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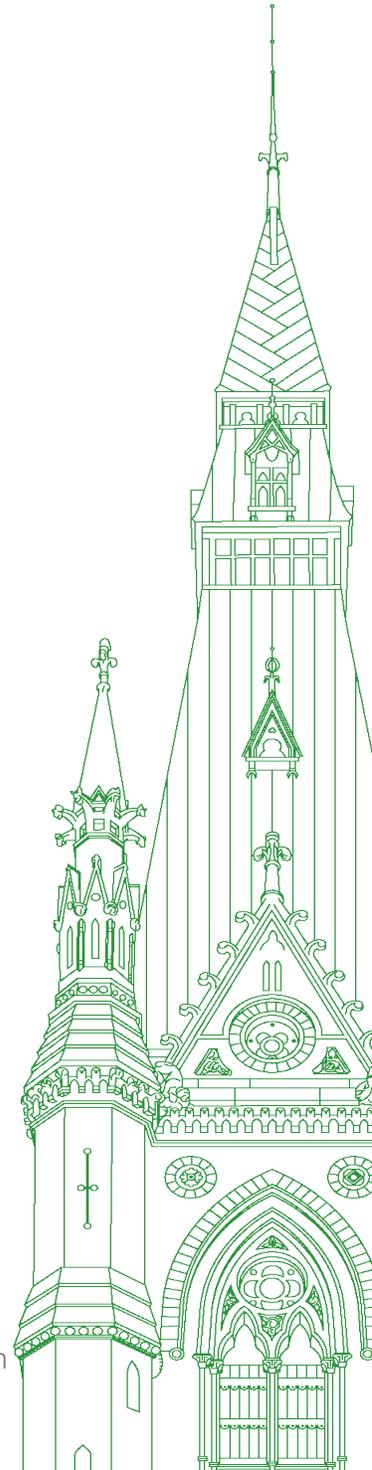
Special Joint Committee on the Declaration of Emergency

EVIDENCE

NUMBER 030

Tuesday, April 30, 2024

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



Special Joint Committee on the Declaration of Emergency

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• (1835)

[*English*]

The Joint Chair (Hon. Gwen Boniface (Senator, Ontario, ISG)): I see that we have quorum, so I call this meeting to order.

Honourable colleagues, members of Parliament and fellow Canadians who are following this meeting live today, welcome to meeting number 30 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 of March 2 and 3, 2022.

Today's public hearing 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 members who are attending the meeting via video conference. The clerk has confirmed that everything is fine. 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.

Before we begin, I would like to remind all senators and other meeting participants of the following important preventative measures.

To prevent disruptive and potentially harmful audio feedback incidents during our meeting, which could cause injuries, I would remind all in-person participants to keep their earpieces away from all microphones at all times. As indicated in the communiqué from the Senate and the House of Commons Speakers to all senators and MPs on Monday, April 29, the following measures have been taken to help prevent audio feedback incidents.

All earpieces have been replaced by a model that greatly reduces the probability of audio feedback. The new earpieces are black in colour, whereas the former earpieces were grey. Please use only an approved black earpiece. By default, all unused earpieces will be unplugged at the start of a meeting. When you're not using your earpiece, please place it face down in the middle of the round sticker that you see in front of you on the table, where indicated.

Please consult the card on the table for guidance to prevent audio feedback incidents. Please ensure that you are seated in a manner that increases the distance between microphones. Participants must only plug in their earpieces to the microphone console located directly in front of them.

I remind you that these measures are in place so that we can conduct our business without interruption and to protect the health and safety of all participants, including our interpreters. Thank you all for your co-operation.

Colleagues and members of Parliament, following our last meeting, you all received the following documents via email from our joint clerks. First is the response from the Privy Council Office to questions from Mr. Motz, following their appearance on February 27, 2024. Second is the exhibits index list of the 8,900 files available to the public on the POEC website. Third is Senator Carignan's list.

The first set of documents was received by committee members on April 26, 2024. The second set of documents should be received by the end of May. A response to Mr. Fortin's letter, which was sent on March 21, was received today. Still to be considered by the committee is an index of all evidence submitted to the POEC, which is appropriately 130,000 items.

I will now open the floor for discussion.

[*Translation*]

L'hon. Claude Carignan (sénateur, Québec (Mille Isles), C): Thank you, Madam Chair.

First of all, I want to thank you because we have finally started receiving documents in French, as well as an index, which is important. The French index of all the documents is 900 pages long. Consulting this index will allow us to quickly identify the subject matter or titles of documents that might be relevant to our mandate, which concerns powers granted to the government under the Emergencies Act.

Obviously, we are still waiting on the French version of other documents. One of them is the memorandum to the Prime Minister advising him to invoke the Emergencies Act. We still only have that document in English. I haven't received the French yet. We still only have the English version of documents like that one, which are of particular importance. However, it seems that we may receive the translations by May 30. The letter from the Privy Council Office states that the committee will receive these documents by May 30. I suggest that we wait to see what documents are translated by that date.

Second, I imagine that the Privy Council Office used artificial intelligence to translate all or part of the 900 pages of the index into French. I suggest that we first identify the documents that are germane to our mandate. Afterwards, we can ask that these documents be produced in both official languages. The problem is that we don't know whether a document exists in French, English or both languages. We will be able to do that once we have identified those documents. If they are provided in a bilingual format, fantastic. If they are in one of the two languages, we will have to have them translated and we can submit them as evidence, depending on their relevance. Then we can continue our work with due diligence.

That's what I wanted to say to our committee members, and that's what I am proposing as our next steps.

• (1840)

[*English*]

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

Mr. Green.

The Joint Chair (Mr. Matthew Green (Hamilton Centre, NDP)): Thank you.

Thank you to Miriam and the staff, who have been coordinating back and forth in these demands for documents.

We still seem to find ourselves in a bit of a bind administratively. It looks like our timelines have two future deadlines, one of them to be met at some time in June, if I recall. I think June 14 was the date. Quite frankly, I don't know that there's going to be anything material from the evidence that would materially force us to deviate, recognizing the fact that, obviously, the federal decision is for the consideration and archives of the study, if you will.

Perhaps there might be some aspects of this that may alter how some of us voted on previous draft resolutions and recommendations for the report. However, we're now a good two years into this, and it would be my preference that at some point there's a consideration that we revisit the report-writing stage, with the caveat that we leave open, before the finalization of the recommendations in the report, a way to revisit, whether through straw votes or recorded votes, the outcomes of our draft reporting stage. Even by that metric, to be clear, we would be on course for reporting back sometime in the fall, if we're being frank. If we don't finalize the report-writing stage and wait until the June submission dates, assuming things are delivered, then the bulk of the work of translation will have been funded and completed. It would likely provide us the summer-time, for members who are interested, to go through the tens of thousands of documents or what have you. I say that because if the index was several hundred pages, I can only imagine what the final requests will be like.

At some point in the fall, I hope we can begin a writing phase or work towards the completion of this committee, which, in my opinion as somebody who really pushed on the mandate and expanded visions of this, should begin to come to a close. I think it's irresponsible for us to pursue this committee in perpetuity.

I'm wondering if there are comments from our colleagues about our ability, perhaps over these next couple of weeks, to set aside a time within our meetings to revisit the report-writing stage, setting

aside any finalization but working in parallel with the translations. I say that with respect to the work that's been done. I've been in support of the work. We're all in support of the translations of the work. However, given the deadlines we have right now, I think if we don't begin to open up a parallel track for consideration of the report-writing stage, we may see a scenario—notwithstanding the fact that we don't get back until late September—where we're pushing this potentially into the following year, and I have very little appetite to push this committee into the next calendar year.

Those are my statements. Hopefully, we can begin a discussion that provides us with some rational, practical consideration of ways that we can do the work of the report-writing stage, leave space open for translation and then at the end perhaps reflect upon anything that might come into conflict with new information as presented by members of the committee.

• (1845)

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

I'll move to Senator Harder.

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

I thank member of Parliament Green for his comments, and I want to associate myself with his suggestion. I think we really need to expedite as best as we can the work of the committee while respecting that there is still translation under way.

I think the best way of doing that is to advance the work we have done, to see how far we can get in the writing of a report. I don't expect that can be completed in its final form by June, but we could have a pretty good draft, which could then be subject to a review early in the fall, with a view to getting this committee work completed.

I strongly suggest that we do that. Otherwise, doing it sequentially, we will see this go into year three. I don't think people are waiting with bated breath for our work, but they will be long asleep if we work in that sequence.

Please, colleagues, if we can, let's spend the next number of weeks going through and revisiting the work plan under way, meanwhile getting the translation as requested but bringing the report to a conclusion in early fall.

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

[*Translation*]

Hon. Claude Carignan: I don't have a problem with trying to get a report out in early, mid, or late fall. I would, however, like to make sure that we have proceeded with due diligence and that we have had access to the evidence, which, in theory, has been passed on to us. There is much to be gleaned from these documents.

I would remind you that the committee's mandate is to examine the manner in which the powers pursuant to the declaration of emergency were exercised.

I had a quick skim through and found several documents describing how certain situational, intervention and daily reports evolved. There is also a document on the agreement reached with the mayor of Ottawa, which describes how, as part of that agreement, some of the protesters were pushed back.

In addition, I found several documents on questions asked of the Royal Canadian Mounted Police, or RCMP, prepared before February 14, the title of which is "Questions for the RCMP". We may not have access to the answers to those questions, but we will have the subject matter.

Some documents are extremely relevant to our mandate, and I think we would be doing the public a disservice if we produced a report without even looking at the documents at our disposal.

Let's do the job right. We need to at least look at those documents and continue to work on our report and try to get it finished for the fall.

[*English*]

The Joint Chair (Hon. Gwen Boniface): Mr. Fortin.

[*Translation*]

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

I rather agree with Senator Carignan on that. I had a look at what his requests are in terms of documents. It is workable, in my opinion.

I have in front of me the index that was sent to us on April 26. First of all, I would like the index to be redone. I can't use it because it's not a Word document; it's a PDF, or something like that. I can't do anything with it. The row with the titles of the columns should repeat itself on each page. Since the document is 900 pages long, it is easier to consult it when there is an indication of the page's contents at the top of the page.

Second, there is a lot of missing information. There is a call number, for example "cost 000370," followed by "1-27-22." I imagine that indicates the date, since the document is dated January 27. Then it says "planned blockades at three border crossings," followed by "redacted 1-27-22, 4:44 a.m." I assume it's an email, but there's no confirmation of that. I understand that this passage is redacted, but what is redacted? I don't know. I just know that it says "planned blockades at three border crossings."

With all due respect, I would say that it is almost impossible for me to understand what document we are talking about when I only have that to go by. However, in my letter dated March 21, which is before you, we asked for an index with the title, the subject, the date, the number of pages and the language of the document. The subject would allow me to understand what the document pertains to, but what we have here is not very clear. I understand that the index is 900 pages long. I can't remember how many thousands of documents there are. I don't want to be tiresome, but I think that if

we have to decide which documents we want and which we don't, we should have a better idea of what's available.

Third, I could not discern any chronological or alphabetical order in these documents. Maybe I'm not reading it correctly, but I didn't see any chronological order or alphabetical order. I don't know how I can sort this out in order to understand the logic of how these 900 pages are organized. I think it would be helpful if the people who designed this index were to repeat the titles on each page using a function in Word. It can be done in 20 seconds; it's not complicated. However, when you don't have access to the software commands, you can't do it. If that could be arranged for us, I would be very happy.

Fourth, it would be good to organize documents in a certain logical order, be it chronological or alphabetical, for example. The best way to organize them would probably be in chronological order. That would make things easier for us.

I also think that it will be quite difficult to come to a decision in a few hours. We'll have to take a longer look at the evidence. We will indeed probably have a better picture in the fall, once we have received the documents and had a chance to look at them.

That's my take on the situation. As I was saying, I am not satisfied with the response to the request made by the committee last fall. You will recall that the request was made last June. We resubmitted it in more official terms in the fall, and at the meeting held on February 27. I thought that last request might prove confusing and so I went to the trouble of writing a letter in which I clearly stated what we wanted. I was using the terms of our motion and making sure that the people at the Privy Council Office and those in charge of translation were on the same page as us.

I am still not satisfied. We have not yet received all the documents. I understand that turnaround times are long, and I respect that. I'm not in a position to assess whether those timelines are normal or not. I believe the people who tell us that. Mind you, when I talk about it, everyone seems very surprised.

● (1850)

In the case of one of the documents, we're talking about six or seven business days to translate 1,000 lines, which seems long to me. Maybe it's because I don't know anything about translation. Is it a question of manpower, equipment or tools? I have no idea. Still, it is surprising to learn that it takes up to seven working days to translate 1,000 lines. Mind you, if I were the one doing it, it would take longer. I'm not criticizing. I just raise it because I find it a little surprising.

As for the rest, if we had a better index that was easier to work with, as well as access to the documents requested by Mr. Carignan and Mr. Motz, I think we would be able to move forward.

• (1855)

[English]

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

We will move to Mr. Brock, who will be followed by Mr. Green.

Mr. Brock, you have the floor.

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

It's good to see my senator colleagues again. It's always a pleasure.

I lost my voice during question period. I wonder why. I was going to make a GC Strategies joke, but I don't see anyone here from OGGO or PROC, so you won't get the joke.

In any event, I listened very carefully to colleagues' commentary. I'm a little dismayed that we are 11 months removed from the original request and only some progress has been made. It's clearly unsatisfactory to my francophone colleagues. That causes me great concern.

I share Monsieur Fortin's frustration over the length of time that it takes to translate 1,000 lines. That being said, I'm also mindful of Senator Harder's comments and Mr. Green's comments. I think we can all walk and chew gum at the same time, so there is an arguable case to proceed to pick up where we left off, obviously in the fall. I think that would be the starting point, in the hopes that more productive activity would take place on the translation front.

At the end of the day, I would not feel comfortable producing any report, whether it's a unanimous report or a dissenting report, without the full participation of my francophone colleagues and their being fully satisfied that they have received sufficient information from Justice Rouleau's committee.

With that caveat in mind, that is the Conservative position on this particular matter. I'm happy to chime in if there's any other issue that I think is worthy of it.

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

Go ahead, Mr. Green.

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

I appreciate the walking and chewing gum part; I think it is something we can do. I acknowledge, again, the importance that we duly passed a motion at this committee, and with full support.

I have zero interest in moving the goalposts. I have zero interest in sending back another motion to reframe how we're going to receive information. I've heard people talking about artificial intelligence for translation. I would put it to you that there are probably platforms you can use to sort your information in whatever way possible. There are certainly ways to transfer PDFs to Word documents online. However, with due respect, I will not be supporting, and I'll share this now, sending back a motion that will force a re-sorting of the information that we just received.

At this point, I am satisfied that we are receiving the information. It's certainly not in due time, as has been reported, but we do have staff and we do have responsibilities within our own office to sort information and deal with it in whatever way we see fit. My concern is that if we get it chronologically, someone else will say alphabetically, and then it will be by theme and so on. I think it's responsible for us to receive the information and within our own office, within our own party resources, organize that information in whatever way we see possible.

I just want to get right out in front and say that I will not be supporting any motions to send this information back to be re-sorted, only for it to come back at a later date. I would like to get an understanding from those in the room of how they see these next few weeks going, leading into June, and how they see the best use of our time. Hopefully, we can revisit the previous stage we were at in the draft document writing phase, again, setting aside the mandate of this committee.

We fought for this mandate. I'm sure you can go back to Hansard on it. We are masters of our own domain and running parallel to Rouleau. That was certainly our position before. I fought alongside my opposition colleagues to move forward and not wait for the Rouleau commission. Some of you may recall—I'm not trying to impugn anybody—that the government side had the early suggestion that we should either wrap things up before the Rouleau commission or wait. We're not mandated to be a book report club on the Rouleau commission. That was never part of our mandate. We received a year and a half of testimony, direct testimony at our committee, from witnesses we called. The Rouleau commission did a separate track with a separate mandate.

While I do think the information is germane, I don't think it will provide me, anyway, a basis to materially depart from my previous positions. I'm satisfied with the testimony we got. I'm satisfied with a report that I think will not be unanimous. I've begun working on my own supplementary, whether it's dissenting or not, based on my experience. I don't think that's going to change. I don't think anybody is going to find consensus on this very sensitive topic.

I call on colleagues to find a way to get back to work at this committee so that we're not just waiting in perpetuity.

• (1900)

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

Ms. Romanado is next, followed by Mr. Fortin.

[Translation]

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

[English]

I just want to make sure I'm understanding the position of everyone at the committee, because the will of the committee is how we will move forward.

I see two options. One option is that we continue to work on the draft report in parallel, waiting while more documentation is submitted to the committee, with the understanding that more documents will come over the summer. Very likely we'll start meeting again in September to go through additional requests, documents and so on, with the goal of hopefully submitting a report before the end of the year. The other option is for the committee not to meet and to wait for all these documents, at which point I'm not sure if we will be submitting a report.

I just want to make sure I understand this. We have six House sitting weeks before the House rises. We have competing requests from committees to use the time. Many, many committees will be reporting back on other studies they're doing. I would not want, and I don't think anyone here would want, for us to be meeting on a weekly basis to reiterate what we've been saying for the last couple of months.

I'd like to get an understanding of the will of the committee. Do we suspend and come back in September when we have more documentation, or do we work on the report in parallel, between now and the end of the session? I just want to make sure I understand where everyone is, because I don't want to waste anyone's time. The work you've done here is incredibly important, but it's about the will of the committee. We need to know what the will of the committee is.

The Joint Chair (Hon. Gwen Boniface): I have Mr. Fortin, followed by Senator Harder and Senator Carignan.

Mr. Fortin.

[Translation]

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

I listened to our colleague Mr. Green. I share his opinion or frustration with the timelines.

I think we probably all want to get through this report as soon as possible, but there's obviously a problem if we don't all have access to the same evidence.

With regard to the Public Order Emergency Commission, Mr. Green told us that we did not have to report what Commissioner Rouleau said or did not say. I agree. The problem is not with the report of the Public Inquiry into the Public Order Emergency declared in 2022, since that report is available in both official languages and we can all consult it. The problem lies with the evidence.

You'll recall the motion we passed. I don't have the date in front of me, but, if memory serves, it was about a year ago. We had passed a motion indicating that, in order to limit our meeting time and to avoid having to hear from witnesses other than those whose testimony we had already heard, we agreed to use the evidence that had been presented before Commissioner Rouleau. For example,

the Prime Minister testified before Commissioner Rouleau. So we were going to look at his testimony and use it for our report.

If we are not able to have all the evidence in both official languages, the other solution is to call in all those witnesses. There is always the possibility of disregarding the motion we passed to allow the evidence submitted before Commissioner Rouleau, but I am not sure that would help us.

It won't help bring the commission's work in line with the Official Languages Act, but that's the commission's or the Privy Council Office's problem; it's not necessarily our problem. If we want to continue our work, we have to hear all this evidence again, which means starting over by summoning the witnesses and requesting the documents. Would that be faster? I'm not sure. The decision we made at the time was to avoid going down that path and to look at the existing evidence.

I remain of the opinion that the decision we made about a year ago was the right one and that using the evidence submitted before the Rouleau Commission is the wiser course, but it must be in both official languages. We're going to have to come up with a solution.

I understand that efforts are being made. Someone suggested we look at the index and decide which documents we want to have translated. Why don't we flip things over, hypothetically. If all that evidence existed in French only, would our anglophone colleagues say that they didn't need all of it and that they would decide what they wanted to have translated? They might say they wanted all the evidence in English, and I think that would be an entirely legitimate request.

Our current situation is the same.

● (1905)

[English]

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

Senator Harder.

Hon. Peter Harder: Thank you, Chair.

Let me try to answer, for my part, the questions that members of Parliament Romanado and Green raised.

I think we should go in camera for the next number of weeks, return to writing the report as we were doing it and take it as far as we possibly can. We should then reconvene in the fall, when we hopefully have additional translated documents. We can individually reassess our points of view as we reach conclusions with respect to the report. Not doing that will simply mean that we just advance it all to some time in the fall, and I guarantee you we'll be here for the third anniversary.

Again, I think it's on us to advance this as consensually as possible, but do our work.

The Joint Chair (Hon. Gwen Boniface): I have Senator Carignan, followed by Mr. Green.

[Translation]

Hon. Claude Carignan: I am sorry, but I cannot agree with Senator Harder's proposal. We asked for an index in both languages in order to select documents. We just received it, so let's continue our work. Let's name the documents that, at first glance, appear to be relevant. It's already an exercise in compromise, the nature of which Mr. Fortin has clearly explained. That is a reasonable position. Obviously, there are some documents that are very relevant. I have one in front of me, on page 164, where it says "February 19, Situation Report." It was only a few days after the emergency measures were implemented. It's a status report on that day. There are reports for every day.

Our mandate is to examine how the emergency measures were enforced. There are daily situational reports available, but we're saying that we don't even want to look at them, that we're going to write a report and we're going to look at the documents over the summer. I can't wait to see what some people will bring to the beach as reading material in the summer, but it won't be evidentiary files. Then we will hold another meeting in the fall and say that, in the end, the evidence did not change anything.

I object to that scenario. Let's do the job right: Let's identify the evidence that needs to be translated and let's study it. After that, we will write up our report. Let's use the time we have and hold a few meetings between now and the summer break to get the evidence and take the necessary steps to ensure that our communications with the Privy Council Office and the Translation Bureau enable us to get the documents we need in as timely a manner as possible. Let's do things right.

I'm more optimistic than Senator Harder. I think that, come the fall, we will be able to finalize our report.

• (1910)

[English]

The Joint Chair (Hon. Gwen Boniface): Senator Carignan, can I just clarify that? I want to make sure that I understand.

You're saying that we should continue our meetings so that we can identify the documents, and that we should be meeting over the next few weeks, into June, to try to identify the documents and see what progress we can make on those documents. Am I correct?

[Translation]

Hon. Claude Carignan: Yes, and it is for the purpose of obtaining the evidence we need and identifying the documents we want, that is to say those that have been translated and that we have received. As we can see, what we have today is a progress report. We have received some of the documents. We have the index that we asked for to allow us to select the documents that we would like to have translated. So we will select them; otherwise, the document we asked for from the Privy Council Office will be completely useless. Why have an 800-page document index if we don't use it? There is no point if we do not select the documents to be translated in order to study them. We requested this index for a reason. We didn't ask for a phone book.

We have to move forward. We could hold one or two meetings between now and the summer break to ensure that there is a good

framework for the work to be done and for the requests made to the Translation Bureau and the Privy Council Office.

[English]

The Joint Chair (Hon. Gwen Boniface): Thank you for the clarification.

Mr. Green.

The Joint Chair (Mr. Matthew Green): I just want to remind members that we do have the Rouleau commission report in a substantive, extended version in both official languages, in keeping with the Official Languages Act, per the commission's mandate.

At this time, Madam Chair, I would like to move a motion, which is that we proceed with the remaining meetings in camera to pick up where we left off at the draft reporting stage, setting aside an opportunity to revisit any outstanding information that may be presented and that members of this committee may want to take from the primary evidence if they think that it has a material impact on the recommendations that we've had to date. I think that not doing so is irresponsible with our time and our mandate and would risk us being pushed into the new year.

With that, I'm moving the motion formally and am open to discussion.

I don't think we're going to find consensus on this. I think we just have to get to a point where we vote and use the remaining few weeks of our time judiciously to advance the final conclusion of this committee.

The Joint Chair (Hon. Gwen Boniface): A motion has been moved.

Senator Smith, you're next on our list.

Hon. Larry W. Smith (Senator, Quebec (Saurel), CSG): Thank you, Chair.

Obviously, I'm very new in this group. A couple of things stand out in my mind—

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

The Joint Chair (Hon. Gwen Boniface): Yes.

Mr. Larry Brock: I don't mean to disrupt Senator Smith. I apologize.

The motion is on the floor. I'd like to see a text of the motion. Mr. Green elaborated at great length. I don't know if all of that explanation is part of the motion, but it should be in both official languages, of course.

The Joint Chair (Mr. Matthew Green): I have a point of order on the point of order, Madam Chair.

The Joint Chair (Hon. Gwen Boniface): Go ahead.

The Joint Chair (Mr. Matthew Green): Motions come to committee at hand or orally all the time. It's part of our Standing Orders.

The motion is to proceed in camera in order to go back to our draft report stage, keeping open the ability to revisit its finalization in the fall. That is the motion. It is a duly put motion procedurally. It does not require being distributed in writing. It is also translated in real time, as per the Standing Orders, and it's in translation in official committee business.

• (1915)

Mr. Larry Brock: Madam Chair, it has been customary in this committee to have motions in writing.

The Joint Chair (Hon. Gwen Boniface): Go ahead on the point of order, Mr. Fortin.

[*Translation*]

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

I'm not sure what point of order we're on.

First of all, I need to understand something. Mr. Green is moving that we go in camera to work on the report. But that is not what we are here for. This evening, I am not prepared to work on any report whatsoever. If the member wants us to go over the report, we may or may not agree with that, but I don't think it would even be possible this evening, in any case.

Second, I don't see why we need to sit in camera this evening. We're working on committee business. Right now, we are dealing with a motion made publicly to request documents. We are in the process of deciding whether or not we have received what we asked for and what the next steps will be. Logic dictates that this discussion should be held publicly, not in camera.

In addition, I think it would be appropriate to report to the House on the status of our work. That said, we can always come back to it later. We may have to explain the situation, because the House is expecting a report from this committee.

Right now, we are waiting for documents that were requested through motions. We're debating whether or not we received everything we asked for. Now we're talking about sitting in camera, with utter disregard for what has been said. That seems pretty quick off the mark to me.

Perhaps I misunderstood Mr. Green's motion. I would not agree with going in camera. I think we can continue to work in public. However, I don't think it would be possible this evening to work on the report in camera, even if we wanted to.

[*English*]

The Joint Chair (Hon. Gwen Boniface): For clarity, unless I heard wrong, Mr. Green—I'll ask you to correct me—I don't believe you asked to go in camera tonight.

The Joint Chair (Mr. Matthew Green): For the record, Madam Chair, the intention is to give direction for the planning of future meetings. Report writing is done in camera. That is typical. That is what we were doing prior to the translation situation and motion.

My suggestion is that for the remaining time in these last few weeks, we go back to the report-writing stage, keeping open—not finalizing—to members who feel it's important the ability to revisit appropriate evidence as it's translated and have that addressed at the

report-writing stage. This gives us a week to revisit where we left off, then have the chairs report back to the committee. I did not refer to us beginning the report-writing stage now. This is for the future direction of the work.

I would put to my colleagues that the other option is for us to simply suspend or, as Mr. Carignan stated, go in a completely different direction that would deal with the minutiae of the documents at hand.

I leave it to every individual member of this committee to deal with the translated documents in whatever way they see fit. I am ready and prepared to go back to report drafting and to begin a phase that allows us to wrap this up before the next calendar year.

The Joint Chair (Hon. Gwen Boniface): Is there anyone else who wants to speak to the motion?

Senator Smith, do you want to speak to the motion itself?

Hon. Larry W. Smith: I think so.

The Joint Chair (Hon. Gwen Boniface): I welcome your comments.

Hon. Larry W. Smith: I just want to bring up a few thoughts.

I've lived in a different world, of course, but we had a lot of report writing when we had disciplinary situations in sport and bankruptcies...and what we were going to do.

There seem to be some key words: momentum, focus and sense of urgency. Is there momentum? What type of focus do we have, and what type of sense of urgency do we have? What is the group interest? Are we working as a group for all Canadians, or are we working for ourselves, strictly, whether we are Conservative or whatever side of the fence we are on? I think we have to recognize, and I'm sure that everybody does, that once we get into summertime, lights go out. You can be the best person in the world, but you're looking for your rest.

What can be done between now and when we break? What type of momentum can we create that would give us some gas in the fall period? Do we have enough support folks around who could do some grunt work that develops some form of continuity so that when we come back in the fall, we're not going to be saying, "Oh my goodness, we've been off all summer"?

I put that on the floor as a rookie. I've been in business for 45 years, and I think I understand it. I've been in leadership positions, but regarding momentum, focus and a sense of urgency, there needs to be some commonality around the room. The game playing is not going to solve anything. Are we working for the interests of Canadians or our own self-interest? That needs to be really thought through.

• (1920)

The Joint Chair (Hon. Gwen Boniface): Mr. Maloney is next, followed by Senator Harder.

Mr. James Maloney (Etobicoke—Lakeshore, Lib.): I support Mr. Green's motion, and I couldn't agree more with Senator Smith.

The Joint Chair (Hon. Gwen Boniface): Senator Harder, please go ahead.

Hon. Peter Harder: I can be equally brief.

I thank Mr. Green for his motion. I think the only way to regain some momentum, some focus and some sense of urgency is to continue our work in camera on the report, with the caveat that Mr. Green has introduced. I hope we can call the question.

The Joint Chair (Hon. Gwen Boniface): Is there any more discussion?

Mr. Green, I'll ask you to repeat the motion.

The Joint Chair (Mr. Matthew Green): I moved:

That the committee return in camera for the remaining weeks to continue the work on the draft report-writing phase, not excluding the ability to revisit, in the fall, any new information as presented in the translated documents for our consideration and finalization of the report.

The Joint Chair (Hon. Gwen Boniface): The motion has just been repeated.

Senator Carignan, please go ahead.

[Translation]

Hon. Claude Carignan: We are expecting documents in May. In addition, there will be a week-long break that month. So I would be more comfortable if we started or resumed this work once we have at least received the documents that the Privy Council Office has said it will submit. The documents I requested outline the positions of all parties involved and the arguments raised at the Rouleau Commission. I am hopeful that these documents will prove very useful, given that each lawyer analyzed the evidence and made representations based on their client's interest or position.

If we could at least study these documents, it would allow us to add a marker at certain places in the draft report where there may be evidence or something else to add. If we were to wait until the end of May to receive the missing documents and then held a meeting in early June, I could support the proposal.

[English]

The Joint Chair (Hon. Gwen Boniface): Senator Carignan, I'm not being disrespectful. I'm trying to look at the calendar to see the timing.

Hon. Claude Carignan: Yes, I know.

The Joint Chair (Hon. Gwen Boniface): You're suggesting, if I use as an example May 28, that we would have almost all of the documents, because they're giving them as they get them. Next week, obviously—

Hon. Claude Carignan: It's the week after.

The Joint Chair (Hon. Gwen Boniface): The week after, we'd be on break, and you're suggesting that when we come back from the break, we would start meeting and going through them.

It's essentially a one-week delay, I think. I'm sorry. I'm trying to figure this out.

[Translation]

Hon. Claude Carignan: Today is April 30. Parliament is sitting next week and then there's a week-long break.

According to the letter we received a few hours ago, the Privy Council Office will send the missing documents by May 30. If we receive them next week, we could meet earlier. We could meet once we have received the documents.

• (1925)

[English]

The Joint Chair (Hon. Gwen Boniface): Senator Harder, are you putting all of that together?

Hon. Peter Harder: Colleagues, I don't think we need to review the documents we receive in committee. We certainly don't need to decide today what to do about that.

Senator Carignan, I don't have a problem if later in our work, when we have received sufficient documents, we want to, before the fall, reflect them in our considerations. I just think we should get back to work and restore, as my Senate colleague suggests, some momentum, some focus and some urgency to our work.

The documents will come, and we will be able to assess them. They may or may not be of relevance, but we can decide that when we see them.

[Translation]

Hon. Claude Carignan: I'm sorry, but—

[English]

The Joint Chair (Hon. Gwen Boniface): Go ahead, Senator.

[Translation]

Hon. Claude Carignan: I'd like to say one thing.

I hate the suggestion that we're not working because we're waiting for documents to which we are constitutionally entitled. We work, we receive documents, we study them in depth. Just because we aren't meeting as a committee doesn't mean we aren't working. You can't say that the carpenter waiting for his nails isn't working because he's waiting for his nails.

[English]

The Joint Chair (Hon. Gwen Boniface): Mr. Brock.

Mr. Larry Brock: Monsieur Carignan, in my opinion, has suggested a reasonable middle ground to this approach.

That being said, I'm moving an amendment to Mr. Green's motion asking that this committee resume its review of the draft report, commencing on Tuesday, May 28, 2024.

The Joint Chair (Hon. Gwen Boniface): Okay. Are there any comments on the amendment?

Mr. Maloney.

Mr. James Maloney: What does that mean we're doing on May 21?

Mr. Larry Brock: We're waiting for the documents to arrive.

Mr. James Maloney: We're going to sit here and wait for documents to arrive. Why don't we—

Mr. Larry Brock: We're not sitting.

Mr. James Maloney: Okay. I just want to be clear.

What do you mean? We are sitting that week. It's the previous week that we're not sitting. It means we were not having a meeting the week we're sitting, which is the week of May 20.

Mr. Larry Brock: With permission...I know I didn't have my hand up.

The Joint Chair (Hon. Gwen Boniface): Yes.

Mr. Larry Brock: The whole idea, from listening to Senator Carignan, is that we expect another tranche of documents to be received by this committee over the next several days and several weeks. Presumably, most of that tranche will be delivered before May 28. That gives us roughly three to four consecutive Tuesdays before we rise.

Mr. James Maloney: Okay.

In that case, I will not support the amendment, because Mr. Green's motion allows us the latitude, when we receive the next tranche or the tranche after that, which we will continue to do—

Mr. Larry Brock: It doesn't.

Mr. James Maloney: Sure it does.

Mr. James Maloney: It leaves the option open of looking at those documents as they come along while we're doing the report. What Mr. Brock's amendment does is delay starting the report, and it just means we'll lose more time, because I anticipate that when we get here on May 28, we're going to have the same discussion we've had tonight.

I will be voting against the amendment.

The Joint Chair (Hon. Gwen Boniface): Go ahead, Mr. Motz.

Mr. Glen Motz (Medicine Hat—Cardston—Warner, CPC): I respect Mr. Maloney's comments; however, a significant portion of the report is already started. We had been working on it prior to you joining the committee.

Quite honestly, I appreciate the conversation around the table. I think there's a balance we have to strike. I respect my francophone colleagues and their need to have access to the information that they feel is important, but I also agree that we need to move forward as expeditiously as possible, in line with Senator Harder's and Mr. Green's comments about getting at the report and doing it in an expeditious manner.

However, I've put myself in the position of my colleagues Mr. Fortin and Senator Carignan, and quite honestly, I'm troubled that we don't have more documents that were translated at the commission. It's for them to make that decision. If I were in their shoes, I would probably have the same position. I'd be concerned that I might miss something.

As Senator Smith said, we're here for the Canadian public, and that means we're supposed to study the exercise of the authorities invoking the act. That's different from what the commission explored, and we should be doing that as expeditiously as possible but also as thoroughly as possible.

I think the compromise that Mr. Brock brings forward is an opportunity to get more documents translated for our francophone colleagues. It allows an opportunity for us all to explore those documents. They may be of value or they may not be of value; we don't know for sure yet.

My goal is still to have this report done by the end of June. That does not appear to be possible, but early fall is reasonable for sure, and in fairness to both official languages, I think we need to have some sort of compromise.

Those are my thoughts at this time.

• (1930)

The Joint Chair (Hon. Gwen Boniface): Are there any other comments?

There's a question I would like to ask of all members on this. Is there anything about the documents that could be done in the intervening weeks? Mr. Fortin's comments were about the documents. Is there anything we could accomplish with respect to the documents in the two weeks for which we have time allotted but nothing on our agenda?

It's a question I have, and I'd like to suspend for five minutes. Then we'll come back for the vote.

[Translation]

The Joint Chair (Mr. Rhéal Éloi Fortin): Madam Chair, I had my hand up.

[English]

The Joint Chair (Hon. Gwen Boniface): I'm sorry, Mr. Fortin, but I didn't see it.

• (1930)

(Pause)

• (1955)

The Joint Chair (Hon. Gwen Boniface): Colleagues, we're back. I apologize for the delay.

It's Mr. Brock, I understand, and then I need to go to Mr. Fortin.

Mr. Brock.

Mr. Larry Brock: Thank you, Chair.

I'm seeking unanimous consent to alter the commencement date in my amendment from May 28 to May 21. That's the Tuesday following our break week.

The Joint Chair (Hon. Gwen Boniface): All right.

Mr. Fortin, do you want to speak to that amendment or are you good?

[Translation]

The Joint Chair (Mr. Rhéal Éloi Fortin): To be sure, that's another compromise. Make no mistake.

I realize we're not going to get the end result we want. Obviously, we will never have the documents that we are supposed to have in French and that our colleagues have in English.

However, we have to move forward and get the job done. That said, I am still disappointed by the lack of consideration given to bilingualism. Bilingualism is wonderful insofar as it doesn't cost anything and it isn't a problem. However, if we have to start working to maintain bilingualism or spend money on it, then it's a problem. I find that disappointing. I'm sure I surprised no-one by saying it.

That said, being of a practical nature, I understand that, in any case, the motion will be passed as it stands with May 21 as the date. We'll see what we can do on May 21. I am committed to working in good faith to try to move our study forward. That's my commitment. However, I have doubts about my ability to do so in a full-some and comprehensive manner, because there will clearly still be evidence missing. We'll cross the bridge when we get there.

Madam Chair, I had my hand up because you asked what we could do in the meantime.

In the meantime, I think we should submit a brief interim report to both chambers, since our work has been suspended since May or June 2023. We should indicate in this report that work was suspended last spring on a certain date, on the grounds that we were waiting for the documents to be translated and that, even if we still have not received the translations, we will resume using the documents we do have.

I don't think we need to produce a 20-page report, just a short four or five-liner. We should give the Senate and the House of Commons some sort of confirmation and heads up as to what is happening.

[English]

The Joint Chair (Hon. Gwen Boniface): I think we have agreement around the table to make it the May 21. I'm just watching the screen.

Mr. James Maloney: Can I ask a question?

The Joint Chair (Hon. Gwen Boniface): Yes.

Mr. James Maloney: Based on Mr. Brock's proposal, what is going to happen on the May 21? Are we dealing with the report?

The Joint Chair (Hon. Gwen Boniface): Yes.

Mr. Larry Brock: We're dealing with the report.

Mr. James Maloney: Okay. How does that change anything other than the date and being in camera?

Hon. Claude Carignan: And the documentation that we need....

Mr. Larry Brock: It's a compromise to starting next week, knowing full well that satisfying our francophone colleagues with another tranche is probably not going to happen in less than seven days. We have the break week following that. That's the compromise: from the 28th to the 21st.

The Joint Chair (Hon. Gwen Boniface): I think Senator Carignan also indicated that if there are issues or pieces of—

[Translation]

Hon. Claude Carignan: I think the first item on the agenda should be the following: Those who want certain documents in the 900-page index to be translated need to identify them. That goes for our anglophone colleagues as well, because some of the documents are in French only.

Then we would have to update the draft report that we started while ensuring we receive all the documents requested in both official languages.

• (2000)

[English]

The Joint Chair (Hon. Gwen Boniface): I think there is also the opportunity for it to be an ongoing process, because we can identify at any point...and we can start putting the list together.

I'm looking around. I think Mr. Fortin agrees. Do we need to take a vote or are we agreed on May 21?

Mr. James Maloney: Just to clarify, we're adopting Mr. Green's motion and we're starting on the May 21.

The Joint Chair (Hon. Gwen Boniface): That's correct.

Mr. James Maloney: That's where we landed.

The Joint Chair (Hon. Gwen Boniface): It's the amended version.

I see that everybody is giving me a thumbs-up on the screen.

(Amendment agreed to [See Minutes of Proceedings])

(Motion as amended agreed to)

The Joint Chair (Hon. Gwen Boniface): I also want to get agreement from you, if I may—because I've had discussions with the analysts—to update the report to take into consideration the Federal Court decision and the government response to it. That will be something we can review, but they can at least start doing that update since it's been some time since the body of the report has been updated. Does everybody agree with that? That would also give us something more to look at and comment on, which is not relevant to the materials we're waiting for.

Go ahead, Senator Carignan.

[Translation]

Hon. Claude Carignan: I have a third point.

Should we ask the analysts to produce a report to be submitted to the clerks of the House and the Senate? Should we prepare a draft report explaining the stages of our work and the reasons why our work was suspended for almost a year? That is actually Mr. Fortin's suggestion.

[English]

The Joint Chair (Hon. Gwen Boniface): You're going back to Senator Fortin's comments—I mean Mr. Fortin.

Hon. Claude Carignan: I'm saying to Mr. Fortin that I think that's a really good idea.

The Joint Chair (Hon. Gwen Boniface): Mr. Fortin, I called you a senator. I apologize.

[*Translation*]

The Joint Chair (Mr. Rhéal Éloi Fortin): Thank you for your apology.

[*English*]

The Joint Chair (Hon. Gwen Boniface): Are there comments on an interim report?

Senator Harder, go ahead.

Hon. Peter Harder: I would oppose an interim report. I think we should just get it done.

The Joint Chair (Hon. Gwen Boniface): Okay. Are there other comments?

Go ahead, Mr. Green.

The Joint Chair (Mr. Matthew Green): In our deliberations, I think contemplating a brief report is more of an administrative function than it is a big debate. It would just be a statement of facts—an explainer, if you will—as to why we weren't able to report back.

As a co-chair, I feel a bit of a responsibility, so I do support Mr. Fortin's and Mr. Carignan's suggestion. I just hope that it's not something that requires a whole bunch of debate. Perhaps it would be best drafted by the co-chairs, signed off on and then presented to our committee while we're doing our draft report, perhaps on the 21st or in the first session after that.

I would be fine to support that. It would just be a very brief statement of fact about where we're at.

The Joint Chair (Hon. Gwen Boniface): Mr. Fortin, go ahead.

[*Translation*]

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

I agree with what Mr. Green has just proposed, that we prepare the report for May 21.

As I said earlier, it's not a matter of writing a long report with components we disagree on. I'm just proposing that the analysts prepare a four or five-line progress report to say where things currently stand.

The report could say that we started work on such and such a date, that we suspended work on such and such a date while waiting for the translation of documents and that we are resuming our work.

It's just a matter of preparing a progress report. I trust the analysts to do so in a non-partisan manner. Out of respect for our colleagues in the House of Commons and the Senate, I think we need to give them an update.

[*English*]

The Joint Chair (Hon. Gwen Boniface): Are there other comments?

Mr. Maloney, go ahead.

Mr. James Maloney: I agree with Senator Harder. We don't need to do an interim report. If we're talking about something that's five

pages long, I anticipate it will take us two meetings to agree on the language, which eats into what we're trying to accomplish here.

What I would suggest is that we defer this notion of an interim report until sometime in June, after we've started the report process, and see if it's worth doing and what it might look like then. We don't need to talk about it any further tonight.

The Joint Chair (Hon. Gwen Boniface): Are there any other comments?

We will ask the analysts to start doing the amendment of the report to add the new information. If I'm clear, we will reconvene on May 21 and we'll have further discussions on both the interpretation issues and the draft report. The next meeting will be in camera.

Is there any—

• (2005)

[*Translation*]

Hon. Claude Carignan: Can we plan to hold part of the meeting in public and the other part—

[*English*]

The Joint Chair (Hon. Gwen Boniface): I'm sorry, Senator Carignan, but for some reason my mic didn't shut off, so I didn't catch the first part of what you said.

[*Translation*]

Hon. Claude Carignan: You're proposing that the entire meeting be held in camera. I propose instead that the part of the meeting devoted to working on and drafting the report be held in camera, but not the part when we identify the relevant evidence we want to have translated.

We don't need to meet in camera for that part, since we won't be drafting the report.

[*English*]

The Joint Chair (Hon. Gwen Boniface): Can I suggest we decide that at the next meeting, on May 21, when we know what it is we're discussing?

Hon. Claude Carignan: We could decide in public.

The Joint Chair (Hon. Gwen Boniface): Mr. Fortin, I see your hand up.

[*Translation*]

The Joint Chair (Mr. Rhéal Éloi Fortin): I just wanted to clarify something.

Mr. Maloney mentioned a five or six-page report. I was talking more about a five or six-line report. I just proposed a progress report. When I made that proposal, I saw that Senator Carignan was in agreement. I understand that Mr. Maloney and Senator Harder, I believe, were not. What are we going to do? Will we ask for a report or not?

Again, I don't want to comment on the content of the report. I'll let the analysts do that. I think we need to do this out of respect for our colleagues. It won't take long, and when we start the May 21 meeting, we'll adopt the report and send it to both chambers. Then we'll get started. It seems like a formality to me, and once again, it would be a sign of respect for our colleagues.

I agree with Senator Carignan. The part that can be in camera is the part devoted to our drafting work. I think the work on the documents—what we want and what we don't want—should be done in public. It's a continuation of the work that we did on the documents in public.

[*English*]

The Joint Chair (Hon. Gwen Boniface): Go ahead, Mr. Green.

The Joint Chair (Mr. Matthew Green): I want to remind members that, procedurally, there's a motion on the floor and the motion is fairly specific. The report was not presented, and the report option was not presented as an amendment. While I'm in support of it, I don't want to conflate the two motions.

We do have a motion that I don't believe passed but was duly put on the floor. Is that correct? Did the motion that I presented pass?

The Joint Chair (Hon. Gwen Boniface): Yes.

The Joint Chair (Mr. Matthew Green): I'm sorry. I'm removed from the room so I missed that part.

Now is there a motion on the floor for the report, or was it just a suggestion, procedurally?

The Joint Chair (Hon. Gwen Boniface): That's the question I am going to ask.

Mr. Fortin, are you making a motion to do an interim report?

[*Translation*]

The Joint Chair (Mr. Rhéal Éloi Fortin): Yes, I am moving that motion.

[*English*]

The Joint Chair (Hon. Gwen Boniface): We have a motion on the floor to do an interim report. Are there any parameters that you'd like to put to that?

Okay. Do we have any other comments on the motion with the interim report?

(Motion agreed to: yeas 6; nays 5 [*See Minutes of Proceedings*])

● (2010)

The Joint Chair (Hon. Gwen Boniface): Are there any other matters?

Are all in favour of a motion to adjourn?

Some hon. members: Agreed.

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