

**Hon. Jody Wilson-Raybould, SNC-Lavalin and the Rule of
Law in Canada
Notes for Hon David Kilgour, J.D.
Wednesday Night Salon
Montreal
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Paraphrasing a recent *Globe and Mail* account by Sean Fine and Erin Anderssen, Canada's first Indigenous justice minister and attorney general, Jody Wilson-Raybould, was born in a well-known family of the We Wai Kai Nation on Quadra Island west of Vancouver Island. The community today comprises about 1200, half on the reserve. Her ancestors were teachers and elected leaders. Her grandmother once spent a night in a jail cell, after chaining herself to the gates of the Comox air force base to protest the arrival of some missiles. She brought her son, Bill Wilson, then a boy, along to protest.

Bill Wilson grew up doing the same for Jody and her sister, Kory, bringing them to debates about treaty rights and the Indian Act. In 1983, as vice-president of the Native Council of Canada, Wilson joined prime minister Pierre Trudeau and premiers discussing protection of First Nations' rights in the patriated Constitution. Wilson told Trudeau that his daughters wanted to be prime minister; the other replied that he would say when he was ready to be replaced.

Wilson-Raybould's mother, a teacher, objected when she learned her daughters had been singled out to have their teeth checked by a health-care worker at their school because of their indigenous background. She helped launch the B.C. Native Court Workers Association, and was a leader in the long fight for Bill C-31, restoring Indian status to indigenous woman who had lost it when they married non-indigenous men. Her father was the second indigenous person to graduate from UBC law school.

Wilson-Raybould is an experienced leader: a crown prosecutor, a treaty commissioner and regional chief of the Assembly of First

Nations. As minister of justice since 2015, she demonstrated character, independence, personal integrity and dedication both in modernizing our justice system and seeking reconciliation.

Carolyn Bennett, current minister for Crown-indigenous relations, told *The Globe*: “Her advice was invaluable as candidate and member of our team. I am truly proud of the work we have been able to do together...Her dedication to fundamental change in Canada’s relationship with First Nations in unparalleled.”

One of the Liberal party’s star candidates in 2015 and according to a recent opinion survey one of its most respected ministers, every Canadian now knows that Puglaas (her Kwakwaka name) recently resigned from cabinet and the resulting waves continue to roll across the country.

For example, a recent lead editorial in the *Globe* noted: “Breaking an election promise by using an omnibus bill to slip remedial agreements into last year’s budget for the benefit of SNC-Lavalin, and then pressuring the justice minister to play ball, and then demoting her when she didn’t, and then blaming her for not saying anything if she felt pressured, and then standing by while ‘Liberal insiders’ spread rumours about her character-that’s called doing your job in the modern PMO.”

Renowned Montreal Companies

Among Montreal’s respected businesses, such as Desjardins, Air Canada, B.C.E., CAE, Gildan, Stella Jones and Quebecor, SNC-Lavalin illustrates what can go wrong for large and small companies anywhere, despite high quality jobs, including in this case about 3400 head office positions.

The World Bank barred it from bidding on its engineering construction projects until 2023, and last fall it failed to obtain a deferred prosecution agreement (DPA) in Canada that would have

avoided a criminal trial in favour of a fine and commitment to reform its practices.

In 2015, SNC was charged with fraud/corruption related to an alleged \$48-million in bribes paid to Libyan officials. Four years earlier, a senior executive left the company for allegedly making \$56-million in off-the-books payments to obtain Libyan contracts. The same employee later pleaded guilty to using forged documents re the McGill University Health Centre bid-rigging.

This month, a former boss admitted SNC executives paid \$22.5-million to top managers in the McGill Health Centre for information that helped SNC win a \$1.3-billion contract to build a new hospital. This month, he was sentenced to 20 months of house arrest for pleading guilty to breach of trust on the Health Centre Project.

SNC-Lavalin today reportedly employs more Canadians outside Quebec (5,100) than in the province (3400). It has a long history of building hydroelectric dams, pulp mills, buildings and bridges across Canada. Internationally, it built a dam in India, a cement plant in Algeria and a zinc smelter in Turkey. In recent years, it built much infrastructure across Quebec. When Lavalin got into overexpansion problems in 1991, it merged with SNC.

According to Les Perreux of the *Globe*, the merged company has received at least \$2-billion in support from Export Development Canada in 19 loans since 2002. At least \$800-million and possibly as much as \$1.7-billion- in EDC loans were dispersed after news broke of an RCMP investigation into alleged corruption in 2011. Since then, it has faced corruption allegations in Canada, two Asian countries and two in Africa. Canadian federal prosecutors charged the company in connection with its dealings in Libya.

EDC suspended support for the company between 2014 and 2017 as result of corruption allegations, but, according to the *Globe*, then re-engaged on the basis that it had reformed.

Conclusion

The resignation of Jody Wilson-Raybould has led to ongoing national outrage, with concerns from Canadians in every part of the country. The Liberal Party campaigned for open and accountable government, a feminist approach to policy and governance, a robust reconciliation agenda and justice and fairness for everyone.

Allegations surrounding the resignation fly in the face of party promises regarding accountability and justice for all. For now, she has been silenced by solicitor-client privilege.

In the indicated circumstances, a public inquiry by a respected jurist, such as former governor general David Johnston, with a very short time limit of, say, 30 days, is probably the best way to deal with the governance crisis, since only a small number of witnesses need be consulted. The prime minister should also waive the solicitor-client privilege and allow his former justice minister to speak freely and truthfully on the matter.

If the Trudeau government continues to block an unresisted inquiry, Canadians will presumably have their remedy on Oct. 19.