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# Special Joint Committee on the Declaration of Emergency

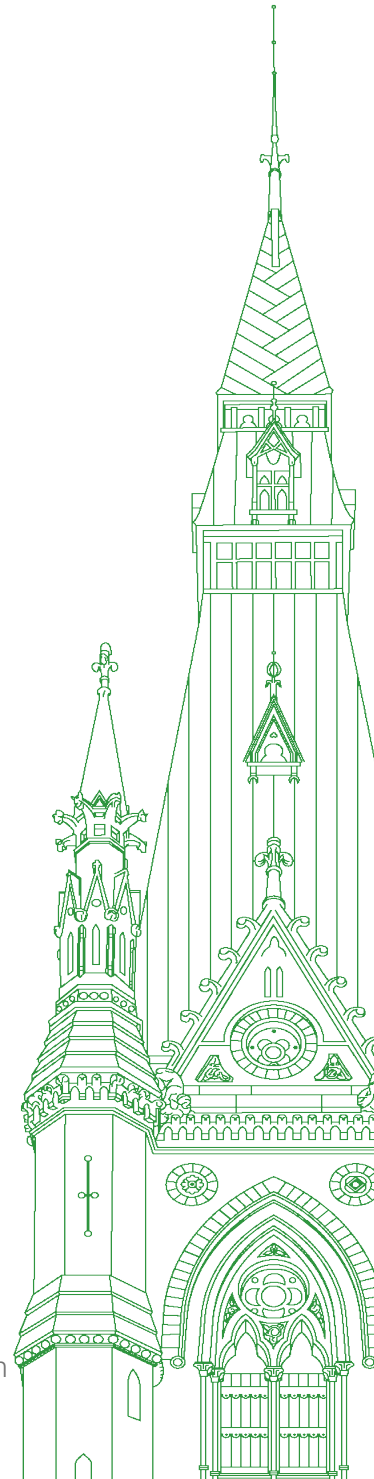
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Co-Chairs:  
The Honourable Gwen Boniface Mr. Matthew Green Mr. Rhéal Éloi Fortin





## Special Joint Committee on the Declaration of Emergency

Tuesday, February 27, 2024

• (1830)

[English]

**The Joint Chair (Hon. Gwen Boniface (Senator, Ontario, ISG)):** I call this meeting to order.

Honourable colleagues, members of Parliament, distinguished witnesses and fellow Canadians who are following this meeting live today, welcome to meeting number 29 of the Special Joint Committee on the Declaration of Emergency, which was established pursuant to the orders of the House of Commons and the Senate on March 2 and 3, 2022.

Today's public meeting is being held in a hybrid format, in accordance with Senate and House of Commons orders.

I would like to point out that a sound test was carried out with member of Parliament Naqvi, who is attending the meeting via video conference. The clerk has confirmed that everything is in working order.

In the event of a technical problem, please let me know so that we can suspend the meeting for a few minutes to allow all members to participate fully.

This evening, we have two panels. In each panel, we will hear from the witnesses and then follow with questions and answers with the members of the joint committee.

I will now introduce our first panel. From the Translation Bureau, I welcome Jean-François Lymburner, chief executive officer; Matthew Ball, vice-president, services to Parliament and interpretation; Annie Plouffe, acting vice-president, policy and corporate services; and Julie Poirier, acting vice-president, linguistic services.

From the Privy Council Office, I welcome Matthew Shea, assistant secretary to the cabinet, ministerial services and corporate affairs; and Alexandra Freeland, acting director general, data and information services directorate.

I'll remind you that you have five minutes for your opening remarks. We'll start with remarks from the Privy Council Office representatives, followed by the Translation Bureau.

Please go ahead.

**Mr. Matthew Shea (Assistant Secretary to the Cabinet, Ministerial Services and Corporate Affairs, Privy Council Office):** Good evening, joint chairs and members of the committee.

[Translation]

Thank you for inviting the Privy Council Office, PCO, to discuss the translation of evidence from the Public Order Emergency Commission.

[English]

My name is Matthew Shea. I am the assistant secretary to the cabinet for ministerial services and corporate affairs at PCO. As mentioned, I am joined by my colleague Alexandra Freeland, who is in charge of our information management services at PCO.

The Public Order Emergency Commission was established by an order in council on April 25, 2022, to conduct an independent public inquiry in accordance with the Emergencies Act.

[Translation]

PCO is currently the custodian of the commission's official records, as they existed at the conclusion of the commission's mandate on March 31, 2023.

We are maintaining the commission's website for at least one year and are coordinating with Library and Archives Canada to transfer the commission's records for preservation.

[English]

I understand the committee's interest in these records as part of its important role under the Emergencies Act. We are committed to supporting this committee. I am here today to discuss the complexity of the issue and our interest and willingness in finding a solution that would best support this committee's work.

• (1835)

[Translation]

During its operations, the commission communicated with and provided services to the public in both official languages.

[English]

The commission produced a final report of more than 2,000 pages, available in both official languages. It summarizes the documents, interviews and evidence that the commission examined during its investigation. The majority of the information created by the commission was disseminated on its website, and it is also available in both official languages.

[Translation]

The commission's approach was consistent with other commissions' approaches and with that required by federal courts under part III of the Official Languages Act, where evidence can be filed in either official language.

[English]

We have provided the committee with two tables summarizing the number of files we received from the commission. However, we recognize that an itemized list of documents may be more helpful to this committee. Since that time, we have created a working copy of the commission's collection for analysis, and have been able to get a more accurate count of the total number of files. We can prepare itemized lists for certain categories of documents, such as the evidence submitted by the Government of Canada, as well as the evidence published on the commission's website, if the committee believes this would be helpful for its important work.

[Translation]

PCO would be happy to continue working with the committee to identify sets of documents that could be submitted for translation in phases.

We are committed to respecting Canada's official languages and to providing committee members with information to support their work.

[English]

Chairs, committee members, thank you for the opportunity to appear before you again today. I look forward to answering your questions, alongside my colleagues from Public Services and Procurement Canada.

**The Joint Chair (Hon. Gwen Boniface):** Thank you very much.

We'll now move to Mr. Lymburner.

[Translation]

**Mr. Jean-François Lymburner (Chief Executive Officer, Translation Bureau):** Madam Chair, honourable committee members, good evening.

I'd like to acknowledge that we are gathered on the traditional territory of the Algonquin people.

Joining me today are Annie Plouffe, acting vice-president, policy and corporate services; and Matthew Ball, vice-president, services to Parliament and interpretation.

Thank you for inviting us to appear before you today on behalf of the Translation Bureau.

Ever since its creation 90 years ago in 1934, the Translation Bureau has played a key role in upholding the equality of status and the equal rights and privileges accorded to English and French in the Canadian Constitution.

[English]

We are the exclusive provider of linguistic services for Parliament. Our translators translate your reports and minutes, and our interpreters make it possible for you to hold your sessions in both official languages. I will take this opportunity to thank Katiana Pock-

lington, Najet Glenza, Anaïs Haynes, who are interpreting this very important session today.

Since 1995, the federal government, departments and agencies have had the option of doing business with other suppliers for translation. Nevertheless, the bureau still remains their primary supplier of translation, interpretation and terminology services in both official languages, as well as in indigenous, foreign and sign languages.

[Translation]

Of course, our 700 or so translators, about 100 of whom do parliamentary translation, don't work on their own. In 2023, we outsourced approximately half of our business volume to the private sector. This enables us to translate almost 380 million words, or about 1.4 million pages, every year for Parliament and the government.

We also use technology such as machine translation to increase our capacity, while making sure that the output is revised by a qualified translator to guarantee quality.

Our focus on ensuring both efficiency and quality makes the Translation Bureau a partner of choice, especially for large, complex projects such as the translation of documents for the Rouleau commission.

[English]

In that regard, I can confirm, Madam Chair, that the translation bureau provided the Privy Council Office with cost estimates in the fall of 2023. I'd like to give you an idea of the scope of the work involved.

Translating all of the Rouleau inquiry documents, as mentioned in this committee, would take several years of work for the translation bureau. For an estimate, even the last request that we received for the translation of only a portion of the documents involved about 124,000 pages, at an estimated cost of \$16 million.

• (1840)

[Translation]

Certain factors related to this project will make the translation process especially complex. For instance, the legal content of some documents would have to be handled by specialized translators. Many of the documents are handwritten or in a format that would require manual operations before we could process them. Part of the documents are classified, which would prevent us from using machine translation or our private sector suppliers. Not to mention that simply managing these millions of pages of documents would require a huge amount of work on its own.

[English]

Madam Chair, honourable committee members, I hope you find these explanations helpful. Since you began your work, the translation bureau has been there to support you, just as we supported the Rouleau inquiry. Our legal translators were also there to translate Justice Mosley's decision. We have the expertise you need, and we'll continue to be available whenever you require our high-quality linguistic services.

My colleagues and I are now ready to answer your questions.

**The Joint Chair (Hon. Gwen Boniface):** Thank you very much.

According to the document adopted on Tuesday, April 5, 2022, we will begin our first round.

They are five-minute rounds, and we begin with Mr. Motz.

**Mr. Glen Motz (Medicine Hat—Cardston—Warner, CPC):** Thank you very much, Chair.

Thank you so much to the translation bureau and PCO officials for being here. I really appreciate it. Hearing from you personally is something that we've been working toward for some time.

This is to the PCO. In the correspondence to the committee, I believe you mentioned that there were approximately 265,000 records, representing about 152,000 unique documents that were tabled before the Rouleau commission. The commission posted only about 8,900 of those on their website, which means you guys did that. PCO did that. Is that correct?

**Mr. Matthew Shea:** We worked with them. They—

**Mr. Glen Motz:** Okay, that's fair enough.

Can you explain to the Canadian public, which might be asking, why the Rouleau commission had access to 143,000 documents to which Canadians never had access? I understand some of them might be sensitive in nature or as indicated otherwise. Why don't they have access to them today? Can you, as the PCO, determine what status they're at, what exists, what those documents are and why Canadians haven't been able to access them?

**Mr. Matthew Shea:** Thank you very much for your question.

Perhaps I'll give a bit of context in terms of our role and the role of the commission.

A commission is completely independent. They run their information management and internal email. We provide support, systems and advice. At the end of a commission, effectively, we're handed those files in electronic and paper form, but there's not necessarily a lot of information about what's in the individual files. To actually know what's in them, we'd have to open them, go through them and make some determinations.

At a high level, what I can tell you is that, within the 152,000 documents you mentioned, there's a mix of four broad categories. There are the documents the Government of Canada provided. That can be a mix of cabinet confidences, top secret information, secret information and protected B information. That's about 31,000 unique files. In addition to that, there are 88,000 files that were productions from other parties. As you know, there were a number of parties with standing who submitted documents. These are the doc-

uments submitted by provinces, police services or independent citizens. Those are contained in there. In addition, there are the individual documents created by the commission itself. There are 22,000 files that we have determined were created by the commission itself. Then there are internal documents. Think of HR, finance and those internal administrative documents. It's about 11,000.

In keeping with what's been done in past commissions, there's a website created by the commission with the final report and the information that it deems the public should have access to. Just like any—

**Mr. Glen Motz:** The commission provided them.

**Mr. Matthew Shea:** The commission makes that determination.

**Mr. Glen Motz:** Okay, thank you.

I have limited time. I appreciate some of that.

I want to get to something you said in your testimony that I found very helpful.

At our last committee meeting, a couple of weeks ago, we adopted a motion respecting the prioritization of document translation requests. Now, that motion was left somewhat open-ended so we could benefit from your testimony today. I was pleased to hear that you had some suggestions on what you've done already to help us as a committee determine what documents we might need and not need.

Could you explain that a little further for us? You brushed over it. You've created a catalogue of some items that you think would be important for our deliberations today. Can you explain that a bit further for us, please?

• (1845)

**Mr. Matthew Shea:** What we tried to create was a bit of a sense of what's in those documents.

I gave you those four large categories. Within those, we can give subcategories of the types of documents. We found that we have this ability, depending on the database used. The government documents are in what's called Ringtail, which is a legal software that we use for many different purposes. It's quite easy for us to determine what's in those documents. We would still have to review some of them before releasing them, for reasons you can appreciate.

In other documents contained in other types of databases, what we can find is a file name and potentially the number of pages. We are finding, generally, that the file name would be "Email to so-and-so" or "Document related to X". We think that could be helpful to the committee if they were to see information like that.

**Mr. Glen Motz:** You're talking about some sort of index.

**Mr. Matthew Shea:** It's an index defined in a certain way.

**Mr. Glen Motz:** Okay, that's fair enough.

Are you talking about the 8,000-some documents on the website, or are you talking about a broader range?

**Mr. Matthew Shea:** The 8,000 on the website would be evidence submitted in one language or another. We know what that is. We can translate that. We've told you what the cost is.

For the other documents within the 152,000, we believe we could work with the committee to come up with at least a list of what the documents are. And—

**The Joint Chair (Hon. Gwen Boniface):** Mr. Shea, I'm going to have to cut you off here. The five minutes are up. I think it will come out in other evidence.

Member of Parliament Naqvi, you have five minutes.

**Mr. Yasir Naqvi (Ottawa Centre, Lib.):** Thank you very much, Madam Chair.

I want to thank the witnesses here.

To the gentleman from PCO—I'm sorry, but I can't remember your name right now—can you finish your thought? I want to make sure we hear your answer.

**Mr. Matthew Shea:** I appreciate the opportunity to finish the thought.

We could give these file names. We believe that in some cases they would be quite helpful in determining what's in the document, and of those 152,000, perhaps there are only 5,000 you may select that are truly of interest. Then we can focus our attention on translating and reviewing those documents, rather than this really large group of documents that, as my colleague mentioned, would take years and large amounts of taxpayer-funded contributions to be able to translate.

Our goal is really to help you narrow down where you would like to focus attention, and then to do everything we can to get that to you in an expedited fashion. It's worth noting that those individual titles are not written in both official languages, so we would have to work with the clerk of the committee to determine if you're comfortable receiving a list that is not translated. Would you like us to translate that list, which would add time?

We are open to whatever this committee would like us to do. We truly do want to find a solution that supports the work of this committee, but in a timely manner and not years from now.

**Mr. Yasir Naqvi:** Mr. Shea, to follow up on that suggestion you're making, how long would that process take, in your estimation?

**Mr. Matthew Shea:** I think the main question—and I'm not asking for an answer clearly here—would be whether it needs to be translated. If it doesn't need to be translated, we think we could do it relatively quickly—we're talking within weeks. We would want to go through that and do a quick check to make sure there are no titles that have, for example, personal or confidential information that we need to be cognizant of. I think we still have to do a little bit of due diligence, but I think we could do it quickly.

If translation is involved, we would need to work with our colleagues. We're talking about 152,000 lines of information. To extrapolate out, that's probably months, and certainly not weeks, for us to get that translated.

We are completely open to what this committee would like, respecting the fact that you have every right to ask for it translated if that is what you would like.

**Mr. Yasir Naqvi:** Good, thank you.

The translation piece is important. I'm really proud of the fact that I belong to a political party for which bilingualism is a very important aspect of who we are as Canadians, so I appreciate what you're saying.

Have you seen a request like this before? Is this quite unique in terms of the work you do from a PCO perspective, and from the translation bureau's point of view?

**Mr. Matthew Shea:** Speaking for PCO, I've now supported four commissions of inquiry. I'm supporting the current commission of inquiry into foreign interference. I've never seen a request to get all documents.

As I mentioned, our role is really just providing arm's-length support. We happen to hold on to these documents until they go to the archivists at Library and Archives Canada, so that the public, the media and others can access them after review. It just so happens that we've received this request at a time when we're the holders of the documents. Therefore, it's our responsibility to respond. It is unique in that respect. I cannot recall, certainly in my six years in this role, a request like this. That is why we look at this as unique and we're looking for unique solutions to the issue at hand.

• (1850)

**Mr. Yasir Naqvi:** Is this unique from the translation bureau's perspective?

**Mr. Jean-François Lyburner:** That's a very good point. From a commission standpoint, it's exactly what my colleague from PCO is saying, but I can also report that since 2020 we've seen a significant increase in the number of words being asked to be translated from Parliament. Since 2020, there has been about a 30% increase. There is other work in committees that is also coming out with large requests as we speak, and we're supporting all of these.

It depends. In this case, as I mentioned in my opening remarks, it's like the translation bureau is operating in two business models. For Parliament, we're offering services to committees. When it comes down to departments, we are working independently with departments, depending on where the documents are coming from. However, by and large, there is a significant increase, almost by 30% since 2020.

**Mr. Yasir Naqvi:** If we look at the two options before us, one is the track that we're on, which is to have all documents translated, and the other is what has been suggested by Mr. Shea from PCO. For either one of them, can you share with us what kind of impact that would have on your existing workload in terms of supporting Parliament and its committees and in terms of additional work and requirements for staff or personnel?

**Mr. Jean-François Lymburner:** From a translation bureau perspective, I believe that we provided our quotes. As Mr. Shea said, the index was mentioned several times in the committee, but in fact it was 124,000 documents, and we provided a quote of 10 months.

The only thing I would like to add, Madam Chair, is that we can provide documents as we translate them, so if there is a prioritization, that's something we can work with as well.

**Mr. Yasir Naqvi:** Thank you.

**The Joint Chair (Hon. Gwen Boniface):** Thank you.

We'll now move to Mr. Fortin.

[Translation]

**The Joint Chair (Mr. Rhéal Éloi Fortin (Rivière-du-Nord, BQ)):** Thank you, Madam Chair.

Ms. Freeland, Mr. Shea, Mr. Lymburner, Mr. Ball and Ms. Plouffe, thank you for being with us this evening.

As you can well imagine, even though we are only hearing from you today, we have had a lot of questions and things going through our minds following your letters over the past few months.

Mr. Shea, it's a bit difficult for me to understand you saying that this is the first time a situation like this has occurred. Am I to understand that, normally, in commissions, people operate without translation? Are the documents provided used without being translated?

**Mr. Matthew Shea:** To give you some details, I would say that there are several types of documents. Documents intended for the public must all be translated. However, the same standard doesn't apply to internal documents.

[English]

Using a department as an example, under the order in council, the final report had to be translated. The public—

[Translation]

**The Joint Chair (Mr. Rhéal Éloi Fortin):** I'm just talking about the evidence.

Commissioner Rouleau hears evidence. I'm sure he speaks English and French well. That may also be the case for the staff around him, but not necessarily. It seems to me that when these people write their documents, they must be able to fully understand all the evidence that was presented before them.

Were you not at some point asked if documents could be translated? Actually, the question is more for the people from the Translation Bureau. Aren't requests sometimes made to translation services in cases where, for example, the commission has just heard from a witness who produced a document in French and it needs an English version, or vice versa?

Can you answer that question, Mr. Lymburner?

**Mr. Jean-François Lymburner:** To answer the question, I would say that we have received requests to do translation for the Rouleau commission, but also to provide interpretation. So we provide a number of services to the commission.

The commission also relies on certain services in the private sector for some of its documentation. We were involved in the translation of the decision, as well.

This type of commission will mainly use the Translation Bureau for its specialized services or when it is secure.

That said, we have not translated all the documents from the Rouleau commission, despite the fact that we have offered the commission a number of services.

• (1855)

**The Joint Chair (Mr. Rhéal Éloi Fortin):** So you have translated some documents.

Can you tell me approximately how many documents have been translated?

**Mr. Jean-François Lymburner:** I could ask Ms. Plouffe to answer that question.

**Ms. Annie Plouffe (Acting Vice-President, Policy and Corporate Services, Translation Bureau):** Thank you for the question.

Concerning the number of documents we have translated, I would say that we have translated certain chapters of the Rouleau report.

**The Joint Chair (Mr. Rhéal Éloi Fortin):** We know that the decision is in both languages, so we won't talk about it. I would like to talk about the evidence that was presented.

What part of the evidence have you translated, Ms. Plouffe? Can you give us an idea?

**Ms. Annie Plouffe:** To my knowledge and based on the information we have found, we have not translated any evidence for the commission to date.

**The Joint Chair (Mr. Rhéal Éloi Fortin):** You also have not translated any testimony. Obviously, simultaneous interpretation was provided when people were testifying. However, you did not have to translate transcripts, if I understand correctly.

**Ms. Annie Plouffe:** That's correct.

**The Joint Chair (Mr. Rhéal Éloi Fortin):** So we assume that the people at the Rouleau commission based their work on the documents and testimony in the language in which they were provided, without there being any translation into the other language, whether it be English or French.

**Ms. Annie Plouffe:** We cannot assume that to be the case, since, as Mr. Lymburner mentioned, the commission did business with private sector companies. So the bureau is not in a position to say to what extent the commission people based their work on the translations.

**The Joint Chair (Mr. Rhéal Éloi Fortin):** Can any of the five of you tell us which private company the Rouleau commission dealt with for translation?

**Mr. Jean-François Lymburner:** I don't have that information.

**The Joint Chair (Mr. Rhéal Éloi Fortin):** What about you, Mr. Shea?

[English]

**Mr. Matthew Shea:** I would have to verify whether they used any private translation. I'm not aware that they did. They may have used some private translation for parts of the final report, just due to the time crunch.

I would just reiterate that their obligations under the Official Languages Act are for the external documents: the documents they put on their website and the documents they released to the public. Of course, the hearings, just like today, had to have interpretation and we had to have translation of the documents.

Internal documents, just as with the Government of Canada, can be in either official language. It is worth noting, given that we haven't looked through every single email, that we are assuming the translation is from English to French. The reality is that there will also be some translation from French to English, as you point out.

[Translation]

**The Joint Chair (Mr. Rhéal Éloi Fortin):** Mr.—

[English]

**The Joint Chair (Hon. Gwen Boniface):** I'm sorry. The time is up, Mr. Fortin.

You have five minutes, Mr. Green.

**The Joint Chair (Mr. Matthew Green (Hamilton Centre, NDP)):** Time goes by fast.

I have to say, in all my time, I haven't had the pleasure of having Mr. Lymburner or folks from interpretation and translation here.

I just want to say, right off the top, that in all my time in Parliament, your interpretation services, translation services and the things that help us stay bilingual are world-class. I've travelled around and gone to conferences where they had that, but certainly our interpretive services are world-class. I just wanted to say that off the top.

I'm trying to get a better understanding, though, just in terms of the scope. If I could perhaps make one admission of guilt in the committee, it's that I wish we had perhaps consulted with you prior to voting on the motion that ultimately would have sent this volume of documents for translation. I think, in fairness to us at the time, we weren't even sure ourselves just how much we were dealing with. We made the best decision with the information we had.

With that being said, Mr. Lymburner, in terms of the scope of work, could you just give us, and the public watching, a bit of an understanding of roughly how many staff members you would have working in translation services?

**Mr. Jean-François Lymburner:** Madam Chair, as I mentioned, at the translation bureau, in total we translate about 350 million words a year. That's for the entire translation across the government, including Parliament.

We have 700 translators, and 100 of those are assigned to the work of Parliament per se. Of course, for these types of requests, we have to augment our staff, not only through the people who are under Mr. Ball here, who are here to support you, but we're also

looking elsewhere in the translation bureau for people who are offering other services to augment.

As we mentioned, we are just operating based on the request for a quote that we got, so we haven't seen the documents. I want to be prudent here. This is why we said that for 124,000 pages, we estimate work for 10 months. That's taking into consideration all the other work that we're doing for other committees that is currently ongoing.

**The Joint Chair (Mr. Matthew Green):** I do recall you making an analysis, but for my sake you have to maybe break it down even more simplistically.

How many people and how many person hours would that be in terms of the time?

• (1900)

**Mr. Jean-François Lymburner:** I'll turn to Madame Plouffe just for the number of hours, per se, that a translator can do.

One thing I would like to clarify is that when the document comes in, the translation doesn't start immediately. We have to receive the document, and you have probably all seen that a lot of documents contain pictures, graphs and all kinds of tabulation. There's a project management team that tries to assess what needs to be done in the document before it goes to the translator. We do have a team of people who make sure that the pre-production is being done.

In our quote, not only do we have the time of the translators, Madam Chair, but we also have the time of the people who will have to unpack that. As we mentioned, in the volume that we see, we're getting more social media, video, handwritten stuff, pictures and screen grabs. The format is getting more complex, before we can pass it on to a translator who can use the translation and automation tools to do their work.

At the end, depending on the type of document, we also have a quality control check that is done on those documents.

That's kind of the chain of work before the document comes back to you.

**The Joint Chair (Mr. Matthew Green):** While I appreciate that, can we maybe get a scope on what that looks like? I'm trying to get a sense of... You have your regular complement that's delegated to Parliament. What was the ask? I want to know what it was that we asked of you over and above that and what that would look like as a percentage of your regular work.

**Ms. Annie Plouffe:** In terms of hours, we've calculated that to translate the 124,000 pages—that's our final estimate that we've provided—it would take us 160,000 hours, if we do it all in one shot. That represents—with all the force of the translation bureau, including our freelancers—about one month of work. We suspend everything and we do it within one month.

**The Joint Chair (Mr. Matthew Green):** Let us be fair—it would be impossible to suspend everything.

**Ms. Annie Plouffe:** Exactly.



**The Joint Chair (Mr. Matthew Green):** If you were to just give me the snapshot in terms of pure numbers, what would it look like to do that? What is the number of workers?

**Ms. Annie Plouffe:** I don't have the exact number of workers, but I can get that.

**The Joint Chair (Mr. Matthew Green):** How many freelancers do you typically engage? You said your regular numbers plus your freelancers.

**Ms. Annie Plouffe:** We have 252 contracts in place right now that we use when we need to. For work like this, depending on the types of documents, we will have a different contract. Those 252 contracts help us do about half of our work annually. They produce 160 million words per year.

**The Joint Chair (Mr. Matthew Green):** Forgive me, again, but if it's 700 plus 250, are we talking about 950 employees who would be working on this for a month?

**Ms. Annie Plouffe:** No, I would say contracts. It's more than that. It really depends, because for some firms we will have access to dozens of translators. It also depends on their availability.

**The Joint Chair (Mr. Matthew Green):** I see. Thank you.

**The Joint Chair (Hon. Gwen Boniface):** Thank you, Mr. Green.

Will you take the chair?

**The Joint Chair (Mr. Matthew Green):** Happily, and I have my little timer here for you.

**The Joint Chair (Hon. Gwen Boniface):** Thank you very much.

I'd like to follow up on Mr. Green's points.

I am particularly interested in understanding the impact, because we say we can do it in a number of ways, but I'm trying to figure out, as we go into the next few months, how that impacts the translation bureau, given that you're probably anticipating, outside of this committee, a large number of documents coming through.

Can you just give me a sense of that?

**Ms. Annie Plouffe:** Madam Chair, I'm not sure I understand the actual question, but I'm going to try to answer it. You're trying to understand the scope of the work.

Right now, we have 600 of our translators who would be available to work on that, presuming that we don't do the rest of the work, and we would capitalize on our contracts and freelancers to be able to do that.

However, as we've evaluated the work that we have, without any recourse to artificial intelligence—because we do not have the format of the documents—presuming that these are not classified, so we're not talking about secret, we feel we'd be able to do that in about 10 months—the 124,000 pages—without major impact or changes in the rest of our operations.

**The Joint Chair (Hon. Gwen Boniface):** If you're giving this committee your best advice, all things considered, perhaps narrowing the scope might be of benefit to getting some of the work done sooner. Would that be...?

• (1905)

**Mr. Jean-François Lymburner:** Maybe I can answer that, Madam Chair. That's a very good point.

As I mentioned—and I've listened to the previous committee—there was reference to an index, a table of contents, but in fact what we spoke to you about today is for the entire documents to be translated. If there is a prioritization exercise that can be done, it would be extremely helpful, and then we could prioritize.

The only thing I would add to Madame Plouffe's comments is that, as I mentioned, we can use the support of the private sector for documents that are not classified. I understand that lots of those documents may be classified at a certain level.

**The Joint Chair (Hon. Gwen Boniface):** Thank you.

Mr. Shea, can you explain how the translation of documents carried out by the Public Order Emergency Commission met the Official Languages Act standard?

**Mr. Matthew Shea:** The translation was for external-facing documents, such as on their website. Everything but the evidence—and I understand that is in keeping with the Canada Evidence Act—was translated into both official languages. The report itself is in both official languages, and interpretation was provided for all of the individual events.

They are a federal organization, and they have internal obligations as well. I can't speak to whether they adhere to all those, because I was not there in terms of managing their employees and those pieces. However, in terms of the external-facing documents, everything that I've seen implies that they have met their obligations.

Perhaps I could add some precision to what my colleague said. The \$16-million quote, which I think we just quantified as 10 months, is for 8,000 documents. It's for the evidence that is on the website that was in one language—to translate it. That is already a subset of the 152,000 files.

If we were to extrapolate out the same number of pages—and we don't know that until we look—we would multiply that by 19. That's why we said in our first letter that it would be over \$300 million and many years, because you see the cost. That is why, from the start, I've been saying that we would really like to find a solution that allows us to narrow that down in a way that is acceptable to this committee.

**The Joint Chair (Hon. Gwen Boniface):** I have just about a minute left.

I'm not sure who mentioned the use of AI. This has been raised before at this committee, as to what degree AI helps. Could you just explain how that works?

**Mr. Matthew Shea:** I will turn to the experts at the translation bureau to explain how they use AI.

**Mr. Jean-François Lymburner:** Thank you, Madam Chair.

I made the reference to automation and automated translation. We hear lots of comments about artificial intelligence at the translation bureau.

I would like to remind the members that in the seventies the translation bureau was one of the first organizations to use the dictaphone. We were also one of the first organizations to use word-processing devices in the eighties, and obviously we are looking at every possibility to use automation or artificial intelligence.

The complexity comes when we need to move into the secret environment, where, of course, we cannot tap into all the information that is available. That being said, AI is not perfect yet. Things like “receiver general” might mean something in the football world for some, so we really need to make sure there are experts who are going through this. Yes, it's helping us to go a little bit faster in certain documents. In the classified.... I'm not saying we're not going to get there. We are working with Shared Services Canada and other partners to try to leverage the intelligence.

Other countries, as mentioned by another member, obviously are facing the same challenges. As long as it is safe to do it, we're going to use it.

**The Joint Chair (Mr. Matthew Green):** That's provided it doesn't impact any collective agreement work.

Here we go. We'll go back to you.

**The Joint Chair (Hon. Gwen Boniface):** Thank you very much.

We'll move to Senator Carignan for five minutes.

[*Translation*]

**Hon. Claude Carignan (Senator, Quebec (Mille Isles), C):** I'm listening to you, and I'm very impressed. I'm very impressed with Justice Rouleau. How did he manage to read all the evidence? He took two months under advisement to write his report. I have a great deal of admiration for him; he is an exceptional man. I think that needs to be pointed out.

I just want to talk about the list of documents. Mr. Shea of the Privy Council Office, you supported Commissioner Rouleau. A number of us here are lawyers, and we know that when an exhibit is filed, it is rated and we have the title of the exhibit.

Was anyone at the Rouleau commission doing that work?

That's one of my questions.

• (1910)

[*English*]

**Mr. Matthew Shea:** I'm not sure that I fully understand the question. They were responsible for managing the evidence and managing how it was archived. My understanding from legal ex-

perts—and I do not claim to be one—is that this information is not required to be translated, in keeping with the Evidence Act.

[*Translation*]

**Hon. Claude Carignan:** Regardless of whether it was translated or not, there must have been someone who made the list of exhibits.

How did they operate at the Rouleau commission?

[*English*]

**Mr. Matthew Shea:** Absolutely, and that evidence is actually on the website and available for public consumption. It is just not translated on the website.

Absolutely, somebody was managing that, and somebody managed all of the information that was transferred to us. However, it was not necessarily transferred to us in a format that can easily allow us to respond to questions, like an index, depending on the definition of an index. For example, if you want an index that has a short summary, that's not something that's available to us. We can give something—

[*Translation*]

**Hon. Claude Carignan:** Let's talk about the testimony.

Can you explain to me how it is that the French testimony was translated into English, even though it took some time, but the English testimony was not translated into French?

We have people who translate for the committee. Tomorrow morning, we will receive the “blues”, the transcript of the testimony. We will review your testimony and our questions. We will have it in both official languages.

So how is it that this service was not offered to the Rouleau commission? Yet the Privy Council Office supported Commissioner Rouleau. And it was not your first commission, according to what you said.

[*English*]

**Mr. Matthew Shea:** I'll start by saying that our role is to provide an arm's-length service. We provide them with tools. We provide them with advice. Ultimately, they decide how to run each individual meeting. I am not aware—but I am not speaking definitively on this—that they translated any evidence from French to English, as I think I understood from your question. My understanding is that evidence came in the language it was submitted in and that it remained in that language. I also do not know that the entire report was drafted in one language or the other. What I do know is that the final report was in both official languages. It's entirely possible that there was a mix of the two in the document, based on the evidence and how it was presented. However, I would be speculating because I am not, and was not, part of the inner workings.

[Translation]

**Hon. Claude Carignan:** Yes, but you are there to advise those people. Think about that poor judge who gets appointed as a commissioner. When he takes office, he has to set up his office. We saw that with Commissioner Hogue. It took a long time for her to get set up. She was used to the Quebec Court of Appeal. Then she took up her position and had to set up her office. You are the one who advises her, since you know how it works.

Why was there no simultaneous interpretation or people who reproduced the testimony in writing every day in both official languages?

Didn't you advise the commission to have that done?

[English]

**Mr. Matthew Shea:** Absolutely. We do provide counsel in terms of the use of official languages. We would absolutely recommend, and are recommending for the current commission, that any public hearings have simultaneous interpretation as part of that. To your point, there was simultaneous interpretation, as I understand it. I believe you're going a step further to say not only that it should be translated, but that there should be the equivalent of the blues that come out from this committee. That is not a requirement of commissions, and it is not something they have chosen to do.

[Translation]

**Hon. Claude Carignan:** Why is it not mandatory? It should be.

This commission is an institution that was created by order in council and is subject to the Official Languages Act. It was your responsibility to support that commission and to ensure that the documents were translated, that the testimony was translated and that everything posted on the website was translated. That was not done. It was your responsibility to do so.

[English]

**Mr. Matthew Shea:** I take my responsibility very seriously in terms of supporting the commission, and all commissions.

I would echo what you said. I worked with Judge Rouleau. He is a fantastic human being, and he was wonderful to work with.

I would say that there's a limit to what we can do in terms of support. We don't dictate how they run their commission. We provide support to help them implement what they would like to do.

**The Joint Chair (Hon. Gwen Boniface):** Senator Carignan, your time is up.

We'll move to Senator Harder.

**Hon. Peter Harder (Senator, Ontario, PSG):** Thank you very much.

I would share the enthusiasm my colleague has for Justice Rouleau—only, I mean it.

I want to remind this committee that we've heard 63 witnesses over two years. We have all of their evidence in whatever language they gave it, plus the translation. We have all of their briefings, and more.

What we're talking about here is what we as a committee asked to be included in our deliberations, which was Justice Rouleau's commission, and we then went further to ask for all the documentation associated with Justice Rouleau. We then went further, saying that all of that documentation should be in both official languages.

If I'm correct, Mr. Shea, what I'm hearing from you is that Justice Rouleau's 2,000 pages, which are in both official languages, are consistent with the Official Languages Act and the practice of other commissions. Other matters are in the language they were provided in.

I'm a little worried that we're going down a rabbit hole in this committee by trying to determine what else we need translated, when we have a fair amount of evidence we've collected—all of Justice Rouleau's evidence—and we're now in our third year of deliberations.

I want you to confirm, Mr. Shea, that Justice Rouleau conducted his commission in accordance with the Official Languages Act. My question is this: Have you heard or been in receipt of any complaints from the official languages commissioner with respect to—

• (1915)

**Hon. Claude Carignan:** Yes, I did.

**Hon. Peter Harder:** I will ask him.

**Hon. Claude Carignan:** I did complain. I made a complaint.

**Hon. Peter Harder:** I know, but I'm going to ask him, okay? He's the witness. It's just an idea.

**Hon. Claude Carignan:** He received mine, I suppose.

**Hon. Peter Harder:** Could you discuss how those complaints are being handled?

**Mr. Matthew Shea:** As your colleague mentioned, I do know that we have received multiple complaints. I was told in my briefing that one of them was from a member of the committee, so I appreciate that disclosure.

We receive those complaints, and we answer them as best we can, appreciating the limitations of our knowledge of the interior workings of the commission. We have responded to indicate that there was a translated report, as you mentioned. There was simultaneous interpretation, as you mentioned. I do not believe we have a final ruling from the official languages commissioner as of yet, but we will certainly adhere to the recommendations that come from that.

I would say that, with every commission, we learn something. If there is an opportunity that comes from an official languages complaint that tells us a better way to conduct business, we are absolutely open to adjusting to the advice.

Similarly, if we had to do more translations, we would ask for additional funding when creating them, because that would increase the cost going in. This is certainly part of the consideration in terms of how much required translation there is. They're absolutely funded to do everything that's required. If they wish to do more, they have that option, but they would have to ask for money to do that.

**Hon. Peter Harder:** Thank you.

**The Joint Chair (Hon. Gwen Boniface):** We'll move to Senator Smith.

**Hon. Larry W. Smith (Senator, Quebec (Saurel), CSG):** I'm a newbie on this particular committee, but I've been listening to all of the testimony.

I have what I don't think is a simple question. I've written down some of the facts about what's transpired here. I guess, in my mind, because I come from a business environment, there appears to be an opportunity to get together and make some decisions as to what exactly needs to be translated, if something is missing. I would think that, between both groups, you would have a flow chart. You would have the key issues on a flow chart, showing from start to finish what needs to be done. Has that taken place?

It's nice to have everybody giving testimony, but there's so much data that you've given to us that it seems to be flying up in the air. Have there been discussions in terms of taking the proper steps to have a solution that's going to benefit the whole group of people interested in trying to get a solution as opposed to going around in a circle?

I hate to be rude, but listening to this for the last period of time, it seems to be a bit of a revolving door. Let's get by who is guilty or who didn't do their job. Let's get on with getting the problem solved. I'm sorry to be so blunt, but, God, I spent 30 years of my life running businesses. I'd probably have had some of you in front of me in a private office asking these questions before we even got in here.

We've spent time. What have we accomplished?

- (1920)

**Mr. Matthew Shea:** I appreciate your question, Senator.

**Hon. Larry W. Smith:** I'm sorry to be blunt, but....

**Mr. Matthew Shea:** Not at all. I appreciate the honest question.

I think we tried to provide a proposed path early on in the testimony, respecting the fact—maybe just to differentiate from the business—that we are not necessarily here to be your advisers. We are here to answer questions. Ultimately, you have a team who provide you with advice.

If you were asking me for my proposed approach going forward, it would be for us to provide you with the index and file names, as I mentioned. I think there's a decision that needs to be made at that point: Does that need to be translated, or are the generic names of emails enough for the clerk of the committee or others to start to go through it? I think that's the first point.

Then, based on that, translated or not, the next piece would be for you to highlight the types of emails you would like or, for example—we can say where evidence originated from—that you're most interested in information from a certain province or from a certain organization. If you help us narrow it down, we could then go from 152,000 documents to 5,000 documents, let's say. Then we could work with our partners on expediting that translation, our reviews and that sort of thing.

That is very much what I would like to do and what I am trying to propose in the most appropriate way possible, understanding that we are witnesses here and that it is ultimately your decision what you will ask for. We very much want to find a solution, because I don't think any of us think the right solution is to spend years and years and not provide this in a timely manner. We want to provide you with everything you need to do the work in a timely manner, and in a translated fashion.

**Hon. Larry W. Smith:** How is that going to happen now?

**Mr. Matthew Shea:** I would hope—I saw it in the motion that invited us—that there is some discussion of, within five days, a prioritization or a list of documents. We would like to work with whomever you ask us to work with. We're happy to work with the clerk of the committee directly to actually walk through what we have and make some determinations as to what would be appropriate in terms of how consensus will be reached by the committee behind the scenes in terms of what you would like from us. We would be very pleased to dedicate our time to do that as fast as we can.

**Hon. Larry W. Smith:** What is the role of the translation bureau in that?

**Mr. Matthew Shea:** The role of the translation bureau would be to then translate that. They would give us a quote. I think we would want to come back and make sure that everyone, with open eyes, knows what it would cost, what we think the translation would cost. Ultimately, if we were told that that's what you want, we would try to start working on that.

**Hon. Larry W. Smith:** It would be an interesting partnership if you could work together. Everyone seems to be taking their spot. Good luck with it.

Thank you, Madam Chair.

**The Joint Chair (Hon. Gwen Boniface):** Thank you, Senator.

We will now move to our second round.

Mr. Brock and Mrs. Romanado have four minutes each. Mr. Fortin, Mr. Green, Senator Harder and Senator Carignan have three minutes each.

We'll start with Mr. Brock for four minutes.

**Mr. Larry Brock (Brantford—Brant, CPC):** Thank you, Madam Chair.

Thank you to the witnesses for their attendance.

I have a brief observation and one question, and then I'm going to cede my time to Senator Carignan.

My observation is to refresh my colleague Yasir Naqvi's commentary with regard to how he's proud of a government that believes in bilingualism. Well, I think, quite frankly, that all 338 parliamentarians believe in that. However, I'll refresh his memory. Thanks to Sir John A. Macdonald and Sir George-Étienne Cartier, the British North America Act allowed bilingualism in Parliament. The translation bureau was the creation of R.B. Bennett's government, and simultaneous interpretation was introduced in Parliament by John Diefenbaker's government. The right to simultaneous interpretation in Parliament was enshrined in the Official Languages Act by Brian Mulroney's government. I'm very thankful for previous Conservative governments that really enshrined bilingualism in this country. That's my observation.

My question is for the PCO.

Thirty-one thousand documents from Justin Trudeau's government were before the Rouleau commission. How many of that 31,000 never saw the light of day?

**Mr. Matthew Shea:** I'm not sure what documents are on the website. I would have to see. I think we would have to agree on a definition of "never saw the light of day". They were provided to the commission of inquiry, which reviewed them and had unprecedented access to cabinet confidences and top secret documents to do its work. Ultimately, they encapsulated their conclusions from reading those documents in that 2,000-page report that is on the website.

• (1925)

**Mr. Larry Brock:** The only glaring exception to that was the legal opinion that the Trudeau government relied upon to invoke the Emergencies Act. In fact, it was Justice Rouleau who essentially questioned former Attorney General David Lametti and essentially said, "What am I supposed to do? Am I supposed to just take your word for it?" David Lametti's response was yes, despite the fact that there was an order of this committee to release that very document.

That being said, I'm going to pass my time over to Senator Carignan.

**The Joint Chair (Hon. Gwen Boniface):** Senator Carignan, you have a minute and a half.

[*Translation*]

**Hon. Claude Carignan:** It seems that cabinet minutes were given to the Rouleau commission in English only. You put them on the translation list.

When I sat on a cabinet committee, the documents were in French and English. Has the Trudeau government changed this practice and is operating solely in English?

[*English*]

**Mr. Matthew Shea:** Senator, perhaps you can clarify where you're seeing that the documents were provided in English only and not in both official languages.

[*Translation*]

**Hon. Claude Carignan:** These are the documents that were provided to the Rouleau commission in English only.

[*English*]

**Mr. Matthew Shea:** I would have to verify that. All cabinet documents are translated. Absolutely, cabinet documents themselves would be translated in both official languages.

[*Translation*]

**Hon. Claude Carignan:** So it would be easy to have them in French.

The note that was given to the Prime Minister for his decision-making is in English only.

[*English*]

**Mr. Matthew Shea:** I would have to verify, but I believe it was in English, yes. That is not the same as a memorandum to cabinet, which is required to be translated in both official languages. Individual memos can be sent up in French or English. In my experience, there's a mix of the two, depending on the topic and depending on the originator.

[*Translation*]

**Hon. Claude Carignan:** Can you commit to sending us the French version of the cabinet minutes that were sent to the Rouleau commission?

[*English*]

**Mr. Matthew Shea:** It would have been sent in the language it was available in. If it was a cabinet document that was translated, it would have been available in both official languages. If it was a memo that was created in English, it would have been sent as an English document. If it was a memo that was created in French, it would have been sent as a French document.

**The Joint Chair (Hon. Gwen Boniface):** Senator Carignan, your time is up. We'll come back to you at the bottom of the list.

Mrs. Romanado.

[*Translation*]

**Mrs. Sherry Romanado (Longueuil—Charles-LeMoyne, Lib.):** Thank you very much, Madam Chair.

It is a real pleasure for me to be with you this evening.

I also want to sincerely thank the interpreters who are interpreting this evening's meeting and are doing an amazing job.

I am also a member of the Standing Committee on Procedure and House Affairs, where we conducted a study, I believe a year ago, on the possibility of permanently establishing hybrid proceedings in Parliament and on the potential impact on translation and interpretation services. At that time, we heard very clearly that there was a shortage of staff in translation and interpretation services.

Mr. Lymburner, if we add a request like the one we're talking about here, will it be possible to continue the business of the House and the Senate between now and June, given the motion calling for the House to sit until midnight every night until the end of June and the fact that many committees are extending their sitting hours? That's not counting all the reports that have to be translated. So it will be chaos at the end of the session.

Do you have the capacity to respond to all those requests? Have you planned for them?

I wouldn't want all the business of the House and the Senate to stop.

**Mr. Jean-François Lyburner:** Thank you for the question.

Language services in Canada are in high demand. We've talked today about the advent of artificial intelligence and what we can do to attract young people to the school programs in this sector. The Translation Bureau plays a key role in the language world in Canada, along with universities. Currently, only two universities in Canada train interpreters, and we work with them. In addition, Mr. Ball's team is working day and night. As mentioned, your documents are translated overnight. Indeed, we are in extremely high demand.

In a previous answer, I mentioned that the number of words translated by the bureau had increased from 40 million in 2020 to 55 million today. I know we're providing a lot of numbers today, but our language consists of words and pages. That's why we use those terms, in addition to dollars, obviously.

As for public servants, as is the case everywhere else in Canadian society, wages are rising. So there is also financial pressure on us.

That said, the estimate we provided—10 months to translate 124,000 pages—took into account our business volume. As my colleague mentioned, if we just did the work you're asking us to do, it would take less time, but we can't do that. So we are considering all options to increase our translation capacity.

The key message here is that, over the past four or five years, although the use of artificial intelligence has helped us, demand has increased and there has been document proliferation. At the Translation Bureau, succession definitely poses challenges, as does our funding and our business model. As I mentioned earlier, our services are optional. Some departments are also under financial pressure and are looking for less expensive options. At the Translation Bureau, we are currently operating at full capacity across our business lines.

• (1930)

**Mrs. Sherry Romanado:** That doesn't even include the incidents leading to injuries among the interpreters.

To conclude, I just want to say that, personally, I don't agree with having documents in only one official language. I am referring here to what Mr. Shea said. If documents are provided to us, they must be in both official languages.

[English]

**The Joint Chair (Hon. Gwen Boniface):** Thank you.

We'll move to Mr. Fortin for three minutes.

[Translation]

**The Joint Chair (Mr. Rhéal Éloi Fortin):** Thank you, Madam Chair.

Mr. Shea, on June 13, 2023, our committee passed a motion asking for translation of all the documents.

Faced with a lack of response, on June 26, we addressed a letter to Mr. Hannaford, meaning to the Privy Council Office, reiterating our request.

On September 26, we wrote to you to get an update on the translation schedule.

Finally, on November 14, five months after our committee passed a motion asking for translation of the documents, you wrote to us to say that there were many pages to translate, that it would be very expensive and take a very long time. You then asked us to tell you how you could help us. We therefore responded that we would like an index of the documents. That was on November 21. Today, we still don't have that index. On December 5, you wrote to advise us that even the production of the index would take time.

Do you continue to claim that you want to help us, Mr. Shea? In two weeks, it will be nine months since we asked for a translation. However, if I understood correctly, you have not even started translating the documents. Do you take this seriously? Are you actually claiming that you're serious about translating the documents in both official languages and applying the Official Languages Act?

Did you receive instructions from your superiors telling you not to worry about our committee, because you did not have time to translate the documents and we just had to figure it out ourselves? Did someone in your organization say that they did not have the time and they had other things to do? What explains this laxity? It's been nearly nine months since we asked you to translate the documents, but you have not even started.

Maybe I expected you to tell me that you translated 200,000 pages, for example, but you still needed a year to finish translating all the documents. Far from it; you have not even started the translation. You are unable to present translated documents to us today.

Senator Carignan asked you if someone at the Rouleau Commission recorded the documents presented. You answered that it was probably the case, but that you did not know. As Mr. Carignan said, no one here who worked in the field of justice thinks that it's even possible for these documents to have gone unrecorded. Personally, I have been a lawyer for 30 years and I have never seen it. Not just in courthouses, but also during private administrative law hearings; it's automatic. The codes assigned to documents are often discussed before starting.

Commissioner Rouleau is no fool; it's not his first rodeo. Furthermore, I have a great deal of respect for him. He certainly must have made sure that someone created an index of the exhibits as they were being presented.

I do not understand your organization's laxity.

My time is almost up, but I would like to know how you explain the fact that, after nine months, nothing was done.

• (1935)

[*English*]

**The Joint Chair (Hon. Gwen Boniface):** Mr. Fortin, your time is up.

Perhaps if Mr. Shea can be very—

[*Translation*]

**The Joint Chair (Mr. Rhéal Éloi Fortin):** We've been waiting for nine months, so even if we gave him one more minute—

[*English*]

**The Joint Chair (Hon. Gwen Boniface):** I can give him a few extra—

**The Joint Chair (Mr. Matthew Green):** No, no, Madam Chair, it can be in my round. Look, rightfully so, this section is comments and questions. That read as a comment, but I would allow them the opportunity to respond.

There was certainly a lot placed and put to you in the last three minutes. I'll use my time to give you my three minutes to respond to his questions. I think they're important questions. Canadians and Quebecers deserve to know.

**The Joint Chair (Hon. Gwen Boniface):** Thank you, Mr. Green.

Go ahead, Mr. Shea.

**Mr. Matthew Shea:** Thank you for the question and thank you for your time.

I think there are two parts to the question: One is what the commission did and one is what we have done in the past nine months or whatever the period has been.

In terms of what the commission did, I'm really not in a position to speak for what Justice Rouleau did. I cannot speak to the independent commission and how it structured itself and how it did its work. I can reiterate that it provided a 2,000-page report in both official languages and that there was public interpretation, but I appreciate that there are other questions that I'm not in a position to answer about what the commission did.

In terms of us, I am deeply committed to finding a solution to this. This is not my first time coming to a parliamentary committee. I am often guided by... We have a document called "Open and Accountable Government", which was created under a previous government and has been reiterated by the current government. There's a passage in there talking about confidential information and cabinet confidences, but I think the theme applies, and the theme is really that we should be working with committees to find solutions and provide answers, and not simply say we can't provide information.

My goal, certainly today, and I think in those letters—one of them is from Alex, who is with me—is in a conciliatory way to find a solution. I don't know why there was a delay in that first letter. I apologize. I don't know the exact timing. Since I have been in-

involved, we have sent two letters to try to explain what your request means.

On that first request I'd mentioned, using the math that our colleagues mentioned earlier—one month for 16,000 documents—we're talking years and years and years to be able to provide the entire amount, and so we wanted to make sure the committee understood that and to offer other options. We offered to translate the evidence and said that would take \$16 million and this period of time.

One thing I would like to point out is that we have not been sitting doing nothing. We have been working to go through a set of documents—we had no idea what was in there—to try to itemize them a little bit better, and that's why today I can offer to give you a list in very short order.

**The Joint Chair (Mr. Matthew Green):** I do have an intervention. I'm sorry, but I'm going to take my parliamentary privilege to make an intervention on one point, because I want to ask about your scope of authority. What is your scope of authority to accept a \$16-million budgetary pressure on your department, given that we haven't come to supplementaries and there's no additional money?

How are you authorized to do that? Could you have been authorized to undertake that work absent some other type of intervention from government?

**Mr. Matthew Shea:** That is a very good point, and one that was part of the reason why we wanted to put the dollar value in there. There's no question that PCO would not have the ability to spend \$16 million on translation without funding approved by Parliament. There's no question, whatever this committee were to ask for, if it was a large number like that, that we would need to put in a funding request to the Department of Finance and we would need to come to Parliament to seek that funding. We simply don't have the ability to spend that kind of money within a department of our size.

Thank you for that.

**The Joint Chair (Hon. Gwen Boniface):** Thank you very much.

Thank you, Mr. Green.

We'll move to Senator Harder, to be followed by Senator Carignan.

Senator Harder, you have three minutes.

**Hon. Peter Harder:** Thanks very much.

I'd like to follow up on the last train of thought. What is the de minimis funding, incremental funding, that could be proceeded with without having to go to Parliament for an additional fund? In other words, in the time frames that you're suggesting, you're assuming funding is available. What I'm asking is, what are the roadblocks to getting that funding and how much time are you adding for that?

**Mr. Matthew Shea:** Thank you for that. I think that would depend on the total amount. If we were talking \$16 million, I think my—

**Hon. Peter Harder:** Is it \$2 million? Is it \$3 million?

**Mr. Matthew Shea:** I think we could find a couple of million dollars. I think two or three million dollars we'd be able to find, especially where we are in the fiscal year. If that was split over two fiscal years, as an example, a million and a half each year, we could certainly try to find that.

• (1940)

**Hon. Peter Harder:** Changing entirely for my remaining time, I'd like to go back to your experience with previous commissions. This is unusual, you say. Can you describe whether there have been official languages complaints with previous commissions, and how they were resolved, or whether there was access to official language requirements that were added on after the commission tabled its report?

How extraordinary is this, in your experience?

**Mr. Matthew Shea:** To the best of my recollection, I cannot remember any commission I've been part of that has had a request like this. Certainly I can say definitively for translation, this has never happened, that we've been asked for something that would cost tens of millions of dollars to translate.

I do believe that for the National Inquiry into Missing and Murdered Indigenous Women and Girls we did need to update the website after the fact. I believe we added additional translations of indigenous languages, so I know there is some precedent for that, but I do not recall anything that would be on the magnitude of what we're discussing here today.

**Hon. Peter Harder:** I will just summarize where we're at.

If we responded to your helpful suggestion and identified documents that this committee, in its collective wisdom, would desire to have, and if that list was modest, in the sense of a couple of million bucks, it could be done quickly and we would be in receipt of that material within weeks.

**Mr. Matthew Shea:** It is on the translation piece that I don't want to speak for my colleagues. We could certainly produce the list in a matter of weeks. For the translation piece, we would have to look at it a little bit. It's 152,000 documents with a short title and a little bit of information, but that would still take some time.

**Hon. Peter Harder:** Thank you.

**The Joint Chair (Hon. Gwen Boniface):** Senator Carignan.

[*Translation*]

**Hon. Claude Carignan:** I'm coming back to the question asked by my parliamentary colleague, Mr. Fortin.

On June 13, 2023, the committee passed a motion to suspend its proceedings until the documents on the Rouleau Commission's website were translated. We then sent the motion to ask for the translation.

On June 14, what did you do?

[*English*]

**Mr. Matthew Shea:** I do not recall exactly when I became aware of the request. I was not part of this committee work originally.

I do know that in the early fall, a letter was being drafted and sent to this committee responding to that request. I don't want to

speculate. I don't know if that's related to Parliament adjourning and the timing.

Absolutely, the internal discussions at PCO were that we would like to find a solution and we would like to adhere to that idea of an open and accountable government where we work with committees to find solutions. Certainly the intention behind that letter and the subsequent letter was to very honestly disclose that this is the work it would involve and open the door for discussions with the committee and the committee clerk to find a solution.

[*Translation*]

**Hon. Claude Carignan:** Regardless, you did nothing during the summer, and we had to follow up with you in October. We were all here, wondering what the Privy Council Office was doing about it and if we would eventually get the translated documents. We are the ones who had to follow up with you, and that's when we got an answer.

So, over the whole summer, nothing happened.

[*English*]

**Mr. Matthew Shea:** I can't speak to what happened over the summer.

I can speak to the fall. The recollection I have of being involved was that we drafted a letter and we sent it to the committee. The committee, I believe, responded, and we responded a second time to try to articulate the costs of various options. We opened the door for translating just the evidence piece, as we understood that was an important piece and it's been raised at this table today. That's where the \$16-million figure came from.

At the same time, we wanted to make it clear that the larger ask was over \$300 million and many years, and signal to the committee that certainly we would have a funding request that would go with that. That's more than the PCO's entire annual budget.

[*Translation*]

**Hon. Claude Carignan:** At what point did you realize the documentation published on the website was not translated?

[*English*]

**Mr. Matthew Shea:** I will confess that I don't spend a lot of time on the website. I think we would have known going in, when it was handed over to us, that they uploaded the evidence in the language it was received in. My understanding is that this is in keeping with the Evidence Act and that there are actually concerns around doing translation that may change the meaning of evidence. That is why it's done that way, as it's been explained to me by the legal experts.

• (1945)

[*Translation*]

**Hon. Claude Carignan:** There are still 56 documents pertaining to submissions published without being translated. Are you telling me no one noticed?



[English]

**Mr. Matthew Shea:** I cannot speak to whether we have official languages complaints related to that specifically, so I won't say nobody reacted to it. As I understand it, that was in keeping with the Evidence Act and not offside with the Official Languages Act, as it's been explained to me.

As mentioned before, we will see what the official languages commissioner comes back with. If one of the complaints relates to that and if the official languages commissioner—

[Translation]

**Hon. Claude Carignan:** So, no one at the Privy Council Office or the Rouleau Commission looked into the issue of both official languages or no one was even the least bit concerned.

[English]

**Mr. Matthew Shea:** We were absolutely concerned with both official languages. I remember the work that went into the commission of inquiry's final report. You may recall that the commission had a timeline. Unlike most commissions, where there's an ability to extend the work, there was a very firm timeline. I remember there were nights and weekends worked, with the help of our colleagues at the translation bureau. I would say it was an incredible amount of work to get this translated. We knew just how serious it was to have this translated.

[Translation]

**Hon. Claude Carignan:** Now I understand the Rouleau Commission's report: he didn't have time to read the evidence.

[English]

**The Joint Chair (Hon. Gwen Boniface):** Colleagues, we have a tight timeline. I would suggest that we go in this order: Mr. Motz and Mr. Maloney for three minutes, Mr. Fortin and Mr. Green for two minutes, and then we take our break. Otherwise we're going to run into the next panel. Does that work?

**Some hon. members:** Agreed.

**The Joint Chair (Hon. Gwen Boniface):** Mr. Motz, you have three minutes.

**Mr. Glen Motz:** Thank you very much, Madam Chair.

Mr. Shea, I understand that Justin Trudeau, the Prime Minister, is the minister responsible for PCO. Is that correct?

**Mr. Matthew Shea:** That is correct.

**Mr. Glen Motz:** Has he been briefed on this issue?

**Mr. Matthew Shea:** I cannot speak to whether he's been briefed on this specific issue. He has a parliamentary affairs team that would be briefed, but I think it would be more likely that the government House leader would be briefed on this type of issue.

**Mr. Glen Motz:** That's fair enough.

Are you aware if there's any direction to PCO, then, from either the minister, the Prime Minister, or the House leader's office on respecting bilingualism or ignoring it?

**Mr. Matthew Shea:** I can say with confidence that the direction we receive from all ministers is to respect official languages, to ensure bilingualism, to ensure interpretation in cabinet meetings and

to ensure that documents are available in both official languages. That is absolutely a requirement for everything we do.

**Mr. Glen Motz:** I want to clarify something you said earlier. We know, from the Official Languages Act in subsection 14(2), that a witness can appear in the language of their choice and that the hearing of witnesses in the official language of their choice shouldn't be disadvantaged.

You made a comment about evidence, that you weren't sure that evidence needs to be unilingual only under the Canada Evidence Act. Did I misunderstand you, or can you clarify your understanding of the provision about providing evidence to a commission, in this case, and whether or not it was only required to be unilingual, or does it have to be bilingual?

**Mr. Matthew Shea:** My understanding of the Canada Evidence Act, as it has been explained to me.... I will preface every answer by saying that I am not a lawyer and I do not wish to entertain a legal debate with a number of lawyers in the room. My understanding is that the Canada Evidence Act says that you have to post it or you should post it in the language it was submitted in. My understanding is that part of the rationale behind that is that the translation could be seen as altering the evidence.

**Mr. Glen Motz:** You're saying "posted". That's an interesting comment. It's not a matter of just having the evidence presented to the commission. Are you talking about the actual posting of that on the website or in a document?

**Mr. Matthew Shea:** I'm saying that my understanding is that, when it's posted on a website and just received, it needs to be kept in the language it is received in, that it's not translated.

**Mr. Glen Motz:** What would be considered evidence under the Canada Evidence Act is a pretty broad term.

Thank you. I wasn't aware of that. I was just trying to get some—

**Mr. Matthew Shea:** I would add, if I could, that witnesses were given the option to appear in the language of their choice as well, so some witnesses appeared in English and some appeared in French.

**The Joint Chair (Hon. Gwen Boniface):** Thank you. Your time is up, Mr. Motz.

Mr. Maloney, you have the floor.

● (1950)

**Mr. James Maloney (Etobicoke—Lakeshore, Lib.):** Thank you, Chair.

Thank you to all our witnesses for attending, and for their patience and understanding.

Mr. Shea, I don't know that anything here would qualify as technically a legal argument, so I don't think you missed out on anything. This is just my observation.

It seems to me that we're going around in circles a little bit here. What we're trying to get to is whether there is a smaller group of documents that we can obtain in a relatively short period of time, at a relatively reasonable cost, that are going to be relevant to our considerations here at this committee, and we can't seem to land on that.

If I understand you correctly, the \$16 million that you're referring to.... You referred to a period of 10 months, I think, a couple of times tonight. The letter that I've seen refers to a period of 12 months. In any event, it's going to be something just shy of a year. That is the smaller group of documents from which we would then be able to determine what documents we want. Is that an accurate summary?

**Mr. Matthew Shea:** No, and perhaps it's because I have not explained it well. The \$16 million is for the exhibits that are on the website that we've been talking about that are currently in one language and not in both. That is the cost to translate those.

We have not come up with the cost to translate a list, but it would certainly be less than that. It would certainly be something we could do more quickly, because we're talking about one line per document, as opposed to translating entire documents. We could certainly come back very quickly and quantify what that would look like for the committee as a starting point. We think we could do that relatively fast.

**Mr. James Maloney:** That's a list of documents, without translating the actual documents themselves. Is that correct?

**Mr. Matthew Shea:** Yes, that would be whatever title they have saved it as.

My colleague Alexandra has been looking through them. We see an email to so-and-so or a document about X, so they tend to have enough information that I think you can get a sense of what they are. In addition, we can give a listing or a sorting. We talk about how 88,000 of that 152,000 are productions from parties. We can sort them by party. If you have an interest in certain respondents over others, we can prioritize those.

**Mr. James Maloney:** Okay. Then we can pick and choose whichever one we want.

**Mr. Matthew Shea:** That is our goal, to give you a menu of options and allow you to pick, if you are interested in a particular person who submitted documents.

**Mr. James Maloney:** Can you give me a ballpark of how long that list might be?

**Mr. Matthew Shea:** We can do it in a matter of a couple of weeks, we think. I'm loath to give an estimate on behalf of the translation bureau, but we're talking about 152,000 times 10 or 15 words. I don't know if they want to dare give an approximate—

**Mr. James Maloney:** It's a list of 152,000 items.

**Mr. Matthew Shea:** Exactly.

**Mr. James Maloney:** Then we go through that list with a relatively short description of what the documents might be, and then we have to decide which of those documents we might want to look at. In order for us to look at those documents, you're then going to have to translate them and give them back to us.

**Mr. Matthew Shea:** That's correct.

**Mr. James Maloney:** In order to get those documents translated, you're going to have to request funding from somebody if it's more than a moderate sum of money.

**Mr. Matthew Shea:** I think the list we could probably do—

**Mr. James Maloney:** No, I'm talking about the next stage after the list.

**Mr. Matthew Shea:** I mentioned at the start four large groupings. One of the groupings is these internal administrative documents. That's 11,000 documents. If the committee were to say it's confident that it doesn't care about the HR and the finance and the internal documents, we can take 11,000 off the table right off the bat and focus on the rest.

**Mr. James Maloney:** Thank you.

**The Joint Chair (Hon. Gwen Boniface):** Mr. Maloney, your time is up.

Mr. Fortin, you have two minutes, followed by Mr. Green for two minutes.

[*Translation*]

**The Joint Chair (Mr. Rhéal Éloi Fortin):** Thank you, Madam Chair.

I will proceed quickly, because I only have two minutes.

Mr. Shea, I very much welcome your proposal to draw up a list of the documents. However, I am still puzzled, since that is exactly what was asked in the motion we passed on November 23 and sent to you. It asked you to provide us with an index including the document titles, subject, date, number of pages and language. We asked you for that information on November 23. It is now February 27, and nothing has started. It's been three months.

Mr. Smith was correct in not wanting to lay blame on you and wanting to focus on action instead. That's what I want too. However, I am having a hard time taking your proposal seriously.

In any case, I do indeed want that index or that list as quickly as possible. You said it would take a few weeks. By that, do you mean two weeks, three weeks? Are you able to give us a general idea?

[*English*]

**Mr. Matthew Shea:** I can't speak to the translation piece, but for the PCO piece, I think in two to three weeks, easily, we can provide this, and we can provide it as it's available. The government pieces we can do very quickly—

[*Translation*]

**The Joint Chair (Mr. Rhéal Éloi Fortin):** Fine. Sorry to interrupt you, Mr. Shea, but I only have two minutes.

Mr. Lymburner, how much time do you think the translation of these documents will take?

**Mr. Jean-François Lymburner:** Thank you for the question. I think it also clarifies the use of the word "index" during the last meeting. Indeed, it looks more like an index.

If there are 152,000 lines, each containing a certain number of words for translation, the work could be done much more quickly than translating 124,000 pages, which we cost estimated at \$16 million.

We can work with colleagues. I know that everyone wants to look into what's really going on. Based on what I understand from Mr. Shea, the texts are not long, but they still have to be reviewed by people who have the required legal expertise to verify their clarity.

In short, the work could probably be done in a few weeks.

I will let Ms. Plouffe give you more details.

• (1955)

**Ms. Annie Plouffe:** I want to quickly say that one of my colleagues did the calculation. We're talking about 152,000 lines. If each line contains an average of 15 words, that is still 2.2 million words. We have to see how much time it would take to translate that number of words, but we could still do it very quickly.

**The Joint Chair (Mr. Rhéal Éloi Fortin):** Can you give us a general idea, Ms. Plouffe?

**Ms. Annie Plouffe:** No, absolutely not.

**The Joint Chair (Mr. Rhéal Éloi Fortin):** Is it a week, a month, two weeks, two months?

**Ms. Annie Plouffe:** It would take about 2 to 3 months.

**The Joint Chair (Mr. Rhéal Éloi Fortin):** Okay.

Thank you.

[English]

**The Joint Chair (Hon. Gwen Boniface):** Mr. Green.

**The Joint Chair (Mr. Matthew Green):** Thank you.

Part of our work is to try to come out with some sound recommendations. Hopefully, in the foreseeable future we'll be doing that in a draft report, with recommendations back to the House almost two years later.

Through your experience in this, I wonder if you might agree with the recommendation that there be clarity around future inter-parliamentary or joint committees that the legislation of the Official Languages Act be the guidelines by which we define our requests for information.

Would you agree with that, given the volume and complexity we've locked ourselves into?

**Mr. Matthew Shea:** I don't think it would be appropriate for us to weigh in on your deliberations and your recommendations, but we would welcome whatever recommendations you have.

I would reiterate that we would like to work with committees, and I think the goal we should have as a government is to work with your clerk and with your members to find solutions before they take months and months. I appreciate the frustration, and I would like us to learn from this and be able to respond more quickly to future demands.

**The Joint Chair (Mr. Matthew Green):** Thank you.

Mr. Lymburner, I'm going to ask you a question. You guys, on a good day, are pretty stretched, given that you have a bunch of freelance work. Is that fair to say? As a labour party guy and a union supporter myself, I'm not a huge fan of opting out. I'm not a huge fan of AI.

In a perfect world, what would your complement of full-time equivalent, collective agreement-protected people within your department look like to adequately deliver a bilingual government?

**Mr. Jean-François Lymburner:** As I mentioned, the number of translators we have at the bureau is 700. Of those, 100 are supporting specifically the work of Parliament. We augment our work when possible, depending on the type of work. For example, if it's not a classified document, then we can leverage some other types of translation services that are not as critical, if you will, as the ones we do have.

As I mentioned, the number of translators is something we're tracking extremely carefully because we hire pretty much everyone who's coming out of university in that domain. We definitely have the capacity of the bureau at heart for that. Yes, we're fully prescribed.

Also, somebody mentioned the interpreters and their health. That's another area. When we lose an interpreter... That's a critical service, and we have to reschedule. Some events happen on a regular basis.

If I can just add, we mentioned two or three months for the index, but as I mentioned earlier, we can release them as soon as we get some, so early release of those that are translated as they are being done would bring them to you faster.

**The Joint Chair (Hon. Gwen Boniface):** Thank you, Mr. Lymburner.

On behalf of the committee, let me sincerely thank our witnesses. Your participation is greatly appreciated, and the information you provided is extremely helpful for our deliberations.

I shall suspend this meeting briefly while our next panel takes its place at the table.

• (1955)

(Pause)

• (2005)

**The Joint Chair (Hon. Gwen Boniface):** Colleagues, we will resume.

I shall now introduce our second panel. We will hear from the witnesses and then turn to questions from members of the committee.

Appearing this evening before the joint committee, please welcome the Honourable Dominic LeBlanc, PC, MP, Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs; and the Honourable Arif Virani, PC, MP, Minister of Justice and Attorney General of Canada.

The ministers are accompanied by officials. From the Canadian Security Intelligence Service, we have David Vigneault, director, who is no stranger to this committee. From the Department of Justice, we have Shalene Curtis-Micallef, deputy minister and deputy attorney general of Canada; Samantha Maislin Dickson, assistant deputy minister, public safety, defence and immigration portfolio; and Jeanette Ettel, senior counsel, human rights law section. From the Department of Public Safety and Emergency Preparedness, we have Shawn Tupper, deputy minister. From the Royal Canadian Mounted Police, we have Michael Duheme, commissioner.

I remind the ministers that they will each be given five minutes for their opening remarks. Minister Virani knows this well.

Mr. Virani, you may begin, followed by Mr. LeBlanc.

Welcome back.

**Hon. Arif Virani (Minister of Justice and Attorney General of Canada):** Thank you very much, Madam Chair.

It is a pleasure to be back. I remember these sittings quite fondly. In terms of the timing, I remember being tired and hungry on most evenings. It is a pleasure to see some very familiar faces and to see some new ones as well. Thank you very much for having me in this new capacity.

I'm here to discuss the declaration of the public order emergency that took place two years ago. I'm pleased to be back here at this committee.

Since our government declared the public order emergency in February 2022, there's been significant time for review and reflection on what was a very exceptional decision.

The Public Order Emergency Commission, led by Commissioner Rouleau, was convened as one of the many accountability mechanisms inherent in the Emergencies Act in terms of the way the statute is structured. That commission found that the declaration of the public order emergency met the legal threshold in the Emergencies Act, that it was appropriate and that its measures were effective.

Obviously, this committee is also a statutory mechanism that ended up reviewing the operations of the declaration. I was very privileged to be part of that work and that review. I look forward to your concluding your work and I look forward to seeing the final recommendations. I believe they were in draft format that last time I was sitting at the table, over where Mrs. Romanado is sitting right now.

● (2010)

[Translation]

I want to remind the committee that the decision to invoke the Emergencies Act was not taken lightly. It required consulting leaders throughout the country, including all provinces and territories. The measures we took were temporary and narrowly tailored to the emergency, taking into account the information available at that time.

All the temporary measures ended when the declaration of a state of emergency was revoked on February 23, 2022.

[English]

Invoking the Emergencies Act was a reasonable response to the extraordinary context of February 2022. I think time is fading in some of our memories of what the situation was approximately two years ago, including the very dynamic and continuously unfolding situation in several parts of the country. As we stated in the explanation of the reasons for the declaration of emergency, there was a risk of serious violence, which was a crucial consideration supporting the decision to declare a public order emergency.

The sole purpose of the temporary measures that were made was to bring about a swift, orderly and peaceful end to the circumstances that necessitated the declaration of the public order emergency. As required by the legislation of the Emergencies Act, the measures were consistent with the Canadian Charter of Rights and Freedoms. Former minister Lametti provided this committee with a charter statement outlining the charter considerations that were engaged.

We recognize that the declaration of a public order emergency temporarily allowed the granting of extraordinary powers; however, the legislation balances this with a range of accountability mechanisms.

[Translation]

One of the most important mechanisms is that when the act is invoked, the government is bound to hold an inquiry at the end of the crisis.

Commissions of inquiry are independent entities mandated with inquiring into matters of public importance. They fulfill two important functions: draw conclusions from the facts and develop recommendations for the future.

When unexpected, disruptive or otherwise important events occur and they have an impact on Canadians' lives, the public has a right to know what happened, to know the reason why it happened and to learn lessons from those experiences.

[English]

As you are all well aware at this committee, our government was found to have acted reasonably and consistently with the law by Commissioner Rouleau in his "Report of the Public Inquiry into the 2022 Public Order Emergency". That report by Commissioner Rouleau was released last year, in February 2023.

● (2015)

While I cannot comment on ongoing litigation, I can say that our continued position is that the government's actions were reasonable and justified, based on what we knew at the time of the invocation.

[Translation]

The illegal occupation of streets and use of blockades represented an exceptional and unprecedented threat to our economy, right across the country.

I am proud to say we were able to use the legal tools at our disposal to find a peaceful resolution for a national emergency that threatened the very democratic values that contribute to the freedom of all Canadians.

[English]

Thank you very much for having me, Madam Chair.

**The Joint Chair (Hon. Gwen Boniface):** Thank you, Minister Virani.

We'll turn to Minister LeBlanc.

**Hon. Dominic LeBlanc (Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs):** Thank you, Madam Chair, honourable senators and colleagues in the House of Commons.

Thank you for inviting me here. Unlike my colleague Arif, this is my first time at your joint committee. It's a privilege to be here.

Madam Chair, thank you for introducing the senior officials from the public safety portfolio who are accompanying me here this evening.

I appreciate the invitation. The invitation obviously followed the Federal Court's ruling on the invocation of the Emergencies Act in 2022. I'm happy to be here with my colleague, the Minister of Justice and Attorney General, who indicated the government's position with respect to ongoing litigation matters.

[Translation]

That said, just like my colleague, I want to seize the opportunity today to discuss with you, the members of the committee, the exceptional circumstances that led the government to invoke the Emergencies Act in February 2022.

These circumstances included unlawful, countrywide protests that presented a threat to the safety of Canadians, as well as blockades targeting essential infrastructure.

[English]

Our country was confronted with illegal blockades at border crossings and vital trade corridors. This impacted our economy and industry, and the jobs and livelihoods of many hard-working Canadians.

Indeed, the blockade of the Ambassador Bridge alone affected about \$390 million in trade every day. This bridge supports 30% of all trade by road between Canada and its most important trading partner, the United States of America. I remember during those days the multiple conversations I had with the Premier of Ontario, Premier Ford, about the importance of working with his government and using every available tool to bring this to a peaceful conclusion as quickly as possible.

Coupled with the blockades, the illegal occupation of our city streets also presented very real threats to Canadian businesses, both big and small. Participants in these activities used a number of tactics to threaten and intimidate local residents and businesses. Their activities disrupted the peace and contributed to a general sense of public insecurity.

Prior to the invocation of the Emergencies Act, citizens, municipalities and the Province of Ontario all participated in court proceedings seeking injunctive relief to help manage these threats, and a class action lawsuit was filed on behalf of residents of Ottawa.

[Translation]

Members of the committee, given these exceptional circumstances, as my colleague said, the government maintains its position that this unprecedented situation constituted a public order emergency. The government therefore also maintains that its use of the Emergencies Act was both necessary and lawful.

As you know, since you have studied the matter for quite some time, the Public Order Emergency Commission supported the decision in its final report, as my colleague clearly pointed out. After reviewing more than 85,000 documents, interviewing 139 individuals, receiving testimony from 76 witnesses and hearing from 50 experts, the Rouleau Commission concluded that the very high threshold required for the invocation of the act was met.

[English]

While the Public Order Emergency Commission found that the high threshold to invoke the act was met, the commission's report also provided recommendations that the government is carefully considering. I hope to have some details as early as next week in terms of the government's specific response to the thoughtful recommendations of the Rouleau commission. In particular, we're obviously examining recommendations to improve collaborations between jurisdictions, support community safety and help strengthen our capacity to respond to similar events of national significance in the future.

With that, Madam Chair, my colleague and I would obviously be very happy to answer any questions the committee members might have.

• (2020)

**The Joint Chair (Hon. Gwen Boniface):** Thank you both very much.

We will move to our first round. The first round will be five minutes.

We'll start off with Mr. Brock.

**Mr. Larry Brock:** Thank you, Chair.

Good evening, ministers, with your supporting cast. Thank you for your attendance tonight. It's been a long time coming to get both of you here, with your supporting entourage, and we're very grateful.

I want to start off by opining that it's of no surprise to me, and I'm sure to many members on this committee, that both ministers doubled down on literally the same talking points we've heard from this Liberal government throughout the last two and a half years, but most importantly after the ruling of Justice Mosley. In my respectful opinion, the Federal Court ruling provided a massive political humiliation for the Justin Trudeau government.

Minister Virani, were you given a copy of Justice Mosley's decision before it was publicly released at 1:03 p.m.?

**Hon. Arif Virani:** I received Justice Mosley's decision when it was a matter of public record.

**Mr. Larry Brock:** Thank you.

Literally 14 minutes later, Minister Virani, at 1:17 p.m., both you and Deputy Prime Minister Freeland issued a release indicating that both of you were planning on appealing.

Prior to your making that announcement publicly to Canadians, did you read all 191 pages of Justice Mosley's decision in the span of 14 minutes, yes or no?

**Hon. Arif Virani:** I was assisted by people who were with me. We jointly reviewed the decision.

**Mr. Larry Brock:** Did those people jointly review all 191 pages in 14 minutes?

**Hon. Arif Virani:** We made an assessment of the decision. You've seen the notice of appeal. That is a matter of public record. We have tremendous respect for the Federal Court and all the judges therein. Reasonable people can have disagreements about matters of law and mixed matters of law, in fact, which is the case here—

**Mr. Larry Brock:** Thank you.

**Hon. Arif Virani:** —and we outlined that in the notice of appeal.

**Mr. Larry Brock:** How long does it normally take the justice department to publicly state whether they are going to appeal a court judgment?

**Hon. Arif Virani:** I'm not aware of any average in that regard, Mr. Brock. What I would say to you is that it's entirely context-specific. It's a case-by-case determination.

**Mr. Larry Brock:** In my two and a half years as a parliamentarian, Minister Virani, I have witnessed your government opining on several Supreme Court of Canada rulings and various provincial court of appeal rulings. The talking point has always been “We need to review the decision. We need to measure our response, and we will decide in due course whether or not we will launch an appeal.”

However, in this particular case, you clearly didn't read all 191 pages. It was important to you, because you were politically humiliated. The entire government was humiliated, particularly your Prime Minister Justin Trudeau, that you illegally invoked the Emergencies Act. That's why you received your marching orders, probably from the Prime Minister if not from the PMO, to publicly state your intentions to appeal, yes or no?

**Hon. Arif Virani:** You're mischaracterizing exactly what I just said to you in my previous response. I said I was ably assisted by others who were there in the room, and we jointly reviewed the decision.

**Mr. Larry Brock:** Mr. Virani, you were a member of this very committee when, on May 30, 2022, we ordered the production of the government's legal opinion. That motion passed unanimously. You were in support of that, Minister Virani. Now that you are in a position to do something about it, will you turn over the legal opinion?

**Hon. Arif Virani:** The opinions and advice are matters of privilege, which you will appreciate as a fellow counsel, Mr. Brock, and I believe you received responses from both the previous deputy minister, Mr. Daigle, and the current deputy minister, who is sitting beside me, to that effect.

**Mr. Larry Brock:** I don't appreciate that, Minister Virani. What is the government hiding?

**Hon. Arif Virani:** Mr. Brock, we can discuss the importance of solicitor-client privilege, but I'll put it in a pithy manner. It is an important principle that has existed for literally centuries in our joint profession, which you and I both—

• (2025)

**Mr. Larry Brock:** There's precedent—

**Hon. Arif Virani:** Could I finish my response?

**Mr. Larry Brock:** Sir, this is my time.

There is precedent—

**Hon. Arif Virani:** Madam Chair, can I finish my response?

**Mrs. Sherry Romanado:** I have a point of order.

**The Joint Chair (Hon. Gwen Boniface):** Excuse me, but it's very difficult for the interpreters to interpret when you talk over each other.

Mr. Brock, I'll set you back to 45 seconds. Can you just shorten your questions so we can get an answer in?

**Mr. Larry Brock:** Mr. Virani, there is ample precedent of numerous governments, including this particular government, having waived legal opinion and having waived solicitor-client privilege. If the Prime Minister, to Justice Rouleau, was so serene and confident in his decision to invoke the Emergencies Act, in light of Justice Mosley's repudiation of the invocation of that act, what is the government hiding?

**The Joint Chair (Hon. Gwen Boniface):** Go ahead very quickly, Mr. Virani.

**Hon. Arif Virani:** I would say that solicitor-client privilege is foundational to the development of legal advice in a candid and frank manner between a solicitor and their client. It is a sacrosanct privilege that has existed for centuries in British common law, and it is one that this government firmly believes in in terms of producing high-quality legal advice.

**Mr. Larry Brock:** You, sir, are in the position of waiving that privilege.

**The Joint Chair (Hon. Gwen Boniface):** We'll now move to Mr. Maloney.

You have five minutes.

**Mr. James Maloney:** Thank you, Madam Chair. I appreciate the opportunity.

Ministers and other witnesses, I really want to say how grateful I am for your being here today, especially seeing as it's an evening meeting.

My question is for both ministers, but perhaps, Minister Virani, it would make sense to start with you, given your background in this committee.

I've only recently joined this committee. In fact, this is my third meeting. You said you look back fondly on this. I look forward to the day when I can look back fondly on this committee, but unfortunately, as we've just witnessed, this committee has become highly politicized and it has lost its way.

If you look at the Emergencies Act legislation, there are two things. There is this committee and there's the royal commission. Both of them have been put in place for various specific purposes. One is to look at the conditions that were in place that required the government to invoke the legislation, and one—which is this committee—is to look at what went on during the time the Emergencies Act was invoked.

We're two days away from the two-year anniversary of its being invoked and a few days away from the two-year anniversary of its being revoked. I would say that this committee has gone far beyond its scope and far beyond its mandate, and I would like to hear your view on that and perhaps hear from Minister LeBlanc too.

**Hon. Arif Virani:** Thank you, Mr. Maloney, for the question.

I'll say to you that my interpretation of the statute as it's plainly written was exactly the same when we first commenced at this committee. Many people who are members of this committee have made exactly the same argument, that this was meant to be for oversight during the period of the invocation of the declaration.

I think that, at this point, we are where we are, but it's unfortunate and somewhat ironic that something that was commenced after the constitution of this committee, the Rouleau commission, concluded before this committee has even wrapped up its work. I do think, however, there is still ample room for this committee to do the important work that a joint Senate-House multipartisan committee can do, which is actually to provide recommendations on a timely basis—as in very, very soon. Doing that would be helpful to the deliberations of all parliamentarians in terms of reflecting on the invocation and reflecting on the way forward.

**Mr. James Maloney:** You just had a discussion with Mr. Brock about the production of the opinion that was provided with respect to the invocation of the act. Leaving aside the issue of solicitor-client privilege, I think that discussion is a glaring example of how this committee has gone beyond its mandate, because given the terms of reference for this committee, that opinion has no relevance here whatsoever.

Minister LeBlanc, you suggested that you're going to have some response to Justice Rouleau. You and Minister Virani—but particularly you, Minister LeBlanc—are going to put forward some proposals with respect to how the legislation can be improved. Unfortunately, you might be in a situation of not having a report from this committee. I'm wondering if you have any thoughts about how the legislation could be reviewed now and whether one of those proposals might include redefining the scope of this committee in terms of a time frame so we don't run into this situation of the committee going beyond its scope and beyond its time and turning into something it was never meant to be.

**Hon. Dominic LeBlanc:** Thank you, Mr. Maloney, for the question.

In my understanding of the statute—what I was briefed following the invocation and then rescinding the invocation—my understanding of the role of this committee was as you described it and as my colleague Arif also endorsed.

Next week, I will set out the government's response to all of the Rouleau commission recommendations. You properly noted, Mr.

Maloney, that in the commission report he does make suggestions around potential legislative amendments—some around the Emergencies Act and the definition in the CSIS Act. Those are complicated undertakings.

I think the government and Parliament would very much benefit from the advice of this committee, because it's a committee representing both Houses of our Parliament. I think there's a unique opportunity to hear from parliamentary colleagues on how Parliament may consider those legislative amendments.

I'll be setting out specific government responses to some of the more administrative police of jurisdiction issues that the commissioner identified. Also, as you would know, a number of the recommendations also touched other orders of government. We will be, I hope, providing a detailed response, as we committed to do.

I totally share your view, if I understood it, Mr. Maloney, that it would be certainly helpful, I think, to Parliament to benefit from the view of a committee of parliamentarians who have studied this issue in terms of whether there are legislative steps.

The Emergencies Act, as we heard, is a piece of legislation that's almost four decades old. It was the first time it had been invoked, so it would be a thoughtful exercise, I think, that would benefit Parliament.

• (2030)

**The Joint Chair (Hon. Gwen Boniface):** Thank you, Mr. Maloney. Your time is up.

Mr. Fortin.

[*Translation*]

**The Joint Chair (Mr. Rhéal Éloi Fortin):** Thank you, Madam Chair.

Honourable ministers, ladies and gentlemen of the panel, welcome. We are happy to have you.

Mr. Virani, you said earlier that our committee started its work some time ago, and the Rouleau Commission rendered its decision before we did. Regardless, you participated in our meeting on June 13, 2023, when you were still a member of our committee. You remember voting for a motion asking that all the evidentiary documents produced at the Rouleau Commission be translated. And yet, it is now February 27. In two weeks, it will be nine months since the motion passed, and we have yet to receive anything. The Privy Council Office and the Translation Bureau have not even started working on translating these documents.

What do you think of the situation?

**Hon. Arif Virani:** I can't really say anything about that. I remember the issue being raised last June, but I don't know how things are going now.

**The Joint Chair (Mr. Rhéal Éloi Fortin):** What is your opinion on the delay, Minister? Nine months later, nothing is done. Does that impress you? Don't you find that surprising?

**Hon. Arif Virani:** I have no opinion on the matter. I think you already consulted witnesses about it during the first hour of the meeting.

**The Joint Chair (Mr. Rhéal Éloi Fortin):** Thank you, Minister.

Mr. Virani, you told us the decision to invoke the Emergencies Act was taken based what was known at the time. I will not ask you to say it again.

As for you, Mr. LeBlanc, unlike Minister Virani, you were in the cabinet when the Emergencies Act was invoked. Do you agree that this decision was based on what was known at the time?

**Hon. Dominic LeBlanc:** Absolutely. We thoroughly discussed these issues in several forums. We made a decision that we considered reasonable and legal based on the best information we had at the time.

**The Joint Chair (Mr. Rhéal Éloi Fortin):** What information was that?

These events happened two years ago. As you know, we've been sitting on this committee for about a year and a half, maybe a little more. We are talking about it right now. However, in the evidence heard by our committee, I heard nothing that seemed to justify invoking the Emergencies Act. The blockade at the bridge was dismantled before declaring of a state of emergency. Here, in the streets, there were trucks that refused to move, but it took two days to remove them. After police officers intervened on February 19 and 20, there was nothing left. The Chief of Police, Mr. Sloly, came and told us that he asked for hundreds of police officers to dismantle the blockades. Police officers intervened after he resigned, but it remains that it happened and it was resolved in two days.

In all honesty, I do not see the justification. Intervention was required, we agree on that. However, invoking the Emergencies Act seems excessive to me.

My only question is on the fact that all the ministers who appeared before our committee told us that they understood us, but they made the decision based on a legal opinion they obtained.

Are you, like your predecessors, going to tell us you cannot show us this legal opinion, even though you could justify invoking the Emergencies Act by producing a copy?

• (2035)

**Hon. Dominic LeBlanc:** I defer to the comments made by my colleague regarding the legal opinion.

**The Joint Chair (Mr. Rhéal Éloi Fortin):** He's deferring to you.

**Hon. Dominic LeBlanc:** As for the legal opinion, honestly, if you're asking for my opinion as a member of cabinet when those discussions took place, I'd say that I was personally convinced, in light of the discussions with law enforcement, be it the RCMP, the RCMP commissioner or others who might have something to add—

**The Joint Chair (Mr. Rhéal Éloi Fortin):** I'm going to interrupt you, if I may, because we don't have much time.

I want to clarify that, in her testimony, the RCMP commissioner said that she hadn't recommended invoking the Emergencies Act. I wouldn't want you to waste our time on that.

**Hon. Dominic LeBlanc:** I don't want to waste your time either, but you interrupted me before I could say what convinced me. At

that time, we weren't reasonably certain that we wouldn't see an increase in the number of violent demonstrations, like the ones in Coutts, Alberta, and at Ambassador Bridge.

I would remind you that, during my discussions with the Premier of Ontario, the province hit hardest by illegal activities—

**The Joint Chair (Mr. Rhéal Éloi Fortin):** Minister, there are only a few seconds remaining.

**Hon. Dominic LeBlanc:** —he was absolutely in favour of invoking the Emergencies Act.

**The Joint Chair (Mr. Rhéal Éloi Fortin):** Are you telling me that the Emergencies Act was invoked on a preventative basis in case other events were to occur?

**Hon. Dominic LeBlanc:** No, that's not what I said.

**The Joint Chair (Mr. Rhéal Éloi Fortin):** I trust your intelligence and I think that you invoked the act because you were convinced, in good conscience, that it was the right thing to do.

I'm asking you to tell me what happened, because our committee has the duty to understand. However, no one wants to tell us what happened.

**Hon. Dominic LeBlanc:** The explanation has been provided. I don't want to change the forum, but a number of ministers and senior public servants testified under oath before the Rouleau commission, for hours, at hearings that were broadcast live.

The Court of Appeal for Ontario judge determined that the measures taken were justified and legal.

**The Joint Chair (Mr. Rhéal Éloi Fortin):** Justice Rouleau executed his duty based on your legal opinion, which we aren't able to see. Even asking for documents to be translated—

[English]

**The Joint Chair (Hon. Gwen Boniface):** Mr. Fortin, your time is up.

[Translation]

**The Joint Chair (Mr. Rhéal Éloi Fortin):** Thank you, Madam Chair.

[English]

**The Joint Chair (Hon. Gwen Boniface):** Mr. Green.

**The Joint Chair (Mr. Matthew Green):** Thank you.

Minister LeBlanc, you opined on the scope of this committee, our responsibilities and the timelines we've taken on ultimately coming to, hopefully, some recommendations in the near future, yet the Rouleau commission accorded you 12 months to respond and that deadline has passed. Why?



**Hon. Dominic LeBlanc:** It's because, as I said—I will have detailed responses as is appropriate, of course, to the commission's recommendations—in light of the Federal Court decision, we wanted to ensure that the government response would take into account the trial decision, and we wanted to ensure that, as we were responding to those recommendations, it also would be done in a way that would be consistent with the government's decision to go to the Federal Court of Appeal on that decision. But for that court decision, we would have done it last week or this week. The good news is that I'll be happy to do it next week.

**The Joint Chair (Mr. Matthew Green):** In part of that report, will you provide an explanation for the changing nature of your definition of a threat to the security of Canada, as is accorded under section 2 of the CSIS Act?

**Hon. Dominic LeBlanc:** It's an issue that the commission raised. It's an issue that I know has been discussed at this committee. Our response, as I said, will detail the government's specific response to all of the recommendations of the Rouleau commission, including his suggestions around legislative changes.

**The Joint Chair (Mr. Matthew Green):** Mr. Vigneault, have you undertaken any work at CSIS to provide input or memorandums or any kind of background briefing documents to cabinet relating to your organization's position as it relates to section 2 of the CSIS Act in accordance with the parameters set out for a threat to national security?

**Mr. David Vigneault (Director, Canadian Security Intelligence Service):** Madam Chair, we have done work on section 2. We have been doing work on different aspects of the CSIS Act for years. When the government comes up with its decision on responding to the Rouleau commission report, we will be able to advise government and provide our analysis in due course.

**The Joint Chair (Mr. Matthew Green):** Minister LeBlanc, I would put to you at this point that we still haven't heard, in my opinion, an adequate explanation from the government on its use of that definition under the act, and now we're hearing in other bodies that they've expanded the use and have perhaps provided some editorial expansion on the definition of a threat to national security. I can share with you that despite all of the meetings and all of the witnesses we've had here, I've yet to hear anybody clearly articulate the government's rationale for changing that definition. Will that be included in your response to the Rouleau commission report, specifically that point?

• (2040)

**Hon. Dominic LeBlanc:** Again, I know that people will be very excited to see the government's response to the Rouleau commission, and the good news is that it's coming soon. As I said, we think Justice Rouleau did important, exhaustive work—

**The Joint Chair (Mr. Matthew Green):** Mr. LeBlanc, sir, please, we've been at this for quite some time. I am asking you a direct question. I am going to ask you to provide a direct response.

Will you—

**Hon. Dominic LeBlanc:** I'm not going to tell you what's in the government response to the Rouleau commission. I am telling you—

**The Joint Chair (Mr. Matthew Green):** Sir, what I am going to put to you is that this committee has a responsibility.

We've heard Mr. Virani, and many other people, come before this committee and talk about solicitor-client privilege. We had that conversation today at the ethics committee. We heard Mr. Virani say here that it was sacrosanct. I would put to you that the powers of Parliament supersede that in our ability to send for documents and get information.

If it's your position that you're not willing to testify on a very basic answer tonight, are you then prepared to come back to this committee in two weeks, and are you then prepared to be a part of a process that prolongs this committee, rather than just answer a very straightforward question, sir?

**Hon. Dominic LeBlanc:** You've asked about four or five questions that you say are straightforward questions, and—

**The Joint Chair (Mr. Matthew Green):** It's one question. Let's not dance around it. The question—

**Hon. Dominic LeBlanc:** You said that I wasn't prepared to testify about that tonight. What I said is that I wasn't prepared to talk about the government's detailed response to the Rouleau commission report until we talk about it publicly next week.

**The Joint Chair (Mr. Matthew Green):** That's not what I asked. What I asked was whether that specific parameter will be included.

**Hon. Dominic LeBlanc:** The government will respond to every one of Justice Rouleau's thoughtful recommendations.

**The Joint Chair (Mr. Matthew Green):** Mr. Virani, is it your contention that cabinet confidence is supreme and superior to Parliament's privileges here as accorded through long jurisprudence within the House of Commons?

**Hon. Arif Virani:** I'm glad you raised cabinet confidence, because I think it's important to understand—because both you and Monsieur Fortin have raised this—that the functioning of a Parliament in our system of parliamentary democracy, as it's been inherited from the Westminster model, includes cabinet confidence. We're not just talking about solicitor-client privilege materials. We're talking about cabinet confidence, which exists to promote open and candid discussions around the cabinet table in the public interest that will be fearlessly advanced at that table and then defended publicly after that.

**The Joint Chair (Mr. Matthew Green):** Mr. Virani, as you would have heard in my previous testimony... We've had these discussions. You're a very learned lawyer; you're the Attorney General now.

Despite that assertion outside and within the courts, would you not agree that the Constitution states that Parliament has the power to send for people, documents and information, which would supersede this notion of everything being protected by solicitor-client privilege?

**The Joint Chair (Hon. Gwen Boniface):** Mr. Green, your time is up.

**The Joint Chair (Mr. Matthew Green):** There are 10 seconds left, are there not?

**The Joint Chair (Hon. Gwen Boniface):** Not according to my watch.

**The Joint Chair (Mr. Matthew Green):** Okay. Thank you.

**The Joint Chair (Hon. Gwen Boniface):** I am next.

Mr. Green, will you take the chair?

**The Joint Chair (Mr. Matthew Green):** Happily.

**The Joint Chair (Hon. Gwen Boniface):** Mr. Virani, I would ask you to take the opportunity to answer his question.

**Hon. Arif Virani:** I agree that Parliament has the power to make the request. I do not agree that it supersedes, necessarily, cabinet confidence. Cabinet confidence is waived very rarely.

**The Joint Chair (Hon. Gwen Boniface):** Thank you.

I'd like to go back to Minister LeBlanc's report that we may see next week around the recommendations.

You can respond to this, or perhaps the commissioner can.

What emphasis...or what may we see around the role of layers of policing, particularly around this city, where residents raised major concerns about the delivery of police services?

**Hon. Dominic LeBlanc:** Senator, thank you for raising that. Maybe the commissioner will want to add something.

That was absolutely one of the takeaways of the Rouleau commission: the confusion that existed in terms of who had jurisdictional responsibility on Wellington Street, the Parliamentary Protective Service, etc. All of you probably know this better than I do. When I read the Rouleau commission report, his focus on the clarity between the different police departments of jurisdiction and the role of the RCMP, the Ottawa Police Service, and the Ontario Police Services Act.... It is a discussion I remember having with Premier Ford.

We will have something very specific to say about that next week, and we think it will be a rather full answer to that challenge that Commissioner Rouleau identified. We've worked on that for the last year.

Maybe Commissioner Duheme wants to add something on that specific issue as well.

**Commissioner Michael Duheme (Commissioner, Royal Canadian Mounted Police):** I can just add, Madam Chair, that since then we've seen a difference in the requesting of resources.

I think there is a historical part here that needs to be understood as well. When the RCMP was responsible for the Hill, we worked jointly with the Ottawa Police Service because most of the demonstrations would start on the street and end on the Hill. When the PPS took over, the RCMP was no longer present, but that reflex of calling the RCMP for assistance was still there.

Now I'm happy to say that the first call for assistance, for additional resources, for the Ottawa Police Service goes to the OPP. Then, if for some reason Commissioner Carrique cannot supply the resources, they'll come to the RCMP.

• (2045)

**The Joint Chair (Hon. Gwen Boniface):** Would it be fair for me to assume that the heads of the police agencies that were involved—Ottawa, the OPP and the RCMP—did a debrief of the situation?

You know, I have some understanding of the issue. Despite the provincial concerns that were expressed, there did not seem to be much communication—I'm not talking about communication between police services, but between governments—on actual decision-making throughout the event. I think we heard evidence here. We attempted to have representation from the province here. They refused to come.

I'm curious. If I were an Ottawa resident sitting here next week, could I expect that the reply that will be given out will include and erase my concern about what we saw take place?

**Commr Michael Duheme:** Are you talking about a law enforcement perspective? You also mentioned governments not talking to each other.

**The Joint Chair (Hon. Gwen Boniface):** That depends on how far you think they're separated, but yes.

**Commr Michael Duheme:** From a law enforcement perspective, we are in a different place than we were when the convoy happened. We've seen it through different events that took place in Ottawa.

From a government perspective, I'll let Minister LeBlanc respond.

**Hon. Dominic LeBlanc:** That was very careful dodging, Mike. That was well done.

Senator, again, I think one of the thoughtful findings of the Rouleau commission.... His phrase, which was often repeated, was "a failure of federalism", whether that was in the report or in comments he made around the release of the report. We certainly took note of that and recognized that the residents in Ottawa, during those weeks, would not have understood why, between the municipal order of government, the Province of Ontario and the Government of Canada, there wasn't a more direct way to sort out that exact contradiction or confusion that I think you properly identified in your question.

I know that, during those weeks, my colleagues.... The then public safety minister was talking to his Ontario counterpart, the Solicitor General. The transport ministers were speaking, and I was talking to Premier Ford as the intergovernmental affairs minister at the time. However, we think there needs to be a more structured way in those exact circumstances to remove the hesitation over whether it's one order of government or another. The citizens wanted that situation resolved peacefully and quickly, and it took way too long to do that.

Next week, I think we're going to have something to say about the structures. The commissioner referred to the law enforcement. Obviously, he can speak about those structures, but we recognize that the whole of government needs to recognize its relationship with partners.

**The Joint Chair (Hon. Gwen Boniface):** Senator Carignan, you have five minutes.

[Translation]

**Hon. Claude Carignan:** My question is for both ministers.

Do you have something to hide?

**Hon. Dominic LeBlanc:** It's a pleasure to see you, Senator Carignan.

No, I have nothing to hide.

**Hon. Claude Carignan:** Why won't you give us the legal opinion, then?

**Hon. Arif Virani:** Because it's protected by—

**Hon. Claude Carignan:** No, but that's—

**Hon. Arif Virani:** May I respond, Madam Chair?

**Hon. Claude Carignan:** No. You've repeated it eight times now.

**Hon. Arif Virani:** That's because it's protected by solicitor-client privilege.

**Hon. Claude Carignan:** Understood.

I'm a lawyer myself.

**Hon. Arif Virani:** Yes, I remember.

**Hon. Claude Carignan:** I've studied the issue of solicitor-client privilege rather extensively. To whom does the privilege belong? Who benefits? Cabinet benefits.

**Hon. Arif Virani:** It benefits the client.

**Hon. Claude Carignan:** Why, then, doesn't cabinet simply relieve the minister of his privilege or duty of confidentiality, if you have nothing to hide? I think that you're heavyweights in cabinet. What's preventing you from providing the legal opinion?

You wouldn't give it to Justice Rouleau. You said that Justice Rouleau made various decisions, that he examined everything and that it's all good. However, he didn't examine the legal opinion, because you wouldn't give it to him.

Why hide it? There are two possibilities: either the legal opinion states that the measures taken were legal, or else it states that they were illegal. If it states that they were legal, what's preventing you from giving it to us?

• (2050)

**Mrs. Sherry Romanado:** I have a point of order, Madam Chair.

Whenever Senator Carignan bangs on the table, it hurts the interpreters' ears.

**Hon. Claude Carignan:** I apologize. I certainly don't want to hurt them.

What's the holdup? If the legal opinion says that it was legal, give it to us. We'll close the file right now and move on to something else.

[English]

**Hon. Arif Virani:** Mr. Carignan, I would expect you, as a lawyer, to appreciate that it is not the contents we're trying to protect. What is critical in protecting solicitor-client privilege is a relationship that has existed, as I mentioned, for hundreds of years between solicitors and their clients and that promotes candour and free, full and fair advice.

[Translation]

**Hon. Claude Carignan:** In this instance, cabinet is the client.

[English]

**Hon. Arif Virani:** It's understanding that this privilege is sacrosanct between that professional and their client. It is important to the functioning of law—

[Translation]

**Hon. Claude Carignan:** You know—

[English]

**Hon. Arif Virani:** —in this country and in the British common law.

[Translation]

**Hon. Claude Carignan:** Don't speak to me like that. It feels like you take me for a fool.

[English]

**The Joint Chair (Hon. Gwen Boniface):** Senator Carignan and Minister, would you take turns, because the interpreters cannot interpret?

**Hon. Arif Virani:** I'm just trying to finish my answer, Madam Chair.

**The Joint Chair (Hon. Gwen Boniface):** Please do, and then Senator Carignan can go.

**Hon. Arif Virani:** The point is—

[Translation]

**Hon. Claude Carignan:** I've had many clients. If the client tells me—

[English]

**Hon. Arif Virani:** I guess I'm not able to finish, Madam Chair.

[Translation]

**Hon. Claude Carignan:** —that I can speak—

[English]

**The Joint Chair (Hon. Gwen Boniface):** Senator Carignan.

[Translation]

**Hon. Claude Carignan:** —and provide the legal opinion, then I'm relieved from solicitor-client privilege.

[English]

**Hon. Arif Virani:** The privilege exists to protect the relationship. That's been entrenched.

I remember fondly your frequent references to Supreme Court case law at this committee, Monsieur Carignan. The Supreme Court in case law has actually attributed this. I'm reading from a case called McClure—

[*Translation*]

**Hon. Claude Carignan:** Therefore, I can only conclude that you want to hide the legal opinion.

[*English*]

**Hon. Arif Virani:** —that this ensures “vitality on full, free and frank communication between those who need legal advice and those who are best able to provide it.”

**Mr. Larry Brock:** I have a point of order, Madam Chair.

**Hon. Arif Virani:** “The resulting confidential relationship between solicitor and client is a necessary and essential condition of the effective administration of justice.” That's from the Supreme Court of Canada.

**The Joint Chair (Hon. Gwen Boniface):** Mr. Brock, go ahead on a point of order.

**Mr. Larry Brock:** Madam Chair—

**Hon. Arif Virani:** Those are your words, sir.

**Mr. Larry Brock:** —maybe it's a function of people talking over each other, but I know the interpreters are having a very difficult time translating the exchange. When they have difficulty, we lose out—

**The Joint Chair (Hon. Gwen Boniface):** I couldn't agree with you more.

**Mr. Larry Brock:** —we being those who don't understand the French language. I would have loved to fully understand what Senator Carignan was putting to this witness, but I wasn't able to. Translation was not able to keep up.

**The Joint Chair (Hon. Gwen Boniface):** I totally agree.

May I ask all committee members and the witnesses to refrain from speaking over each other? Allow the witness to answer, and then ask the question. If you need it shortened, you can indicate that.

Senator Carignan, you have one and a half minutes left.

[*Translation*]

**Hon. Claude Carignan:** Thank you.

Consequently, I conclude that you have something to hide.

[*English*]

**Hon. Arif Virani:** I don't share that conclusion. Let's have that on the record, Madam Chair.

[*Translation*]

**Hon. Claude Carignan:** Could you explain something to me? You're saying that the use of the Emergencies Act was essential. However, following our request dated May 31, we were sent the daily reports from Ms. Jacqueline Bogden, then deputy secretary to the cabinet, Privy Council Office.

The report from February 11 at 8 a.m. states that “0 to 5 people are gathered on Parliament Hill” and that “a small number of indi-

viduals are gathered along Wellington Street and surrounding streets”.

The report from February 12 at 8 a.m. states again that “0 to 5 people are gathered on Parliament Hill” and that “a small number of individuals are gathered along Wellington Street and surrounding streets”.

The report from February 14 at 8:13 a.m. states that “there are no participants on Parliament Hill” and that “there are no participants along Wellington Street or surrounding streets”.

Are you telling me that you declared a state of emergency for that?

**Hon. Dominic LeBlanc:** Madam Chair, I remember Ms. Bogden well. She was a senior public servant with the Privy Council Office. Personally, I didn't see the report or the document being quoted by my friend Senator Carignan. I took part in those meetings with cabinet and the incident response group. At the time, a number of senior public servants and law enforcement officials were describing a dynamic situation in a number of locations across the country, over which different authorities had jurisdiction. I don't know how many people were standing in front of any one hydro pole along Wellington Street at a given time.

**Hon. Claude Carignan:** Perhaps that's the problem.

**Hon. Dominic LeBlanc:** However, I clearly remember the conversation about the situation across the country, and it seems to me that the government's decision was entirely appropriate.

[*English*]

**The Joint Chair (Hon. Gwen Boniface):** Thank you very much.

We'll move to Senator Harder.

**Hon. Peter Harder:** Thank you very much, Chair.

Colleagues, I think while we're two weeks after Groundhog Day, we're very much practising the Groundhog Day theme by revisiting stuff that, Mr. Virani, you participated in as a member and now as minister.

As a resident of Ottawa who was here during that whole episode, my question two years ago was, “What took you so long?” My question today.... I have an appetite, Minister LeBlanc, for your announcement next week. Will that include commitments with respect to Wellington Street?

Could you tell us whether or not there have been any consultations at the provincial level so that your statements next week will reflect joint efforts, or is this a unilateral announcement?

● (2055)

**Hon. Dominic LeBlanc:** Thank you, Senator Harder, for the question. I too was in Ottawa. I'm not a resident of Ottawa, but I was in Ottawa during those weeks, and I certainly share the sentiment you expressed. We all have friends and family members who witnessed that circumstance as well and came to the same conclusion.

The response next week will be the Government of Canada's response, obviously, to the Rouleau commission recommendations. Some of those recommendations were properly directed at other orders of government, as you noted.

I don't purport to think that the Rouleau commission will deal with the long-standing issue around Wellington Street—the jurisdiction of Wellington Street, the role of the City of Ottawa, the parliamentary precinct. I know that some of my cabinet colleagues, and maybe the deputy minister, who is with me, are in a better position, having participated in some of those conversations.

That wouldn't be part of what we'd be talking about next week, but I know that it's an active discussion. For example, I've heard my colleague Jean-Yves Duclos discuss that. Mr. Tupper might have something about Wellington Street, per se, that I haven't contemplated in the Rouleau commission finding.

If it's okay, Madam Chair, perhaps the deputy minister could add something.

**Mr. Shawn Tupper (Deputy Minister, Department of Public Safety and Emergency Preparedness):** I would simply add that conversations have indeed been ongoing for some time. I would split them into two categories. The first is the definition of the Hill precinct, how it is defined and what boundaries are set to it. The second is how it's policed and maintained.

I've been involved in the second part of those discussions. They have been across jurisdictions. We have been trying to develop advice that can be brought forward to make sure that we have cleanliness in lines of reporting and the ability to respond faster in the future.

**Hon. Peter Harder:** Thank you very much.

My subsequent question is for Mr. Vigneault. As I look at the witnesses, you're the only one who's been here before. Is there anything in your previous testimony that, in hindsight, if I can quote Justice Mosley—hindsight is apparently important in judicial practice—you wish to add or comment on?

**Mr. David Vigneault:** Thank you, Madam Chair.

Senator Harder, I do believe that what I personally took from the commission of inquiry by Commissioner Rouleau was sobering in terms of something very important that took place in our country. Speaking as the director of CSIS, our job is to look at the threats we're facing. Unfortunately, this commission of inquiry, the work you're doing and what we've been talking about are just demonstrating that the threat we face in our country is getting more complex and more pervasive.

I welcome these discussions, because I think we need to do more to be able to protect Canadians. That would be my own takeaway, if I can put it that way.

**Hon. Peter Harder:** Thank you very much.

My last question is for Minister Virani. I appreciate that you're reluctant to get into matters that are before the courts, but I, for one, very much favour the action you took in terms of appealing the ruling. Is it possible for you to give me some of the legal questions that you feel are important to have the court review? I referenced,

perhaps sarcastically, the evidence in hindsight. Is that one of the principles of administrative law that you would like clarity on?

**Hon. Arif Virani:** Thank you, Senator Harder, for that question.

Given that the litigation is under way, I can direct you to the notice of appeal that has been filed and that is a matter of public record. There are issues of law in terms of the standard of review that was applied in this context and whether the standard was correctly articulated and correctly applied. There is an issue that relates to evidence and there is an issue that relates to the constitutional finding of the Federal Court.

I would just reiterate that while we obviously have tremendous respect for all the courts in this country, there are concerns with this particular decision. Based on that, we are pursuing an avenue that is available in Canada, which is the appeal that we've filed.

• (2100)

**The Joint Chair (Hon. Gwen Boniface):** I'll now move to Senator Smith.

**Hon. Larry W. Smith:** Thank you, Chair.

This is a question for Minister LeBlanc, following up from MP Green.

In his decision, Justice Mosley noted that it was responsible for the government to be concerned about the economic impacts of the blockades. In a very broad sense, it could be considered “threats to the security of Canada”. Justice Mosley also notes that it's very hard to define what “national security” means.

As the MP asked, in what ways will this issue be fixed? How should we define what national security means?

**Hon. Dominic LeBlanc:** Madam Chair, thank you.

Thank you, Senator Smith, for the question.

That is an issue that the government has reflected on since the invocation of the Emergencies Act and since the Rouleau commission's findings. As I said, the government's intention was to respond publicly within a year, as we'd committed to doing. The court decision that you quoted gave us a few weeks of extra work to reflect on that very issue.

I remember my colleague, the finance minister, was before the Rouleau commission herself, saying that we thought the economic security of Canadians was not the sole determining issue, but it was part of a broad-based government conclusion that the security of Canadians was threatened and a state of public emergency had been reached. Those were the discussions that the government was having at the time.

Certainly, when I spoke to Premier Ford and when I spoke to Atlantic premiers who were worried about pop-up demonstrations at other border crossings.... The premier of British Columbia had spoken to me in light of some reports that the Pacific gateway crossing might be blocked. We had other first ministers, another order of government, across the country, from the Atlantic coast to British Columbia, with a lot of focus on the province of Ontario, telling us—and their police forces were telling them—that there was a real risk of a contagion of these economic blockades. They were expressing very publicly and privately to us the concern that the government needed to bring every possible instrument to bear to bring these situations to a peaceful conclusion.

**Hon. Larry W. Smith:** If I could, I will ask one more question.

How was the timing of the acceleration of the threat handled among the various players, not only from the federal government, but from the provincial governments and the forces on the streets? How was that handled?

**Hon. Dominic LeBlanc:** Madam Chair, I don't know if the commissioner or the director of CSIS can perhaps add to this. They participated in some of those discussions. Certainly Director Vigneault was in his job and was in some of those same meetings as I was at the time—or the deputy minister.

I know that as a government we looked at a threat picture across the country based on what we were hearing from law enforcement partners across the country. This was publicly available reporting. There was an increased risk of a contagion or a spread. That was one of the important factors we considered.

I don't know if the commissioner or David wants to add something.

**Mr. David Vigneault:** Madam Chair, I'll be very brief.

Senator Smith, the way the system worked at that point was that very quickly the different levels of law enforcement and intelligence got together through joint teams. We had a team here in Ottawa. There was a team in the province of Ontario as well, which was stood up with the OPP. The purpose was to share and understand, in a very dynamic way, intelligence and information.

From a CSIS point of view, my people's job at the table would have been to bring in intelligence about the threat actors we were concerned with and get information from law enforcement to inform our own investigation.

That very dynamic process was taking place at the officials' levels with law enforcement and intelligence in Ottawa and also in the province of Ontario. That information was then fed up to the incident response group that Minister LeBlanc referred to earlier, so that the cabinet, represented by the members at the IRG, would receive that information and advice.

• (2105)

**Hon. Larry W. Smith:** In western Canada, where you had a major dust-up, were they part of that whole process?

**Mr. David Vigneault:** Absolutely. For example, at this point, my RCMP colleagues and the Canada Border Services Agency had people on the ground who would be reporting right away to Ottawa

in terms of what was happening. Then that information was analyzed and reported back up.

Depending on the situation, CBSA, RCMP or in some cases CSIS would take specific operational measures to be able to address the situation. At the same time, we were providing information and responding to advice requests from the government.

**The Joint Chair (Hon. Gwen Boniface):** Thanks, Senator Smith. Your time is up.

Colleagues, we have time to move to a second round. We will have four minutes for Mr. Motz and Mr. Naqvi, and then three minutes for Mr. Fortin, Mr. Green, Senator Harder and Senator Carignan. I believe that will bring us to a close.

I'd ask Mr. Motz to begin for four minutes.

**Mr. Glen Motz:** Thank you very much, Chair.

Thank you, ministers and witnesses, for being here.

I've been here as well all this time. I've studied as much information as I can at this committee and outside of this committee on the invocation. I still believe, more strongly today than I did in 2022, that the circumstances to invoke the act were not met, the threshold was not met. In fact, I agree with Justice Mosley's decision that it was, in fact, illegal and unconstitutional. This is a binding precedent, unlike Rouleau's particular ruling.

The other thing I think the Canadian public needs to understand is that Canadians expect their government to follow the law, the rule of law, and not to create an interpretation thereof that makes it convenient for the government to circumvent the existing law.

Mr. Virani, you indicated that there are hundreds of years of precedent for lawyer-client privilege, and the relationship has lasted hundreds of years. Do you know what else has lasted all that time? Parliament has been making laws of the land to govern people.

By invoking the Emergencies Act, cabinet gave itself the power to pass criminal laws, which Mosley found to be unconstitutional. Have you actually found and read the infamous broader interpretation, yes or no?

**Hon. Arif Virani:** I don't understand your question.

**Mr. Glen Motz:** Have you actually read the legal opinion, the broader interpretation that the government was telling everyone they relied upon to invoke the Emergencies Act, yes or no?

**Hon. Arif Virani:** Mr. Motz, I'm trying to be helpful, but even answering that question would disclose solicitor-client privilege, which I cannot do here.

What I would say to you is that—

**Mr. Glen Motz:** Let me stop you for a minute.

Can you tell me the date stamp that was on that?

**Hon. Arif Virani:** Mr. Motz, in terms of solicitor-client privilege—

**Mr. Glen Motz:** So, you cannot. The reason I asked that question—

**Hon. Arif Virani:**—merely the existence of the questions you're asking me would disclose the privilege.

**Mr. Glen Motz:** You've already answered. It was a yes-or-no question.

**The Joint Chair (Hon. Gwen Boniface):** Excuse me. Remember that we have interpretation. Please don't talk over each other.

**Mr. Glen Motz:** Mr. Virani, I don't believe for a second that the broader interpretation even existed when the Emergencies Act was invoked, at the time of the invocation, for a number of reasons. It wasn't really until weeks before the Rouleau commission was about to begin that we all of a sudden heard about this broader interpretation that had somehow magically appeared. It's really quite disturbing that this broader interpretation is there, and no one has seen it or heard it, apparently. Mosley didn't get an opportunity to have it at his disposal, and neither did Justice Rouleau, who indicated that the evidence he found to support the government's invocation was weak at best and that anybody else could have come to a completely different conclusion. He was disappointed that the government withheld that.

One of the questions I have had for a long time is, who is actually the client? You're hiding behind solicitor-client privilege. Why is it so difficult to...? Is it the Government of Canada? Is it the Governor in Council? Is it the Prime Minister? Is it the Attorney General? In your opinion, who is the actual client in the solicitor-client privilege in this particular case?

**Hon. Arif Virani:** In this particular case, the client is the Government of Canada.

**Mr. Glen Motz:** That is, the people of Canada.

**Hon. Arif Virani:** What I would say to you is the same thing I said to Senator Carignan, which is that there's nothing to hide, but there's everything to protect. My job is to protect basic principles about the administration of justice, and solicitor-client privilege is fundamental to that system, as the Supreme Court has opined.

• (2110)

**Mr. Glen Motz:** Well, you know—

**The Joint Chair (Hon. Gwen Boniface):** Mr. Motz, your time is up.

**Mr. Glen Motz:** I was just getting wound up.

**The Joint Chair (Hon. Gwen Boniface):** I know.

Mr. Naqvi.

**Mr. Yasir Naqvi:** Thank you very much, Madam Chair.

I want to thank my colleagues—both ministers—for being here. In fact, this committee has gone on so long that we have alumni now coming in and visiting and presenting at the committee. It's great to see the Attorney General here.

Look, every time I'm in this committee, I get more and more frustrated, as somebody who represents downtown Ottawa, by the at times collective amnesia of committee members in terms of how they've forgotten what members of my community in downtown Ottawa went through.

Let me remind you that this convoy, this occupation of the downtown core, lasted for one month and one day. That is 31 days of

downtown Ottawa being completely blocked with trucks of all sizes, most of them running 24-7 and billowing diesel fumes into the air, not to mention, as I may remind all of you—and quite a few members were staying downtown—that they honked all night long for almost 31 days until a court order had to be received.

In that entire process, I think some of you may have forgotten that there was violence. There were hateful messages and insignia, to the point that there was also evidence of a Nazi flag during that convoy. People of different backgrounds, especially racialized people, were harassed. There was an order of emergency that was declared by the City of Ottawa, which failed to put an end to that protest. There was an order of emergency that was declared by the Province of Ontario, which failed to end that occupation, until the federal government took action through the invocation of the Emergencies Act.

To this day, the trauma in my community is real. Just a week and a half ago or so, the second anniversary was celebrated, when protesters were in town. I heard from so many constituents of mine who thought about leaving their homes again because they were scared and concerned, because of the trigger that caused them.

While members have the convenience and the luxury of sitting around and talking and debating solicitor-client privilege—

**The Joint Chair (Hon. Gwen Boniface):** Mr. Naqvi, just to let you know, you have one minute left.

**Mr. Yasir Naqvi:**—in this committee, I do want to remind all members of what a community—where people live, where businesses usually thrive—went through. Any and all action was necessary to put an end to that occupation, not to mention what was starting to happen across the country, whether it was the Coutts border crossing or what happened in Windsor.

My question is this. I'll start with the Attorney General. I found it quite amusing that even Justice Mosley, in his ruling, stated that if he had been making a decision at the moment when these things were happening, he would have invoked the Emergencies Act as well. Can the Attorney General comment on that particular sentiment and how that, among other issues, factors into the appeal that he has filed? I know that he may not be able to go into too many details, but I would like to hear the considerations that he took into account in the notice of appeal that he's filed.

**The Joint Chair (Hon. Gwen Boniface):** Minister Virani, you have about 10 seconds to answer.

**Hon. Arif Virani:** I think matters of evidence that was used to inform the decision and the timing of the decision are squarely at issue in the notice of appeal.

**The Joint Chair (Hon. Gwen Boniface):** Thank you.

We'll now move to Mr. Fortin for three minutes.

[Translation]

**The Joint Chair (Mr. Rhéal Éloi Fortin):** Thank you, Madam Chair.

Mr. LeBlanc, you're the only person here who was in cabinet at the time of these events. Clearly, you will not give us the legal opinion. That's the argument we're always given to justify the use of the Emergencies Act. I would have liked to see the legal opinion, but I understand that's not going to happen.

Earlier, Minister Virani or you—I no longer remember which of you it was—alluded to a consultation with the provinces. Do you remember the outcome of that consultation?

• (2115)

**Hon. Dominic LeBlanc:** Personally, I wouldn't call it a consultation.

The day the government decided to invoke the act, as you're well aware, the Prime Minister met with—

**The Joint Chair (Mr. Rhéal Éloi Fortin):** I have just a few seconds remaining, Minister. I apologize because I don't mean to be rude, but I want to know what you remember.

**Hon. Dominic LeBlanc:** You're talking about a consultation. For several weeks, I'd been talking informally with a number of the premiers. Was that a consultation? I don't want to—

**The Joint Chair (Mr. Rhéal Éloi Fortin):** I apologize. I'll rephrase my question.

You consulted them because the act required you to consult the provincial premiers, among others.

**Hon. Dominic LeBlanc:** That's correct.

**The Joint Chair (Mr. Rhéal Éloi Fortin):** There were many other consultations but let's stick to—

**Hon. Dominic LeBlanc:** I remember quite clearly. I took part in this consultation with Mr. Trudeau.

**The Joint Chair (Mr. Rhéal Éloi Fortin):** Right. We're talking here only about this consultation with the premiers of each province.

Do you remember the outcome of that consultation?

**Hon. Dominic LeBlanc:** Yes, I remember the—

**The Joint Chair (Mr. Rhéal Éloi Fortin):** Is it true that only three provinces agreed with invoking the Emergencies Act: Ontario, Newfoundland and Labrador, and British Columbia? Quebec, Alberta, Saskatchewan, Manitoba, New Brunswick, Nova Scotia and Prince Edward Island said no. Whereas the Yukon, the Northwest Territories and Nunavut didn't respond. Do I have that right?

**Hon. Dominic LeBlanc:** I'd like to check the notes and what we have—

**The Joint Chair (Mr. Rhéal Éloi Fortin):** You can check, because I have them in front of me. They're the same documents you have. I know that you don't have them with you. You weren't prepared to answer our questions; you said so earlier. That said, it falls under—

**Hon. Dominic LeBlanc:** I don't think I said that I wasn't prepared to answer your questions. I think you're putting—

**The Joint Chair (Mr. Rhéal Éloi Fortin):** Then it was probably in relation to Commissioner Rouleau.

**Hon. Dominic LeBlanc:** Yes, I think that you—

**The Joint Chair (Mr. Rhéal Éloi Fortin):** Yes, that's correct. It was about Commissioner Rouleau.

**Hon. Dominic LeBlanc:** Mr. Fortin, I would never have said that I wasn't prepared to answer your questions.

**The Joint Chair (Mr. Rhéal Éloi Fortin):** Indeed, I know you, Minister, and I trust your good sense and intelligence. That's why I'm a bit surprised that you don't remember the outcome of that consultation. However, I can confirm that only three provinces agreed.

In spite of that consultation, in spite of the situation unfolding, which has been described to us over the past little while—particularly by Senator Carignan, who quoted the reports stating that the streets were almost empty—in spite of the fact that the blockade on the bridge had been lifted, in spite of all that, you made that decision. Will you please tell me what was in the legal opinion?

**Hon. Dominic LeBlanc:** You're going back to—

**The Joint Chair (Mr. Rhéal Éloi Fortin):** Without showing it to me, can you tell me if there was anything that—

**Hon. Dominic LeBlanc:** You're very persistent—I'll give you that. You're going back to the legal opinion.

**The Joint Chair (Mr. Rhéal Éloi Fortin):** I know, but I'm trying to help you. You need to justify your decision, but you're not helping me.

**Hon. Dominic LeBlanc:** I'm very comfortable with the decision.

**The Joint Chair (Mr. Rhéal Éloi Fortin):** All the documents I'm looking at indicate that the general opinion was that the act didn't need to be invoked. Even the former—

[*English*]

**The Joint Chair (Hon. Gwen Boniface):** Mr. Fortin, your time is up.

[*Translation*]

**Hon. Dominic LeBlanc:** That's unfortunate, Madam Chair. My colleague was about to say something extraordinary.

**The Joint Chair (Mr. Rhéal Éloi Fortin):** I'd really like to hear something extraordinary, for a change.

**Hon. Arif Virani:** I'd just like to stress that the decision to declare a public order emergency was ratified by the House of Commons through a vote.

**The Joint Chair (Mr. Rhéal Éloi Fortin):** Yes, but that vote was controlled by the Prime Minister, who had invoked the Emergencies Act. We know that.

Thank you.

[*English*]

**The Joint Chair (Hon. Gwen Boniface):** Mr. Green, you have three minutes.

**The Joint Chair (Mr. Matthew Green):** Mr. Virani, you identified that the Government of Canada is the client.

Who is the solicitor?

**Hon. Arif Virani:** I am the solicitor, as well as the people who assist me from my office.



**The Joint Chair (Mr. Matthew Green):** You're also part of government.

**Hon. Arif Virani:** That is correct.

**The Joint Chair (Mr. Matthew Green):** You're in cabinet.

**Hon. Arif Virani:** That is correct.

**The Joint Chair (Mr. Matthew Green):** Then you're both the client and the solicitor.

**Hon. Arif Virani:** I wear different hats at different times in this context.

**The Joint Chair (Mr. Matthew Green):** Sure.

I remember the details of the SNC-Lavalin affair well, when a previous attorney general made a very clear distinction that there are some significant challenges in being both the client and the solicitor, yet your testimony here today is that the sacrosanct feature is to protect that relationship.

However, the government has a long history of waiving cabinet confidence. How do you defend that, when most—in my understanding—of the legislation that provided you with public interest immunity weighed the balance of the protection of government information with the public interest?

Having spent so much time on this committee, would you not agree that it is within the public interest to provide the most amount and highest level of transparency and accountability to the Canadian public, given the fact that the purpose of us being here is one of the most extreme points of legislation, namely the Emergencies Act, sir? Being both the client and the solicitor, please explain to me and the public how you justify not providing basic information in the general public interest.

• (2120)

**Hon. Arif Virani:** Let me clarify something.

I think it's important for Canadians watching to understand that the Minister of Justice constantly provides, as the chief law officer of the Crown, advice to cabinet and to—

**The Joint Chair (Mr. Matthew Green):** I didn't ask for that clarification, and the round is mine.

**Hon. Arif Virani:** That is my job.

**The Joint Chair (Mr. Matthew Green):** I need you to answer the question I put to you.

**Hon. Arif Virani:** I'm trying to answer the question, Mr. Green.

**The Joint Chair (Mr. Matthew Green):** We don't need a history lesson. I want you to answer the question I put to you.

**Hon. Arif Virani:** It is possible for the Minister of Justice to wear different hats around the cabinet table. That's the first point.

The second point, sir, is that I don't agree with your assertion that cabinet confidence is regularly waived. I know of very few instances, actually, that it has ever been waived.

In terms of ensuring transparency with this process, I'm trying to provide you with as forthcoming information as possible. You have been provided with what is effectively similar to a charter statement. You've been provided with information from the previous

deputy minister, François Daigle. We are assisting you as best as possible without breaching the importance of cabinet confidence—

**The Joint Chair (Mr. Matthew Green):** That suffices.

With my 20 seconds, I would put to you that the average person watching who heard you talk about the sacrosanct relationship with yourself will not be willing to accept the answers that you've provided here today, and, ultimately, I don't think it will further the public interest of the investigation that we're trying to do.

Thank you.

**The Joint Chair (Hon. Gwen Boniface):** Senator Harder.

**Hon. Arif Virani:** Madam Chair, can I respond to that?

**The Joint Chair (Hon. Gwen Boniface):** The time is up.

Senator Harder.

**Hon. Peter Harder:** Minister, let me donate the first part of my time to your response.

**Hon. Arif Virani:** In response to Mr. Green, I think the Canadians who are watching right now would appreciate that the chief law officer of the Crown takes very seriously the issue of how the administration of justice unfolds in this country. Protecting solicitor-client privilege is something that I'm duty-bound to do, not just as minister, not just as Attorney General, but in terms of my oath to the bar.

**Hon. Peter Harder:** Thank you.

Let me ask a question of Director Vigneault.

When you were here last, you talked about the emerging threats and the changing threat profile. Could you comment further in terms of the elapsing two years as to whether the trends that you forecast are altering, and if so, in what way? What should we as parliamentarians be concerned about in the area of public safety and security and racially motivated and religiously sponsored terrorism?

**Mr. David Vigneault:** Thank you, Madam Chair.

Senator Harder, unfortunately my answer will not be a very positive one. What we have seen in the last two years is an increase in violent extremism in our country, motivated both by ideology and by religious motives. That has accelerated, also, since October 7, with the attack by Hamas on Israel. Unfortunately, here in Ottawa, we've had a terrorist plot, which was thwarted because of the work of CSIS and the RCMP.

From an extremism point of view, we have seen a rise in religiously motivated violent extremism. We have also seen what was the concern during the convoy—the ideological motivation continued to increase in terms of anti-government motivation. We have seen an increase in that. We have seen people who have continued to engage in planning, in prepping for activities, doing military-type drills.

**Hon. Peter Harder:** Do you have the adequate authority and resources to respond to that increased activity?

**Mr. David Vigneault:** We have been working with the government and Minister LeBlanc to provide advice on potential changes that would be required. I'm not sure if the minister has views on that for the committee tonight, but there is indeed a lot of work being done to address that and make sure that we all have the right tools at our disposal.

I would maybe add that, in terms of foreign interference, we have continued to see an increase, and there is a commission of inquiry under way that will hopefully provide Canadians, as well as the House of Commons and the Senate, with some perspective on how the threat has continued to evolve and essentially make it more difficult for Canadians here.

**Hon. Peter Harder:** Minister LeBlanc, will that be part of your announcements next week?

**Hon. Dominic LeBlanc:** Senator Harder, no, the specific re-sourcing of CSIS, for example, or some of the statutes, particularly the CSIS Act.... That's 40 years old. As some parliamentarians know as well as I do, it is legislation that we think might be modernized to reflect the threat profile the director just referred to.

As you may know, we announced consultations in the fall around looking at modernizing the CSIS Act, so that will be a separate parliamentary process, obviously, with the Senate and the House of Commons.

However, we as a government, and based on the advice of the commissioner and the director, recognize that the threat picture and the threat landscape are evolving in a negative way, as the director said. Our job as a government is to make sure that the security services have all the resources, including legislative and regulatory authorities, to do the work that we ask of them.

• (2125)

**The Joint Chair (Hon. Gwen Boniface):** Senator Carignan, you have the last round for three minutes.

[Translation]

**Hon. Claude Carignan:** Something is bothering me: why did you seize assets and freeze the bank accounts of demonstrators? For what purpose? Where did you get that idea?

I'm trying to see in what free and democratic society in the world it would be possible to seize the assets and freeze the bank accounts of people demonstrating in the streets, without warrants.

[English]

**Hon. Arif Virani:** I reject that characterization, Senator. There was no seizure. There was a freezing for a temporary period of time of the assets, which were then unfrozen.

[Translation]

**Hon. Claude Carignan:** When the bank accounts belonging to those individuals were frozen, they were prevented from using them and, by the same token, their assets were taken away from them for a period of time. Where in the world could this happen without judicial authorization, simply because those individuals took to the streets?

[English]

**Hon. Arif Virani:** Senator Carignan, I think that after two years on this committee you probably know the answer to your own question—that we were dealing with a situation where there were unlawful and illegal activities, and where people were being financed from Bitcoin sources and from foreign sources. The idea was to destabilize the illegal blockade by cutting off its finances, which is, effectively, exactly what happened.

[Translation]

**Hon. Claude Carignan:** That was the goal, then. As the former minister, Mr. Lametti, already stated, it was intended to pull the rug out from under them.

[English]

**Hon. Arif Virani:** I certainly don't recollect those words being used, and those were not my words.

[Translation]

**Hon. Claude Carignan:** Understood.

The goal was to exert economic pressure on them by stopping them from being able to buy groceries, pay rent, make child support payments or pay their life insurance premium, in the hope that they would get the message and go home.

[English]

**Hon. Arif Virani:** That is not the characterization that I would put on it. The objective was to ensure that those who were funding the continued illegal blockade of this city and other cities were no longer able to do so.

[Translation]

**Hon. Claude Carignan:** You didn't answer my initial question: in what democratic country is it possible to do that?

[English]

**Hon. Arif Virani:** It was pursuant to democratically passed legislation in this country, pursuant to the Emergencies Act in Canada.

[Translation]

**Hon. Claude Carignan:** You used the law, then. Were you inspired by North Korea?

[English]

**Hon. Arif Virani:** I'm not going to respond to that type of question, Madam Chair.

[Translation]

**Hon. Claude Carignan:** What country inspired you?

**Hon. Arif Virani:** Mr. Carignan, you're a lawyer.

[English]

I presume that you have the ability to consult the statutes that are in the statutes of Canada, the revised statutes of Canada. I'm sure you're perfectly aware that a bill called the Emergencies Act was passed by the Conservative government around 1987 or 1988. In fact, I remember sitting on this committee with you when Perrin Beatty testified to the passage of that very law.

[*Translation*]

**Hon. Claude Carignan:** Where—

Honourable colleagues, members of Parliament and guests, this concludes our public hearing.

[*English*]

**Hon. Arif Virani:** It is pursuant—

Does the committee wish to go in camera?

[*Translation*]

**Hon. Claude Carignan:** Justice Mosley told you—

**Some hon. members:** No.

[*English*]

**Hon. Arif Virani:** —to that law in this country that we enacted these declarations.

**The Joint Chair (Hon. Gwen Boniface):** Do you wish to adjourn?

**The Joint Chair (Hon. Gwen Boniface):** Excuse me, Senator Carignan. Your time is up.

**Some hon. members:** Agreed.

On behalf of the joint committee, I would like to sincerely thank our witnesses for taking the time to appear before us this evening.

**The Joint Chair (Hon. Gwen Boniface):** The meeting is adjourned.

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