



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on Justice and Human Rights

JUST • NUMBER 135 • 1st SESSION • 42nd PARLIAMENT

EVIDENCE

Wednesday, February 27, 2019

—
Chair

Mr. Anthony Housefather

Standing Committee on Justice and Human Rights

Wednesday, February 27, 2019

• (1550)

[*English*]

The Chair (Mr. Anthony Housefather (Mount Royal, Lib.)): Good afternoon, everyone.

I'd like to welcome you to the meeting of the Standing Committee on Justice and Human Rights, as we resume our meetings on the study of remediation agreements, the Shawcross doctrine and the discussions between the Office of the Attorney General and government colleagues as they relate to SNC-Lavalin.

I would very much like to thank our witness, the Honourable Jody Wilson-Raybould, our colleague from Vancouver Granville, who has agreed to come before us today.

As opposed to our standard practice of allotting witnesses 10 minutes, we have all agreed to afford Ms. Wilson-Raybould 30 minutes in order to be able to more fully tell her story. She is at the centre of the events we're studying, and I think it's really important to give her that time. I would, of course, advise other witnesses that it would not be the normal practice of the committee.

Before we begin Ms. Wilson-Raybould's testimony, Mr. Rankin has advised me that he has a point he wishes to raise. I don't want to eat into Ms. Wilson-Raybould's time, so I'll ask Mr. Rankin to give his point.

Mr. Murray Rankin (Victoria, NDP): Thank you very much, Chair.

There are actually two related points. The first point is that, when she accepted our invitation, Ms. Wilson-Raybould wrote us, "I will remain before the Committee to answer questions for as long as the Committee wishes."

You'll recall, Mr. Chair, that we also extended time for Mr. Wernick, the Clerk of the Privy Council, and he was willing to stay longer as well. I would like to move that the committee accept her offer and allow her to stay longer with us, either today or at some subsequent meeting. That's my first point.

The second point is that—since she's going to do a very lengthy statement in terms of how we've proceeded in the past—I'd like to ask, if there is a written statement, that it be distributed while she's speaking, because of course we will have even less time for questioning than usual as a result. It would give us, I think, more efficiency in asking questions if we had that statement before us in advance.

The Chair: Thank you, Mr. Rankin.

As to your first suggestion, I'm wondering if Ms. Wilson-Raybould does indeed have a statement that she would like to be distributed to the committee. I would like to go with her preference. What would she prefer?

Hon. Jody Wilson-Raybould (Vancouver Granville, Lib.): I do have a statement. It has been provided to the translators, and if it is the will of the committee, they can distribute that to members.

The Chair: As soon as the copies are ready, Mr. Clerk...

Does the committee agree to have that statement in English only?

[*Translation*]

We'll provide the statement as soon as possible, Mr. Fortin. Do you agree?

Mr. Rhéal Fortin (Rivière-du-Nord, BQ): It's not possible now?

The Chair: You're not a member of the committee, but we'll give you the statement in French as soon as possible.

Mr. Rhéal Fortin: It's not currently available?

The Chair: No. That's why I asked for the committee's unanimous consent to distribute the statement.

Mr. Rhéal Fortin: Since I'm not a committee member, I can't vote. However, I would like to have the English version and French version as soon as possible.

The Chair: As soon as it's ready.

[*English*]

Some hon. members: Agreed.

The Chair: I think I have unanimous consent, so the clerk can distribute that.

As to the proposal, I very much appreciate Ms. Wilson-Raybould's offer to stay a little longer for questions. Our standard is two rounds. I think there's agreement that we'll go longer than two rounds, and then let's take it round by round after round three. We went for three with Mr. Wernick, so let's talk round by round if we have more questions.

Mr. Murray Rankin: Thank you, Chair.

The Chair: Mr. Rankin, would you like to get the statement before Ms. Wilson-Raybould begins, or can we begin?

Mr. Murray Rankin: That would be my preference, if it could be made available.

The Chair: It will be five or 10 minutes, so I think it's only fair to the witness to let her begin.

Mr. Murray Rankin: Yes. Thank you.

The Chair: Ms. Wilson-Raybould, the floor is yours. When we get to 30 minutes, I'll give you a sign to let you know.

Hon. Jody Wilson-Raybould: *Gilakas'la*. Thank you, Mr. Chair, and thank you to the members of the justice committee for providing me the opportunity for extended testimony today. I very much appreciate it.

Starting off, I would like to acknowledge the territory, the ancestral lands of the Algonquin people.

For a period of approximately four months, between September and December of 2018, I experienced a consistent and sustained effort by many people within the government to seek to politically interfere in the exercise of prosecutorial discretion in my role as the Attorney General of Canada in an inappropriate effort to secure a deferred prosecution agreement with SNC-Lavalin.

These events involved 11 people, excluding myself and my political staff, from the Prime Minister's Office, the Privy Council Office and the office of the Minister of Finance. This included in-person conversations, telephone calls, emails and text messages. There were approximately 10 phone calls and 10 meetings specifically about SNC, and I and/or my staff were a part of these meetings.

Within these conversations, there were express statements regarding the necessity of interference in the SNC-Lavalin matter, the potential for consequences and veiled threats if a DPA was not made available to SNC. These conversations culminated on December 19, 2018, with a conversation I had with the Clerk of the Privy Council, a conversation that I will provide some significant detail on.

A few weeks later, on January 7, 2019, I was informed by the Prime Minister that I was being shuffled out of the role of Minister of Justice and Attorney General of Canada.

For most of these conversations, I made contemporaneous notes, detailed notes, in addition to my clear memory, which I am relying on today, among other documentation. My goal in my testimony is to outline the details of these communications for the committee and indeed for all Canadians. However, before doing that, let me make a couple of comments.

First, I want to thank Canadians for their patience since the February 7 story that broke in *The Globe and Mail*. Thank you as well specifically to those who have reached out to me across the country. I appreciate the messages, and I have read all of them.

Second, on the role of the Attorney General, the Attorney General exercises prosecutorial discretion as provided for under the Director of Public Prosecutions Act. Generally this authority is exercised by the director of public prosecutions, but the Attorney General has authority to issue directives to the DPP on specific prosecutions or to take over prosecutions. It is well established that the Attorney General exercises prosecutorial discretion. She or he does so individually and independently. These are not cabinet decisions.

I will say that it is appropriate for cabinet colleagues to draw to the Attorney General's attention what they see as important policy considerations that are relevant to decisions about how a prosecution will proceed. What is not appropriate is pressing the Attorney

General on matters that she or he cannot take into account, such as partisan political considerations, continuing to urge the Attorney General to change her or his mind for months after the decision has been made, or suggesting that a collision with the Prime Minister on these matters should be avoided.

With that said, the remainder of my testimony will be a detailed and factual delineation of approximately 10 phone calls, 10 in-person meetings, and emails and text messages that were part of an effort to politically interfere regarding the SNC matter for purposes of securing a deferred prosecution.

The story begins on September 4, 2008. My chief of staff and I were overseas when I was sent a memorandum for the Attorney General, pursuant to section 13 of the Director of Public Prosecutions Act. It was entitled "Whether to issue an invitation to negotiate a remediation agreement to SNC-Lavalin" and was prepared by the director of public prosecutions, Kathleen Roussel.

The only parts of this note that I will disclose are as follows: "the DPP is of the view that an invitation to negotiate will not be made in this case and that no announcement will be made by the PPSC."

As with all section 13 notices, the director provides the information so that the Attorney General can take such course of action as they deem appropriate. In other words, the director had made her decision not to negotiate a remediation agreement with SNC-Lavalin.

• (1555)

I subsequently spoke to my minister's office staff about the decision and I did the standard practice of undertaking further internal work and due diligence in relation to this note, a practice that I have had for many of the section 13 notices that I received when I was the Attorney General. In other words, I immediately put in motion, with my department and minister's office, a careful consideration and study of the matter.

Two days later, on September 6, one of the first communications about a DPA was received from outside of my department. Ben Chin, Minister Morneau's chief of staff, emailed my chief of staff and they arranged to talk. He wanted to talk about SNC and what we could do, if anything, to address this. He said to her, my chief, that if they don't get a DPA, they will leave Montreal, and it's the Quebec election right now, so we can't have that happen. He said that they have a big meeting coming up on Tuesday and that this bad news may go public.

This same day, my chief of staff exchanged some emails with my minister's office staff about this, who advised her that the deputy attorney general, Nathalie Drouin, was working on something and that my staff were drafting a memo about the role of the Attorney General vis-à-vis the PPSC.

It was on or about this day that I requested a one-on-one meeting with the Prime Minister on another matter of urgency, and as soon as possible after I got back into the country. This request would ultimately become the meeting on September 17 between myself and the Prime Minister that has widely been reported in the media.

On September 7, my chief of staff spoke by phone to my then deputy minister about the call she had received from Ben Chin and the deputy stated that the department was working on this. The deputy gave my chief a quick rundown of what she thought some options would be. On the same day, I received a note from my staff on the role of the Attorney General, a note that my office also shared with Elder Marques and Amy Archer at the PMO.

The same day, staff in my office met with the deputy minister. Some excerpts of the section 13 note were read to the deputy minister, but the deputy minister did not want to be provided with a copy of the section 13 note.

On September 8, my deputy shared the draft note on the role of the Attorney General with my chief of staff, who subsequently shared it with me, and over the next day, clarity was sought by my staff with the deputy on aspects of the options that were laid out in her note.

A follow-up conversation between Ben Chin and a member of my staff, François Giroux, occurred on September 11. Mr. Chin said that SNC had been informed by the PPSC that it cannot enter into a DPA, and Ben again detailed the reasons why they were told that they were not getting a DPA. Mr. Chin also noted that SNC's legal counsel was Frank Iacobucci, and further detailed what the terms were that SNC was prepared to agree to, stating that they viewed this as part of a negotiation.

To be clear, up to this point I had not been directly contacted by the Prime Minister, officials in the Prime Minister's Office or the Privy Council Office about this matter. With the exception of Mr. Chin's discussions, the focus of communications had been internal to the Department of Justice.

This changed on September 16. My chief of staff had a phone call with Mathieu Bouchard and Elder Marques from the Prime Minister's Office. They wanted to discuss SNC. They told her that SNC had made further submissions to the Crown and that "there is some softening, but not much". They said that they understand that the individual Crown prosecutor wants to negotiate an agreement, but the director does not. They said that they understand that there are limits on what can be done, and that they can't direct, but that they hear that our deputy of justice thinks we can get the PPSC to say "we think we should get some outside advice on this." They said that they think we should be able to find a more reasonable resolution here. They told her that SNC's next board meeting is on Thursday, which was September 20.

• (1600)

They also mention the Quebec election context. They asked my chief if someone had suggested the outside advice idea to the PPSC and asked whether we are open to this suggestion. They wanted to know if my deputy could do it.

In response, my chief of staff stressed to them prosecutorial independence and potential concerns about the interference in the independence of the prosecutorial functions. Mr. Bouchard and Mr. Marques kept telling her that they didn't want to cross any lines, but they asked my chief of staff to follow up with me directly on this matter.

To be clear, I was fully aware of the conversations between September 4 and 16 that I have outlined. I had been regularly briefed by my staff from the moment this first arose, and I had also reviewed all materials that had been produced. Further, my view had also formed at this point, through the work of my department, my minister's office and work I conducted on my own, that it was inappropriate for me to intervene in the decision of the director of public prosecutions in this case and pursue a deferred prosecution agreement.

In the course of reaching this view, I discussed the matter on a number of occasions with my then deputy, so that she was aware of my view. I raised concerns on a number of occasions with my deputy minister about the appropriateness of communications we were receiving from outside the department and also raised concerns about some of the options that she had been suggesting.

On September 17, the deputy minister said that Finance had told her that they want to make sure that Kathleen understands the impact if we do nothing in this case. Given the potential concerns raised by this conversation, I discussed this later with my deputy. This same day, September 17, I had my one-on-one meeting with the Prime Minister that I requested a couple of weeks earlier. When I walked in, the Clerk of the Privy Council was in attendance as well.

While the meeting was not about the issue of SNC and DPAs, the Prime Minister raised the issue immediately. The Prime Minister asked me to help out and to find a solution here for SNC, citing that if there is no DPA, there would be many jobs lost and that SNC would move from Montreal. In response, I explained the law to him and what I have the ability to do and not do under the Director of Public Prosecutions Act around issuing directives or assuming conduct of prosecutions. I told him that I had done my due diligence and had made up my mind on SNC and that I was not going to interfere with the decision of the director.

In response, the Prime Minister reiterated his concerns. I then explained how this came about and that I had received a section 13 note from the DPP earlier in September and that I had considered the matter very closely. I further stated that I was very clear on my role as the Attorney General, and that I am not prepared to issue a directive in this case, that it would not be appropriate.

The Prime Minister again cited the potential loss of jobs and SNC moving. Then, to my surprise, the Clerk started to make the case for the need to have a DPA. He said, "There is a board meeting on Thursday September 20 with stockholders", "they will likely be moving to London if this happens" "and there is an election in Quebec soon".

At that point, the Prime Minister jumped in, stressing that there is an election in Quebec and that "and I am an MP in Quebec—the member for Papineau".

I was quite taken aback. My response—and I vividly remember this as well—was to ask the Prime Minister a direct question, while looking him in the eye. I asked, “Are you politically interfering with my role/my decision as the Attorney General? I would strongly advise against it.”

The Prime Minister said, “No, no, no. We just need to find a solution.”

The Clerk then said that he spoke to my deputy and she said that I could speak to the director.

I responded by saying no, I would not. That would be inappropriate. I further explained to the Clerk and the Prime Minister that I had a conversation with my deputy about options and what my position was on the matter.

As a result of this discussion, I agreed to and undertook to the Prime Minister that I would have a further conversation with my deputy and the Clerk, but that these conversations would not change my mind. I also said that my staff and my officials are not authorized to speak to the PPSC.

We finally discussed the issue for which I had asked for the meeting in the first place.

● (1605)

I left the meeting and immediately debriefed my staff about what was said with respect to SNC and DPAs.

On September 19, I met with the Clerk as I had undertaken to the Prime Minister. The meeting was one-on-one, in my office.

The Clerk brought up job losses and that this is not about the Quebec election or the Prime Minister being a Montreal MP. He said that he has not seen the section 13 note. The Clerk said that he understands that SNC is going back and forth with the DPP, and that they want more information. He said that “Iacobucci is not a shrinking violet”. He referenced the September 20 date and that they don't have anything from the DPP. He said that the Prime Minister is very concerned about the confines of my role as Attorney General and the director of public prosecutions. He reported that the Prime Minister is very aware of my role as the Attorney General of Canada.

I told the Clerk again that I instructed that my deputy is not to get in touch with the director and that given my review of the matter I would not speak to her directly regarding a DPA. I offered to the Clerk that if SNC were to send me a letter expressing their concerns, their public interest argument, it would be permissible and I would appropriately forward it directly to the director of public prosecutions.

Later that day, my chief of staff had a phone call with Elder Marques and Mathieu Bouchard from the Prime Minister's Office. They wanted an update on what was going on regarding the DPAs since “we don't have a ton of time”. She relayed my summary of the meeting with the Clerk and the Prime Minister.

Mathieu and Elder also raised the idea of an “informal reach out” to the DPP. My chief of staff said that she knew I was not comfortable with that, as it looked like and probably did constitute political interference. They asked whether that was true if it wasn't the At-

torney General herself, but if it was her staff or the deputy minister. My chief of staff said “yes”, it would, and offered a call with me directly. They said that “we will regroup and get back to you on that”.

Still on September 19, I spoke to Minister Morneau on this matter when we were in the House. He again stressed the need to save jobs, and I told him that engagements from his office to mine on SNC had to stop, that they were inappropriate.

They did not stop. On September 20, my chief of staff had phone calls with Mr. Chin and Justin To, both members of the Minister of Finance's office, about DPAs and SNC.

At this point, after September 20, there was an apparent pause in communicating with myself or my chief of staff on the SNC matter. We did not hear from anyone again until October 18 when Mathieu Bouchard called my chief of staff and asked that we—I—look at the option of my seeking an external legal opinion on the DPP's decision not to extend an invitation to negotiate a DPA.

This would become a recurring theme for some time in messages from the PMO, that an external review should be done of the DPP's decision.

The next day as well, SNC filed a Federal Court application seeking to quash the DPP's decision to not enter into a remediation agreement with them.

In my view, this necessarily put to rest any notion that I might speak to or intervene with the DPP, or that external review could take place. The matter was now before the courts and a judge was being asked to look at the DPP's discretion.

However, on October 26, 2018, when my chief of staff spoke to Mathieu Bouchard and communicated to him that, given that SNC had now filed in Federal Court seeking to review the DPP's decision, surely we had moved past the idea of the Attorney General intervening or getting an opinion on the same question. Mathieu replied that he was still interested in an external legal opinion idea. Could she not get an external legal opinion on whether the DPP had exercised their discretion properly, and then on the application itself, the Attorney General could intervene and seek to stay the proceedings, given that she was awaiting a legal opinion?

● (1610)

My chief of staff said that this would obviously be perceived as interference and her boss questioning the DPP's decision. Mathieu said that if six months from the election SNC announces they're moving their headquarters out of Canada, that is bad. He said, “We can have the best policy in the world but we need to get re-elected.” He said that everybody knows that this is the Attorney General's decision, but that he wants to make sure that all options are being canvassed. Mathieu said that if at the end of the day the Attorney General is not comfortable, that is fine. He just “doesn't want any doors to be closed”. Jessica, my chief of staff, said that I was always happy to speak to him should he wish.

In mid-November, the PMO requested that I meet with Mathieu Bouchard and Elder Marques to discuss the matter, which I did on November 22. This meeting was quite long; I would say about an hour and a half. I was irritated by having to have this meeting, as I had already told the Prime Minister, etc., that a DPA on SNC was not going to happen, that I was not going to issue a directive. Mathieu, in this meeting, did most of the talking. He was trying to tell me that there were options and that I needed to find a solution. I took them through the DPP Act, section 15 and section 10, and talked about the prosecutorial independence as a constitutional principle, and that they were interfering. I talked about the section 13 note, which they said they had never received, but I reminded them that we sent it to them in September. Mathieu and Elder continued to plead their case, talking about if I'm not sure in my decision, that we could hire an eminent person to advise me. They were kicking the tires. I said no. My mind had been made up and they needed to stop. This was enough.

I will briefly pause at this moment to comment on my own state of mind.

In my role as Attorney General, I had received the decision of the DPP in September, had reviewed the matter, made a decision on what was appropriate given a DPA and communicated that to the Prime Minister. I had also taken additional steps that the Prime Minister asked me to, such as meeting with the Clerk.

In my view, the communications and efforts to change my mind on this matter should have stopped. Various officials also urged me to take partisan political considerations into account, which it was clearly improper for me to do. We either have a system that is based on the rule of law, the independence of prosecutorial functions and respect for those charged to use their discretion and powers in a particular way, or we do not.

While in our system of government, policy-oriented discussion amongst people at earlier points in this conversation may be appropriate, the consistent and enduring efforts—even in the face of judicial proceedings on the same matter, and in the face of a clear decision of the director of public prosecutions and the Attorney General—to continue and even intensify such efforts raises serious red flags in my view, yet this is what continued to happen.

On December 5, 2018, I met with Gerry Butts. We had both sought out this meeting. I wanted to speak about a number of things, including bringing up SNC and the barrage of people hounding me and my staff. Towards the end of our meeting, which was in the Château Laurier, I raised how I needed everybody to stop talking to me about SNC, as I had made up my mind and the engagements were inappropriate.

Gerry then took over the conversation and said how we need a solution on the SNC stuff. He said I needed to find a solution. I said no and I referenced the preliminary inquiry and the judicial review. I said further that I gave the Clerk the only appropriate solution that could have happened, and that was the letter idea that was not taken up. Gerry talked to me about how the statute was a statute passed by Harper and that he does not like the law. I said something like that is the law that we have.

• (1615)

On December 7 I received a letter from the Prime Minister dated December 6, attaching a letter from the CEO of SNC-Lavalin dated October 15. I responded to the Prime Minister's letter of December 6, noting that the matter is before the courts so I cannot comment on it, and that the decision re a DPA was one for the DPP, which is independent of my office.

This brings me to the final events in the chronology, the ones that signal, in my experience, the final escalation in efforts by the Prime Minister's Office to interfere in this matter. On December 18, 2018, my chief of staff was urgently summoned to a meeting with Gerry Butts and Katie Telford to discuss SNC. They want to know where I—me—am at in terms of finding a solution. They told her that they felt like the issue was getting worse and that I was not doing anything. They referenced a possible call with the Prime Minister and the Clerk the next day.

I will now read to you a transcript of the most relevant sections of a text conversation between my chief of staff and me almost immediately after that meeting.

Jessica: “Basically, they want a solution. Nothing new. They want external counsel retained to give you an opinion on whether you can review the DPP's decision here and whether you should in this case.... I told them that would be interference. Gerry said, 'Jess, there is no solution here that does not involve some interference.' At least they are finally being honest about what they are asking you to do! Don't care about the PPSC's independence. Katie was like 'we don't want to debate legalities anymore....' They keep being like 'we aren't lawyers, but there has to be some solution here.’”

I—MOJAG—texted: “So where were things left?”

Jessica: “So unclear. I said I would of course let you know about the conversation and they said they were going to 'kick the tires' with a few people on this tonight. The Clerk was waiting outside when I left. But they said they want to set up a call between you and the Prime Minister and the Clerk tomorrow. I said that of course you would be happy to speak to your boss! They seem quite keen on the idea of you retaining an ex Supreme Court of Canada judge to get advice on this. Katie Telford thinks it gives us cover in the business community and the legal community, and that it would allow the Prime Minister to say we were doing something. She was like 'If Jody is nervous, we would of course line up all kinds of people to write OpEds saying that what she is doing is proper.’”

On December 19, 2018, I was asked to have a call with the Clerk. It was a fairly lengthy call, and I took the call from home. I was on my own, by myself. Given what occurred the previous day with my chief of staff I was determined to end all interference and conversations about this matter once and for all. Here is part of what the Clerk and I discussed.

The Clerk said he was calling about DPAs, SNC. He said he wants to pass on where the Prime Minister is at. He spoke about the company's board and the possibility of them selling out to someone else, moving their headquarters and job losses.

He said that the Prime Minister wants to be able to say that he has tried everything he can within the legitimate tool box. The Clerk said that the Prime Minister is quite determined, quite firm, but he wants to know why the DPA route, which Parliament provided for, isn't being used. He said, "I think he is going to find a way to get it done, one way or another...So he is in that kind of mood, and I wanted you to be aware of it."

The Clerk said he didn't know if the Prime Minister was planning on calling me directly or if he is thinking about somebody else to give him some advice. You know, he does not want to do anything outside of the box of what is legal or proper. He said that the Prime Minister wants to understand more, to give him advice on this or give you advice on this if you want to feel more comfortable you are not doing anything inappropriate or outside the frame.

I told the Clerk that I was one hundred per cent confident that I was doing nothing inappropriate. I again reiterated my confidence in where I am at on my views on SNC and the DPA have not changed. I reiterated this as a constitutional principle of prosecutorial independence.

• (1620)

I warned the Clerk in this call that we were treading on dangerous ground here. I also issued a stern warning because, as the Attorney General, I cannot act in a manner, and the prosecution cannot act in a manner, that is not objective, that isn't independent. I cannot act in a partisan way and I cannot be politically motivated. This all screams of that.

The Clerk wondered whether anyone could speak to the director about the context around this, or get her to explain her reasoning. The Clerk told me that he was going to have to report back to the Prime Minister before he leaves. He said again that the Prime Minister was in a pretty firm frame of mind about this, and that he was a bit worried.

I asked what he was worried about. The Clerk then made the comment about how it is not good for the Prime Minister and his Attorney General to be at loggerheads.

I told the Clerk that I was giving him my best advice and that if he did not accept that advice, then it is the Prime Minister's prerogative to do what he wants, but I am trying to protect the Prime Minister from political interference or perceived political interference, or otherwise.

The Clerk acknowledged that, but said that the Prime Minister does not have the power to do what he wants. All the tools are in my hands, he said.

I said that I was having thoughts of the Saturday night massacre, but that I was confident that I had given the Prime Minister my best advice to protect him and to protect the constitutional principle of prosecutorial independence.

The Clerk said that he was worried about a collision because the Prime Minister is pretty firm about this. He told me that he had seen the Prime Minister a few hours ago and that this is really important to him. That was essentially where the conversation ended, and I did not hear from the Prime Minister the next day.

The Chair: I am just letting everybody know that as chair I choose to give you more than 30 minutes. You have exceeded it. I'd like you to be able to finish your statement.

Is there anybody who has any objection to that?

Some hon. members: Agreed.

Hon. Lisa Raitt (Milton, CPC): No, and I don't think anyone in the audience does either.

The Chair: Okay.

Please continue.

Hon. Jody Wilson-Raybould: Thank you, Mr. Chair.

On January 7, I received a call from the Prime Minister and was informed that I was being shuffled out of my role as Minister of Justice and Attorney General of Canada. I will not go into details of this call or subsequent communications about the shuffle, but I will say that I stated that I believed the reason to be the SNC matter. They denied this to be the case.

On January 11, 2019, the Friday before the shuffle, my former deputy minister was called by the Clerk and told that the shuffle was happening and that she would be getting a new minister. As part of this conversation, the Clerk told the deputy that one of the first conversations the new minister would be expected to have with the Prime Minister would be on SNC-Lavalin—in other words, that the new minister would need to be prepared to speak to the Prime Minister on this file. The deputy recounted this to my chief of staff, who told me about the conversation.

My narrative stops here. I must reiterate to the committee my concern, outlined in the letter to the chair yesterday. That is that Order in Council 2019-0105 addresses only my time as the Attorney General of Canada and therefore does nothing to release me from restrictions that apply to my communications while I proudly served as the Minister of Veterans Affairs and in relation to my resignation from that post or my presentation to cabinet after I resigned.

This time period includes communications on topics that some members of the committee have explored with other witnesses and about which there have been public statements by others. The order in council leaves in place the various constraints, in particular cabinet confidence, that there are on my ability to speak freely on matters that occurred after I left my post as Attorney General.

Even with those constraints, I hope that through my narrative today, the committee and everyone across the country who is listening has a clear idea of what I experienced and what I know about who did what, and what was communicated. I hope and expect that the facts speak for themselves. I imagine that Canadians now fully understand that, in my view, these events constituted pressure to intervene in a matter and that this pressure or political interference to intervene was not appropriate. However, Canadians can judge this for themselves as we now have the same frame of information.

Last, as I have said previously, it has always been my view that the Attorney General of Canada must be non-partisan, more transparent in the principles that are the basis of decisions, and, in this respect, always willing to speak truth to power. In saying this, I was reflecting what I understood to be the vital importance of the rule of law and prosecutorial independence in our democracy.

My understanding of this has been shaped by some lived experience. I am, of course, a lawyer. I was a prosecutor in the Downtown Eastside of Vancouver, so I come to this view as a trained professional and one who is committed to certain values as being key to our system of order.

My understanding of the rule of law has also been shaped by my experiences as an indigenous person and as an indigenous leader. The history of Crown-indigenous relations in this country includes a history of the rule of law not being respected. Indeed, one of the main reasons for the urgent need for justice and reconciliation today is that in the history of our country, we have not always upheld foundational values, such as the rule of law, in relation to indigenous peoples. I have seen first-hand the negative impacts for freedom, equality and a just society that this can have, so when I pledged to serve Canadians as your Minister of Justice and Attorney General, I came to do so with a deeply ingrained commitment to the rule of law and the importance of acting independently of partisan, political and narrow interests in all matters. When we do not do that, I firmly believe, and know, that we do worse as a society.

I will conclude by saying this: I was taught to always be careful what you say because you cannot take it back.

• (1625)

I was taught to always hold true to your core values and principles, and to act with integrity. These are the teachings of my parents, my grandparents and my community. I come from a long line of matriarchs, and I'm a truth-teller in accordance with the laws and traditions of our big house. This is who I am, and this is who I always will be.

Gilakas'la. Thank you.

The Chair: Thank you very much, Ms. Wilson-Raybould, for sharing your perspective with the committee. It's much appreciated.

Folks, I'm going to lay out the rules for the questions. I'm usually a very flexible chair in terms of time, but as we've done for the meetings on this issue, we're going to stick to the time limits. As a result, I would ask the witness, when somebody's asking for a quick answer, to be a little bit succinct, but I, obviously, want her to be able to finish her answers.

The first round is six minutes Conservative, six Liberal, six NDP, six Liberal, and I will let everybody know in advance of every round what the time limits are.

We will start with Ms. Raitt.

• (1630)

Hon. Lisa Raitt: Thank you very much, Ms. Wilson-Raybould. I appreciate your patience on getting here today. It hasn't been an easy path, but I know that Canadians really appreciate it, and they appreciate your testimony today.

I want to start off by saying I believe every word you said today. I appreciate your honour, and I appreciate your honesty, and I appreciate your integrity and grit in coming forward in the way you have.

I do have some questions, though, and I would be grateful for your input and your point of view.

First and foremost, the Prime Minister has said that you will be able to discuss all relevant information, but do you believe there is relevant information that you were unable to include in your 30-minute statement that would be helpful for the committee?

Hon. Jody Wilson-Raybould: As I said in my letter to the committee yesterday, and as I said in my remarks today, the order in council and the waiver of privilege and confidentiality extend to January 14, when I was sworn in as the Minister of Veterans Affairs, so they do not include any conversations that occurred thereafter. They do not include conversations that I may or may not have had with the Prime Minister, and they do not include the conversation I had with my former cabinet colleagues after my resignation from cabinet.

Hon. Lisa Raitt: Do you think those would be relevant to our considerations?

Hon. Jody Wilson-Raybould: Having heard some of the deliberations and the questions asked by the committee over the course of the meetings you have had, I believe some of the questions would be answered if that information were made available.

Hon. Lisa Raitt: One of the important pieces of your testimony today was the names you provided for us, giving us a different list of characters who have been involved in this situation since it began in September.

I'm wondering if you would be so kind as to provide us with a full list of those names. I've jotted down a few of them, but I don't have the complete listing. Would that be something you would be willing to do for us?

Hon. Jody Wilson-Raybould: I believe the full list of names is contained within the remarks, which I think are being distributed, but if I counted incorrectly, I will provide all of the names.

Hon. Lisa Raitt: I appreciate it. On page 14, you mention that there were various officials who came forward at the time. If you have any recollection of who the various officials were, that would be helpful for us in terms of making sure we have a complete list of all the witnesses.

You pointed out to us that on January 7 you were told that you were being removed as the Attorney General. As well, you posted a very lengthy Facebook post after your movement to being Minister of Veterans Affairs. I would assume you thought a lot about what you would include in a note like that during the time when you were actually Attorney General. Therefore, I think and I believe that the statement you made, even though technically it was made when you were Minister of Veterans Affairs, did come to light and was part of your thought process when you were Attorney General.

I want to ask you a couple of questions about your Facebook post. I will quote the first one, and you mention it in your remarks, “It has always been my view that the Attorney General of Canada must be non-partisan, more transparent...and, in this respect, always willing to speak truth to power.”

Do you believe, for the record, that you were removed as the Attorney General because you spoke truth to power on the topic of the SNC ongoing prosecution?

Hon. Jody Wilson-Raybould: I am going to have to be very careful what I say.

Hon. Lisa Raitt: I understand.

Hon. Jody Wilson-Raybould: I believe I am able to speak to my thought processes from January 7 up to the time I was sworn in as the Veterans Affairs minister.

Hon. Lisa Raitt: Yes.

Hon. Jody Wilson-Raybould: I think it's apparent, from my remarks, that I was concerned that I was being shuffled out of the role of Minister of Justice and Attorney General possibly because of a decision I would not take on SNC and the DPA. I raised those concerns with the Prime Minister and with Gerry Butts. Also, as I said in my remarks, they denied that. I cannot speak to anything that I thought about after that point.

Hon. Lisa Raitt: I appreciate that.

In the second part of this letter, you say that, “The unique and independent aspects of the dual role of the Minister of Justice and Attorney General of Canada are even more important. I know Canadians across the country expect such high standards to continue to be met—especially in the uncertain times in which we now live—and I expect this to continue.”

I'd like to know if you are concerned that it's possible that the independence of the Office of the Attorney General is being eroded now, given what you told us in your testimony today and your understanding that the current Attorney General was to be briefed on the SNC-Lavalin deferment decision.

• (1635)

Hon. Jody Wilson-Raybould: I will not comment on the current Attorney General, but I will comment on my time as the Attorney General and the thoughts I had when I was on vacation in Bali and when I received a call from the Prime Minister.

While I was the Attorney General through these four months, leaving aside all of the very inappropriate political pressure and interference, I was confident, in my role as the Attorney General, that I was the final decision-maker on whether or not a directive would be introduced on the SNC matter. So I knew that as long as I was the Attorney General, this would not occur.

I had concerns that when I was removed as the Attorney General, this potentially might not be the case. I decided that I would embrace this new role, a very important role, and I really want to say publicly that the role at Veterans Affairs is an incredibly important role, and I took it very seriously.

I had decided to take on the role requested of me by the Prime Minister, but I had concerns, and I knew that in my new role, still

sitting around the cabinet table, if a directive had been placed into the Gazette, I would have resigned immediately from cabinet.

The Chair: Thank you very much.

Ms. O'Connell.

Ms. Jennifer O'Connell (Pickering—Uxbridge, Lib.): Thank you, Mr. Chair.

Thank you for being here today and for providing your notes. I think they're helpful.

With my set of questions, I want to get a general sense of the timeline. I know you've laid it out here, but I've just been trying to keep up a little bit.

On or around—and if I have the wrong date, please correct me—September 17, I think, you first had a meeting with the Prime Minister, the purpose of which wasn't at first SNC-Lavalin, although it was brought up. Was it at that point that you felt uncomfortable regarding your role in this matter, or would you say you were uncomfortable beginning with the initial feedback you heard about your chief of staff having been contacted by Mr. Chin?

Hon. Jody Wilson-Raybould: There are a couple of questions in there, so if I don't answer them, please let me know.

I requested the September 17 meeting, as I said, on a different...on an important matter. As I said, the Prime Minister brought up SNC and the deferred prosecution agreement. With the Clerk present, we had conversations about SNC. He brought up SNC, jobs and the potential of job loss. I will say that they were entirely appropriate conversations for the Prime Minister to bring up.

What I will say is that the conversations turned to be completely inappropriate when there was discussion about the Quebec election and about the fact that the Prime Minister was a member of Parliament in Quebec. It was at that point that I immediately became concerned, and because I was the Attorney General sought to have a conversation with the Prime Minister about the law, about the role of the Attorney General and the necessary independence that the Attorney General must have in exercising their discretion, in this case around a prosecution.

The political concerns that were raised prompted me to ask the question of the Prime Minister directly if he was politically interfering with my role as the Attorney General, so at that point my senses were heightened. The Prime Minister assured me that was not the case, but soon thereafter I instructed my staff to ensure—myself as well—that we had a very detailed chronology of all meetings and conversations about SNC and deferred prosecution agreements.

• (1640)

Ms. Jennifer O'Connell: Thank you.

You wouldn't say that it was a red flag, necessarily, on the topic or the conversations with Mr. Chin on September 7, because it was those conversations about businesses.... It was once the conversation, in your mind, changed to any politics. Or were you equally concerned on September 7?

Hon. Jody Wilson-Raybould: On the earlier meetings, prior to the meeting with the Prime Minister, Ben Chin had conversations with my chief of staff. Again, in terms of public policy and in terms of having discussions about impacts of decisions and loss of jobs, that was appropriate.

Ms. Jennifer O'Connell: Okay.

Hon. Jody Wilson-Raybould: But I will say that in those calls—I don't have my notes in front of me, but I have a pretty generous memory—Mr. Chin raised the Quebec election. I will say that it's okay to talk about job losses, and it's okay to talk about it in initial conversations, but when those topics continue to be brought up after there's a clear awareness that a decision has been made, it becomes inappropriate.

Ms. Jennifer O'Connell: Thank you for clarifying.

I'm sorry. I just want to clarify on that point, because you mentioned that you have notes and a pretty good memory. In the written submission or your verbal remarks, any conversations—at least from September 7, 8 and 11—at least those involving Mr. Chin, were with your staff, not with you directly. Did you leave out conversations that you also had or was it just notes that you had from your conversations with somebody who had a conversation with Mr. Chin? I just want to clarify, because you mentioned it.

Hon. Jody Wilson-Raybould: Yes, sure I'm happy to answer the question if you'd permit me just to speak about how at least my minister's office works. I have an incredibly close relationship, necessarily so, with my chief of staff. I also at that time had a very close relationship with my judicial affairs adviser, who throughout some of this period of time was acting as my chief of staff given that we were out of the country.

Whenever my chief of staff has a conversation, she takes notes on the conversation and immediately relays the conversation to me, particularly in cases where there are concerns about the conversations that were had. The necessary closeness of the relationship makes it such that she and I are sharing important information and proceeding on the same basis with respect to the meetings and to the telephone calls and emails that she would receive. It is her obligation—and my instructions for her—to provide me with all of these details.

Ms. Jennifer O'Connell: Thank you.

The Chair: Ms. O'Connell, this is your last question.

Ms. Jennifer O'Connell: Okay.

In here—I'm sorry, I don't recall—it did say somewhere in these conversations that you—or that your staff related on behalf of you—would be, at least in the September time frame, open to having further conversations on the SNC-Lavalin matter.

Is that not correct? Or, in September, you had felt comfortable and confident that the decision was made.

Hon. Jody Wilson-Raybould: Well, during that time frame, I had commenced conversations and had asked for briefings, as I regularly did when I received a section 13 notice. I think it's fair for me to say that there was a heightened awareness about this section 13 notice that came in with respect to SNC. These conversations were all internal to the Department of Justice. I was exercising, with my Attorney General hat on, what was appropriate for me to

consider based on what I read in the section 13 note from the director.

We did not reach out externally. The Minister of Finance's office reached out to my department and then these conversations began.

• (1645)

Ms. Jennifer O'Connell: Thank you.

The Chair: Mr. Rankin.

Mr. Murray Rankin: Thank you.

Mr. Chair, I have to say that I am very shaken by what I've heard here today. I've been a lawyer for over 40 years. I've taught a generation of law students about the rule of law. What I've heard today should make all Canadians extremely upset.

Ms. Wilson-Raybould, we're both from British Columbia. We've known each other for many years. I need you to know that I believe you entirely. I want you to know, as well, that I very much admire your courage in being here and telling Canadians what you have experienced.

I believe—if we believe you, which I do—that there is no other conclusion that one can reasonably draw but that there was a sustained, consistent effort to interfere politically with the critical role that an Attorney General must play in our legal system.

To quote what you said, “I experienced a consistent and sustained effort by many people within the government to seek to politically interfere in the exercise of prosecutorial discretion in my role as the Attorney General of Canada in an inappropriate effort to secure a deferred prosecution agreement...”

You talked of 10 phone calls, 10 meetings specifically about that. Then you talked about what I would call the consequences and threats if you didn't knuckle under. You said, “the potential for consequences, and veiled threats if a DPA was not made available to SNC” were brought to your attention during those conversations.

My question is this: How can Canadians, if they believe you, as I do, draw any other conclusion but that there was an attempt to politically interfere with your role as our independent Attorney General?

Hon. Jody Wilson-Raybould: Well, thank you for the comments and the question, albeit I think that the question is somewhat rhetorical.

I sought in my testimony today to state facts. In my testimony, I came to the conclusion—and throughout the four months—that there was a sustained effort, an attempt to politically interfere with my discretion as the Attorney General of Canada. It was inappropriate.

Mr. Murray Rankin: On January 11, you said—the Friday before the cabinet shuffle—your former deputy minister was called by the Clerk and told that the shuffle was happening, and that the deputy minister said that one of the first conversations that the new minister will be expected to have with the Prime Minister would be on SNC-Lavalin.

It appears, to a reasonable person looking at that, that you were removed from your role because you would not change your mind, despite these persistent and consistent efforts to have you do so, and that because you didn't change your mind, you were fired from the role of Attorney General. That's what I take from the material. In other words, there appears to be a direct link from that conversation the day before the cabinet shuffle and what occurred: your removal from your role as Attorney General. That would appear to be what was said.

Now, I have a question. After what you called "consistent and sustained" pressure to reverse your decision, I'd like you to tell us a little bit more about why you did not change your mind.

Hon. Jody Wilson-Raybould: I did not change my mind to enter into or to issue a directive to the director of public prosecutions on the matter of putting out an invitation to negotiate a remediation agreement with SNC because I had the benefit of reading the section 13 note and of conducting my own due diligence around the appropriateness of entering into a deferred prosecution agreement with SNC, and I had the benefit of feedback and briefings from my departmental officials as well as my political staff.

I made my mind up prior to the September 17 meeting. For those people who know me, my decision-making process takes into account many views, and I welcome many views on public policy issues. Having taken into account many diverse views and knowing confidently my role, my independent role as the Attorney General, and the need to make a decision.... I know that you are studying the Shawcross principles, and I don't want to get into talking about the Shawcross principles, but as the Attorney General you make decisions with your judicial hat on, leaving aside political considerations or otherwise.

I had determined that I was not going to issue a directive. It was inappropriate to interfere with the discretion of the director of public prosecutions, and having made up my mind, taking into account all of the information, again, for those who know me, I was not going to change my mind.

• (1650)

Mr. Murray Rankin: Thank you.

The Chair: Ms. O'Connell.

Ms. Jennifer O'Connell: Following up on some of those timeline questions, it looks like in the response that you didn't meet again with Gerry until December 5 in terms of raising your specific concern that you felt this was interference. Given how long you've known Mr. Butts—I believe it's been widely reported that he was someone who recruited you to run for the Liberal Party, so you had known each other even prior to politics—I'm just curious if it's fair to say that it wasn't until the December 5 meeting with Mr. Butts...that you hadn't messaged him about your concerns about what you described as constant pressure, and if you had communicated with him in any way, via text, email, whatnot, prior to that December 5 meeting to say that you felt these conversations needed to stop....

Hon. Jody Wilson-Raybould: Well, I'm not going to comment on the nature of my relationship with Mr. Butts—

Ms. Jennifer O'Connell: That's fine.

Hon. Jody Wilson-Raybould: —but I will say that it was the Prime Minister, the then leader, who recruited me into the party. Of course, there were ongoing conversations between him and Mr. Butts—

Ms. Jennifer O'Connell: Can I just say, then, is it fair to suggest, though, that you had known him and you were comfortable with him? You had talked to him, I would assume, regularly—

Hon. Jody Wilson-Raybould: Yes, of course. I had fairly regular conversations with Gerry. In fact, Gerry said to me many times—and I don't think this is a secret—"I talk to you more than I talk to most ministers". I appreciated that relationship.

To the second part of your question, as I said, there were sustained efforts at communications, not only with me but with my office, from various members of the Prime Minister's Office, including Mathieu Bouchard and Elder Marques, both of whom are policy advisers and legal advisers to the Prime Minister, as well as Gerry Butts and Katie Telford. It would have been, in my view, not a secret that these were concerns that I had.

Ms. Jennifer O'Connell: Just following up on that, if it wasn't a secret that those were your concerns, why not until December 5 did you communicate with Mr. Butts specifically about those communications? It was somewhat stated that you or someone in your office would look at the matter back in September, so if it was constant, and you acknowledge that you spoke to Mr. Butts on a regular basis, why not raise it earlier in September or October about those ongoing conversations with anyone in the PMO or other ministers' offices? Or did you? I guess that's a fair point. Did you communicate prior to that about those concerns with Mr. Butts?

Hon. Jody Wilson-Raybould: I appreciate the question and being able to clarify again the timeline. I absolutely communicated in September, not to Gerry Butts but to the Prime Minister of the country, the concern that I had. I communicated to the Clerk of the Privy Council, the deputy minister to the Prime Minister. I communicated to Elder Marques and to Mathieu Bouchard. I communicated to the Deputy Minister of Justice and the Deputy Attorney General of Canada. When the sustained efforts of political interference continued, I felt—and I have text messages of when I requested the meeting with Gerry that ultimately resulted on December 5—that it was time to reiterate my concerns to him about the inappropriate nature of these conversations, as I did to Minister Morneau in October or September, I believe—I might be getting the dates wrong—about the inappropriateness and that this had to stop.

• (1655)

Ms. Jennifer O'Connell: You didn't mention Ms. Telford. So is it fair to say you didn't speak with Ms. Telford between those September dates? Did you ever mention it to Ms. Telford or have communications via text, emails or writings about what you say was continued pressure?

Hon. Jody Wilson-Raybould: Just to correct, it was September 19 that I had the discussion with Minister Morneau.

To your question, in most of the conversations that I had with the Prime Minister's Office at the highest level, either Katie or Jerry would be with Gerry Butts.

Ms. Jennifer O'Connell: Okay.

Hon. Jody Wilson-Raybould: To be clear, however, my chief of staff had direct conversations with Mr. Butts and Ms. Telford, as I described in detail on December 18.

Ms. Jennifer O'Connell: After September 19, that meeting with the Prime Minister, did you speak to him again about the continued pressure you felt?

Hon. Jody Wilson-Raybould: The meeting I had with the Prime Minister was on September 17. And after September 17, I did not directly talk to the Prime Minister until January 7, but in between those dates, there were, as I described, numerous meetings with the Prime Minister's Office senior staff as well as the Clerk of the Privy Council.

Ms. Jennifer O'Connell: You mentioned earlier, in my first round, that you felt it was entirely appropriate to have the conversation about the jobs and those types of impacts—I'm paraphrasing here. Then you mentioned Minister Morneau and the conversation you had with him on the 19th, which was in the House, I believe you said in the testimony. You said that he mentioned job losses. What made you feel that this conversation was inappropriate?

Hon. Jody Wilson-Raybould: Inappropriate?

Ms. Jennifer O'Connell: Yes.

Hon. Jody Wilson-Raybould: To the first point about mentioning jobs and job losses, as I said in my evidence, including the conversation I had with the Prime Minister, I do not believe it is inappropriate—

Ms. Jennifer O'Connell: Right.

Hon. Jody Wilson-Raybould: —to have conversations about job losses, about SNC, in the early stages where ministers can raise these issues with the Attorney General. What is inappropriate is the long sustained discussions about the job losses after it was clear that I had made my decision and was not going to pursue a DPA.

Leaving aside job losses, the conversations that I had, where they became clearly inappropriate, was when political issues came up, like the election in Quebec, like losing the election if SNC were to move their headquarters, conversations like that, conversations like the one I had with the Clerk of the Privy Council, who invoked the Prime Minister's name throughout our conversation and spoke to me about the Prime Minister being dug in and about his concerns as to what would happen. In my mind, those were veiled threats, and I took them as such. That is entirely inappropriate.

The Chair: Thank you very much.

Now we move to the second round.

We'll start round two with Ms. Sahota.

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

I'd like to first go back to the September 17 meeting with the Prime Minister and the Clerk of the Privy Council. You mentioned that it was there that you specifically asked the Prime Minister whether he was interfering and that his answer was that the decision was always yours.

Is that correct?

• (1700)

Hon. Jody Wilson-Raybould: That's not exactly what I said. I had raised the background about comments that were made by the Prime Minister and the Clerk, and I know that that has been what has been reported in the media but that's not what was said.

I asked the Prime Minister a direct question after hearing his comments around elections and being the member for Papineau: "Are you interfering with my role as the Attorney General, my decision?", and I advised him strongly not to do that, so it was my direct question to the Prime Minister.

Ms. Ruby Sahota: He said the decision was always yours. Is that correct?

Hon. Jody Wilson-Raybould: He did not say that. He said, no, no, no, that's not what I'm doing.

Ms. Ruby Sahota: Okay. You did mention in your opening statement that throughout the whole time you were Attorney General, you did recognize that the decision was always yours.

Hon. Jody Wilson-Raybould: I one hundred per cent understood my role as the Attorney General, and it was my decision and my decision alone whether or not to issue a directive.

Ms. Ruby Sahota: You had asked earlier in September for the meeting on September 17, and you said that at that point you had gone on vacation. Did you receive this request for the meeting quite quickly?

Hon. Jody Wilson-Raybould: I didn't say that I went on vacation. I was actually—

Ms. Ruby Sahota: You were out of the country.

Hon. Jody Wilson-Raybould: —down in Australia for a Five Eyes meeting and happened to, thankfully, have a couple of days off—

Ms. Ruby Sahota: Okay.

Hon. Jody Wilson-Raybould: —when another very important issue arose and I, at that point, asked Gerry Butts directly, via text message, for a one-on-one meeting with the Prime Minister. That was on or around September 6.

Ms. Ruby Sahota: Okay, and then on September 17, you had the meeting, after you came back into the country?

Hon. Jody Wilson-Raybould: I got back into the country on September 12 and was able to meet with the Prime Minister on September 17.

Ms. Ruby Sahota: What was the main purpose of the meeting?

Hon. Jody Wilson-Raybould: I am not at liberty to discuss that as the meetings and discussions between the Prime Minister and me, other than what's covered in the waiver with respect to SNC and deferred prosecution agreements, are covered by cabinet confidence.

Ms. Ruby Sahota: When the Clerk of the Privy Council testified here before committee, he mentioned that the main purpose of that meeting was the indigenous rights framework and that SNC-Lavalin was a subject matter that was touched on briefly. Would you be able to say if that was correct or incorrect?

Hon. Jody Wilson-Raybould: I will say that the Clerk of the Privy Council is at liberty to say whatever he wants. I have indicated that the meeting of September 17 had to do with another extremely important matter but that the Prime Minister raised the issue of SNC and deferred prosecution agreements at the outset of that meeting.

Ms. Ruby Sahota: Okay.

My next question is about the fact that you mentioned the appropriateness or inappropriateness and where the line has kind of been drawn. You've indicated that when talking about jobs, the Prime Minister, or the member for Papineau, was in a completely appropriate space but you said that when he spoke about the headquarters moving out of Montreal, that was inappropriate. Is that correct?

Hon. Jody Wilson-Raybould: No, I didn't say that. I said that where—and I didn't say alarm bells, but—my alarm bells went off was when the Clerk of the Privy Council talked about the fact that there was a board meeting for SNC coming up on Thursday, September 20 and that there was an election in Quebec. Then the Prime Minister interjected and said, "I'm an MP in Quebec—the member for Papineau." That was entirely political and entirely inappropriate, which gave rise to the question I asked the Prime Minister.

Ms. Ruby Sahota: You mentioned, in some of your answers to the questions, that he mentioned that he was the member for Papineau, that he was talking about the election, and that he said that if we didn't find a solution, the company might move from Montreal.

In my view, when a company picks up and moves from a city or from a country, that means job losses. Is that not correct?

Hon. Jody Wilson-Raybould: That's your view.

Of course I was aware of the potential for job losses.

Ms. Ruby Sahota: That is a legitimate conversation for a Prime Minister to have.

Hon. Jody Wilson-Raybould: Again, at the time, I didn't see it as being entirely inappropriate. Of course ministers of the crown can approach the Attorney General and raise public policy concerns about decisions the Attorney General will make. Where it became inappropriate was the sustained discussions after I had made my decision, and made my decision known.

• (1705)

The Chair: Ms. Sahota, this will be your last question.

Ms. Ruby Sahota: Okay.

On September 19, you had met with the Clerk and you had met with Minister Morneau in the House. In your discussion with Minister Morneau, I believe you had said that it's inappropriate and he should stop talking about it when he had talked about saving jobs, but in your discussion with the Clerk on that same day, you have offered that if SNC-Lavalin were to send a letter to you expressing their concerns and their public interest arguments, you were open to looking at that letter. Is that correct?

Hon. Jody Wilson-Raybould: That's not correct. I did—

Ms. Ruby Sahota: It's here in your opening statement.

Hon. Jody Wilson-Raybould: If you allow me to answer, I can clarify where that part wasn't correct.

I had discussion with the Clerk of the Privy Council, recognizing the conversation that I had with the Prime Minister just the day before, where he asked for solutions, recognizing I had already made my decision. I had indicated to the Clerk of the Privy Council that if SNC were to send a letter to me, as the Attorney General, expressing their concerns—their national interest concerns and their public interest concerns—if I were to have received a letter, I would have immediately forwarded it on to the director of public prosecutions. I would not have looked at it because it is entirely within the purview of the director of public prosecutions. Any involvement I would have in that letter would be inappropriate. What I said was that I would immediately forward it on to the director, and not consider the letter.

Ms. Ruby Sahota: Okay. Thank you.

The Chair: Ms. Raitt.

Hon. Lisa Raitt: Thank you very much.

Ms. Wilson-Raybould, when you speak to Gerry Butts or Katie Telford or the Clerk of the Privy Council, do you believe they are speaking with the full authority of the Prime Minister in their discussions with you?

Hon. Jody Wilson-Raybould: Yes.

Hon. Lisa Raitt: I have some specific questions, if I may.

Do you believe the Prime Minister or anyone in the Prime Minister's Office had any lawful authority to tell you to direct the director of public prosecutions on what to do?

Hon. Jody Wilson-Raybould: No, I was the final, and as.... The Attorney General is the final decision-maker on whether or not, as the top prosecutor, to do anything with respect to a specific prosecution.

Hon. Lisa Raitt: Yes. Is it fair to say—given your testimony and everything you've told us—that you suffered from repeated communications with you, either directly or indirectly, with the intent of changing your mind? It was repeated communications, directly or indirectly.

Hon. Jody Wilson-Raybould: That's fair to say.

Hon. Lisa Raitt: Okay.

I'm wondering as well, given the number of times in the final part of your statement.... Mr. Butts indicated to you in your conversation that you needed to find a solution to the issue. In the statement that you received in the text from your chief of staff, there are details about not wanting "to debate legalities anymore" and there's "no solution" that doesn't come from "some interference". The Clerk indicated that he thought that he—meaning the Prime Minister—is going to "find a way to get it done, one way or another". You reference, as well, that it's "the Prime Minister's prerogative to do what he wants". You said you were "having thoughts of the Saturday night massacre". The Clerk said he was "worried about a collision" between you and the Prime Minister. You mentioned a few minutes ago that you thought they were "veiled threats".

This all seems to me, if I may, that there was an intention—from all of these comments and this continued pressure—to make you fear for your job and that at the end of the day there would be a shuffle or that you would be removed from your position. Is that a fair assumption that I'm making?

Hon. Jody Wilson-Raybould: I'm not going to speak to the intention of other individuals.

Hon. Lisa Raitt: That's fair enough.

Hon. Jody Wilson-Raybould: I will speak to the very heightened level of anxiety that I had, which increased and culminated in my discussion with the Clerk on December 19. I remember distinctly ending that conversation with the Clerk by saying, "I am waiting for the other shoe to drop." I believe that reflection or my comments can speak for themselves.

• (1710)

Hon. Lisa Raitt: I'm not trying to split a hair here, and I apologize if you take it that way—you can give me the same answer as you did on intention—but do you think that the purpose of those comments was to cause you to have a second look at the issue because you were worried about whether or not you'd remain in cabinet?

Hon. Jody Wilson-Raybould: Can you ask the question again?

Hon. Lisa Raitt: I certainly can. Do you think the purpose of those comments that were thrown into your conversations, either with you, with your chief of staff, directly with the Clerk, through Gerry Butts, through Katie Telford, or even the Clerk indicating how anxious the Prime Minister was and you didn't want to be "at loggerheads"...? Do you think the purpose of those comments that they threw in their conversations was to put pressure on you and make you think about whether or not you would be remaining in cabinet?

Hon. Jody Wilson-Raybould: I am confident that the purpose of those discussions, the December 18 and December 19 discussions, was to put extraordinary pressure on me to change my mind. As to the intention of the individuals who spoke to either my chief of staff or me, I can't reflect on their intent.

Hon. Lisa Raitt: Fair enough.

The Chair: You have one minute left.

Hon. Lisa Raitt: Okay.

If I may, on January 7 you received your phone call that you were going to be moving positions. I've had that phone call in the past as well, so I know what it's like. I'm wondering if there was any conversation that you can tell us about in terms of who told you you were going to be moved from Attorney General to Veterans Affairs, and if there was anything pertinent to SNC in that conversation.

Hon. Jody Wilson-Raybould: Well, I did state, and this is within the order in council and the waiver that was provided me with respect to cabinet confidence with respect to SNC and deferred prosecution agreements, that I had a conversation with the Prime Minister on January 7. He spoke to me about my being shuffled out as Minister of Justice and Attorney General and provided rationale that I won't get into. I said to him that I can't help but think that this has something to do with a decision I would not take. I had a subse-

quent, very close in time, conversation with Gerry Butts, where I specifically said that I know this has to do with SNC and a decision that I wouldn't take, to which he said: Are you questioning the integrity of the Prime Minister? I didn't say anything to that.

Hon. Lisa Raitt: Thank you.

The Chair: We will now go to Mr. Ehsassi.

Mr. Ali Ehsassi (Willowdale, Lib.): Thank you, Ms. Wilson-Raybould. It's good to see you before committee today.

I won't be delving into facts; I will be talking about context, if you will. You recall that in your capacity as Minister of Justice and Attorney General, remediation agreements were considered and approved by cabinet. Is that correct?

Hon. Jody Wilson-Raybould: That is correct.

Mr. Ali Ehsassi: You were also Minister of Justice and Attorney General on June 6, when Parliament voted in favour of Bill C-74 and you yourself voted in favour of Bill C-74.

Hon. Jody Wilson-Raybould: Correct.

Mr. Ali Ehsassi: Thank you.

You would agree with me that the concept of alternatives to prosecution is not a novel concept in the landscape of various areas of law. For example, in the area of international law, there are guidelines going back to the 1990s about alternatives to prosecution. We see this quite often when it comes to our own Criminal Code, when it comes to diverting cases through the Youth Criminal Justice Act. We see it with respect to white-collar crime. Would you agree that this concept has been around for quite some time?

Hon. Jody Wilson-Raybould: I will say this. We now have, in our Criminal Code, tools that are provided to the prosecutors on whether or not to enter into negotiations around deferred prosecution agreements. These are tools that other countries have utilized.

Mr. Ali Ehsassi: Speaking of other countries, you did reference Five Eyes. To the best of my understanding, with the exception of New Zealand.... The United States has had deferred prosecutions. The United Kingdom has had it. France has a DPA-like mechanism. Australia is in the process of adopting it. Given all these developments, would it be fair to say that many commentators are of the view that we are now levelling the playing field and that we are playing catch-up with those jurisdictions?

• (1715)

Hon. Jody Wilson-Raybould: I'm not going to comment on what other commentators are saying. I will say this: I am not going to make further comments on deferred prosecution agreements. I recognize my responsibilities as a member of Parliament, and I recognize that there are two court cases that are currently in play.

Mr. Ali Ehsassi: Perhaps I understand you don't want to speak to that issue, but you would agree that there were extensive public consultations on the issue.

Hon. Jody Wilson-Raybould: There were consultations that were conducted in advance of the passage of the legislation.

Mr. Ali Ehsassi: Yes.

I understand that, in your remarks, you were suggesting that some people were approaching you and asking that you obtain legal counsel.

Would it be fair to say, as a routine matter of work, that your department does receive legal advice from various firms?

Hon. Jody Wilson-Raybould: I'm sorry, could you clarify what you meant by "people were approaching me" to obtain legal counsel and what context?

Mr. Ali Ehsassi: I understand that you referred...that there was one discussion with Mr. Bouchard, and he asked you whether you would consider the option of seeking an external legal opinion.

Hon. Jody Wilson-Raybould: In the context of deferred prosecution agreements and SNC, yes. I had that conversation with Mathieu Bouchard, Elder Marques and a number of other individuals.

At that time, all of those individuals knew that I was firm on my decision not to interfere with the discretion of the director of public prosecutions, and having conversations about hiring external legal counsels in that environment is entirely inappropriate.

Mr. Ali Ehsassi: But you worked on some very difficult files during the period you were serving as Minister of Justice and Attorney General. Would it be fair to say that routinely you would ask for outside counsel just to have a better understanding of various pieces of legislation?

Hon. Jody Wilson-Raybould: In my role as the Minister of Justice, and having had the opportunity, as people here know, of coming before this committee on various pieces of legislation, we would engage with external counsel.

But let me be clear. My role as the Minister of Justice, shepherding legislation through the House of Commons, is entirely separate from my role as the Attorney General, where suggestions of obtaining external legal counsel after I had made my decision as the Attorney General on this matter, that was entirely inappropriate.

The Chair: You have a last question, Mr. Ehsassi.

Mr. Ali Ehsassi: Thank you.

Before I leave this section, would you mind explaining to us what your misgivings were about DPAs?

Hon. Jody Wilson-Raybould: I do mind. I am not going to have that conversation. I think it's inappropriate as a member of Parliament, recognizing that there are two matters before the courts.

The Chair: Thank you very much.

Monsieur Paul-Hus.

[*Translation*]

Mr. Pierre Paul-Hus (Charlesbourg—Haute-Saint-Charles, CPC): Thank you, Mr. Chair.

Thank you, Ms. Wilson-Raybould, for your vibrant testimony, which is important for Canada and for democracy.

Before I begin, I'll leave the floor to my colleague, Ms. Raitt, for a few moments.

[*English*]

Hon. Lisa Raitt: I have just two really quick questions, Ms. Wilson-Raybould.

First of all, having heard it all, I have to ask you the question. Going from being your first appointment and going through the last four months, although having comfort going in to Veterans Affairs, which is a wonderful portfolio, and I agree with you fully that you served there, how did you feel at the end of this? What's the emotion that you felt out of all of it? You're giving us wonderful facts, but surely there must be some level of disappointment or sadness out of how everything has unfurled.

• (1720)

Hon. Jody Wilson-Raybould: Generally or with respect to being moved as minister?

Hon. Lisa Raitt: No, in general, how you've been treated.

Hon. Jody Wilson-Raybould: I have serious concerns about how things are reported. I have concerns about what people generally call smear campaigns. It makes me very sad—and this isn't about me personally—It's about the work that I was able to do with an extraordinary group of people, when I was the Minister of Justice and Attorney General, being impugned publicly, recognizing the commitment that my public servants then had, and I know to this day have, in ensuring justice in the country and moving forward with legislation, as well as my political staff.

How do I feel? How did I feel? I have to say that I loved being the Minister of Justice and the Attorney General. I can't imagine any lawyer not loving being the Minister of Justice and the Attorney General.

Hon. Lisa Raitt: That's true. Yes, I would agree.

Hon. Jody Wilson-Raybould: I believe that I served in that role with hard work and with integrity. I'm proud of the legacy that we left. I don't want to make anybody think that I wasn't sad, when I was shuffled out of that role—of course I was—but I understand that it's the prerogative of the Prime Minister to make those shuffles. How I conduct myself is to embrace other opportunities, which I sought to do in the unfortunately limited time that I was the Minister of Veterans Affairs.

Hon. Lisa Raitt: Thank you.

My colleague, Pierre Paul-Hus, will conclude.

[*Translation*]

The Chair: You have two minutes, Mr. Paul-Hus.

Mr. Pierre Paul-Hus: Thank you, Mr. Chair.

Ms. Wilson-Raybould, the Minister of National Revenue, Ms. Lebouthillier, mentioned that this issue had been raised in cabinet. In his testimony, Mr. Wernick said that the issue had never been discussed in cabinet. We can't have two versions. I don't want the details, but I want to know which of these two people is right. Is it Ms. Lebouthillier or Mr. Wernick?

[English]

Hon. Jody Wilson-Raybould: I'm not going to comment on which of those two people was right, but what I can tell you is what I know, recognizing that I am able to speak about SNC and deferred prosecution agreements. We had discussions at cabinet about creating a new tool for prosecutors: remediation agreements. There were conversations, but not central to the conversations—there were peripheral comments about SNC, but it was not the heart of our discussions. Our discussions were about creating the tool for prosecutors.

[Translation]

Mr. Pierre Paul-Hus: Okay. Thank you.

Prime Minister Trudeau said that you could talk about information relevant to this matter. Do you think that there's relevant information that you can't discuss with us?

[English]

Hon. Jody Wilson-Raybould: I answered a similar question to this one. As I put in the letter and as I said here today, recognizing some of the questions that members around the table have asked, I am unable to speak about the time frame between January 14, when I was sworn in, through to meetings that I may or may not have had with the Prime Minister, my resignation and the conversations, which obviously have been widely publicized, that I had with my former colleagues around the cabinet table. I am not able to speak to those issues.

[Translation]

The Chair: Thank you.

[English]

Mr. Rankin, this is the three-minute time frame for you.

Mr. Murray Rankin: On February 12, Madam Wilson-Raybould, the Prime Minister said that, "If anybody felt differently, they had an obligation to raise that with me. No one", including you, "did that."

You've testified that you met the Prime Minister on September 17. You've testified that on December 5, you and Gerry Butts got together and you've told us that he spoke with the full authority of the Prime Minister. On December 18, your chief of staff had a meeting with Mr. Butts and Ms. Telford. At the very least, isn't that a misleading statement by the Prime Minister? You did speak with him. Your people spoke with him. You spoke with his people. In fact, isn't it misleading to say that you did not do that?

• (1725)

Hon. Jody Wilson-Raybould: Again, I'm not going to speak directly to comments that the Prime Minister made. I believe the chronology and the facts I presented here before the committee, and the testimony that I've given, speaks for itself.

Mr. Murray Rankin: Okay.

I'd like your comments on something that was referred to earlier. In your testimony, you said that on December 19 you had a call with the Clerk of the Privy Council, Mr. Wernick, who testified here before. Referring to the Prime Minister, the Clerk said this, your words, "I think he is going to find a way to get it done one way or another....So he is in that kind of mood, and I wanted you to be aware of it."

What do you understand by those comments?

Hon. Jody Wilson-Raybould: As I said, during this conversation with the Clerk I had a heightened level of anxiety. Again, this was the culmination of many meetings and telephone calls with either me or my chief of staff that continued to escalate. This was the top of that escalation.

As I said, there were three times in this conversation when I felt that the Clerk, invoking the Prime Minister's name, was acting in a threatening manner.

Mr. Murray Rankin: Do I have time for another?

The Chair: You have about 30 seconds left.

Mr. Murray Rankin: All right.

You've told us the order in council precludes us from talking about things after January 14. Apparently those are the rules.

On February 18, Gerry Butts, the senior adviser to the Prime Minister, resigned. We had all these meetings about SNC-Lavalin. In his letter of resignation, he referred specifically to you. Do you know why?

Hon. Jody Wilson-Raybould: Other than what everybody has read in the statement by Gerry Butts, I have absolutely no knowledge why he resigned.

Mr. Murray Rankin: Thank you.

The Chair: That concludes the second round. We have already agreed that we're going to do a third round.

Ms. May mentioned this to me, and I saw Mr. Fortin putting up his hand. In the past, in the very last round of questions when we realized we were in our last round, we've asked the committee for consent for the Bloc Québécois to ask a question here. When we get to what the committee agrees is its last round of question, I will ask the committee members at the end if they agree to that and that's where we'll go. We won't do it every round.

We're now in our third round. The third round is six minutes to the Conservatives, six to the Liberals, six to the NDP and six to the Liberals.

Ms. Raitt.

Hon. Lisa Raitt: Thank you very much, Mr. Chair.

Given the testimony that you provided for us today, Ms. Wilson-Raybould, I have to ask about whether or not you were approached by the Prime Minister, the Prime Minister's Office, or the Clerk of the Privy Council and given any directions, directives or suggestions on the conduct of the Mark Norman trial or any other trial that was within your bailiwick as the Attorney General?

Hon. Jody Wilson-Raybould: I'm not at liberty, due to confidences, to discuss any matters beyond SNC and for prosecution agreements.

Hon. Lisa Raitt: Thank you.

For clarity, can you tell us what you discussed with the Prime Minister at your meetings in Vancouver on February 11?

Hon. Jody Wilson-Raybould: I cannot.

Hon. Lisa Raitt: Can you tell us why you've resigned from cabinet?

Hon. Jody Wilson-Raybould: I cannot.

Hon. Lisa Raitt: Can you tell us what was discussed with the cabinet on February 19?

Hon. Jody Wilson-Raybould: I cannot.

Hon. Lisa Raitt: If the issues surrounding your ability to communicate these conversations to this committee were resolved and you were able to be released from cabinet confidence or from privilege, would you be willing to return to this committee and give us testimony again?

Hon. Jody Wilson-Raybould: I would be.

Hon. Lisa Raitt: I'm wondering as well, Ms. Wilson-Raybould, if when the Clerk was speaking with you in those communications—I know I've asked you already but I want to be crystal clear—he was speaking with the full weight and the authority of the Prime Minister, and it was your understanding that the Prime Minister was speaking through the Clerk to you.

• (1730)

Hon. Jody Wilson-Raybould: I can only go by what the Clerk said to me in that conversation where he invoked the Prime Minister in relaying messages from the Prime Minister.

Hon. Lisa Raitt: If I may clarify, in your statement you have delineated these for us, the things the Clerk was saying on behalf of the Prime Minister. They are contained in your statement before us today.

Hon. Jody Wilson-Raybould: That's correct.

Hon. Lisa Raitt: A couple of times you have mentioned your phone call on January 7 with the Prime Minister about not being the Attorney General any longer. You've indicated a couple of times that you didn't want to talk about what the contents of the conversation were. I respect that. I'm not going to ask you a third time.

Can you tell us why—under what authority—you are saying that you don't want to disclose the conversation, just so that I can understand whether or not you are bound by something else, so that we can perhaps take that roadblock out of the way to get your full testimony?

Hon. Jody Wilson-Raybould: I'm not going to provide legal advice to the committee, but I am going by the order in council and the waiver that were provided around SNC and deferred prosecu-

tion agreements, and I am able to speak about any conversations held around those topics when I was the Attorney General.

Hon. Lisa Raitt: Your chief of staff's name is Jessica Prince. Is that correct?

Hon. Jody Wilson-Raybould: That's correct.

Hon. Lisa Raitt: Was she—

Hon. Jody Wilson-Raybould: She is my former chief of staff.

Hon. Lisa Raitt: I'm sorry. My apologies. That's correct.

I fully understand the relationship between chief of staff and minister, and it was pretty awesome that she decided to move with you to Veterans Affairs, I'm just saying. It was very nice.

Hon. Jody Wilson-Raybould: I thought it was totally awesome.

Hon. Lisa Raitt: Yes, it was very awesome.

What I would like to know, though, is whether she indicated to you that in her conversations with Ms. Telford and Mr. Butts—and I know it's hearsay, but you do have testimony talking about her text to you—she had fear about whether or not she would still have a job as a chief of staff if she didn't convince you to review the decision on interfering with the trial that was ongoing.

Hon. Jody Wilson-Raybould: I, of course, don't want to speak for Jessica on this about the specific question of fear.

Hon. Lisa Raitt: Yes.

Hon. Jody Wilson-Raybould: I can say that in my conversations with her and in my text messages, but particularly in my conversations with her after that, she was quite upset after the meeting. I will say, now that I have this opportunity, and I think some people are watching, about Jessica Prince, who was my chief of staff at the Department of Justice and who came with me to Veterans Affairs, that she is an extraordinary human being and an extraordinary lawyer.

Hon. Lisa Raitt: She is incredibly well educated and very professional in everything she does. I would agree with you on that, and I think everyone will appreciate that you give kind thoughts to your chief of staff. That's always extremely nice.

I have one last thing, if I may. It's my understanding, and it was the case when we served, that chiefs of staff are hired and fired essentially by the Prime Minister's Office at the end of the day. It would be difficult for you as a minister to retain a chief of staff who was not in favour with the Prime Minister's Office. Is that true in your case?

Hon. Jody Wilson-Raybould: I'm not going to comment on the interactions between my office and the Prime Minister's Office.

Hon. Lisa Raitt: Thank you.

The Chair: Thank you very much.

Ms. Khalid.

Ms. Iqra Khalid (Mississauga—Erin Mills, Lib.): Thank you, Chair.

Thank you, Ms. Wilson-Raybould, for appearing today and sharing your viewpoints with us on this.

I've always felt that you've been a very vocal advocate on issues that you genuinely believe in, without regard to other viewpoints. You've been vocal at cabinet; you've been vocal to the Prime Minister and you've been vocal to Canadians. In fact, you've gone on the record at many public events and you've really expressed your viewpoints on issues that you genuinely believe in, such as the indigenous file.

Just going through your testimony and your chain of events, I see that there hasn't been communication between you and the Prime Minister himself from September up until the time when he called you for the shuffle.

Why is that? Why didn't you speak out to the Prime Minister when you've been so vocal on issues such as the indigenous file, and you know that you have access? Why did you not speak out to him when you had these concerns? Do you feel that you had an obligation to do so?

• (1735)

Hon. Jody Wilson-Raybould: I need to say a couple of things with respect to your question. I completely reject your characterization that I do not have regard for other people's opinions. You talked about the cabinet table, and with respect, you would have no ability to know about discussions around the cabinet table.

I don't apologize for being vocal in my opinions, but that doesn't mean that I don't value other people's opinions. For the entirety of my professional career and how I was raised in terms of consensus-based decision-making, it has always been incredibly important to me to take into account the views of other people. That's how we make good public policy in this country.

You talked about indigenous issues. I'm a proud indigenous person from the west coast of British Columbia, and I will not apologize for being a strong advocate in pursuing transformative change for indigenous peoples in this country. I have worked in the indigenous world as a politician for a significant amount of time and have a very in-depth understanding of the issues that indigenous peoples face. That's not to say everybody agrees—

Ms. Iqra Khalid: Ms. Wilson-Raybould—

Hon. Jody Wilson-Raybould: —and I appreciate hearing other people's opinions.

To your question with respect to the Prime Minister, I believe I've covered that ground. I had a direct conversation with the Prime Minister, as I had direct conversations with the people in his office and the Clerk of the Privy Council.

Ms. Iqra Khalid: Please excuse me, Ms. Wilson-Raybould, I was referring to your vocal advocacy as a sign of strength. As a member of Parliament and your colleague, having worked with you, I acknowledge your effectiveness in advocating for the issues that you genuinely believe in, and we appreciate that. Thank you for your service.

I want to understand something here. You mentioned political interference in respect of the Quebec election. The Quebec election was over at the beginning of October, so if you can please help Canadians understand, from October to December, what was the context of the inappropriate pressure?

Hon. Jody Wilson-Raybould: Yes, the Quebec election was something that was brought up in the September 17 meeting. There were many other inappropriate conversations and attempts at political interference that occurred after that date. An example, which I've already talked about, occurred after I had made my decision as the Attorney General, which was entirely within my discretion to make, when there were repeated attempts by people in the Prime Minister's Office to get me to hire external legal counsel to evaluate my decision. There were further conversations about the election coming up, with regard to whether, if SNC were to move, this would be detrimental to the election.

I further said, when we were talking about jobs and job losses—and I don't think there's anybody around this table who doesn't want to prevent job losses—that it was appropriate in the initial phases. However, after I had made my decision as the Attorney General not to issue a directive, the successive and sustained comments around jobs became inappropriate, because I had made my decision and everybody was fully aware that I had made my decision.

I believe where it got even more heightened was when what I described as the “veiled threats” came towards the latter part of this time frame, around December 18 and 19. There were many different occasions where the appropriateness line was crossed.

Ms. Iqra Khalid: Just to clarify, Ms. Wilson-Raybould, from after the Quebec election, up until the end of December, as per what you just said, are you stating—and I'm just seeking clarity here—that it was inappropriate because you had expressed that your mind was already made up on this issue?

• (1740)

Hon. Jody Wilson-Raybould: My decision not to issue a directive had occurred prior to the September 17 meeting. The Quebec election and any partisan considerations before or after are entirely inappropriate and were not relevant to me at the time, wearing my judicial hat as the Attorney General, in terms of considerations about whether or not I was going to exercise my discretion and issue a directive.

The Chair: Thank you very much.

Mr. Rankin.

Mr. Murray Rankin: I have just a technical question at the front end, Ms. Wilson-Raybould. I wonder if you could provide the committee with a copy of all the text messages and emails that you referred to in your testimony.

Hon. Jody Wilson-Raybould: I hear the question. I'll take it under advisement.

Mr. Murray Rankin: Thank you.

In referring to your conversation with Mr. Wernick, the top public servant in the country, the Clerk of the Privy Council, in an answer to a question, you said something about “waiting for the other shoe to drop”. What did you mean by that?

Hon. Jody Wilson-Raybould: As I said before in questions, this was a very tense conversation. I had a high level of anxiety. This was the culmination of many phone calls and face-to-face meetings. As for what I meant by “waiting for the other shoe to drop”, at the end of the conversation that's how we closed out our telephone call. I was under the understanding, based on what the Clerk had told me, that he was going back to talk to the Prime Minister before he left, recognizing what he had also told me: that the Prime Minister was dug in, that he was firm and that it's not a good space to have an Attorney General at loggerheads with the Prime Minister.

I had a heightened level of anxiety that I would be getting a call from the Prime Minister the next day, which the Clerk indicated might happen, and that there might be further direction or another outcome for me as Minister of Justice and Attorney General.

Mr. Murray Rankin: In other words, there could be consequences for you doing your job as an independent AG and saying that you had made your decision and that was it. That there could be consequences is what you inferred from that conversation.

Hon. Jody Wilson-Raybould: That is a fair assessment of how I interpreted the conversation.

Mr. Murray Rankin: You've told us about a lot of officials in the Prime Minister's Office and the Clerk of the Privy Council. Do you not think that Canadians... Because we're doing our job to get to the bottom of this for Canadians, do you not think that we would have a better understanding of the situation if we heard from the officials that you've referred to?

Hon. Jody Wilson-Raybould: Well, I can't speak to whether or not you would have a better understanding. I believe that it is important to hear from as many individuals who have direct connections and interactions in this case, which is why I am...I don't know if “pleased” is the word, but I am fine to be here and having this conversation, because I know that it is important for me to put the facts before this committee for your consideration.

Mr. Murray Rankin: Thank you.

You said something very interesting in your remarks. I'd like to read it to you. You said, “The history of Crown-indigenous relations in this country includes a history of the rule of law not being respected.”

Did this—your history, your experience that you've referred to—inform or strengthen your resistance to any potential perversion of the rule of law?

Hon. Jody Wilson-Raybould: My lived experience is incredibly important for my background, my upbringing and how I think about the world. It's that lived experience, not only as a professional but in being rooted in my Kwakwaka'wakw culture and the values that I was taught by my father, mother and grandmother, that brought me to my role as the Minister of Justice and Attorney General of Canada.

I believed, and I still believe today, that it is incredibly important to have a diversity of perspectives and background, and to have a country—and we live in the greatest country in the world—that respects every individual, with a recognition of the need for equality and the need for justice, and, in the case of indigenous peoples, that we continue to work hard to create the space for indigenous peoples

to find their place and see themselves in the mirror of our Constitution.

● (1745)

Mr. Murray Rankin: I understand that my time is almost at an end. I want to sincerely thank you because you've presented a list of facts that I believe a reasonable person listening to this, and believing you, as I do, would have to conclude demonstrate a sustained pattern of political pressure and interference with the independent role that you swore an oath to fulfill. I cannot but think that we have more work to do as a result of your testimony.

I thank you sincerely, not just on our behalf, but on behalf of Canada for your courage in being here and telling us what happened.

The Chair: Next we go to Mr. Boissonnault.

Mr. Randy Boissonnault (Edmonton Centre, Lib.): Thank you very much, Mr. Chair.

Ms. Wilson-Raybould, I really appreciate that you're here today. You and I have worked on a number of files together on a number of projects. I want to acknowledge your land acknowledgement as well. If I were back in Treaty 6 territory, I might say something like *meotatakawan tatawaw*, which is Cree for “Guests, you're welcome, there's room here.” I appreciate what you've done and that reconciliation with indigenous peoples is all our responsibility and the responsibility of all Canadians.

We all have our different ways of working. I think it's known to people who've worked with you that you're a texter, so I just want to know if—

Hon. Jody Wilson-Raybould: I'm a what, sorry?

Mr. Randy Boissonnault: You like texts, you communicate well by texting.

Did you ever express any concerns about this matter to Gerry Butts in writing, via text messaging, when you were Attorney General?

Hon. Jody Wilson-Raybould: I would have to check, but I can't think of one off the top of my head.

Mr. Randy Boissonnault: Okay. Did you ever speak with or write to Katie Telford about the issue of SNC-Lavalin or other issues while you were AG?

Hon. Jody Wilson-Raybould: Yes.

Mr. Randy Boissonnault: Did you ever speak about the issue of SNC-Lavalin, particularly with Ms. Telford?

Hon. Jody Wilson-Raybould: Not that I recall.

Mr. Randy Boissonnault: Thank you very much.

You see the Prime Minister regularly. You're in the House daily, there are cabinet meetings, committee meetings, cabinet caucus, other meetings, other events. You've talked about the September 17 meeting. I have your document here, and I appreciate that you've provided a written document for us here. That meeting was with the Clerk and the Prime Minister.

As Attorney General, and given all the interactions that you detailed with us this afternoon, everything that played out over September, October, November and December, including the meeting with Ms. Prince, did you not have an obligation to raise these concerns with the Prime Minister, to call him or write him or stick up for your personnel or indicate that you felt that inappropriate pressure was being applied?

Hon. Jody Wilson-Raybould: I did raise the inappropriateness of the conversation. I raised it with many individuals within the Prime Minister's Office. I raised it with the Prime Minister on January 7.

Again I am confident and know my role as the Attorney General and I know and understand that I am the final decision-maker on this when faced with sustained pressure or attempts at interference from September 17 up to and including December 19 by the Prime Minister's Office, by the Clerk of the Privy Council, by the Clerk of the Privy Council invoking the Prime Minister's name, I had concerns...beyond concerns. Why would I go to the Prime Minister to raise these concerns when I knew for certain that this, the DPA with SNC, would not occur because I am the final decision-maker and other individuals in the—

• (1750)

Mr. Randy Boissonnault: I'll get back to that issue of final decision-making.

Hon. Jody Wilson-Raybould: —Prime Minister's Office included who were putting pressure on me to change that, by virtue of the conversation with the Clerk, the Prime Minister.

Mr. Randy Boissonnault: I appreciate that.

January 14 you accepted a new appointment to cabinet as the Minister of Veterans Affairs. You know what it's like in caucus. People run, they want to be MPs and people want to serve around the big table. That's part of being in this role. It's a great honour to serve as a minister in any portfolio. I can imagine the great honour it would be to serve the people who've served this country and who now live after having served. On that day accepting that position you reaffirmed your confidence in the government. Is that the case?

Hon. Jody Wilson-Raybould: I was incredibly honoured to be the Minister of Veterans Affairs. It was a very different position from the one I had, but I embraced it, and I had a lot of considerations to make on a personal level over the time of Christmas and into the new year, and I'm getting to answering your question.

I had serious concerns, as I said, that, if I was no longer the Attorney General, there would be a deferred prosecution agreement entered into and that it would be posted in the Gazette. As I said, I would have resigned from cabinet at that time.

I decided—it was a very conscious decision—to take on the role that the Prime Minister offered me, and yes, it is an incredible honour. I don't want anybody to misconstrue that. I decided that I would take the Prime Minister at his word. I trusted him. I had confidence in him, and so I decided to continue on around the cabinet table with the concerns that I had around SNC, because I took the Prime Minister at his word.

Mr. Randy Boissonnault: Thank you.

The Chair: It's your last question.

Mr. Randy Boissonnault: So that oath that you took on January 14 reaffirmed your confidence in the government. Do you have confidence in the Prime Minister today?

Hon. Jody Wilson-Raybould: I'll say this, and I'm not going to get into any conversations about why I resigned, other than to say this. I resigned from cabinet because I did not have confidence to sit around the cabinet table. That's why I resigned.

Mr. Randy Boissonnault: My question wouldn't be why you did resign; my question would be: Why didn't you resign before?

The Chair: Folks, we've completed three rounds. Do we have people who wish to go to a fourth round?

Some hon. members: Agreed.

The Chair: We will go to a fourth round.

Would the witness like a break, a bathroom break or anything?

Hon. Jody Wilson-Raybould: I'd like to know what time it is.

The Chair: I can tell you it's 5:53. Would you like a break, Ms. Wilson-Raybould?

Hon. Jody Wilson-Raybould: No, I'm good.

The Chair: You're good? Okay.

The fourth round, just so I have it correct, starts with six minutes to the Liberals, six to the Conservatives, six to the Liberals, five to the Conservatives and three to the NDP.

Mr. Boissonnault, are you continuing?

Mr. Randy Boissonnault: Mr. Chair, I would be happy to.

Ms. Wilson-Raybould, you know that I come at these things from a non-legal perspective. I was in business before this, and I'm learning what it's like to be on the justice committee, so it often leads me to seek to understand certain legal principles.

We've heard here today and in a testimony from other witnesses, including Wendy Berman, Kenneth Jull and the Clerk of the Privy Council, that the AG has a role to play in remediation agreements, and you mentioned in your document here the concept of prosecutorial discretion. One of the duties of a prosecutor is to determine whether to prosecute or not, correct?

Hon. Jody Wilson-Raybould: Yes.

Mr. Randy Boissonnault: From the Public Prosecution Service of Canada handbook, which is available on the justice department website, if anybody wants to look at it, it says very clearly:

When deciding whether to initiate and conduct a prosecution...council must consider two issues: Is there a reasonable prospect of conviction based on evidence that is likely to be available at trial? If there is, would a prosecution best serve the public interest?

With this in mind, would you agree that the two questions for a prosecutor are reasonable prospect of conviction and public interest?

• (1755)

Hon. Jody Wilson-Raybould: Those are definitely questions that the prosecutors take into account.

Mr. Randy Boissonnault: Okay. So then, to go back to the handbook:

On the basis of the available material, Crown counsel must continually assess at each stage of the process whether the prosecution is in the public interest.

I look at this from outside of the legal community. With the need to continually assess in mind, wouldn't it be fair to say that a decision to continue with a prosecution is never final and is subject to re-evaluation in the light of the reasonable prospect of conviction in the public interest?

So the AG should have an open mind to new information coming in all the time, and really, the decision is never final, because it's still active. You have to continually assess new facts and new information. Is that not the case?

Hon. Jody Wilson-Raybould: Are we talking broadly? Are we talking specifically to SNC and the DPA?

Mr. Randy Boissonnault: Broadly first, and then I'll get to SNC-Lavalin.

Hon. Jody Wilson-Raybould: I recognize that it is entirely within the prosecutor's ability and discretion to continue to evaluate prosecutions. I was a prosecutor proudly for almost four years.

Mr. Randy Boissonnault: Thank you very much.

I also saw in the justice department material issued last year in September that one of the goals of remediation agreements is to reduce harm that a criminal conviction of an organization could have for employees, shareholders and other third parties who did not take part in the offence.

If we then look at the Criminal Code, section 715.31(f), it says that a remediation agreement is:

to reduce the negative consequences of the wrongdoing for persons — employees, customers, pensioners and others — who did not engage in the wrongdoing, while holding responsible those individuals who did engage in that wrongdoing.

I think it's fair to say that with the extent of the company, its history, the fact that it employs almost 9,000 people in the country—52,000 globally—there's a local impact on the communities that are home to many innocent pensioners, suppliers and customers.

In your consultation, you said that you did a due diligence. How did you take into account the public interest and the impact on the thousands of innocent employers, pensioners and suppliers, if a DPA would not be entertained?

Hon. Jody Wilson-Raybould: Mr. Chair, I believe we're treading on dangerous ground here. I fundamentally uphold my responsibility as a member of Parliament in the *sub judice* rule, and do not feel it's appropriate for me to answer questions with respect to remediation agreements, the Criminal Code, or in relation to SNC and DPAs.

I believe that's the nature of the question, and I think members of this committee should tread lightly on interfering with active cases before the court.

Mr. Randy Boissonnault: Mr. Chair, I appreciate the warning.

However, Ms. Wilson-Raybould, my question is about the public interest; it's not about a particular matter. The clerk and perhaps the chair can clarify the *sub judice* matter.

But how could an AG make a decision—and in your words have a final decision—without taking this information into account? It's clearly in the public interest.

Hon. Jody Wilson-Raybould: Again—and I would appreciate some comments from the chair on this—I will say, and it's entirely appropriate, and I said it in my testimony, as the Attorney General, all attorneys general get section 13 notices from the director of public prosecutions. The contents of that notice are between the director of public prosecutions and the Attorney General of Canada. I will not go into talking about any of the situations, scenarios, conversations about the national interest with respect to SNC-Lavalin.

I would appreciate hearing from the chair on this.

The Chair: Thank you very much.

What I would suggest is to keep it to general or a hypothetical of a situation, and not deal with the SNC question specifically as to her decisions on SNC. That's my suggestion.

Members, of course, have the absolute right to ask questions here, and the witness has the absolute right to answer or not answer based on her own inclinations. Then the committee, should they decide that they want to ask her to answer regardless, has that power.

My request is to try to keep it general or hypothetical, to the extent that you can.

Mr. Randy Boissonnault: I appreciate that.

Let me ask this question, then.

What legal doctrine or what legal principles led you to the conclusion that the conversations you were having with members of the PMO and other colleagues had, in your words, constituted inappropriate pressure?

On what legal basis did you make that assertion? We heard from legal scholars that the bar is really high, and the bar is very close to direction. Having a robust conversation about the public interest, or about saving 9,000 jobs or 52,000 jobs, is a completely legitimate and appropriate conversation.

What's the legal basis, the doctrine you used to say that your decision was final and you were done taking in new information?

• (1800)

Hon. Jody Wilson-Raybould: I appreciate the question, and I can reiterate what I have said earlier.

I recognize that when I was the Attorney General—and certainly attorneys general before me and after—it was entirely appropriate to consider discussions around the public interest. I had discussions with colleagues with respect to SNC, and for prosecution agreements about the potential losses of jobs, the potential of SNC moving.

But, having taken into account everything I did when I was the Attorney General, including having conversations with my department, my minister's office staff, and doing my own due diligence, I had made my decision that I was not going to exercise my discretion and issue a directive, either a directive under section 10 or under section 15, and take over the prosecution, because I believed it was inappropriate to do so, recognizing that the director of public prosecutions had made their decision.

The Chair: Thank you very much.

We go to Ms. Raitt.

Hon. Lisa Raitt: I'll go back to the directives for a second, Ms. Wilson-Raybould.

My understanding from taking a look at reports is that these directives are very rare in practice. I think there have been three substantive ones in the past 13 years. Two were from you: one on HIV-positive prosecutions; one on, I believe, indigenous prosecutions as well, which I think was recent but it didn't make it onto the list. And there was one was from our government on terrorism. Other than that, my recollection is that there really aren't any other directives of a significant heftiness on policy.

Hon. Jody Wilson-Raybould: If I may, there was a directive—I can't remember the exact thing—around terrorism.

Hon. Lisa Raitt: Yes.

Hon. Jody Wilson-Raybould: There was a directive that I issued. I was pleased to work with the member, Mr. Boissonnault, on the HIV directive. I had to follow the process that's outlined.

It was a general directive, as the terrorism one was, to provide guidelines to the public prosecutor. In issuing that directive, I had to follow procedures, including putting the directive into the Gazette. Prior to that, I had conversations with the director of public prosecutions, Kathleen Roussel, about the HIV directive, as is entirely appropriate. That directive came in in early December.

In the other directive, I believe you're referring to the indigenous litigation directive.

Hon. Jody Wilson-Raybould: This was not something that I issued through the gazetting process. This was a directive, an internal directive, that I'm really happy to have issued internally within the Department of Justice in terms of indigenous litigation. This did not go through the gazetting process because it was a directive to the litigators in the Department of Justice.

Hon. Lisa Raitt: Yes.

Hon. Lisa Raitt: That helps me very much. Now I know why it's not on the list, so that's good. But these things are rare. They're very unique and special.

Hon. Jody Wilson-Raybould: They are very rare. That's not to say that it's not a tool that an Attorney General can utilize. General directives, the two that we've spoken about, have been issued but

there has never been a specific directive issued on a particular case before the courts, nor has there ever been utilized, under section 15, an Attorney General taking over the prosecution. It would be a first if that were to happen.

Hon. Lisa Raitt: Extraordinary. Thank you.

I have a question about some testimony that the Clerk of the Privy Council gave to this committee. I'm a little troubled by an inconsistency, I'll be honest, and I just wanted to get your take on this. It's not that difficult. It's not he-said-she-said this time.

The Clerk of the Privy Council told us that he learned that a deferred prosecution agreement was not going to be offered to SNC-Lavalin some time after September 17, some time in the fall he said; and he learned about it through a National Newswatch story.

Your testimony here tells me that he was sitting in the room for the meeting where the Prime Minister brought up the deferred prosecution agreement. Is that your recollection that he was in the room on September 17 and would have known that SNC-Lavalin had been told by that point that they were not getting a deferred prosecution agreement because he was part of the conversation around that topic?

• (1805)

Hon. Jody Wilson-Raybould: The Clerk of the Privy Council would have known on the September 17 meeting because I specifically mentioned it to both him and the Prime Minister, and went into detail about the section 13 notice that I received. Again, I was very clear that I had already made my decision around the deferred prosecution agreement and not intervening.

Hon. Lisa Raitt: This committee is here to study a number of issues and to probe the conversations that you had. Committees by nature tend to send reports to Parliament as a result of their study. I'm wondering if you would have any recommendations for this committee for their report in order to help into the future. I'm not getting into any specifics, but having gone through what you've gone through, anything that you think we should be reporting into Parliament would be helpful to our colleagues.

Hon. Jody Wilson-Raybould: Well, now that you mention it, this is a very serious question, and I'm going to give you a serious answer, and I've thought about this a lot. I hope that the committee takes in, to your previous question, as much information and evidence as they can. I appreciate the study on remediation agreements, talking about a relatively old doctrine, the Shawcross doctrine.

I would think it would be a very useful study for this committee to look at the role of the Minister of Justice and Attorney General of Canada and whether or not those two roles should be bifurcated.

I believe, and I have believed this for some time, even before I became the Attorney General, that our country would benefit from a detailed study and consideration around having the Attorney General not sit around the cabinet table, like they have in the United Kingdom.

Hon. Lisa Raitt: Thank you.

Is that it?

The Chair: You have 10 seconds.

Hon. Lisa Raitt: That would be it. Take a breath. Have a drink of water.

The Chair: Thank you very much.

Ms. O'Connell.

Ms. Jennifer O'Connell: Thank you, Mr. Chair.

I want to speak a little bit about the testimony of Mr. Wernick, Clerk of the Privy Council. He spoke about the Shawcross issue—I'm paraphrasing, but I'm sure we can pull it up the exact text—in the context of there always being conversations. I think even you acknowledge that there are legitimate conversations to be had for consideration.

Mr. Wernick pointed out, and I am quoting the part of Shawcross that I think is relevant here:

In order so to inform himself, he may, although I do not think he is obligated to, consult with any of his colleagues in the Government; and indeed, as Lord Simon once said, he would in some cases be a fool if he did not.

In your testimony today, you mentioned that on September 16, when your chief of staff had a phone call with Mr. Bouchard and Mr. Marques, the comments were, "We think we should get some outside advice on this." Again, referring to your testimony, on October 18, it was also Mr. Bouchard who spoke to your chief of staff, and asked if they could have the option of seeking external legal opinion on a DPP's decision not to extend an invitation.

Referring back to September 16, you said that you had made up your mind on the issue, and that you were not going to intervene. However, in that September 16 commentary you provided, it was expressed that they said they understood that the individual Crown prosecutor wanted to negotiate an agreement, but the director did not. That somewhat indicates to me that even on the prosecution side, there was debate. There was debate on whether or not this was appropriate.

Is it unreasonable then, if there's still debate, even within the Crown prosecutor's office, or whomever they are referring to there, to bring out other advice that was asked for on September 16, as well as on October 18, to see what legal options there were. Clearly, whether it was with you, your office or the Prime Minister's Office, within the prosecution there seemed to be disagreements or differences of opinion.

Why would it have been unreasonable—and then referring back to the Wernick testimony and Shawcross—to say that you would want to consult as much as possible on these types of matters? If there were still some differences of opinion, what would the objection be to bringing in another opinion, an outside legal opinion?

• (1810)

Hon. Jody Wilson-Raybould: Well, I think I'm fine with it. We're going over very similar ground here, but I had made my decision as the Attorney General. I did not need external legal counsel. I did not need people in the Prime Minister's Office continuing to suggest that I needed external legal counsel. That's inappropriate. I will say, with respect to the conversations you mentioned, and Mathieu Bouchard's remarks about an individual prosecutor's opinion being different from that of the director of public prosecutions,

I can't help but wonder why he would bring that up. How would he know that? How had he garnered that information?

It is entirely inappropriate for any member of the Prime Minister's Office, and it would be entirely inappropriate for any member of staff within my department to reflect those conversations, because I would have serious concerns—and I did at the time, and still do—about how that information was acquired, and from whom.

Ms. Jennifer O'Connell: Thank you.

If you felt that information was so inappropriate on September 16, did you consider resigning? If it's moving forward, and they continued, did you not consider resigning then?

Hon. Jody Wilson-Raybould: I did not consider resigning then. I was, in my opinion, doing my job as the Attorney General. I was protecting a fundamental constitutional principle of prosecutorial independence, and the independence of our judiciary. That's my job. That was my job, rather, as the Attorney General. As long as I was the Attorney General, I was going to ensure that the independence of the director of public prosecutions in the exercise of their discretion was not interfered with.

Ms. Jennifer O'Connell: Do you still have confidence in the Prime Minister today?

Hon. Jody Wilson-Raybould: I'm not sure how that question is relevant.

Ms. Jennifer O'Connell: Okay.

The Chair: Thank you very much.

We will now go to Mr. Paul-Hus.

Mr. Paul-Hus, Mr. Cooper has asked me to give him the last three minutes of this five minutes, so I'm just going to tell you at two minutes that we're going to Mr. Cooper.

[Translation]

Mr. Pierre Paul-Hus: Thank you, Mr. Chair.

Ms. Wilson-Raybould, on December 19, when you received the call from Mr. Wernick, the Clerk of the Privy Council and Canada's most senior public servant, he said that he wanted to give you context on this issue. How did you feel about that?

[English]

Hon. Jody Wilson-Raybould: I believe that the Clerk also made similar comments when he was before the justice committee. As the Attorney General at that point, after four months of these conversations—well, actually, not even after four months—after making my decision, I was entirely comfortable that I had the appropriate context in which to make my decision. I did not, as the Attorney General, live in a vacuum. I had the ability to engage and read papers, and have discussions about the reality of SNC and deferred prosecution agreements. Of course, I was sitting around the cabinet table. I didn't need any context.

I certainly didn't need context about exactly the same context that I was provided four months previous to that.

• (1815)

[Translation]

Mr. Pierre Paul-Hus: Did you feel that this was an obstruction of justice?

[English]

Hon. Jody Wilson-Raybould: Of course I did. It wasn't interference, because I never let it happen. Let's be clear about that. There was a concerted and sustained effort to attempt to politically interfere with my role as the Attorney General. As the Attorney General, I did not let that happen.

[Translation]

Mr. Pierre Paul-Hus: Thank you, Ms. Wilson-Raybould.

[English]

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Thank you very much, Ms. Wilson-Raybould. It's a sad day, and I thank you very much for your candour here at committee.

On the subject of the Clerk of the Privy Council and the call you had on December 19, was it typical to receive a call from the Clerk of the Privy Council? Did that happen often?

Hon. Jody Wilson-Raybould: The answer is no, but I could endeavour to think further about this. It's not that I haven't had conversations with the Clerk of the Privy Council one-on-one. I did have a conversation with him on September 19 one-on-one in my office. I've known the Clerk for many years, and throughout the course of my being a minister, we have had the opportunity to have conversations, but a direct conversation or a direct meeting is something that wasn't very regular.

Mr. Michael Cooper: Thank you for that.

In your opening statement, you characterized the meeting by stating that "I was having thoughts of the Saturday night massacre". Can you elaborate on that?

Hon. Jody Wilson-Raybould: Well, I'll give a bit of a Wikipedia version of the Saturday night massacre. Perhaps people know what that is.

The Saturday night massacre is something that's commonly referenced in and around former president Richard Nixon when he, in the early seventies, asked his then attorney general to dispense of a special prosecutor. The attorney general said "no" and resigned. The then president then asked his deputy attorney general to do the same thing, and that person resigned, so it's commonly referred to as the "Saturday night massacre". Anybody can look it up.

Having said that to the Clerk, I obviously was having thoughts about what was happening and the potential for direction coming to me from the Prime Minister and my having to consider resigning.

Mr. Michael Cooper: Then it was certainly a little more than—

The Chair: Mr. Cooper, last question.

Mr. Michael Cooper: I will just make the comment that it was a little more than the Clerk just checking in with you, as he characterized it.

Hon. Jody Wilson-Raybould: The Clerk was checking in with me on SNC and deferred prosecution agreements.

The Chair: Thank you very much.

We now go to the NDP for three minutes.

Mr. Angus.

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

Thank you, Ms. Wilson-Raybould. I'm very honoured to be sitting at this table today, because what I feel we've witnessed is not politics; we've witnessed a lesson in integrity. I think the testimony you gave today will be studied in schools for decades to come, and Canada will be a better place for it. The greatest thing we can ask of any public official is to speak truth to power, and I really noticed that in your resignation statement.

I have a very short period for questions. I just want to make sure I understand the frame correctly. It seems that what we heard today is a sustained and constant attempt by very powerful actors in the Prime Minister's Office who are obligated to uphold justice and the rule of law yet attempted to interfere with the practice of the rule of law. Would that be a correct assumption from the testimony you have provided to us?

• (1820)

Hon. Jody Wilson-Raybould: Thanks for the comments and the question. Again, I know that there was a consistent and sustained effort to attempt to politically interfere with my role as the Attorney General.

I really want to say this, and I'll be brief. I do not want members of this committee or Canadians to think that the integrity of our institutions has somehow evaporated. The integrity of our justice system, the integrity of the director of public prosecutions and prosecutors, is intact. So I don't want to create fear that this is not the case. It is incumbent upon all of us to uphold our institutions and to uphold the rule of law. That's why I'm here.

Mr. Charlie Angus: I thank you for that, because I was really shocked when I read the testimony that you provided recording...for Mr. Wernick, the Clerk of the Privy Council, who is obligated to be the non-partisan voice of the civil service. He said, "I think he"—that would be the Prime Minister—"is going to find a way to get it done, one way or another...he is in that kind of mood, and I wanted you to be aware of it." Then you referenced the Richard Nixon firing of the special prosecutor as a side issue.

Would you take from this, that "he is in that kind of mood, and I wanted you to be aware of it", that you were being given a direct threat regarding the Prime Minister?

Hon. Jody Wilson-Raybould: I believe there were three occasions in that conversation where there was a veiled threat.

Mr. Charlie Angus: Okay. Thank you.

I only have a few seconds left, but I have heard my Liberal colleagues today say: Why didn't you resign? Why didn't you raise this as though...it was your responsibility? And then why you did not get outside advice to help you change your mind?

I'm really pleased that you say that these were attempts to obstruct and to interfere with justice but that the justice system is intact.

My question to you is this. Are you worried that the Prime Minister's Office was seeing the role of the justice minister as a figure-head that could be moved around, could be changed or interfered with, based on the partisan or political needs of the moment?

Hon. Jody Wilson-Raybould: I'm not going to speculate on the considerations in the Prime Minister's Office, or the opinions.

Mr. Charlie Angus: Fair enough.

I just want to say, Mr. Chair—

The Chair: You've exhausted your—

Mr. Charlie Angus: —I just—

The Chair: Mr. Angus, you've exhausted—

Mr. Charlie Angus: —I want to move a motion—

The Chair: Mr. Angus, you have exhausted your time.

Mr. Charlie Angus: —that the committee calls on the Prime Minister—

The Chair: Mr. Angus, you have exhausted your time. You don't have the floor.

Mr. Charlie Angus: I'm moving a motion.

The Chair: I think I had passed on. What—

Mr. Charlie Angus: Sorry; I'm moving a motion, Chair.

The Chair: I had at that point already said, Mr. Angus, that you were out of time.

Mr. Charlie Angus: My microphone was still on and I said I was moving a motion.

The Chair: I didn't hear you say that you were going to move a motion; I said that you were out of time. I was going to move to the committee to ask the committee if they wished to go on to another round of questions. I will come back to your motion after we establish whether we want another round of questions.

Folks, do you want another round of questions?

Some hon. members: Yes.

The Chair: Yes? Okay.

There's a desire for another round of questions.

Mr. Angus, what is your motion?

Mr. Charlie Angus: I don't know if we need another round of questions. No, I think we're done. We're done.

The Chair: There are a couple of things.

Just for clarity, Mr. Angus, you're not actually a member of the committee. Mr. Rankin is here, so you can't move a motion. Let's go with that.

Number two, the issue is with respect to moving forward with another round. If there's disagreement with that, then I guess we would have to have a motion and a vote, if we're not consensually moving to another round.

Do I have a motion to move to another round of questions?

Mr. Randy Boissonnault: So moved.

The Chair: Is there any debate on that?

All those in favour of moving to another round?

(Motion agreed to)

The Chair: Ms. Wilson-Raybould, you have been sitting here for quite a while. Would you like a break?

Hon. Jody Wilson-Raybould: I'm okay.

The Chair: If you're okay, I applaud you.

Hon. Jody Wilson-Raybould: If we get to nine o'clock, I will probably have a different answer.

The Chair: Please let me know if, at any point, you feel you need a break.

The next round, which would be going back to the way the first round went, is six minutes to the Conservatives, six to the Liberals, six to the NDP and then six to the Liberals.

Ms. Raitt.

Hon. Lisa Raitt: Thank you very much.

I don't want to keep going over the same ground, but I will just summarize and you can tell me if I have this right or not. The reality is that for a significant amount of time—from the time you made your first decision to the time that you were moved into Veterans Affairs—you had upheld the rule of law by withstanding the overtures and the entreaties of various people within the government, within the Privy Council Office and within the staffing of the government. As a result, we can draw the conclusion that your movement—not out of cabinet, but your movement within cabinet—was a result of the fact that you didn't play ball with them and deliver what the Prime Minister wanted, which was a solution for the SNC-Lavalin political issues that he had before him.

Is that a fair summation?

• (1825)

Hon. Jody Wilson-Raybould: I believe that committee members can draw their own conclusions. I will not comment on the conclusions of committee members.

Hon. Lisa Raitt: Yes, that's fair.

At the very beginning, I asked you about witnesses who could potentially come forward. Of all the individuals that you have named—helpfully, and put brackets around—do you believe all of them would be able to give insight into what happened in these certain circumstances? There are conversations that they may have had that you weren't privy to that may help illuminate what was going on.

Hon. Jody Wilson-Raybould: I'll answer it this way: I believe that individuals who I've named in my testimony, having been involved in those conversations or meetings, would have perspective about those meetings. Again, I think the more information—and testimony from individuals who were directly involved—that this committee has is important.

Hon. Lisa Raitt: This is not a trick question, but do you have knowledge of the friendship and relationship between Ben Chin and the vice-president of government relations for SNC-Lavalin? Do you have any knowledge that they go back to the McGuinty government, and were great friends there, and that, in fact, their relationship goes back further than their political interaction? Do you have any knowledge of that at all?

Hon. Jody Wilson-Raybould: I have no knowledge of that.

Hon. Lisa Raitt: Do you have any knowledge of the fact that Mr. Butts, as well, has a long-standing relationship with the VP of governmental affairs of SNC-Lavalin, and they too worked together in the McGuinty government in the province of Ontario for a long period of time, and probably know each other?

Hon. Jody Wilson-Raybould: I have no knowledge of that.

Hon. Lisa Raitt: Did you think it was odd that the chief of staff to the Minister of Finance would be requesting meetings with respect to your authority on deferred prosecution agreements, or even in the conduct of criminal prosecutions? Was that a surprise for you?

Hon. Jody Wilson-Raybould: I was aware of initial conversations that the chief of staff to the Minister of Finance had with my chief of staff. I didn't consider it hugely problematic, but I did find the sustained communication problematic. I'm not sure why anyone from the Department of Finance would be talking to my chief about something in terms of my role as the Attorney General.

Hon. Lisa Raitt: Why do you think that the provision that amended the Criminal Code regarding deferred prosecution agreements ended up in the budget implementation bill and not in your criminal justice reform bill?

Hon. Jody Wilson-Raybould: The deferred prosecution agreements and providing an additional tool to prosecutors was something that was being advanced by a number of ministers around the cabinet table, including the Minister of Finance.

I, of course, as the Minister of Justice, am responsible for the Criminal Code. As such, I was part of the documentation and the discussions leading up to and including the introduction of the budget implementation bill, with respect to deferred prosecution agreements, because I alone could change the Criminal Code.

Hon. Lisa Raitt: Right.

Did your department at the time have any input into the discussion around changing the integrity regime, which was out of Public Works? Was your department involved in that as well?

Hon. Jody Wilson-Raybould: I can't be precise on the number of conversations that were had, but certainly Minister Qualtrough was involved in the integrity regime. My department worked with hers around consultations, but the extent of that.... I know that it was not a Department of Justice lead. It was the lead of the PPSC.

• (1830)

Hon. Lisa Raitt: There's a last question that I have for you. Out of all of the lobbying that happened on this, including, admittedly, with our party—SNC went in to talk to everybody, and I believe my colleagues as well were spoken to by SNC—I don't see your name on the list of those who were lobbied. Were there any requests made by the lobbyists at SNC to come in and visit you to

talk about the issue of deferred prosecution agreements, given that you were the only one who could change the Criminal Code?

Hon. Jody Wilson-Raybould: There was never a request.

Hon. Lisa Raitt: Okay. Thank you.

The Chair: Ms. Sahota.

Ms. Ruby Sahota: Thank you.

Ms. Wilson-Raybould, I really do appreciate you emphasizing that our system is intact and that there is a lot of integrity in our judicial system. I know that after today's hearing there are going to be those concerns raised, and you and the Clerk of the Privy Council have testified to that.

What I want to get into a little bit is that issue of responsibility that you had in your role as Attorney General. I think that at some point in November it seemed like you had enough contacts made and your mind was made up. If you felt the issue was so serious, why did you not resign or pick up the phone and really have that serious conversation with the Prime Minister at that point?

Hon. Jody Wilson-Raybould: Well, I made up my mind in September, and I articulated that to the Prime Minister. I felt no compulsion to resign, because I was doing my job as the Attorney General. I had made a decision around my discretion and exercising it with respect to issuing a directive or taking over a prosecution around SNC and the deferred prosecution agreement, so—

Ms. Ruby Sahota: Okay. How about on January 7? You said you had a conversation with the Prime Minister about changing your portfolio to Veterans Affairs. At that time, did you bring up your concern to the Prime Minister about what you felt the reasoning was for the change?

Hon. Jody Wilson-Raybould: Yes.

Ms. Ruby Sahota: Okay, but you still took it on, knowing what you had known and feeling what you had been feeling.... If interference was happening, if the pressure was so serious.... You have justified just now that the reason you resigned later on is not that you did not have confidence necessarily in the Prime Minister—or you wouldn't put it that way—but that you didn't have confidence in being at the cabinet table. Why was that decision made then and not at the time that you were offered Veterans Affairs?

Hon. Jody Wilson-Raybould: I can't talk any further about my resignation or any conversations or how I felt, because that's not covered in the OIC waiver that's been provided to the committee.

I did reflect, while I was still the Minister of Justice and Attorney General beyond December 19, and up to and including January 14, about my role and about my concern and my uncertainty around whether or not the government or the incoming Attorney General—I didn't know who that was at the time, and that's irrelevant—would enter into a deferred prosecution agreement with SNC.

As I said, if I had seen a notice—which is required—in the Gazette around a directive, I would have immediately resigned upon seeing that.

Ms. Ruby Sahota: You bring up the Saturday night massacre. We've had other Attorneys General who faced challenges—a specific one in B.C., Brian Smith—and, in their role, they felt their responsibility was to resign at that point. Did you not see it as your responsibility to resign if the issue was so serious?

Hon. Jody Wilson-Raybould: At the time, I did not see it as my responsibility to resign. I saw myself as the Attorney General of the country who was doing her job to ensure and uphold the independence of the prosecutor and uphold the integrity of the justice system and the rule of law.

Ms. Ruby Sahota: On November 4, you had your three-year anniversary of being sworn in. You put up a Twitter post thanking the Prime Minister and saying what an honour it was to be in this role. You also posted your oath to the Privy Council, and within that oath it said, “I will in all things to be treated, debated and resolved in Privy Council, faithfully, honestly and truly declare my mind and my opinion.” This is an oath you took and the Prime Minister also took.

In my mind, when I think about the conversations—I've never been there—around the cabinet table, I would think that, as colleagues, you guys would have open discussions about the interests and acting on different files, making decisions, and the Prime Minister would be open and completely honest, just as you would be to him, about what was happening.

In this regard, I feel like you had held back in your position, even though the Prime Minister had mentioned, on several occasions, his concern about the public interest, about the loss of jobs.

• (1835)

Hon. Jody Wilson-Raybould: I can, without equivocation, say that I did not hold back as the Attorney General in this case. More broadly than that, as the Attorney General and also as the Minister of Justice, I always felt it appropriate to raise concerns, to engage in discussions and debate, and always speak, as I've said, my truth to power. I did that. In this particular case, I was entirely comfortable on September 17 questioning the Prime Minister on whether or not he was politically interfering with SNC and DPAs.

Ms. Ruby Sahota: And he said no. So did you believe him at that point, because on January 14, you took on a new role in another ministry?

Hon. Jody Wilson-Raybould: As I said, I took him at his word. I took him at his word after I directly questioned him in September, and I took him at his word after I directly questioned him and Gerry Butts in January. I chose to take them at their word.

Ms. Ruby Sahota: And so, on January 14, you also had faith and belief that there was no interference and that's why you carried on with taking on a new role?

Hon. Jody Wilson-Raybould: I had serious concerns about it, but again, I took the Prime Minister at his word.

The Chair: Thank you.

We're going to Mr. Cullen.

I want to advise everyone that the NDP has advised me that they have a motion they wish to put forward. After we finish the rounds

of questions and we have no more questions, I will allow the NDP representative, Mr. Rankin, to put forward the motion.

Mr. Cullen, the floor is yours.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Thank you Ms. Wilson-Raybould, not only for your testimony but also for your endurance today, as we've gone on for some time.

Regarding the directive you talked about, Ms. Raitt mentioned how rare it was and how unique. Can you say, again, that it has never been used in a specific case? Was that your testimony here today, that an Attorney General has never used this specific directive on a specific case, as in the case of SNC-Lavalin? Is that right?

Hon. Jody Wilson-Raybould: That's correct.

Mr. Nathan Cullen: So not only is this tool incredibly rare, it has never been applied in the way that was being suggested by the Clerk of the Privy Council and all the other people who consistently lobbied you to use that tool. They were asking you to do something essentially historic.

Hon. Jody Wilson-Raybould: An Attorney General has never issued a specific directive in a specific prosecution, nor has an Attorney General in this country ever issued a directive—sorry—taken over a prosecution. It would be historic—for the first time.

Mr. Nathan Cullen: It would be historic. What you were being asked for is not only extraordinary in this case, you were being asked to do something unprecedented. Is that fair?

Hon. Jody Wilson-Raybould: With respect to a specific prosecution, yes.

Mr. Nathan Cullen: A specific case, you say.

I'm a bit confused by this line of logic that I've heard my Liberal colleagues recently use. They're essentially questioning your integrity for not quitting. I thought your integrity was enhanced by not quitting, by staying there and, as you've just said, maintaining the rule of law. What I am finding confusing about this is the idea that you should have quit when you were being pressured, inappropriately and consistently, by some of the most powerful people in this country. You resisted that pressure, you said. You were not going to give this plea deal, this special offer, and you stayed in the job. People are questioning your integrity for having taken that course of action. Do you understand my confusion and why Canadians might be confused?

Hon. Jody Wilson-Raybould: I can say this: I have always acted with integrity, with purpose and with principle. I was doing that in my role as the Attorney General when it came to SNC and the potential for a deferred prosecution agreement. I suspect that this committee will have discussions about the testimony and differences of opinion, but I also believe in Canadians and their ability to hear the words I've spoken, to hear the facts I've expressed and to make their own determinations.

• (1840)

Mr. Nathan Cullen: I think many of us are making our own determinations, based on what we're hearing today.

The ability to seek one of these special...I'm calling them plea deals. I'm not a lawyer. These deferrals can't be made for political reasons. Is that correct?

Hon. Jody Wilson-Raybould: That's correct.

Mr. Nathan Cullen: It's illegal for you to have made the decision based on political motivations. Is that correct?

Hon. Jody Wilson-Raybould: It would be unlawful for me to do that.

Mr. Nathan Cullen: It would have been unlawful for you. Is it unlawful for someone to ask you to do that?

Hon. Jody Wilson-Raybould: To direct me, or to ask me?

Mr. Nathan Cullen: Pressure you. A line is being contemplated.

When this story first broke, the Prime Minister said everything was false. Then no pressure was put. Some pressure was put. Don't worry, the Clerk said. It was appropriate pressure.

All pressure to do something that we've heard from your testimony today had political motivations, which would have been against the law for you to do as the Attorney General.

Have I said anything wrong to this point?

Hon. Jody Wilson-Raybould: No.

Mr. Nathan Cullen: Okay. Good.

Is it illegal for someone to pressure the Attorney General to offer a special plea like this for political reasons? Is it illegal for someone to pressure the Attorney General to intervene on a case?

Hon. Jody Wilson-Raybould: In my opinion, it's not illegal. It is very inappropriate, depending on the context of the comments made, the nature of the pressure, the specific issues that are raised.

Mr. Nathan Cullen: Right.

Hon. Jody Wilson-Raybould: It's incredibly inappropriate and is an attempt to compromise or to impose upon an independent Attorney General.

Mr. Nathan Cullen: So pressure was put; you talked about veiled threats. You repeatedly asked those threats, those communications with you and your office, to stop.

Is that correct?

Hon. Jody Wilson-Raybould: That's right.

Mr. Nathan Cullen: And it continued. You said you were not doing this. You'd already made up your mind. You have sound legal reasons; you're upholding the rule of law. The pressure continued, the veiled threats continued, all through December.

Is that correct?

Hon. Jody Wilson-Raybould: It continued. I wouldn't say the veiled threats continued throughout the time frame. An escalation in the pressure or the attempts at political interference culminated in the meeting on December 19.

Mr. Nathan Cullen: Up until that meeting on December 19, starting way back in September, you had given notice, you had made your decision, the train had left the station, you were not going to interfere with the public prosecutor, the independence of the prosecution to do their job and uphold the rule of law.

You asked it to stop. In fact, the pressure escalates.

Is that right?

Hon. Jody Wilson-Raybould: That's correct.

Mr. Nathan Cullen: So the independence of the Attorney General's office.... I'm just reflecting on the Prime Minister's argument about the importance of the rule of law in Canada when dealing with Huawei. The argument consistently made by this Prime Minister was he had no choice because he so believed in the rule of law. At the same time he and his staff, his key adviser, the Clerk of the Privy Council, and others on his staff from the finance minister on down are not respecting the rule of law and your independence as the Attorney General of Canada.

I find the contradiction and the hypocrisy of this situation breathtaking, and I've seen a bit from Liberal governments.

The Chair: Thank you.

We will now go to Mr. Ehsassi.

Mr. Ali Ehsassi: Thank you, Mr. Chair.

You had an opportunity to speak to the abilities and the discretion of prosecutors. I want to ask you about the obligations of prosecutors.

You're fully aware of the handbook for prosecutors, and your duties and expectations that you are passing on to prosecutors. In a relevant part of that handbook, it says Crown counsel must continually assess at each stage of the process whether the prosecution is in the public interest.

So if they have an obligation to continually reassess, would you mind explaining to us why it's your opinion that when you made your decision on September 16, it wasn't your obligation also to continually reassess the facts.

• (1845)

Hon. Jody Wilson-Raybould: I am provided, as the Attorney General, with notices—by way of section 13 in the Director of Public Prosecutions Act—from the director about issues of general interest. We receive—I received when I was the Attorney General—many of these notices. This is the director raising, as I said, issues of a general interest, and saying that they are providing this information to me, at the time, as the Attorney General, to do as I deem appropriate. I made my decision based on information that I received from the director of public prosecutions by way of that note. I did my due diligence and, again, was firm in the decision I made.

I have never said that it's not within the ability or the job or the discretion of prosecutors to continue to evaluate the case that they have before them. Of course they can. It's the case in every prosecution. Prosecutors can act based on the circumstances, based on the facts, based on the input that is presented to them. I'm not the prosecutor. I have the ability to be notified by the director of public prosecutions by way of section 13 notices.

Mr. Ali Ehsassi: Thank you.

It would seem to me that everyone who has this responsibility has an obligation to look at the facts as they change.

Now, I had a question about timing. Again, could you explain to us why you did not bring to anyone's attention your misgivings about the legal process until after you had been appointed to another portfolio?

Hon. Jody Wilson-Raybould: I'm sorry, I don't understand the question. I am not at liberty to talk about anything when I was no longer the Minister of Justice and Attorney General.

When I was the Minister of Justice and Attorney General, with respect to SNC and deferred prosecution agreements, I did raise my concerns about the inappropriate nature of the interactions I was having.

Mr. Ali Ehsassi: When did you raise this?

Hon. Jody Wilson-Raybould: From September 17 through to and including the December 19 meeting and through to the January 7 meeting that I had.

Mr. Ali Ehsassi: Then all your expressions of concern are the ones that you have detailed in your opening statement?

Hon. Jody Wilson-Raybould: I actually appreciate answering this question, because I know that the letter from the chair was for me to come here and give my complete account. I have done my best to give my complete account, but due to time, in my opening statement I had to confine my comments to certain expressions and meetings and details. That's not to say that it is a complete account of everything that was said. Certainly, I don't have the ability to speak to anything that occurred after January 14.

Mr. Ali Ehsassi: Could you provide us with the basis as to why you think everything that happened after you were appointed to a new portfolio actually cannot be waived. What is the obligation that you cite?

Hon. Jody Wilson-Raybould: I am not going to speak to that. I have received the order in council and the waiver that's been provided to me to speak to this committee and to the Ethics Commissioner about matters that would be covered by solicitor-client privilege and cabinet confidences for the time that I was the Minister of Justice and Attorney General of Canada.

Mr. Ali Ehsassi: Thank you for that.

The Chair: I don't want to intervene, but I think the question was, so that the committee knows just on what basis, and I'm guessing that it's cabinet confidence, because you wouldn't have solicitor-client privilege after you became veterans affairs minister. It would be on cabinet confidence, correct? Is that what—

• (1850)

Hon. Jody Wilson-Raybould: Every conversation that I may or may not have had when I was the Minister of Veterans Affairs with the Prime Minister or not with the Prime Minister, up to and including the meeting I had with my then-colleagues around the cabinet table, would be covered by cabinet confidentiality.

The Chair: I think that's what he was trying to get at, thank you.

Do we move to another round, colleagues?

Some hon. members: Agreed.

The Chair: Before we do that, Ms. Wilson-Raybould, do you need a break?

Hon. Jody Wilson-Raybould: I'm happy to go another round, but probably after that, I will ask that we reconvene at other time so we can continue the discussions.

The Chair: Of course, but if you need one now, I'd be very happy to give you a 10-minute break. Would that be helpful in any way?

Hon. Jody Wilson-Raybould: Actually, I would rather not have a break.

I do have to say, again, I'm happy to answer questions, but the nature of the questions seems to be very similar, and we're continuing to go over the same ground. I'm happy to continue to answer those questions, but I just wanted to put that out there.

If there is another round after this one, I would ask the committee that I be able to come back and answer questions.

The Chair: I understand.

The committee will definitely take that into consideration on its decision after this round.

I think we can perhaps look at this being, then, the last round for today.

This round is six minutes to the Liberals, six to the Conservatives, six to the Liberals, five to the Conservatives and three to the NDP.

Ms. Khalid.

[*Translation*]

I apologize, but Mr. Fortin attended our previous meetings and he asked for speaking time. We've given him three minutes at the end of the last round of questions.

[*English*]

What I'd like to ask the committee, as I need the consent of the committee, is: Do we agree that, at the end of this round, we give three minutes to M. Fortin, three minutes to Ms. May and three minutes to the Co-operative Commonwealth Federation for its first questions in Parliament in 50 years in a committee?

Is that okay with everyone?

Some hon. members: Agreed.

The Chair: Is that okay with you, Ms. Wilson-Raybould?

Hon. Jody Wilson-Raybould: Absolutely.

The Chair: Thank you very much.

We will start with the Liberals.

Ms. Khalid.

Ms. Iqra Khalid: Thank you, Ms. Wilson-Raybould. We really do appreciate your patience and your continuing to stay on here—as I'm sure that Canadians have a lot of questions—to get a lot of your truth out.

You mentioned that, in the meeting with Jessica Prince and the Prime Minister's principal secretary and chief of staff, when your chief of staff left that meeting, she was very upset. With respect to understanding what that was and what measures could have been taken at that point, the Clerk, Mr. Wernick, said also that in his testimony he had listed out some of the remedies that were available.

He talked about going to the Prime Minister and having that tough conversation with the Prime Minister. He talked about picking up the phone and calling the Ethics Commissioner, and he said, ultimately, as a last resort, resigning. I don't think anybody expected you to resign, but we're just trying to understand the context and how you were feeling as you were going through all of this.

Earlier in my questions to you, I asked if you had spoken to the Prime Minister from your September 17 meeting going up to the time when he spoke to you with respect to your new appointment. My question really is: Why didn't you speak to the Prime Minister during all of that as all of this was building up? As you've indicated, as all of these things were happening, why did you not speak to the Prime Minister? Why did you not call the Ethics Commissioner? You are concerned, as you rightly should be, about the rule of law. Why didn't you take any of those measures? It didn't have to be to the point of resignation.

Hon. Jody Wilson-Raybould: I won't deal with it to the point of resignation, but, again, I did raise this with the Prime Minister directly on September 17. From that point, through to and including December 19, there was a sustained and continued attempt to politically interfere. Those meetings consisted of many people within the Prime Minister's Office, including the principal secretary to the Prime Minister and the chief of staff, in reference to the meeting that you talked about with my then chief of staff, Jessica Prince. Yes, she was upset when she came out of that meeting because of the continued and escalating pressure and interference that was placed on her to relay back to me, as her minister, from the principal secretary and the chief of staff. Those conversations included the principal secretary saying that this situation would not be resolved without some kind of interference, and the other statements from that meeting are contained within my opening testimony.

It was my understanding, after I had had the opportunity to speak with my then chief of staff, there would be potentially a meeting or a call the next day, because I was in Vancouver, with the Clerk of the Privy Council and the Prime Minister. I was waiting to get a call from the Clerk and/or the Prime Minister. That call happened with the Clerk, who invoked the Prime Minister's name throughout the entirety of the conversation. That call ended. Everybody was going on holidays. I was confident in the knowledge that there would not be any interference with the discretion because I was the Attorney General and I had made my decision.

We all went on holidays. The next conversation that I had was on January 7 with the Prime Minister, where I raised this issue.

• (1855)

Ms. Iqra Khalid: You've been able to reach out to the Prime Minister in the past. I still don't understand why you didn't reach out to him when this was such an important issue. It was not raised with the Ethics Commissioner either. Please pardon me, I have not been able to get clarity on this.

I just want to flip to one other thing we have spoken about today. It is with respect to remediation agreements, which my colleagues have addressed at length.

Do you agree with remediation agreements in principle?

Hon. Jody Wilson-Raybould: I was part of a cabinet that brought in the additional tool to prosecutors that they could utilize, and that tool was deferred prosecution agreements.

Ms. Iqra Khalid: So you do agree with deferred prosecution agreements in principle?

Hon. Jody Wilson-Raybould: I do not believe that my personal opinion on deferred prosecution agreements is relevant.

Ms. Iqra Khalid: I think with the scope of the motion it may be relevant for us to consider.

Hon. Jody Wilson-Raybould: The scope of the motion?

Ms. Iqra Khalid: I mean the whole reason why we're here today, with the motion speaking specifically to understanding the nature of remediation agreements, of deferred prosecutions, etc. I do believe that you had voted in favour of deferred prosecution agreements as part of the budget bill.

Hon. Jody Wilson-Raybould: That's clear. I already said that I did. I was part of a cabinet that brought this tool in. Parliament passed the legislation and the Criminal Code was amended in September 2018.

I would submit that discussions around deferred prosecution agreements are irrelevant to this discussion. What is relevant to this discussion, and that's the discussion we've been having now for some time, is the role of the director of public prosecutions, the role of the Attorney General of Canada and the necessary independence that is a constitutional principle for prosecutors to be upheld. I believe that is the relevancy of this discussion, not whether I agree or disagree, or any member of this committee agrees or disagrees, with the tool of deferred prosecution agreements.

Ms. Iqra Khalid: Thanks for clarifying that, Ms. Wilson-Raybould.

The Chair: Thank you very much.

Mr. Barrett.

Mr. Michael Barrett (Leeds—Grenville—Thousand Islands and Rideau Lakes, CPC): Ms. Wilson-Raybould, thank you very much for your extended testimony with the committee.

Is it your assessment that the Prime Minister has been accurate and truthful in his statements concerning this issue?

Hon. Jody Wilson-Raybould: I'm not going to comment as to the validity of statements by the Prime Minister or anyone else.

• (1900)

Mr. Michael Barrett: Okay.

Mr. Chair, we'll cede the rest of our time. Thank you.

The Chair: Thank you very much.

If the Conservatives are ceding the rest of their time, that goes back to the Liberals. Who is up?

Mr. Boissonnault.

Mr. Randy Boissonnault: Thank you very much, Mr. Chair.

[*Translation*]

Ms. Wilson-Raybould, I have a question to ask you in French.

In your role as attorney general, did you ever receive advice from sources outside the government, such as lawyers or law firms, on major legal issues here in Canada or on bills?

[*English*]

Hon. Jody Wilson-Raybould: In my role as the Minister of Justice and Attorney General of Canada, I received advice from external lawyers. I took it upon myself to foster relationships with previous ministers of justice and attorneys general of Canada.

I, again, feel it's very important to have a diversity of views about particular issues and I welcome feedback from individuals, particularly when it has to do with putting forward legislation and changing the Criminal Code, for example.

Mr. Randy Boissonnault: Thank you very much.

You mentioned in the document at the beginning of this session, in your testimony, that you conducted a period of due diligence. Could you share with us who you conducted due diligence with in this SNC-Lavalin matter?

Hon. Jody Wilson-Raybould: I don't feel it's appropriate to share that.

Mr. Randy Boissonnault: The privilege has been waived and so has cabinet confidence, so who did you consult with?

Hon. Jody Wilson-Raybould: I don't feel it's appropriate to answer that question because it gets into discussions around the nature and the content of the section 13 notice that was provided to me as the Attorney General from the director of public prosecutions, and it gets into topics that are right now before the courts.

Mr. Randy Boissonnault: Okay, but back to my earlier line of questioning, which was this issue of the openness to receiving new information and making sure that there is never a final decision, let's look at this a different way.

What is the number of individuals that you consulted with during the due diligence before you came to what you have told us is your final decision, even though the law permitted you to continue to look at having a deferred prosecution agreement and you have said very clearly that the principles of law indicate that you need to have an open mind before there is a final decision? In fact, it can't ever be a final decision, so how many individuals did you consult with in your due diligence?

Mr. Nathan Cullen: On a point of order, Chair, I'm sorry to interrupt, and apologies to Mr. Boissonnault, but there was a question

raised specifically about external references. The witness, Ms. Wilson-Raybould, said that because it's *sub judice*, it's before the courts, she was unable to comment on it, and Mr. Boissonnault continued.

We've heard—

Mr. Randy Boissonnault: This is a totally different matter, a totally different line.

Mr. Nathan Cullen: Now you're asking for numbers. You're asking for specific—

Mr. Randy Boissonnault: Mr. Cullen, the issue of external—

Mr. Nathan Cullen: I'm not actually addressing you, Mr. Boissonnault. I'm talking to the chair.

The Chair: Let Mr. Cullen finish his point and then I'll—

Mr. Nathan Cullen: When a witness is asked a specific question and then the question is reframed but it's essentially the same question.... The witness has already said this is *sub judice*.

We're now three and a half hours into this meeting. It seems strange to me that an argument that has been used often to prevent witnesses from testifying at this committee, *sub judice*, the argument, is now being offered up by the witness in front of us and is not being accepted. The questioning continues.

Ofentimes, as you know, Chair, when a witness says they are unwilling or unable to answer a question, we as committee members simply accept it at that.

The Chair: There are a couple of things. I don't recall any witness having refused this committee, in three and a half years, on the *sub judice* rule, so that is not correct.

With respect to Mr. Boissonnault's question, he's attempting to rephrase the question in a different way. I will alert everybody again that Ms. Wilson-Raybould made the point that the *sub judice* rule applies to specific questions with respect to SNC-Lavalin. We do not want to have an impact on the appeal of SNC-Lavalin, on their question regarding the remediation agreement, and therefore her specific interactions with the director of public prosecutions and others within the Department of Justice would not necessarily be....

The committee can do what it wants. It's the master of its own domain. Everybody can ask those questions. That's a restraint that we choose to put on ourselves. There's nothing either that is unfair in his trying to rephrase his question—I'd encourage him to do it in a different way—or alternatively in the witness refusing to answer the question on that basis.

That's where I think we should go. We have three and a half more minutes on Mr. Boissonnault's questions.

Mr. Boissonnault.

Mr. Randy Boissonnault: Thank you, Mr.—

Hon. Jody Wilson-Raybould: [*Inaudible—Editor*] question that was asked?

The Chair: Ms. Wilson-Raybould, if you think he got his question finished, you're more than welcome to answer it.

• (1905)

Hon. Jody Wilson-Raybould: I will say what I was going to say prior to the discussion of committee members.

Mr. Boissonnault, I am not trying to be evasive. I take incredibly seriously my responsibilities as a member of Parliament.

To have conversations about what I did and didn't do around due diligence with respect to a section 13 notice.... I think, with respect, the committee should realize that at the time I was the Attorney General of the country, which makes me different from anybody else with respect to that circumstance. It would be very inappropriate for me, with respect, to go into any of these discussions.

Mr. Randy Boissonnault: I appreciate that. I appreciate the answer.

My question to you is this: Once you made your final decision—and you mentioned that in your testimony—would you say, then, that your mind was closed to new information in a new context?

Hon. Jody Wilson-Raybould: I had made my decision where to not interfere with the decision and the discretion of the director of public prosecutions. I was made aware, as the Attorney General, about general interest prosecutions by way of section 13 notices from the director of public prosecutions. I had made my decision on this particular matter.

That is not to say that the prosecutor, in this or any other case, does not continue to work on the case, to take in new information, and to have discussions with whomever they deem appropriate throughout the course and the evolution of a prosecution, up to and including a potential trial.

Mr. Randy Boissonnault: Thank you.

Can you tell us where you memorialized your decision to not proceed with a deferred prosecution agreement in this matter?

Hon. Jody Wilson-Raybould: Where I memorialized...?

Mr. Randy Boissonnault: Where you made a memo or indicated, "Today's the day. We're done. My decision is final."

Where would you have recorded that?

Hon. Jody Wilson-Raybould: This is not a direct answer to your question, but I take copious notes every single day.

Mr. Randy Boissonnault: So it's in your notes somewhere?

Hon. Jody Wilson-Raybould: I am faced with many section 13 notices, or was when I was the Attorney General.

Mr. Randy Boissonnault: A question for you then is, did the Prime Minister, the Clerk or the PMO ever direct you to enter into a remediation agreement with SNC-Lavalin?

Hon. Jody Wilson-Raybould: No.

Mr. Randy Boissonnault: Thank you.

The Chair: We now go to the Conservatives.

Mr. Cooper.

Mr. Michael Cooper: Thank you again, Ms. Wilson-Raybould.

A number of members opposite have repeatedly raised the spectre of these conversations as somehow being in relation to the public interest and therefore somehow appropriate.

There are factors such as a Quebec election; finding a solution for SNC, as the Prime Minister stated when you met with him on September 17; the fact that the Prime Minister is a member of Parliament from Montreal; the fact that SNC-Lavalin's counsel is not a shrinking violet; and, as the Clerk of the Privy Council informed you on December 19, "I think he is going to find a way to get it done, one way or another. So he is in that kind of mood, and I wanted you to be aware of it."

Are any of those appropriate considerations in exercising your prosecutorial discretion with respect to public interest?

Hon. Jody Wilson-Raybould: Those are not appropriate.

Mr. Michael Cooper: Thank you, Mr. Chair.

The Chair: Next is Mr. Rankin.

Mr. Murray Rankin: We've been here, Mr. Chair, for several hours now. I think I'd like to move the motion rather than taking the time to do so later.

I would not use my time for anything but to make the motion at this point.

The Chair: I will let you move the motion. There is no problem.

But remember we had said that Monsieur Fortin—

Mr. Murray Rankin: Absolutely.

The Chair: —and then it was Ms. May and Mr. Weir.

Would you like to wait for your motion?

Mr. Murray Rankin: I'd like to move the motion in the time allotted to me, and then I'd like to have a vote, if there's a need to do so. Then, of course, we'll hear from the others, as we've agreed.

The Chair: Okay, that's fine with me. You have a right to move a motion within your time.

I'm only pointing out that that requires the witness to stay here then for those last questions, as opposed to liberating her.

Mr. Murray Rankin: Absolutely. This is a short motion.

I move:

That, in the interest of transparency and accountability, the justice committee call upon the Prime Minister and the Governor in Council to waive solicitor-client privilege and cabinet confidentiality relating to the SNC-Lavalin issue, so that the former Attorney General can inform the justice committee of any relevant information with respect to the period subsequent to her ceasing to serve as Attorney General of Canada on January 14, 2019.

In other words, Mr. Chair, we are to a certain point, and we've been told that thereafter we cannot ask questions and the witness cannot tell us what happened.

I think the evidence is abundantly clear that we need to know that. Therefore, I am moving that this committee request of the Prime Minister and the Governor in Council that that order in council be altered accordingly.

• (1910)

The Chair: Thank you very much.

I'd first ask if any of you need time to consult and discuss this motion among yourselves, or is everybody good to go ahead, debate and vote?

Mr. Murray Rankin: I'd like a recorded vote.

The Chair: Ms. Khalid.

Ms. Iqra Khalid: If it's okay with you, can we just confer among our Liberal colleagues for five minutes?

The Chair: That's what I was just asking.

Can I ask the question again, Mr. Rankin? You moved the motion. Can we ask the last three questioners to go ahead and then have a brief pause for the consultation?

Mr. Murray Rankin: Certainly. I just wanted to get the motion on the record.

The Chair: Of course.

Mr. Murray Rankin: I'm more than happy to consider it a notice of motion. I would request that we come back to it immediately after the testimony today.

The Chair: Absolutely.

I'm suggesting we have Monsieur Fortin, Madame May and Mr. Weir get their three minutes in—

Mr. Murray Rankin: Certainly.

The Chair: —and let the witness be liberated, and then we can come back to this. We'll just have a brief pause.

Mr. Murray Rankin: Thank you.

The Chair: The word “liberated” is probably not the right word.

[*Translation*]

Who wants to speak first, Mr. Fortin, Ms. May or Mr. Weir?

[*English*]

Shall we have ladies first?

Ms. May.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): *Gilakas'la*. I want to ask something very clearly and then move to a different line of questioning from what others have been asking.

First of all, do you believe that, individually or collectively, the pressure to which you were subjected contravened the Criminal Code?

Hon. Jody Wilson-Raybould: I don't believe that.

Ms. Elizabeth May: There are a lot of power relationships we've been discussing. Most of the questions have gone to the power relationships around political actors, the chief of staff, the principal secretary to the Prime Minister and your role with two hats, judicial and cabinet hats.

However, there's a very prominent role being played by, I think, unusual actors in the civil service, where the power relationship is that the Clerk of the Privy Council is the boss of the deputy minister at the Department of Justice, and down through the chain, with

you essentially acting as a bulwark to protect the independence of the director of public prosecutions.

I wanted to go back to your testimony, as there were a couple of places where you mentioned some things, and I wondered if they were concerning to you, and if so, why.

In chronological order, you mentioned that, on September 7, the deputy minister was able to have certain sections of the section 13 notice read aloud to her, but she did not want to receive or be given a copy of it. Was that in any way concerning to you? It's included in your testimony; I just wanted to pursue it.

Hon. Jody Wilson-Raybould: Yes, that was a concern.

Ms. Elizabeth May: Why were you concerned?

Hon. Jody Wilson-Raybould: Again, as the Attorney General, I worked very closely not only with my chief of staff but with the deputy minister, and this applies to my then-deputy minister and the Clerk of the Privy Council. When public servants get involved in political discussions, of course I have concerns and I believe that's inappropriate.

Ms. Elizabeth May: Going to September 17, you described the meeting you had requested of the Prime Minister on a different topic; it was supposed to be a one-on-one meeting, by which I infer that you did not expect the Clerk of the Privy Council to be present when you went to meet with the Prime Minister. Is that correct?

Hon. Jody Wilson-Raybould: I didn't expect that. I will say that the fact that he was there...I didn't ask him to leave.

Ms. Elizabeth May: In the context of the pressure that was being applied and the political concerns that were being raised, I'm going to put forward a positive statement and see if you agree.

The appropriate role for the Clerk of the Privy Council is to support an Attorney General who says, “You're on dangerous ground here; back off; this is political interference”. The job of the civil service is to remain non-partisan and give good advice. Did you think the Clerk of the Privy Council was behaving appropriately in applying political pressure to anyone, in this case?

Hon. Jody Wilson-Raybould: I did not believe that he was behaving appropriately, which is why I was very surprised when he raised issues of the Quebec election and a board meeting that was supposedly happening with SNC.

• (1915)

Ms. Elizabeth May: Do you believe that the Clerk of the Privy Council appeared to be placing your deputy minister of justice under pressure that could have affected her confidence in her job security?

Hon. Jody Wilson-Raybould: Honestly, I don't believe I can answer that question.

Ms. Elizabeth May: Okay.

Lastly, you said that you—

The Chair: Ms. May, you have to wrap up. You're over your time.

Ms. Elizabeth May: Okay. *HÍSWKE*.

Hon. Jody Wilson-Raybould: [*Member spoke in Kwak'wala as follows:*]

Gilakas'la.

[*Kwak'wala text translated as follows:*]

Thank you.

[*English*]

The Chair: Thank you very much.

[*Translation*]

Mr. Fortin, you have the floor.

Mr. Rhéal Fortin: Thank you, Mr. Chair.

Ms. Wilson-Raybould, I, too, want to thank you for being here today. I want to say that what you're doing today takes a lot of courage, and I appreciate it.

That said, my questions may lead us down a bit of a different path. I'd like to revisit the reasons for your decision. I realize that there are certain things you can't talk about, so you can answer as we go.

My first question is about why you didn't think a remediation agreement should be negotiated with SNC-Lavalin. Would I be correct to assume that you came to your decision after reviewing the criteria in sections 715.31 and 715.32 of the Criminal Code?

[*English*]

Hon. Jody Wilson-Raybould: Thank you for the comments and the question.

All I can say with respect to the question was that I did not believe, based on the section 13 notice that I received from the director of public prosecutions and the due diligence that I undertook, that it was appropriate with respect to SNC to issue a directive and intervene in the prosecution, to intervene in the discretion that was exercised by the director of public prosecutions.

[*Translation*]

Mr. Rhéal Fortin: Did you discuss the reasons why you did not think it was appropriate to negotiate such an agreement? Did you discuss them with the Prime Minister or someone from his office?

[*English*]

Hon. Jody Wilson-Raybould: Yes, I did.

[*Translation*]

Mr. Rhéal Fortin: Can you tell us who you discussed them with?

[*English*]

Hon. Jody Wilson-Raybould: I discussed it with the Prime Minister, with the Clerk of the Privy Council, with Elder Marques and with Mathieu Bouchard, among other individuals including the principle secretary to the Prime Minister—indirectly, as my chief of staff, Jessica Prince, discussed it with the principle secretary—as well as the chief of staff to the Prime Minister and the chief of staff to the Minister of Finance.

[*Translation*]

Mr. Rhéal Fortin: I realize that you can't—that, in your view, you can't—tell us the reasons you felt it was not appropriate to negotiate a remediation agreement.

[*English*]

Hon. Jody Wilson-Raybould: I felt at the time and made the decision that it was inappropriate for me as the Attorney General to interfere in the discretion that was exercised by the director of public prosecutions with respect to SNC and the decision that was made to not enter into negotiations around a deferred prosecution agreement.

[*Translation*]

Mr. Rhéal Fortin: Thank you very much.

Which of the conditions prescribed by law—

The Chair: Mr. Fortin? Mr. Fortin?

Mr. Rhéal Fortin: Yes?

The Chair: Unfortunately, your three minutes are up.

Mr. Rhéal Fortin: After three and a half hours, Mr. Chair, I get three minutes. You must admit I've been very patient. Is there any way I could have an extra minute or 30 seconds?

The Chair: You can have 30 more seconds.

Just for everyone's information, when political parties—

Mr. Rhéal Fortin: That's very generous of you. Thank you, Mr. Chair.

I just wanted to make sure Ms. Wilson-Raybould's comments were clear in my mind. I think it's important that all Canadians, all voters, understand this aspect. It's no trivial matter, after all.

The Chair: Again, I'm not saying.... I'm not passing judgment on whether or not your question is important. I'm simply indicating that your three minutes are up, but you can have another 30 seconds, if you'd like.

Mr. Rhéal Fortin: Thank you, Mr. Chair.

Ms. Wilson-Raybould, I have just 30 seconds. My apologies.

Was your decision not to intervene in the matter, not to pursue a remediation agreement, based on one of the conditions prescribed by law, in the Criminal Code?

The Chair: The sub judice rule clearly applies. That falls directly under the sub judice rule. I would advise the witness—

Mr. Rhéal Fortin: Mr. Chair, it doesn't fall directly under the sub judice rule. I wasn't asking what the reason was; I was asking whether the reason fell within the criteria.

[*English*]

The Chair: It will be up to the witness, if she—

[*Translation*]

Mr. Rhéal Fortin: I think the witness can answer, actually. Thank you, Mr. Chair. I'll let Ms. Wilson-Raybould answer.

[*English*]

Hon. Jody Wilson-Raybould: I will not answer that question.

[*Translation*]

Mr. Rhéal Fortin: Thank you, Ms. Wilson-Raybould.

[*English*]

The Chair: Thank you.

Mr. Weir.

• (1920)

Mr. Erin Weir (Regina—Lewvan, CCF): Thanks very much for this opportunity. Ms. Wilson-Raybould, thanks very much for your extensive and informative testimony.

I'd like to ask you to expand a bit on the idea of separating the role of Attorney General from that of the Minister of Justice. It seems that under our current system, the Prime Minister could choose to appoint two different people to those posts. Is that what you would recommend, or do you envision making the Attorney General an officer of Parliament or somehow officially separating it from the government?

Hon. Jody Wilson-Raybould: I don't want to get too far in advance. I really hope that the committee will consider looking at studying this. I always try to look for ways to move forward. I think it would be entirely appropriate for this committee to look at different models, internationally. I mentioned the United Kingdom, where the Attorney General is not a member of cabinet.

The two hats that the Minister of Justice and Attorney General wears here in our country are completely different. I think there would be merit to talking about having those as two separate individuals, obviously after much discussion and study. It's the prerogative of the government and the Prime Minister of the time, what they would choose to do in that regard.

Mr. Erin Weir: Is that an idea you ever floated to the Prime Minister or to the Clerk of the Privy Council Office?

Hon. Jody Wilson-Raybould: I would say no, because I can't remember a concrete discussion that we had, but there have been times when I've raised the issue internally with individuals when I was the minister, and potentially, I could have had conversations with other colleagues.

Mr. Erin Weir: You were asked about whether you supported deferred prosecution agreements. I don't want to push that question again. I do want to ask, though, if you could describe what the ideal candidate for a deferred prosecution might be.

Hon. Jody Wilson-Raybould: I think that it's a tool, the deferred prosecution agreement, and considerations that the director of public prosecutions or prosecutors can take into account are delineated and articulated within the Criminal Code.

Mr. Erin Weir: Okay. That's good for me.

The Chair: Thank you so much.

I want to take this opportunity to thank Ms. Wilson-Raybould very much for her testimony. It's very much appreciated.

Hon. Jody Wilson-Raybould: Thank you.

The Chair: We are on Mr. Rankin's motion, and we've been asked for a short pause to consider discussion.

Could I just say the meeting is suspended for five minutes?

An hon. member: That's perfect.

• (1920)

(Pause)

• (1925)

The Chair: The meeting is resumed.

Mr. Rankin, the floor is yours.

Mr. Murray Rankin: I don't know if you need me to read the motion again, Chair.

The Chair: Sure, why not read it for the record?

Mr. Murray Rankin: I'll just read it again:

That, in the interest of transparency and accountability, the justice committee call upon the Prime Minister and the Governor in Council to waive solicitor-client privilege and cabinet confidentiality relating to the SNC-Lavalin issue, so that the former Attorney General can inform the justice committee of any relevant information with respect to the period subsequent to her ceasing to serve as Attorney General of Canada on January 14, 2019.

The Chair: Thank you very much.

Is there any debate on the motion?

Ms. Khalid.

Ms. Iqra Khalid: Chair, thank you very much.

I think this whole exercise has been to really shed light on the issue at hand, and we take this very seriously.

Our original motion talked about meeting after Ms. Wilson-Raybould's testimony to discuss next steps. I think it's more appropriate that we talk about this as part of our next-steps conversation so that we know we're not badgering or trying to elicit information that may or may not be there. I think we should have that meeting as committee members first before we go there.

I think that, at this time, it's appropriate that we vote down this motion and revisit the idea at our next-steps meeting.

The Chair: Yes, Mr. Rankin.

Mr. Murray Rankin: Therefore, I call the question, Chair.

The Chair: Is there anybody who really wishes to speak to this? Not hearing anyone, we'll move to the vote.

(Motion negated: nays 5; yeas 4)

The Chair: Colleagues, there's one thing that I would suggest. We have not yet sent out the notice of motion for tomorrow's meeting. I think it will be difficult to digest all of Ms. Wilson-Raybould's testimony for 8:45 tomorrow morning and come back to consider next steps. May I consult with the vice-chairs and come back with a time for the meeting that's perhaps a little later in the day?

Mr. Murray Rankin: I think that's a great idea.

An hon. member: Yes.

The Chair: The meeting is adjourned.

Published under the authority of the Speaker of
the House of Commons

SPEAKER'S PERMISSION

The proceedings of the House of Commons and its committees are hereby made available to provide greater public access. The parliamentary privilege of the House of Commons to control the publication and broadcast of the proceedings of the House of Commons and its committees is nonetheless reserved. All copyrights therein are also reserved.

Reproduction of the proceedings of the House of Commons and its committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the Copyright Act. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the Copyright Act.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Also available on the House of Commons website at the following address: <https://www.ourcommons.ca>

Publié en conformité de l'autorité
du Président de la Chambre des communes

PERMISSION DU PRÉSIDENT

Les délibérations de la Chambre des communes et de ses comités sont mises à la disposition du public pour mieux le renseigner. La Chambre conserve néanmoins son privilège parlementaire de contrôler la publication et la diffusion des délibérations et elle possède tous les droits d'auteur sur celles-ci.

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la Loi sur le droit d'auteur. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre des communes.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la Loi sur le droit d'auteur.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

Aussi disponible sur le site Web de la Chambre des communes à l'adresse suivante :
<https://www.noscommunes.ca>