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Chair: Mr. Chris Warkentin



Standing Committee on Access to Information, Privacy and Ethics

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• (1400)

[English]

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

This is the 27th meeting of the House of Commons Standing Committee on Access to Information, Privacy and Ethics. I'd like to remind members that today's meeting will be televised and made available via the House of Commons website.

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

Specifically, for today, the House order stipulated the following:

Amitpal Singh, the Deputy Prime Minister's Policy Advisor, be ordered to appear before the committee on Wednesday, March 31, 2021, at 2:00 p.m.

However, colleagues, I will inform you that we have heard from the ministers that Amitpal Singh has been ordered—instructed—not to appear before our committee, so we find ourselves in a difficult situation of trying to determine what we should do today.

I should also inform members that Minister Fortier has offered to provide testimony and answer questions today. She hasn't been called by this committee, nor has the House ordered her to come, but she has offered.

I have a speakers list that is developing. I'd be looking for instruction from members of the committee to determine how to proceed today. We're going to begin with Monsieur Fortin, followed by Mr. Barrett and Madame Shanahan.

Monsieur Fortin, we'll turn to you.

[Translation]

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

I don't want to repeat the same speech every day, but I made a proposal on Monday about a situation quite similar to the one we have today, and my opinion is still the same.

I don't want to make drama where there is none, but something pretty problematic is going on right now.

Basically, we know that since parliamentarians decided last summer to look into the WE scandal, government members have tried everything to prevent us from doing so. There has been filibustering at almost every committee, including the Standing Committee

on Finance, which wanted to look into this, the Standing Committee on Government Operations and Estimates, the Standing Committee on Official Languages and the Standing Committee on Access to Information Privacy and Ethics.

There was filibustering everywhere, and parliamentarians were obstructed. When that wasn't enough, documents produced were redacted to such an extent that the clerk had to say that there were redactions that had nothing to do with last year's request by the Standing Committee on Finance. I'm talking about the famous 5,000 pages.

Then, Parliament was prorogued to dissolve the committees. When they were reformed and tried to continue their work, after Parliament reopened in late September, there was more filibustering, and now we have a new situation.

Last week, this committee tried to debate a motion to summon witnesses, because after hearing from the Kielburger brothers, among other things, we realized that there were inconsistencies and that we needed to hear from individuals to whom the Kielburger brothers had spoken or written to get to the bottom of this.

However, we saw filibustering again last week, and we weren't able to decide, in committee, to summon these people. On Thursday, our colleagues from the Conservative Party decided to use one of their opposition days to ask the House to order these individuals to appear before committees to answer questions from parliamentarians. The House debated all day, there were arguments for and against this request, but in the end, the House, rightly or wrongly, passed a motion ordering these people to appear before committees. An order of the House is a serious matter.

On Monday, the Leader of the Government in the House of Commons came to tell us that he had told his people not to appear before us. He ordered the witnesses not to obey the order of the House.

Yesterday, we received a letter from the Honourable Mona Fortier (Minister of Middle Class Prosperity and Associate Minister of Finance). I won't read it in its entirety, since you read it as I did, but at the end, she said:

Accordingly, Mr. Amitpal Singh has been instructed to not appear before the committee. In his place, I will attend the meeting on behalf of the government on Wednesday, March 31, 2021.

She is going down the same path as her colleague Mr. Rodriguez did on Monday. I think this is serious.

Often motions or resolutions that order the government to act are passed by the House and the government does not act, for various reasons. I would say that there is disobedience by omission. For example, I remember when we asked for the flag to be flown at half-mast. That wasn't done. There are many things that the government hasn't done or has delayed by dithering, despite resolutions of the House. However, we aren't talking about the same thing here. We aren't talking about disobedience by omission; we're talking about a clear notice, an order to oppose a decision of the House. That is defiance.

So far, two ministers have said and admitted that they were defying the House and that their authority was superior to that of the House. I think this is serious, not on a partisan level, because you know as well as I do that, in the Bloc Québécois, our first mandate is certainly not to assert the authority of the House of Commons, but the fact remains that democracy, for me, is a cardinal value.

I have always believed that Canada, the country in which we live and of which Quebec is still a member, was a democratic country where decisions were made democratically. I have always believed that a decision of the House has a certain value. I am quite surprised to see government ministers defying the House.

I'm not prepared this morning to say how the House should sanction them, but I think our first duty as a committee is to note the failure of the witness who was summoned by the House and to report it to the House. I think the House should then take up the matter and hear from these people as to why they didn't obey the order that was given to them. Then we'll see.

• (1405)

If I were one of the two ministers who had ordered their staff not to appear, I would be uncomfortable, even in front of my family. Democracy is a cherished value. There are countries where it doesn't exist. We're lucky to live in a democratic country where we can share and debate our ideas, whether we agree or not. This democracy has been challenged by two ministers so far. I confess that I'm very disappointed and almost tormented by this situation.

I'm making my proposal again, the one mentioned in the motion tabled on Monday. The debate was suspended while we heard from Minister Rodriguez.

I have another motion, and you should have received it by now. It's to the same effect, *mutatis mutandis*. I've changed the name and the date, since it isn't the same witness who is at fault. I move that the committee adopt this motion so that Amitpal Singh's absence from the committee this morning, despite the order that had been given, can be reported to the House, and that the committee leave it to the House to determine what measures should be taken when an individual refuses to comply with an order of the House.

[*English*]

The Chair: Thank you, Monsieur Fortin.

I want to verify. Were you serving notice—putting that on order—or were you moving that motion now?

[*Translation*]

Mr. Rhéal Fortin: I asked that the motion be sent to you this morning. So this is a verbal notice of motion. I'm ready to debate it

right now. I have no objection if anyone prefers that we debate it another day for whatever reason.

One thing is certain, I think the motion should be adopted. It's our duty to report it to the House.

The House has ordered us to sit today. You'll recall that the same motion asked the chair to call the committee to hear these witnesses, nothing else. The witnesses aren't here, and I think our job is to advise the House.

• (1410)

[*English*]

The Chair: I believe that motion is in order because it is, in fact, timely in terms of the issue we're discussing at the moment.

Moving to debate with regard to the motion that has been brought forward, we'll turn to Mr. Barrett.

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

With respect to this motion, it's incredibly troubling that we're in a place where the House passed a motion by a vote of 181 to 153, and in the composition of—

Mrs. Brenda Shanahan (Châteauguay—Lacolle, Lib.): Excuse me, Chair, I have a point of order.

Mr. Michael Barrett: Every time, without exception—

The Chair: Colleagues, order.

We have Madame Shanahan on her point of order.

Mrs. Brenda Shanahan: I believe the motion we are debating is different from what we had in writing. Can it be circulated, please?

[*Translation*]

Mr. Rhéal Fortin: It's already been sent, Mr. Chair.

It's the same motion as Monday. The only differences are the witness's name and the date.

[*English*]

The Chair: Very good. Members can verify through their P9 account that they've received a copy of that.

We'll go back to Mr. Barrett.

Mr. Michael Barrett: Without exception, I'm interrupted by a member of the governing side of the House when I speak at this committee—without exception. If one of the speakers, when it is their turn to speak, wants to enumerate the number of times that hasn't happened, I'd find it very interesting.

With respect to the motion put forward by our colleague, it's incredibly troubling, because Canada's Parliament passed a motion by a vote of 181 to 153, totalling 334 out of a possible 338 votes. A clear majority of members supported the motion. The motion is crystal clear. It gives direction to individuals to appear; it gives direction for documents to be produced, and there is an option built in to the motion that allows for the argument that was made on the day of debate, Thursday past, for ministerial accountability—for a member of cabinet to be accountable. The motion asks that:

(i) an order of the House do issue for due diligence reports, in the care, custody or control of the Privy Council Office, respecting the Canada Student Service Grant, and that these documents be deposited, in both official languages, with the Clerk of the Committee no later than Thursday, April 1, 2021,

(ii) Rick Theis, the Prime Minister's Director of Policy and Cabinet Affairs, be ordered to appear before the committee on Monday, March 29, 2021, at 2:00 p.m.,

(iii) Amitpal Singh, the Deputy Prime Minister's Policy Advisor, be ordered to appear before the committee on Wednesday, March 31, 2021, at 2:00 p.m.,

(iv) Ben Chin, the Prime Minister's Senior Advisor, be ordered to appear before the committee on Thursday, April 8, 2021, at 2:00 p.m.;

(b) regarding the study on addressing sexual misconduct issues in the Canadian Armed Forces by the Standing Committee on National Defence, Zita Astravas, formerly the Minister of National Defence's chief of staff and the Prime Minister's Director of Issues Management and currently the Minister of Public Safety and Emergency Preparedness's chief of staff, be ordered to appear before the committee on Tuesday, April 6, 2021, at 10:00 a.m.;

(c) should the Prime Minister instead appear before the committees mentioned in paragraphs (a) and (b), at any of the dates and times mentioned, for at least three hours, the witness otherwise scheduled to appear, and any other witnesses scheduled to appear before the same committee at a later time, be relieved of their obligation to appear pursuant to this order; and

(d) it be an instruction to the Chairs of the committees mentioned in paragraphs (a) and (b) to convene televised meetings of their respective committee, at the dates and times mentioned, for at least three hours, for the purpose of receiving evidence from the individuals then ordered to appear or the Prime Minister, as the case may be, unless the individual has been relieved from attending under the provisions of paragraph (c), provided that the witnesses be required to appear until discharged by the committee.

We have this very clear order calling for witnesses and there is an “or” option included in there for the government. That option is for either the individual named—in the case of today's meeting, Mr. Amitpal Singh; in the case of Monday's meeting, Mr. Rick Theis; and in the case of next Thursday's meeting, Mr. Ben Chin—or Prime Minister Trudeau to appear at committee. That's the option.

The Prime Minister would be able to exercise the principle of ministerial accountability, but instead what we have, in defiance of an order of the House of Commons on Monday, is a witness who was ordered not to appear by the government and in whose place the government House leader attended. The government House leader, Mr. Rodriguez, was unable to answer questions that anyone with an interest in this file would have had answers to. He kept referring to documents that were tabled before his government prorogued Parliament, and to committee testimony from studies at other committees before his government prorogued Parliament, instead of answering the questions that were given to him.

● (1415)

Instead of being sent the witness who was ordered by the House to appear, we were sent a minister who didn't have passing knowledge of the issue at hand.

This motion was passed by a majority of parliamentarians. It called for key witnesses—or the Prime Minister—to appear at this committee, and it called for a witness to appear at another parliamentary committee. The matter of confidence in the government with respect to its ability to be a good steward of taxpayers' funds and with respect to the handling of sexual misconduct allegations is of interest to the House. It caused an order to be issued by the House. Instead, by blocking witnesses from testifying, ordering witnesses to testify against an order of the House of Commons, the government is devaluing and disrespecting Canada's Parliament. It's unacceptable.

We have a minister who was asked to appear today. The minister's involvement in this matter may be of interest to this committee, in which case I would invite them, as I would any member of the government or any Canadian who has information with respect to the study this committee is undertaking, to submit a written brief to the committee. I would assure the minister that I would review it with great interest.

That being said, while I believe that we need to examine the motion that Monsieur Fortin has put forward, I move that the meeting be adjourned.

The Chair: Okay.

Colleagues, that is not a debatable motion. I'll ask the clerk to go through the list, and we will vote on it now.

● (1420)

The Clerk of the Committee (Ms. Miriam Burke): The count is five yeas and five nays. The chair will have to break the tie.

(Motion agreed to: yeas 6; nays 5)

The Chair: Colleagues, we will adjourn the meeting and call back, as per the House order, at the next prescribed date.

The meeting is adjourned.

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