

40th PARLIAMENT, 3rd SESSION

Thursday, February 17, 2011



CANADA

## House of Commons Debates

**Speaker: The Honourable Peter Milliken**

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*Hon. John McKay P.C., M.P. (Scarborough-Guildwood) – Liberal:*

Mr. Speaker, I am rising today under the provisions of Standing Order 48 on a point of privilege alleging contempt of the House by the Minister of International Cooperation, further to the written notice that was submitted to the Clerk this morning.

I will be asking you Mr. Speaker to make a prima facie finding that a breach of privilege has occurred.

Specifically that the Minister “deliberately attempted to mislead the House by way of a statement” or in this case a series of statements, “and that she knew or ought to have known that her statements to the House were either false or an attempt to mislead.”

Mr. Speaker, I brought this matter before you in December of 2010 following statements made by the Minister during a Foreign Affairs and International Development committee hearing.

It is unfortunate that a question of privilege has to be raised a second time. Despite being given many opportunities to do so, the Minister of International Cooperation has refused to show any deference towards Parliament and its Members and apologize for the misleading statements she has made regarding the funding of KAIROS.

The question before you today is whether any of the additional material would lead you to

the conclusion of a prima facie case of misleading this House. In your ruling on February 10<sup>th</sup>, 2011 you said:

“The full body of material gives rise to *very troubling* questions. *Any reasonable person* confronted with what appears to have transpired would necessarily be extremely concerned, if not shocked, and might well begin to doubt the integrity of certain decision-making processes. In particular, the senior CIDA officials concerned must be deeply disturbed by the doctored document they have been made to appear to have signed.

However, despite the obvious frustration expressed by many of the members who have intervened in this case and the *profoundly disturbing questions* that evidently remain unanswered in the view of these same members, the Chair is bound by very narrow parameters in situations such as this one. It may sound overly technical but the reality is that when adjudicating cases of this kind, the Chair is obliged to reference material fully and properly before the House.”

The question therefore is: are you less troubled or more troubled by the additional material?

The Foreign Affairs and International Development Committee Report tabled this morning contains the much quoted exchange between the Minister and myself, other Member’s interventions, and a supplementary report provided by government Members which provides yet another version of events. I would suggest that it solidifies your disquiet if anything.

The line of argument in the supplementary report could be characterized as the “I don’t know” argument. It appears that the Minister doesn’t know who signs her documents or whether they’ve been changed, or not.

It appears to be plausible that the Minister at one point actually recommended the grant, and then the recommendation was changed after the fact at her direction, or someone else’s. It’s clear she does not know.

Another piece of new information is the exchanges in Question Period. You have been present for all of them, so I will mercifully not repeat them. In these exchanges, the government advances two lines of argument: a) The Minister apologized so therefore that’s the end of it & b) bureaucrats make recommendations and Ministers make decisions.

Mr. Speaker if I lie to you or mislead you in personal relationships an apology may well suffice assuming no further harm. However, if you are a judge sitting in a Court and I lie to you there will be consequences regardless of any apology. It’s called perjury. I may even go to jail because we have the highest expectations that truth be told in court. So also in Parliament and before a parliamentary committee.

In Parliament however, as is stated on page 111 of the 22nd edition of Erskine May:

“The Commons may treat the making of a deliberately misleading statement as a

contempt.”

I allege that this is what has occurred in this case.

Mr. Speaker, there are four distinct occasions on which the Minister or the Parliamentary Secretary speaking on behalf of the Minister have knowingly misled this House which I will now relate:

- 1.) On December 9<sup>th</sup> 2010, before the Foreign Affairs and International Development Committee Margaret Biggs, the President of CIDA was very clear in her testimony that contrary to what the Minister had led the House to understand, CIDA had unequivocally recommended KAIROS for the grant. The Minister was fully aware of CIDA’s position, and yet chose to misrepresent the advice of her senior civil servants to cover up a plainly political decision.

We see this in a response dated March 8<sup>th</sup>, 2010 to an Order Paper question put to the Minister by the Member for London North Centre. The Minister stated the following in writing on a document to which her signature is affixed:

“The CIDA decision not to continue funding KAIROS was based on the overall assessment of the proposal, not any single criterion.”

Based on both the Access to Information request document on which the “NOT” was written and the testimony of President Biggs we know that this is false as the CIDA officials unambiguously recommended that KAIROS continue to receive funding.

- 2.) When appearing before the Standing Committee on Foreign Affairs on December 9<sup>th</sup>, 2010 the Minister when asked who inserted the “NOT” on the document stated, quote, “I do not know.”  
The Minister subsequently contradicted this statement at the Committee by her statement in the House of Commons on February 14<sup>th</sup>, 2011 when she stated that, quote, “The ‘NOT’ was inserted at my direction.”
- 3.) In the same statement given to this House on February 14<sup>th</sup>, 2011 the Minister compounded the untruth contained in the Order Paper response above mentioned by stating that, quote, “(a)t no time have I stated that the decision was that of the department.” The above Order Paper response clearly alleges that CIDA, her department, made the decision. This is not true.
- 4.) Lastly, the former Parliamentary Secretary for the Minister of International Cooperation stated in the House of Commons on March 15<sup>th</sup>, 2010 that, quote, “CIDA thoroughly analyzed KAIROS’ program proposal and determined, with regret, that it did not meet the agency’s current priorities. This is important.” As with the Order Paper response above and based on the evidence, we know this to be untrue.

I am pleased to note that the former Parliamentary Secretary, the Member for Kootenay-Columbia, to his credit and his honour did offer an apology to this House. However, the Minister has not yet chosen to do the same thing, and nor, disappointingly, has the Prime Minister.

It is the right of every Minister to make ministerial decisions. However, it is NOT the right of a Minister to make a decision and then doctor a document so that it appears that someone else made the decision.

Mr. Speaker as you stated “*Any reasonable person* confronted with what appears to have transpired would necessarily be extremely concerned, if not shocked, and might well begin to doubt the integrity of certain decision-making processes.”

Mr. Speaker in addition to these clear examples where the Minister has misled the House, there are additional concerns which raise further questions about the Minister’s integrity.

1) KAIROS had its funding cut in November 2009, and we have been asking for clarification on this decision ever since. Why didn’t she clear up any confusion at the first available opportunity?

2) It may be a little late Mr. Speaker, but why didn’t she use her statement on Monday to do the honourable thing – and offer an unequivocal apology?

3) If you are really going to reverse a recommendation, why would you not make your recommendation absolutely clear? A first year law student would be more careful.

4) Why leave the lingering impression that CIDA officials rejected the grant?

Mr. Speaker, it is deeply troubling for a Minister of the Crown to behave with such disregard and disrespect for her position, her colleagues, the civil service, the NGO community and the millions of Canadians who support the work of KAIROS.

It is further troubling to see the Prime Minister even today, defend and extol her behaviour.

Privilege as you well know exists for good reason. In this instance as all others it is to compel truthfulness – even when embarrassing – even when it doesn’t suit the government’s agenda. Privilege exists so that M.P.s can make decisions based on fact, not on fiction. Privilege exists as a core value of democracy because M.P.s and their constituents, the People of Canada, have every right to expect that public discourse in this Chamber is without artifice. You Mr. Speaker, are the guardian of that core value – the value of truthfulness between and among Members, Ministers, and the Prime Minister. Any ruling other than a prima facie case of breach of privilege in this case will inevitably lead to another even more egregious abuse. Mr. Speaker, I and my colleagues are calling upon you to put a stop to tampered documents, to blaming others, to casual regard for facts before a Committee of the House. We call on you to uphold the highest standards of discourse by Ministers in their communication to the House.

Mr. Speaker, with the additional material before you, the case for contempt is even more compelling than it was before. I am prepared to move the motion of contempt upon your direction.

*Hon. John McKay P.C., M.P.*  
*Scarborough-Guildwood*