have general liability and other elements of coverage, so there would be some aspect of coverage under a general liability policy and there would be some aspect of coverage under sexual misconduct, however that was mixed in. That's why these claims are not exactly straightforward.

Mr. Peter Julian: Thank you.

The Chair: Thank you very much.

Peter, your time is up. Thank you.

Now we're going to go into the second round. We actually started this particular meeting eight minutes late. I'm going to suggest that if none of you disagree, I will tack on the eight minutes so we can round it up and have a full second round.

Some hon. members: Agreed.

The Chair: I see everybody nodding and I gather that means you're in agreement.

We go to the second round. It's a five-minute round. We will begin with the Conservatives. I don't know who is going to do this.

• (1440)

[*Translation*]

Mr. Richard Martel: Thank you, Madam Chair. I'll be taking the floor.

I will return to the subject raised by my colleague for the riding of Mount Royal.

Mr. Lorenzetti, what part of the claim was covered and what wasn't, in the case of the plaintiff involved in the events on June 18, 2018?

Mr. Barry F. Lorenzetti: With all due respect, it is not up to me as a broker. It is up to the insurance company, AIG Canada, to answer that question correctly.

I may have some ideas, but AIG Canada drafted the document and would be in a better position to respond.

Mr. Richard Martel: Do you know how many claims Hockey Canada makes per year with their insurer for sexual assaults?

Mr. Barry F. Lorenzetti: Are you talking about the number of claims?

Mr. Richard Martel: Yes, I mean the number of claims.

Mr. Barry F. Lorenzetti: Since Mr. Smith's assistant divulged it this morning, I think I can answer the question.

From 1988 to the end of 2021, we have had 12 claims pertaining to sexual misconduct.

Mr. Richard Martel: What are your thoughts on the actions taken by Hockey Canada's leadership regarding the events of June 18, 2018?

Do you still trust Mr. Smith to run Hockey Canada?

Mr. Barry F. Lorenzetti: It's not up to me to say. I'm not comfortable answering that question.

As Mr. Smith said, the board of directors made the decision. It is not I, but Hockey Canada's administration, that will have to decide Mr. Smith's future.

Mr. Richard Martel: Madam Chair, I would like to give my time to my colleague, Ms. Vecchio.

[English]

The Chair: Thank you.

Who is this?

Mrs. Karen Vecchio: Hi. I think it's going to be me, Hedy, so I'm just going to continue with this.

The Chair: Okay, Karen. Go ahead.

Mrs. Karen Vecchio: Thanks very much.

Just looking at this, I'm wondering if there's been any advice to Hockey Canada on how they could lessen the risk of, and perhaps exposure to, future claims that might be coming forward.

Mr. Barry F. Lorenzetti: Thank you, Madam Chair.

Are you asking about recommendations from our firm?

Mrs. Karen Vecchio: Yes, from your firm.

Mr. Barry F. Lorenzetti: I'm very pleased you asked that question.

We are in regular contact with Hockey Canada. That's not me personally, but we have a team devoted to Hockey Canada. We are risk advising on a regular basis with respect to.... For example, we suggested—and I was very pleased to see this in their action plan—background checks on players. We've recommended coach and staff credentiality and advanced investigations, and health care. We've introduced and promoted through Hockey Canada, through what we refer to as a “players' health program”, education and training in abuse prevention, in concussion awareness, reporting and investigations. Hockey Canada has also included in their action plan recommendations dealing with reporting platforms for athletes, injury management administrative platforms.

I can go on and on on this.

Mrs. Karen Vecchio: No, I really appreciate it.

I'm just looking at this, because when you talk about education, I think of driver's ed. When you take driver's ed, it reduces your insurance premiums. Obviously, you want to see some sort of measurables. What are your expectations? You provide recommendations, but what are your expectations? At the end of the day, we don't want to use your insurance company. That should be what insurance is all about.

What are they doing? What measurables are there to see that they don't have more claims?

Mr. Barry F. Lorenzetti: One other point I would add, that I was very pleased that Hockey Canada accepted our recommendation, was to bring in Natasha Johnston on the leadership team for health and safety. This lady was previously working with Ringette Canada, so she brings a lot of experience in this field.

It's really an ongoing process. As I said, our team is devoted, our Hockey Canada insurance team, to spending the time necessary to bring—

• (1445)

Mrs. Karen Vecchio: I have one final quick question here.

Mr. Barry F. Lorenzetti: Sure.

The Chair: You have 12 seconds.

Mrs. Karen Vecchio: When we're looking at players and management and coaches, have all of these been focused on? I know that some are coaches, but when it comes to players, are the majority of these claims on players or coaching?

Mr. Barry F. Lorenzetti: In the majority of these claims, actually the players are the victims in probably 90% to 95% of the cases. That's a very good point. This is really centred around the coaching and the trainers. That's where we get most of our claims.

Mrs. Karen Vecchio: Thank you.

The Chair: Thank you very much, Karen.

Now I go to James Maloney for the Liberals.

You have five minutes, please.

Mr. James Maloney: Thanks, Madam Chair.

Thank you, Mr. Lorenzetti, for being here today.

You are an insurance broker, right?

Mr. Barry F. Lorenzetti: Yes.

Mr. James Maloney: As an insurance broker, Hockey Canada or any other client would come to you with their insurance needs. They would explain what their needs are. You would evaluate them. Then you would point them in the direction of an insurance company who could provide an insurance policy that would provide those coverages. Is that fair?

Mr. Barry F. Lorenzetti: Yes.

Mr. James Maloney: You don't write policies. You have, I assume, a stable of insurance companies that you deal with.

Mr. Barry F. Lorenzetti: Yes.

Mr. James Maloney: AIG is one of them, obviously.

Mr. Barry F. Lorenzetti: Yes.

Mr. James Maloney: Is AIG the CGL policy issuer for Hockey Canada, as well as the policy that we're talking about here?

Mr. Barry F. Lorenzetti: AIG is the primary insurance company for general liability. We have some excess carriers above the general liability policy, but they are the sole insurer with respect to sexual misconduct.

Mr. James Maloney: Okay. Thank you.

In the ordinary course, what would happen is that a policy would be issued.... Well, let's talk about this case. A policy would be issued, in this case by AIG, and when a claim arises, the insured, in this case Hockey Canada, has an obligation or responsibility to report that claim to its insurer. That can be done through you. Is that accurate?

Mr. Barry F. Lorenzetti: Yes.

Mr. James Maloney: Then you report it on to AIG, because AIG is actually the organization or the entity that handles the claim and addresses the claim, including such things as whether or not particular items are covered. Is that fair?

Mr. Barry F. Lorenzetti: That's very fair.

Mr. James Maloney: Okay. Thank you.

When we're putting questions to you about whether something is or is not covered, it's not being fair to you, is it, sir? I don't know what your training or background is, but in my experience, you're not the one who usually answers those questions. It would be the insurance company, usually with the assistance of their lawyers.

Mr. Barry F. Lorenzetti: That is accurate.

Mr. James Maloney: All right. Thank you.

All of that leads me to say that I'm not sure why you're here, sir—

Voices: Oh, oh!

Mr. James Maloney: —other than the fact that we can get an interesting education on the insurance claims process, perhaps.

In that vein, then, if a claim is made, the statement of claim.... In this case, for example, the contents or the wording of that claim would trigger a certain response from the insurance company on, for example, whether or not there is a duty to defend. Is that accurate?

Mr. Barry F. Lorenzetti: That's very accurate.

Mr. James Maloney: That's entirely different from whether or not there is a duty to indemnify. Is that accurate?

Mr. Barry F. Lorenzetti: That is also accurate.

Mr. James Maloney: The duty to indemnify is not something that's determined until a lawsuit or a claim has advanced through all the stages, possibly to its conclusion. Is that fair?

Mr. Barry F. Lorenzetti: In the event that AIG in this case was presented with a claim, they have every right to reserve their rights, conduct an investigation, and at times...and this is not a question pointed in the direction of AIG but is typical in the industry, which you seem to know something about—

Mr. James Maloney: I practised insurance defence law for 20 years before I went into politics.

Mr. Barry F. Lorenzetti: My condolences.

Voices: Oh, oh!

Mr. James Maloney: Yes, thank you. That's why I went into politics. Finally, it's of some value here.

Mr. Barry F. Lorenzetti: Well, absolutely, you're really giving me a hand here.

Just to be serious for a second, the insurance companies can drag this out, as you well know, for two or three years with their reservations of rights.

• (1450)

Mr. James Maloney: Yes, so a reservation of rights letter, for those who don't know, would be an insurance company's saying,

“We will work with you and possibly defend you, but we reserve our rights to deny coverage down the road if we determine that there's something that's not covered.” Is that right? That's what you mean by that.

Mr. Barry F. Lorenzetti: That's perfect.

Mr. James Maloney: In this case—and I forget who asked the question—you said AIG, it sounds like, gave authorization to Hockey Canada to negotiate a settlement. That's not uncommon, is it?

Mr. Barry F. Lorenzetti: No, it's not uncommon. It's not an everyday occurrence. I think, given the circumstances and the insistence of Hockey Canada to protect the name of the victim, AIG took this into consideration seriously.

Mr. James Maloney: Right, so AIG would have done that with that issue in mind. I'm not trying to import their views. I don't know what they were thinking, but that would be a logical conclusion.

I think I will leave it there, sir.

I think that these issues between Hockey Canada and its insurer are not necessarily relevant to the issues at hand here, but I just want to say thank you for being here. I appreciate your answering my questions.

Mr. Barry F. Lorenzetti: Thank you, sir.

The Chair: Thank you very much. You're just under the wire, James Maloney.

Now I want to go to Martin Champoux from the Bloc Québécois for two and a half minutes.

[*Translation*]

Mr. Sébastien Lemire: Madam Chair, as Mr. Champoux is absent, I will take the floor.

Mr. Lorenzetti, when did Hockey Canada start covering the Canadian Hockey League?

Mr. Barry F. Lorenzetti: I can't answer that question, but I can certainly provide that information to you later.

Mr. Sébastien Lemire: Thank you.

Will the all of the lawsuits basically be paid by the 650,000 families who registered their child in an amateur hockey league, meaning people who were never informed, but whose registration fees went from \$8.90 to \$20,000?

Are those the families who will pay for incidents involving players from other leagues?

Mr. Barry F. Lorenzetti: Registration fees paid by these families will not be used at all to pay for that. As I said, the fund is a...

[*English*]

reserve fund. The reserve fund also includes coverage for uninsured claims and insurance premiums.

I believe the one important comment that I would make with respect to the fund is the fact that it is not unusual. It is, in fact, prudent risk management to have a fund. Let me tell you why. You keep coming back to the registration. If Hockey Canada had not kept the fund and eventually had an uninsurable loss of some significance, you're right—the only way it could probably recover would be to increase registration fees for these kids. This is prudent so they don't have to go back. They're reserving this fund over a number of years.

I really don't have much more to say with respect to the fund.

[Translation]

Mr. Sébastien Lemire: Thank you.

[English]

The Chair: You have 30 seconds.

[Translation]

Mr. Sébastien Lemire: That's our understanding. Mr. Glen McCurdie stated it in his 2021 affidavit, paragraph 15.

There are many factors. Our understanding is that it has an impact on registration fees.

Can you help us clarify the number of settled claims? When representatives for Hockey Canada testified, we heard about nine claims, but you told us there were twelve.

Can you confirm where we're at? Why is there a difference between the number of claims? What about the three missing claims?

Mr. Barry F. Lorenzetti: I can't tell you why there's a difference. I'm just quoting it based on my experience and the chart I have in front of me. It says there were 12 claims over a period of about 25 years.

Mr. Sébastien Lemire: Thank you, Mr. Lorenzetti.

Mr. Barry F. Lorenzetti: It's my pleasure.

[English]

The Chair: Thank you. That's enough time.

Now we go to Mr. Julian for two and a half minutes, please.

Mr. Peter Julian: Thank you very much.

Mr. Lorenzetti, you've been on the board of the Hockey Canada Foundation. What other roles have you played within Hockey Canada?

Mr. Barry F. Lorenzetti: Aside from being a contributor to the assist fund and some charitable donations, my only role was as past chair and vice-chair of the foundation.

Mr. Peter Julian: You've had no other role in connection with any particular events within Hockey Canada?

• (1455)

Mr. Barry F. Lorenzetti: Madam Chair, specifically, our company has been a sponsor of Hockey is Hers, women in hockey through Hockey Canada.

Mr. Peter Julian: Okay, but you haven't served as a chair of any of the tournaments or championships?

Mr. Barry F. Lorenzetti: No, I haven't.

Mr. Peter Julian: Would you know the identity of the person who's responsible.... We heard testimony earlier about the national equity fund and that Graham James was the perpetrator who was responsible for a number of the payments that were made to victims.

Would you know the identity of the person who was responsible for the four settlements made through the national equity fund that were not related to Mr. James?

Mr. Barry F. Lorenzetti: No.

Mr. Peter Julian: You'd have no knowledge of that?

Mr. Barry F. Lorenzetti: Not personally, no, sir.

Mr. Peter Julian: Okay.

Just a remark from your initial comments, you stated that not all coverage was recoverable. I would appreciate it if you could elaborate a little bit more about that.

Mr. Barry F. Lorenzetti: Again, can you be more specific? Are you referring to 2003, the Carcillo claim? As I mentioned earlier, every incident or claim is different in our industry.

Mr. Peter Julian: This was in your initial presentation.

In general, when you talk about not all coverage being recoverable, you mean in the same way that we've spoken about earlier, that not everything is able to be paid out of insurance.

The Chair: You have 22 seconds.

Mr. Peter Julian: There may be, in some cases, a need for additional funds to be brought to bear.

Mr. Barry F. Lorenzetti: Exactly. That's a good point. It's exactly what I was attempting to say, and that, of course, is one of the reasons Hockey Canada set up this fund for that as well.

The Chair: Thank you very much, Peter. That's it.

We now go to the Conservatives for five minutes. I don't know who that's going to be.

Mrs. Karen Vecchio: Hello, Hedy. It's me.

The Chair: You got the luck of the draw today.

Mrs. Karen Vecchio: I sure did.

Thank you.

We're talking about the national equity fund. We're talking about the insurance that AIG would be able to provide. I know they mentioned that, immediately, on that day in 2018, their insurance company was aware of this.

Can you share with me the types of discussions that Hockey Canada had with you specifically in those first few days on whether or not they could use the insurance or whether they then had to dig into the national equity fund? Can you share with me the conversations you would have had with them?

Mr. Barry F. Lorenzetti: Madam Chair, let me be very specific to this point. There were absolutely no details furnished in 2018. This was simply an incident report, and that's all we were made aware of—an incident report. I believe that was June 19 or June 20.

What we would normally do under those circumstances is that my team would then report this incident report to AIG.

In probably under 10%, 7% to 8% of the time, incident reports turn out to be claims, so very few claims arise out of pure incident reports.

Mrs. Karen Vecchio: Okay, so there was an incident report that was sent up to AIG regarding this with Hockey Canada.

Did a report from AIG ever come down and just say what they would and would not cover? Was there any advice from the insurance company on what they would and would not cover?

Mr. Barry F. Lorenzetti: Madam Chair, as I'm attempting to explain, we didn't have any detail. It was a simple incident report.

Mrs. Karen Vecchio: So an incident report gives you no facts. It just kind of gives you: there was an incident; it happened in London, Ontario, and it was sexual assault. That's about all of the detail that you would have had from that.

The insurance company doesn't do any follow up? There's not a concern about what type of incident happened? It's just an incident, and it ends?

Mr. Barry F. Lorenzetti: Madam Chair, it's an incident report, and the insurer was satisfied that Hockey Canada immediately turned to a law firm to do an investigation, so that was well appreciated by the insurance company.

Mrs. Karen Vecchio: Although we heard about the investigation, the investigation obviously stopped right after they paid out, so no due diligence was done on that. That, to me, is very concerning. They started this system and they could continue with it but they decided not to. If they really want to change the culture of hockey, then do a full investigation on all the players. That was something I thought should really be happening here.

With the funds, for instance, getting away from the national equity fund, we talk about what would and would not be covered. Would AIG usually cover a situation where there was non-consensual sex? If it was a claim relating to non-consensual sex, is this something for which you would see AIG pay out?

• (1500)

Mr. Barry F. Lorenzetti: Again, I cannot speak on behalf of.... I also have client privilege and I can't speak—

Mrs. Karen Vecchio: That's fair.

Mr. Barry F. Lorenzetti: —on behalf of insurers. I think that question is better served to be directed towards AIG.

Mrs. Karen Vecchio: Okay, fair enough.

As I'm looking at this, we had these set up. When I pull up AIG and the first thing I see is Bill Cosby, it's concerning to me. It shows me that we are allowing this type of culture, whether it's Bill Cosby or other players.

This is something that I had a concern about, because we are supporting financially these types of behaviours and paying off people and silencing people. That is what we're doing through these types of insurance. I know that we need them, because at the end of the day the victim does need to have something and they're not going to be whole. I do understand that there are two sides to this, but I wonder if we step back and say we are insuring sexual assault, we are insuring sexual abuse, what is right about this?

These are some of the concerns that I have, and I'm hoping that insurance companies are asking for proof, measurables. We want to see. My insurance gets cancelled if I make multiple claims because I've been in multiple accidents.

I'm wondering if there are ever concerns that Hockey Canada sits there and says, "Wow, we have a lot of claims happening here." Twelve may not seem a lot, but it sure sounds like a lot to me, because these are just reported claims.

Are you asking for more or better information coming from Hockey Canada as they move forward?

Mr. Barry F. Lorenzetti: Madam Chair, as I mentioned in my opening statement, I am very encouraged with the changes, the action plan and the communication that's now coming from Hockey Canada. They have admitted that it's long overdue. I think we've got to give them some time. This is not going to happen overnight, but to put a positive spin on this, I think doing something is better than just ignoring it again, so I'm optimistic.

The Chair: Karen, I think that's it. Thank you very much.

I'm going to Lisa Hepfner for the Liberals for five minutes.

Ms. Lisa Hepfner: Thank you, Chair, and through you I'd like to thank Mr. Lorenzetti for being here today.

Mr. Lorenzetti, I apologize if some of these questions start to sound a bit repetitive, but I'm wondering if you can talk to us about this fund to be used in case something is not insurable. Do other organizations have a fund like this that they keep in reserve in case they have sexual assaults that wouldn't be covered by insurance?

Mr. Barry F. Lorenzetti: Madam Chair, I really don't think I'm in any position to comment on other organizations and what their funds are made of. The only comment I can make is that it's not uncommon to reserve. I think it's prudent to risk management and prudent practice.

Ms. Lisa Hepfner: Why would an organization like Hockey Canada choose to use the reserve fund to settle a sexual assault claim without even waiting to see if their insurance coverage would cover it?

Mr. Barry F. Lorenzetti: Madam Chair, again, with all due respect, I think this question is better asked of the party to the contract, which is Hockey Canada, not their broker.

Ms. Lisa Hepfner: Okay.

I don't know if I have any other questions.

The Chair: You have no more questions left, Ms. Hepfner?

Ms. Lisa Hepfner: No, I'm good, Hedy. Thanks very much.

The Chair: Thanks very much, Lisa.

That brings us to the end of this final round. We're coming to the end of our hour.

I want to thank Mr. Lorenzetti for coming here and answering questions, some of which were not appropriate for him to answer because he's a broker and not the insurer.

I'm pleased to hear, Mr. Lorenzetti, that you talked about risk management with Hockey Canada and made recommendations for them in the future.

I would like to thank the clerk and the interpreters. This has been a long session. Four hours is a very long time. I want to thank them for taking the time on a lovely summer afternoon to come here.

I also want to say that we have people whom we wish to hear from again. That is AIG themselves and someone from Sport Canada who has been ill and is prepared to come at another time.

With that, I want to thank everyone for coming together. Good questions were asked.

I will see you when I see you.

Thank you everybody.

● (1505)

[*Translation*]

Mr. Sébastien Lemire: My thanks to the clerk and interpreters.

[*English*]

The Chair: Thank you.

No one objects to a motion to adjourn.

The meeting is adjourned.

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