



House of Commons
CANADA

Standing Committee on Citizenship and Immigration

CIMM • NUMBER 050 • 1st SESSION • 39th PARLIAMENT

EVIDENCE

Tuesday, April 24, 2007

—
Chair

Mr. Norman Doyle

Also available on the Parliament of Canada Web Site at the following address:

<http://www.parl.gc.ca>

Standing Committee on Citizenship and Immigration

Tuesday, April 24, 2007

•(1100)

[English]

The Chair (Mr. Norman Doyle (St. John's East, CPC)): I want to welcome all of you this morning as we resume our study of the Immigration and Refugee Board of Canada appointment process.

We have one witness here today: Mr. Jean-Guy Fleury, former chairperson of the Immigration and Refugee Board of Canada.

Welcome to you, Mr. Fleury.

Mr. Jean-Guy Fleury (former Chairperson, Immigration and Refugee Board of Canada, As an Individual): Thank you, Mr. Chair.

I just remarked that when I retired on March 16, I never thought I'd be here. I don't come with briefing books or advisers, and I did not consult the IRB since my departure with respect to the state of the union.

[Translation]

As you know, I'm here as an individual because I left my position as Chairperson of the Immigration and Refugee Board of Canada on March 16.

Mr. Chairman, as you no doubt noted, I was reluctant to testify before this committee. It is not because I am retired or that I might fail in my responsibilities, but because I thought that the last time I testified, I provided the committee with a fairly complete picture of the Board, its members and its issues.

Having said that, I recognize my responsibilities and my duty to be here. After 42 years of service in the federal public service, I was ready to spend more time with my family and to take up new projects on my own. I'm very proud to have had the privilege of directing the Board, an important institution of the federal government.

[English]

As I noted in my letter to Minister Finley, I am proud of the innovation accomplishments achieved during my more than four years as chairperson of the Immigration and Refugee Board. Together with a team—and we have a very professional management team—we were able to eliminate the backlog in the refugee protection division, as well as produce a transformation agenda for needed change in the governance of the Immigration and Refugee Board. I left with the minister a proposal that she could take under advisement in terms of looking at the governance of the board for the future with a new chair.

[Translation]

I'm also very proud to have launched the initiative of appointing decision-makers by order, based on merit. Allow me to explain why.

[English]

As you know, since its establishment in 1989 following a court decision of 1985, the IRB has been an evolving institution. The 1985 ruling gave refugee claimants the protection of the Canadian Charter of Rights. This means refugees are entitled to due process through an oral hearing. The government decided that a separate, independent, quasi-judicial tribunal, accountable to Canadians through the courts and through this committee, would be the process. I mention this bit of history to underline that the IRB is still a relatively young institution. As a tribunal, it is still building its foundations.

I was very happy to have four predecessors, and I built on what they had done. I'm pretty sure that a new chair will do accordingly.

When I was appointed chairperson in December 2001, a key mandate I had was to professionalize the IRB as a tribunal so as to ensure high standards in decision-making to serve the public interest. Based on my previous experience of many years in senior positions in the field of human resource management, I proceeded to design and, with the government's consent, began operating a merit-based approach to enable the government to appoint adjudicating members to the tribunal.

[Translation]

I want to thank the committee for this opportunity to state these few introductory remarks. I am ready to answer questions.

•(1105)

[English]

The Chair: Thank you, Mr. Fleury, for your opening statement.

We will go to our first round of questions. We'll begin with Mr. Alghabra.

Mr. Omar Alghabra (Mississauga—Erindale, Lib.): Thank you, Mr. Chair.

Good morning, Mr. Fleury. Thank you for coming. We really appreciate your coming here today.

First, I want to recognize your public service and the sensitivity that you feel you're probably in. I want to assure you that what we're trying to do here today is to understand what's going on and learn from your experience. We're just looking forward to your honest feedback and frank thoughts on this matter.

I want to start off by asking you to share with us your thoughts on how you felt the progress has been on the appointment process of IRB judges since you were appointed in 2001.

Mr. Jean-Guy Fleury: As I said, when I was asked if I wanted to stand for the position at that time, I indicated that there were two or three things that needed to be done—from a distance, because I had been the executive director of that institution eight years prior, before being the chair. One of them was the fact that we have difficulty sometimes with our credibility surrounding the appointment process and the quality of the decision-makers. In terms of the Canadian perception and the people appearing in front of you, you cannot have a situation where people have doubts as to the abilities of the people rendering decisions.

So I indicated that we should look very closely at revamping the selection process. I'm very careful here—the selection process, not the appointment. The appointment belongs to the government, and it was never on the table. The question is the selection. How do you select, very objectively, based on criteria and on competencies?

As I said in the introductory remarks, we built a regime that we thought could answer to that. I will go back in terms of the commission. There are two things the commission had a history for. One was the question of the competency of the board and the capacity of members to undertake a very difficult task, a very important task, where the decision on the life and death of the individuals in front of you is important. So we established what are the competencies that are required to do the job, and are we recruiting to the right competencies.

If I'm too long, please let me know.

So we established and validated with members nine competencies, and we then started to establish the norm versus how we would measure those tools.

The second thing that was necessary was to try to make sure that at the staffing selection process, for the credibility of the board—because it was an administrative tribunal, with independent decision-makers—there would be no politicizing of the selection process. It was important that the people met the competencies, that we attracted the best and that we brought the best talent to the institution.

That's how it started at that time, and to me, it proved very worthwhile.

•(1110)

Mr. Omar Alhabra: Were you pleased with the progress that you had accomplished?

Mr. Jean-Guy Fleury: I was, and not only that, you should know, at the expense of time, that I sat through all the interviews of the first 200 candidates who came through the stream. I presided over the selection process.

Mr. Omar Alhabra: Did you feel, then, that you needed to do another review? Was it your idea to conduct a new review?

Mr. Jean-Guy Fleury: Okay, I draw to your attention the statement by the minister when it was put in place. It said that the committee here would review after—I think we said two years, I'm not so sure. I was the one who brought to the attention of the government that a review would do, and that we should look at it.

I would caution you also, in terms of using words, that it talks about an evaluation. An evaluation is not like a review. To me, in an evaluation, you must be able to interview the people who didn't succeed, the people who succeeded, and look at your criteria. So what we have over here is a review of the process.

Mr. Omar Alhabra: So were you in favour of an evaluation?

Mr. Jean-Guy Fleury: I was in favour that an evaluation was necessary, yes, and it was on the record that it would take place with the committee.

Mr. Omar Alhabra: But you were not necessarily advocating a review?

Mr. Jean-Guy Fleury: No.

Mr. Omar Alhabra: Have you had a chance to read what we call now the Harrison report?

Mr. Jean-Guy Fleury: You should be aware that Mr. Harrison and I knew each other professionally for years. When he was appointed at the Privy Council Office to do the work he was doing, I was on the first board he came to see how a merit system works. That was prior to his being appointed to do the review.

So we've been working professionally for a long time. There was a consultation process with agencies.

Mr. Omar Alhabra: Just because I might have limited time, do you feel that the Harrison report recommendations improve the current process for appointment?

Mr. Jean-Guy Fleury: For the selection process there are a lot of models you can use. He is proposing a model in his recommendations. My sense is that the principle that we enunciated in the one that we have now, of keeping the selection process non-political, is what I could see.

Mr. Omar Alhabra: So you think the Harrison proposal adds more politicization to the selection process.

Mr. Jean-Guy Fleury: If you look at the recommendation, when he deals with combining the panel and the selection process together, with three appointments from the minister and three appointments from the chair, you are in effect having a political presence in terms of the selection process.

Mr. Omar Alhabra: One question is, because I'm running out of time, do you feel this is a step backwards from the progress that you've done?

Mr. Jean-Guy Fleury: I am saying that there are all kinds of models.

Mr. Omar Alhabra: But I'm really interested in your professional, sincere, frank opinion. You've told us how many years you've worked on improving the selection process, so I'm interested in your honest opinion. Is this a step backwards from all the work that you've built on?

Mr. Jean-Guy Fleury: It's certainly not the way I would go.

Mr. Omar Alhabra: Thank you.

The Chair: Thank you, Mr. Alhabra, and thank you, Mr. Fleury.

Madame Faïlle.

[*Translation*]

Ms. Meili Faïlle (Vaudreuil-Soulanges, BQ): Thank you, Mr. Chairman.

I'd also like to take the opportunity to congratulate you, Mr. Fleury.

Two weeks ago, I was at the conference of immigration lawyers in Victoria, where you were warmly applauded by the people of that community. I had the opportunity to meet a number of people who are in contact with Board members. I want to say that we're currently going through a period of crisis. Not only are hearings not taking place, but we don't know when they will be held, and the delays are utterly unacceptable.

Earlier you clarified a point. Here in the committee, last November, I asked Minister Solberg a question concerning his intention to conduct a review of the Board member selection process. I had understood that that was an evaluation desired by the IRB. So I'd like you to give me your opinion on the present process.

I know you've chaired a number of those committees and that you've met a number of candidates. From what people tell me, a number of names have been put forward. However, there may be a problem because those people aren't ranked. So can that pose a problem for the selection process? Is there a timetable for candidate selection?

I'd also like to hear what you have to say about the qualifications of those members because it takes a certain amount of time to be a good member, to get up to speed on cases, the process and all the complexity of the work. So a certain training is required. IRB members tell me that follow-up is necessary to enable the IRB to continue operating and that this is currently a critical time. Perhaps you can tell us what you think about all that.

•(1115)

Mr. Jean-Guy Fleury: I'm going to try to provide some clear answers to two of your questions.

First, I'll address the reason why the names are submitted to the minister in alphabetical order, not on the basis of the individual merit of each of the candidates. I believe in the way things are operating now. I believe that the minister must have the necessary flexibility to appoint Board members whom he chooses from a certain number of qualified persons, whether it be for political reasons, regional or other reasons. I think that's normal. What is important for me is that the minister stick to those persons whose names appear on the list. Ministers have always done that. We had even thought about changing that and using the method for appointing judges whereby candidates are submitted as highly qualified or only qualified. I prefer that we don't do that. If I consider that the person meets the basic requirements, I consider it normal that the political person have the flexibility to choose names from the list as that person considers necessary.

Second, you mentioned the question of qualifications. We've definitely noted that the newcomers, those appointed in the past two years, needed less training before being able to work independently. That's one aspect. The second aspect that I observed is the quality of the candidates, of the individuals who, in the past, under the former system, did not believe they could be selected. We're now attracting greater talents, qualified people who can work and become independent decision-makers sooner than in the past.

Ms. Meili Faïlle: I also asked you a question concerning the timetable for appointments.

Mr. Jean-Guy Fleury: Yes, I forgot to answer that question.

Yes, there was a two-year period in the program, as there was under the regime preceding my arrival. Why two years? Because, to a certain degree, people want to know whether they have a chance of being selected. We also changed the test every two years to ensure that, if people took it again, they wouldn't take the same test. The list was prepared for a two-year period and people had to wait two years before filing a new application.

Ms. Meili Faïlle: All right. Consequently, we'll be short 50 Board members by the end of the month.

Mr. Jean-Guy Fleury: I have no idea about that.

Ms. Meili Faïlle: It's approximately that, I believe.

Mr. Jean-Guy Fleury: I have no idea about that, because I'm not there.

Ms. Meili Faïlle: How many candidate files were submitted to the minister, from candidates who could be appointed immediately?

Mr. Jean-Guy Fleury: When I left my position—this is an approximate figure—within roughly five persons, the minister had a list of 80 candidates.

Ms. Meili Faïlle: Thank you. I have no further questions.

•(1120)

[*English*]

The Chair: Thank you.

Thank you, Mr. Fleury.

Mr. Siksay.

Mr. Bill Siksay (Burnaby—Douglas, NDP): Thank you, Chair.

Thank you, Mr. Fleury, for coming today, interrupting your retirement to revisit these issues.

Mr. Fleury, would you agree with the statement that the IRB and the immigration refugee appeal process in Canada is in a state of crisis at the moment?

Mr. Jean-Guy Fleury: I have no opinion on that. All I'm saying is that when I left it had been a very difficult year in terms of appointments and reappointments, and I think that's what I testified to the last committee. I gave you the impact of the vacancies and what it meant. Last year, in a very approximate number I had done just to satisfy myself, we lost 300 years of experience in one year.

Mr. Bill Siksay: That sounds like a significant number of years for an institution like the IRB. Can you give me any context for that kind of figure?

Mr. Jean-Guy Fleury: I'm just giving you a number. It is very tough work. By the time our members who have ten years leave, we feel it. And it's very tough work. I've said that before. It's very demanding, very rewarding, and it takes time—Although people can hear cases and be fair with the people in front of them after six, seven or eight months, you see a difference with people who have three or five years, of course, who know more about the international situation.

But at the last meeting, I tried to give you what I knew was the impact on our board.

Mr. Bill Siksay: Yes, I agree that you did try to do that, Mr. Fleury.

Given that the board is losing that kind of experience and given the lack of appointments and reappointments, do you still think the board is able to deliver the due process that you talked about in your opening statement?

Mr. Jean-Guy Fleury: Oh, I think so. Yes.

What we're faced with is a new backlog that is developing with the tribunal. That's the unfortunate part. What we were left with—and I'm going to say again, as of March 16—is that the time for decisions to be rendered was climbing and the number of cases that weren't heard because there were not enough appointments was increasing.

Mr. Bill Siksay: I have a number of specific questions, then.

There has been some controversy, and I think the Harrison report raised this, that some candidates were put forward for selection who hadn't passed the written test. Can you comment on that?

Mr. Jean-Guy Fleury: Yes. I was expecting that question. It has to do with selection of people. All we're trying to do when we select people is to increase our probability of success. So you try to use as many tools as you can, without delaying the process too much.

What happened was that we devised—The design was that you looked at the total candidate. You didn't limit yourself to one tool. You could use a test and say that you need 62%; I think the parole board does that, if I'm not mistaken. There's a mark, and if you don't meet it, you don't go to the next step. The reason we had a panel was to look at the track record of individuals: their international work, community work, their languages, the test. And the application—the application, as you know, is 20 pages, and the onus is on them to show why they would be a good member—also plays a role. So the panel was looking at the total person.

In the early stages, when we developed a new test—we had validated it amongst ourselves, but was still a new test—there were cases, and I think they were reported, where people may not have had the C mark but they were referred to the interview to see if they were worth proceeding with. And we did that.

Gradually the panel felt more comfortable with the test. In the last two panels I think we did have a passing mark, where they would not look at people—I can't remember the mark itself, but it could have been at about 60%. I stand to be corrected.

• (1125)

Mr. Bill Siksay: So there was a passing mark at the last couple of panels.

Mr. Jean-Guy Fleury: Yes.

There are two things you have to consider. The government—and rightly so—wanted more candidates, more choices. At the rate we were going, if the test were to stop a lot of people, then the question was whether we ran another competition.

You have to look at each case on its own merit. That's why you have a panel of six people from different walks of life coming to a judgment as to whether the person should be given the other level of interview.

Mr. Bill Siksay: Mr. Fleury, was political affiliation of the candidate ever a consideration for the panel, for you, in the interviews, in any of the work that was done in the selection process?

Mr. Jean-Guy Fleury: None whatsoever. I have to be careful. What I'm saying is that you have candidates who will not report any affiliation in their CV. We take the CV for granted. It doesn't matter really, as long as they meet the competencies. So it has nothing to do—There were people who actually were members of Parliament. They reported their backgrounds. It didn't change anything. It has to do with the nine competencies and whether you can make it.

Mr. Bill Siksay: Mr. Fleury, was there any change in how the appointment process worked with the change in government? I gather that before that there were quite a few people in the selection process who had been submitted to the previous Liberal government and that appointments hadn't been made. We know the situation with the new government is the same. Was there a difference in how the governments approached the recommendations of the selection panel and the appointments?

The Chair: We have a few minutes for a brief response, Mr. Fleury.

Mr. Jean-Guy Fleury: Okay. In the previous government there were reappointments in waiting, and vacancies.

The Chair: Thank you, Mr. Fleury.

Mr. Komarnicki.

Mr. Ed Komarnicki (Souris—Moose Mountain, CPC): Thank you, Mr. Fleury, for coming before the committee again. I always appreciate the clarity and preciseness of the evidence you provide. I thank you for your many years of service and wish you well in your retirement years. You've certainly put in a long shift. I see 42 years of rather interesting work throughout. You've certainly made your mark, and we appreciate that.

I want to preface three points. Would you agree that even before the present government took over there were vacancies on the board, and names had been submitted?

Mr. Jean-Guy Fleury: Yes. I can't recall precisely how many, but I had made recommendations of renewal, and we had vacancies because people had reached their 10th year.

Mr. Ed Komarnicki: Do you find that between elections there is a time when vacancies sort of grow before they're addressed, and it's something that happens naturally?

Mr. Jean-Guy Fleury: Yes, it happens in every transition, and it's normal.

Mr. Ed Komarnicki: My other point is on the testing. When I look at the Harrison report, I see that he said that the new test you talk about seemed to represent a reasonable yardstick for screening candidates against declared member competencies. Would you agree that at the end of the day we want to find somebody who meets at least a certain standard so that, regardless of who you select, they're able to perform the job as you define it?

Mr. Jean-Guy Fleury: Yes.

Mr. Ed Komarnicki: He goes on to say that in his opinion the standard applied for passing the written test was not high enough for the test to perform its intended function of reducing the initial group of applicants as a pool.

Would you agree that if you broadcast widely enough for applicants throughout the country, as the minister did in the most recent national advertisements for people who might be interested, it would be a good idea to set at least a passing mark in the written competency test?

Mr. Jean-Guy Fleury: I'll say yes and qualify it. If you didn't have the panel, you'd have to do it. The test would have to be the screening device.

• (1130)

Mr. Ed Komarnicki: Okay. Let's say I made the passing mark high enough, and a number of applicants got by without even meeting the minimum standard and were potentially recommended. You could still make your selection from that higher level of people—in terms of their background qualifications, how they could add to the system, their track records—at the selection board or the advisory panel.

Mr. Jean-Guy Fleury: Yes, you could. A test can be a screening device or one tool to evaluate candidates.

Mr. Ed Komarnicki: My impression is that he's suggesting the passing mark for the test be set high enough to ensure that those who pass the test before they go through your further competency process are already at a high level.

Mr. Jean-Guy Fleury: Yes, but I do not want to mislead anyone here. Regardless of the fact that we did border cases on the marking of tests, at least one-third were completely screened out as a result of their test marks being so low.

Mr. Ed Komarnicki: Absolutely. Anybody under 12 marks was screened out, and I think you'd want to do that. Those at 15 marks or higher were allowed to go through, but 15 certainly wasn't the passing mark.

Mr. Jean-Guy Fleury: It was not a flaw. We were using our judgment on the total person in front of us. But as for whether you can use a passing mark, for sure, I think a lot of institutions do that.

Mr. Ed Komarnicki: It's not a bad thing; it's a good thing.

Mr. Jean-Guy Fleury: In the scientific field or in accounting, or whatever you need, where you can measure. But the difficulty with the tests with which we're evaluating judgment is that this is a very hard tool, and it's very difficult to develop a foolproof test with respect to judgment.

Mr. Ed Komarnicki: It seemed that he felt the test was fairly good for that purpose.

But the other question he had was that if you had a test with a high enough passing mark, perhaps the two panels could be combined. He found that of all the candidates who were referred to the selection board, which was 114, almost all of them—104—were referred to the minister. Would you agree that once they got to the selection board, there wasn't much screening out?

Mr. Jean-Guy Fleury: It varies. I would like to say to you that if you take some of his statistics, it looks like that. But I chaired most of those, and I've seen series of interviews we conducted, in Toronto or anywhere else, where with the selection board we did not qualify 50%. So be careful with that statistic.

Mr. Ed Komarnicki: He does use the numbers. There were 104 referred out of 114.

Mr. Jean-Guy Fleury: I don't question his sample at all.

Mr. Ed Komarnicki: The other point is that initially, I understood, the then minister—I think it was Minister Sgro—indicated that the advisory panel would have persons appointed by the chair and persons appointed by the minister on an equal basis. There was a listing of the type of people who would be appointed: members of the legal community, academia, non-governmental organizations, as well as human resources experts.

Now, if you, as a chair, were sitting on that committee, you could appoint three people in that category, or you could appoint all people in that category. But do you not think the minister is fully capable of appointing three people so long as they come from a human resources background or a non-governmental organization or academia, just as well as you could?

Mr. Jean-Guy Fleury: My response is that if the government wants to do it that way, it's their prerogative, and I say they could do it, for sure.

The Chair: Thank you, Mr. Komarnicki.

Next we have Mr. Karygiannis.

Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.): Mr. Fleury, let me thank you for coming today. It means a lot to a lot of people, not only here but throughout the country.

I always look at how it affects people's lives. For somebody who sponsors a spouse, if that spousal sponsorship fails, then they have the option to go to IRB and have their case heard. Usually, in the last four or five years, from the time the individual puts in the request for a hearing until the hearing is heard, or goes through ADR or to a member's panel, it is anywhere between six months to a year. Is that correct?

• (1135)

Mr. Jean-Guy Fleury: Yes.

Hon. Jim Karygiannis: We were advised last week by the lawyers association that the length of time before an individual has an opportunity to go in front of an IRB member to present his case about the spouse who is abroad has climbed up to three years.

Mr. Jean-Guy Fleury: I'll tell you what I saw before I left on March 16. On March 16 when I left, it wasn't taking three years.

Hon. Jim Karygiannis: How long was it taking?

Mr. Jean-Guy Fleury: I think it was about a year. Our average had increased to about a year.

Hon. Jim Karygiannis: When this government came in, there were about five vacancies. Right now, we are advised that it's climbing up to 50-plus. At the time you left, was it 50 or 60?

Mr. Jean-Guy Fleury: We've got to be careful how we define vacancies. To me, when a person is up for renewal, if they've been there for three years and the next renewal possible is five years, that is a vacancy. If they're not appointed, they're not appointed. So you have that kind of vacancy. Vacancies are created when people have reached their 10th year and we need to replace them with new recruits.

Hon. Jim Karygiannis: So in your estimation, Mr. Fleury, how many vacancies would you say there were when you left the board?

Mr. Jean-Guy Fleury: At my last count, when I left the board, in Toronto alone I think we were at about 34% vacancy. Because Toronto is 60%.

Hon. Jim Karygiannis: That's 60% of the hub. So practically, one-third of the positions on the board were vacant.

Mr. Jean-Guy Fleury: When I left the board, yes.

Hon. Jim Karygiannis: So if it used to take one year for a hearing when a spouse—then I would assume that now that you have one-third fewer members, it would multiply the time by at least twice.

Mr. Jean-Guy Fleury: Yes, but you have to be careful to weigh the fact that the number of appeals has also increased. So there's the question of your vacancies, but it's that your workload referral is higher. Our appeals were increasing in the last three or—

Hon. Jim Karygiannis: Therefore, should appeals be increasing, not only do we need the members who are up for renewal, but we also need additional members to meet that additional appeal demand.

Mr. Jean-Guy Fleury: Yes, and you need the budget.

Hon. Jim Karygiannis: Fair enough.

The board also looks at parental sponsorships, and it also looks at people the government has deemed to be criminals who need to be taken away from Canada—somebody who comes to Canada and is an immigrant and commits a crime, or somebody who comes to

Canada, is a visitor, and commits a heinous crime. There is where the board is looking at removal. Their removal has been pushed back; they cannot be removed, because there are not enough members.

Mr. Jean-Guy Fleury: That's one part. But don't forget, we have another, third tribunal that is staffed, as decision-makers, by public servants. They have deadlines with respect to looking at whether people are going to be released or not. So what you describe is partly true in the terms you described, but in the tribunal where public servants do the decision-making and we're fully staffed, there are no delays.

Hon. Jim Karygiannis: What was the role of the minister and the Prime Minister in appointments?

Mr. Jean-Guy Fleury: It's the government that decides on appointments. It goes to cabinet on the recommendation of the minister and the Prime Minister.

Hon. Jim Karygiannis: Were there any roadblocks?

Mr. Jean-Guy Fleury: Were there any roadblocks?

Hon. Jim Karygiannis: From the PMO?

Let me be more specific. To your knowledge, were any appointments made of individuals who were not on the list of candidates recommended to this government? If so, how many? And did they have anything to do with your decision to resign as the chair of the IRB? Were the fingerprints of the Prime Minister's Office all over the appointments that made you resign, sir?

Mr. Jean-Guy Fleury: Mr. Chair, can I—?

• (1140)

The Chair: You have ten seconds.

Mr. Jean-Guy Fleury: Ten seconds?

The Chair: What do you require to answer that question?

Mr. Jean-Guy Fleury: Let me be quite clear about my leaving. I want to be very clear.

There was never any pressure put on me by the government, the PMO, the Clerk, PCO, anybody. There was never any pressure put on me. I made the decision that it was best for the board, because we weren't getting appointments, regardless of the system; that the board was being penalized and they needed a new chair, and the government needed to appoint a new chair.

Hon. Jim Karygiannis: Mr. Fleury, did you resign because what was happening was not ethical?

Mr. Jean-Guy Fleury: No, there was nothing about ethics. It has to do with me. I felt that I was getting to be a liability to the board and that it needed a new chair. I was not successful in getting the appointments.

The Chair: We're going into six and a half minutes on a five-minute round. Thank you both.

Mr. Jean-Guy Fleury: I'm sorry, Mr. Chair.

The Chair: That's okay, Mr. Fleury. You can finish up like that whenever you want. It's just that I get complaints sometimes that some members are getting more time than others. But if the witness wants to finish up, I'm sure committee members would be more than supportive of that.

Mr. Gravel or—

An hon. member: [*Inaudible—Editor*]

The Chair: The process we've been using is seven-minute rounds, and we go around the table; then five-minute rounds, and we go around the table. Now, we have a new proposal to put before the committee, and now is as good a time as any to say that if we could take 15 minutes, maybe, before one o'clock to go over the proposal that's been put before the committee, we can do that. But the process we've been using is to go to seven-minute rounds and then five-minute rounds, in accordance with the motion that was put forth on May 15 by Mr. Wilson, I believe.

Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.): On a point of order, Mr. Chairman, that thing is open quite a bit to interpretation, but my understanding of it is very simple. Mr. Komarnicki and I talked about it. You have the first seven-minute round, then you have five-minute rounds until everybody gets to speak, at which time we start a new round. That is in the motion, Mr. Chair.

The Chair: I think we have three different proposals before the committee, one made on May 8, one made May 15, and now this new one. So I think it would be beneficial for the committee if we could agree to sit and talk about exactly that, maybe 15 minutes before one o'clock. I believe this is going to take 15 to 20 minutes to talk about. I would hate to interrupt proceedings right now.

If you'll agree, we'll go on to—

Mr. Ed Komarnicki: I'd like to make a point, if I could, on the point raised by Mr. Telegdi. I think it's important.

The Chair: You can't unless we're going to go into a full discussion of the motion, which we can do 15 minutes before one o'clock, which would be a most appropriate time to do that.

Mr. Ed Komarnicki: I know, but it's not an issue of discussing the motion. I think Andrew has hit the nail on the head. There are two motions before us, already existing, and somebody has to interpret those motions, and the interpretation you're using I don't think is necessarily correct with respect to what the motion actually reads.

The motion that reads—

The Chair: No, no. I'm not going to entertain that right now, because at previous committee meetings we've been going around the table a second time on the five-minute round.

There is all kinds of confusion about that. So unless you want to cut into the time we have to examine witnesses—

Hon. Jim Karygiannis: Mr. Chair, I don't think this is the time or the place to argue this. We have a witness in front of us. Let's pay courtesy to him. Let's move on, and then when this is over, we can discuss it.

The Chair: I agree. Then we can discuss it.

Hon. Jim Karygiannis: I'm sure the parliamentary secretary will give consideration to Mr. Fleury for him to be heard.

Mr. Ed Komarnicki: That's fair enough. We haven't always proceeded in this fashion. In fact, we've proceeded in a different fashion.

The Chair: Order, please. I'm going to Mr. Gravel.

Is it agreed, by the way, before I go to Mr. Gravel or Madame Faille, that we will take 15 or 20 minutes before one o'clock? I think Mr. Fleury could very well be finished up by then. We'll make a determination if we need to change that when we get close to one o'clock. But my sense of it is that we could very well finish up with Mr. Fleury within an hour, which would be at quarter to one. At that time, we'll get this motion cleared up once and for all, because I'm running into it meeting after meeting.

We have three different motions as to the speaking order, and we're not making any progress getting some clarity on it. I'm determined that we're going to get clarity on that motion once and for all. So it will be at 15 minutes before one o'clock. Okay?

Go ahead, Mr. Gravel.

• (1145)

[*Translation*]

Mr. Raymond Gravel (Repentigny, BQ): Mr. Fleury, thank you for being here.

I wasn't here when you came the first time, but what efforts did you make to inform Minister Solberg, and subsequently Minister Finley, of the shortage of Board members, and to remedy the problem?

Mr. Jean-Guy Fleury: I believe that, in my last testimony—the date of which I don't remember—I was asked how many times I had met with Minister Solberg. I believe I answered at the time that I had done so eight or nine times.

Mr. Solberg was always open and available to talk about the appointments question.

Mr. Raymond Gravel: Mr. Fleury, if the situation were not what it is, would you still be there?

Mr. Jean-Guy Fleury: That question makes me think. I had made a certain contribution, and I had completed the mandate assigned to me. I had finished. I was also nine months short of completing my five-year term.

As I stated in the letter I sent to the minister, I was in the public service for 42 years. I had occupied quite complex, quite important positions of command. I really wanted to spend more time with my family, and I didn't think that I would be able to restore the Board's weight and positioning. I came to the conclusion that it might be preferable, for the Board itself, that we have a new chairperson.

Mr. Raymond Gravel: Thank you.

Ms. Meili Faille: May I continue, Mr. Chairman?

[*English*]

The Chair: By the way, you have three minutes.

[Translation]

Ms. Meili Faille: Thank you.

I'd like to ask a question about Mr. Ellis, who was a member of the panel. He recently received a medal for his contribution to administrative justice. Mr. Ellis no doubt submitted a letter to you at the time of his departure and surely told you about certain matters that were troubling him. What did you do about his recommendations? Is the minister aware? Are some of Mr. Ellis' recommendations relevant? Did Mr. Harrison take them into account? I'm trying to understand how a person who has received so many medals and a number of administrative justice awards can resign without anyone considering the reasons why he resigned.

Mr. Jean-Guy Fleury: I appointed Mr. Ellis. In the Canadian legal community, Mr. Ellis has a good reputation—you are correct—and he always makes good speeches and has good arguments. I believe that no one is more qualified than he is in the area of tribunals. I had a lot of respect for him. I asked him to join our tribunal when we lost a member for health reasons. He did so willingly. His contribution was outstanding. I don't remember the number of panels in which he took part, but I am sure that it was at least three. I called on him as a personal advisor regarding the operation of a tribunal. Perhaps you will recall that a contract was awarded to do a study on asylum hearings conducted by videoconference. Mr. Ellis had that contract. That shows that he is an extremely conscientious person who felt that his work on renewals was not moving forward. There was also the recruitment issue, but, if you read the resignation letter that he sent to the minister of the time, you'll see that his major concern was that his recommendations concerning renewals had not been followed.

• (1150)

Ms. Meili Faille: That was a problem for him.

Mr. Jean-Guy Fleury: It's a lack of confidence or—we don't know.

Ms. Meili Faille: We don't know. That's why. He seemed to have concerns about the loss of knowledge within the IRB. He thought that loss would have a major impact on the administrative tribunal.

Mr. Jean-Guy Fleury: Furthermore—

[English]

Mr. Chair, may I continue?

The Chair: Yes, you have a little time left.

[Translation]

Mr. Jean-Guy Fleury: Furthermore, since he did the study on the asylum hearings conducted by videoconference, Mr. Ellis came to know our Board and the complex nature of the work and issues facing the decision-maker. In addition, Mr. Ellis believed that care had to be taken to ensure there was no politicization with regard to Board renewals. I'll give you an example. Mr. Ellis was chair of the tribunal in Toronto and he decided on renewals; he was not someone who came from the political side. That moreover was one of my recommendations to the last panel.

[English]

The Chair: Who do we have next?

Mr. Siksay, please.

Mr. Bill Siksay: Thank you, Chair.

Mr. Fleury, on the subject of Mr. Ellis's experience with the advisory panel and the selection and appointment process, I believe he made it very clear that he thought the process had become very politicized, both with the previous Liberal government and with the current Conservative government.

I believe in his letter to you of June 2006, on the problem around appointments and reappointments, he said:

Of course, the problem has been exacerbated by the fact that the new government's policy of non-renewal of Liberal government appointments comes on top of the Liberals' own unaccountable failure to appoint the bulk of the candidates who came through this merit-based system successfully in the past and were recommended for appointment.

Mr. Fleury, do you agree with Mr. Ellis's assessment of the experience in that statement?

Mr. Jean-Guy Fleury: I can't speak for Mr. Ellis. I think you've read what he said in the letter.

I think the big disappointment that occurred was the fact that—and I think I said it before—when we established those nine competencies that we were going to use for recruitment purposes, we also asked that every member who was in place be tested against those nine competencies. And I think what he was getting at in his letter—that's my opinion—was that—you re-evaluated all your staff, the present staff you have, against those nine competencies. Some didn't meet them, and I recommended that they not be reappointed. Some were missing just one factor, and we trained them and got them back to up speed.

So I guess what he was saying is that the ones I recommended for reappointment, regardless of the government in place—where in my first two years of the mandate I think 95% of my recommendations were accepted, that was not the case then.

Mr. Bill Siksay: Mr. Ellis goes on to talk about the loss of experience and skills through the lack of reappointments, which you've already addressed. He also talks about the public relations calamity that the situation is causing for the IRB.

Do you agree with his assessment that this constitutes a public relations calamity for the board?

Mr. Jean-Guy Fleury: No. If you look at the outside press we had four years ago vis-à-vis our board and our competencies and what we have today, there's better reporting and a better acceptance of that.

As I said, we lost 300 years of experience that year. What he was trying to get at, I suppose, is that the average experience of the people you had in place was about 5.6 years. If it's all new recruitment, you'll end up with 2.7 years of experience. I think that's what he was getting at.

Mr. Bill Siksay: Mr. Fleury, he also talks about institutional morale at the board. How has this situation affected the morale of the folks who do this important work for Canadians?

•(1155)

Mr. Jean-Guy Fleury: Morale is a big word. In a sense, you can have morale problems that are not directly related to the appointment process. I think morale issues are far greater than that.

It affected members when they saw some of their colleagues not knowing their status, whether they were going to be reappointed or not, right up until the last day. Some even went home, without pay, with no indication that they would be reappointed. When they saw that treatment—and it happened with both governments—their own value was this: we're going all out, we believe in the work we do, we don't try to let that affect us, but am I the next person who will be treated like that?

I think Mr. Harrison, in his report, talks about due notice. And in provincial jurisdictions, most tribunals have a way of letting people know six months before whether they're going to be renewed or not. I know that in transition years some of that becomes difficult, and it's an orientation. As I said, it happened with all transitions, regardless of governments.

Mr. Bill Siksay: How long does the normal transition period go on for? You've seen transitions, Mr. Fleury. This has been about 18 months now. Is this a normal transition or is this an extraordinary transition?

Mr. Jean-Guy Fleury: It's a tough transition.

Mr. Bill Siksay: Thank you.

The Chair: Thank you, Mr. Fleury.

Mr. Jaffer.

Mr. Rahim Jaffer (Edmonton—Strathcona, CPC): Thank you, Mr. Chair.

Thank you, Mr. Fleury. It's good to see you again, especially as a private citizen, so to speak, sharing your experience with us. I think it's always useful, and I appreciate your taking the time.

I just wanted to give you a final chance—because I don't know whether you finished your statement with regard to Mr. Karygiannis and helping to shoot down some of the black helicopters that he keeps trying to bring up. I don't know whether you had a chance to address his final comment. So if you would like to, I'd like to give you a chance—

Hon. Jim Karygiannis: Mr. Chair, I have a point of order.

The Chair: There is a point of order.

Hon. Jim Karygiannis: I would ask my colleague to use a better tone of language. I'm certainly not negative towards him, and certainly using that kind of language is not appreciated on this side of the House.

Mr. Rahim Jaffer: I'm sorry I hurt your feelings, Jim. I know you're a big boy. I think you can take this kind of—

Hon. Jim Karygiannis: It's Mr. Karygiannis to you, and to be more precise, Honourable Karygiannis. If you don't understand that, I suggest you read the name.

The Chair: Order!

Mr. Rahim Jaffer: Your time is up now, Mr. Karygiannis.

The Chair: We have a disagreement between two honourable gentlemen, so we'll move back to Mr. Jaffer.

Mr. Rahim Jaffer: I wanted to say I wasn't sure whether you had the chance to finish the statement you were giving to Mr. Karygiannis.

Mr. Jean-Guy Fleury: Again, I want to make sure that no one—I'm not a victim of anything. I'm a professional, and you have to make decisions on your status when things happen. I didn't leave negatively. I'm very proud of what we did. I think the board is going to win by having a new chair, and the government will appoint the chair they want. That's their prerogative, and I bow to that.

I'm a public servant. If I feel that it's time to go, it's time to go. There was no pressure whatsoever by any institution, by anybody, nor reference in my presence to my leaving. As a matter of fact, I would suggest that in terms of the Privy Council Office, the message was quite clear that I should finish my term, and they wanted me to finish.

Mr. Rahim Jaffer: Thank you for clarifying that.

I want to shift gears a bit, Mr. Fleury.

On a more positive note, I know you've had a wealth of experience, given all your years of service, and I want to wish you the best in your retirement.

You mentioned in your opening statement that prior to leaving you had indicated a plan to the minister for governance structures, so I'm going to ask three general questions, and you can use up the rest of the time.

Can you give us a brief outline of some of the structures you presented to the minister? I don't know if you can speak about them or not, but some of the key changes you suggested. To your knowledge, were those suggestions well received? Have any of them been implemented since you suggested them?

Finally, you have already addressed it, but why did you feel it was necessary for new leadership to carry out some of them?

•(1200)

Mr. Jean-Guy Fleury: First of all, it was advice to the minister, so under my oath when I was a chair, I cannot share the advice I gave to the minister.

What were the issues? I can talk about what the issues were. The issue was governance from the point of view of two things. One, with the arrival of the Accountability Act and the new responsibility of deputy heads and heads of agencies, it became clear that you had to make sure that the accountability of the chair is meeting the standard and that the chair is not vulnerable with respect to the management of the board. The way we're divided now, the chair has a position called executive director, and the two vice-presidents weren't accountable at the end of the day. I ended up with the accountability. There is no problem with that, but let's make sure that it's clear to everyone where the accountability lies. You need to clarify accountability with respect to the performance of the board, with respect to ethics, values, and how we render justice.

The second thing in the organization is public servants supporting decision-makers, and you try to clarify the line between both in terms of the management, of the accountabilities, etc. It is most difficult right now. The lines are blurred. We tried a few models and we're working with some: that public servants look into case management, and Governor in Council appointees render decisions and have strategic policy direction on some issues. It's there, but it needs more clarity and it needs more refinement.

Third, there's an overlap on management, and that has to be addressed. There is too much management.

The Chair: Okay, it's 5:20, so thank you, Mr. Jaffer.

Mr. Telegdi, please.

Hon. Andrew Telegdi: Thank you very much, Mr. Chair.

Mr. Fleury, congratulations on an exemplary career. You certainly touched off a bit of concern for people across the country involved with dealing with refugees and trying to see fairness happen. I commend you for taking the step that you took.

I'm not trying to put words into your mouth, but you were committed to making sure that the people who were appointed were qualified, that they went through the selection process. You were aware in the past how political interference was part of appointing people to the Immigration and Refugee Board, and you, sir, made a decision that it was not going to happen on your watch. I think you have really achieved something, and I'm saying this for all parties in government, when you took that position.

The issue was that if the minister wanted to set up a committee on appointments, as long as they were true to the selection process, you were comfortable with that, and when there was the mix between the minister's appointments, which are by their nature political, and the selection committee that you put together, that's when you probably said, I've been here long enough, I don't agree, I'm on my way.

Am I generally correct in that?

Mr. Jean-Guy Fleury: If I could express it in my own terms, I respect the fact that the government can decide what they want on appointments and they can decide what they want in terms of selection. I came in and saw that the way to professionalize the institution was to divorce the selection from the appointment. My view is when you mix them up, whether you like it or not, you are politicizing the selection process.

My sense is that for tribunals—not for Governor in Council appointees everywhere, but for tribunals—especially our tribunal and the work we do, it has to be divorced.

•(1205)

Hon. Andrew Telegdi: Thank you very much. That's my understanding.

I really appreciate that, and I think you really are an example that people joining the public service can aspire to. In all my years, sir, I haven't heard so many good comments about a person as I have heard about you.

The other question I have is, yes, there is always a lag time, and governments change, but I have been on this committee for a long time and I can't recall our ever having one-third of the membership being vacant. I know that when you started we had a backlog of 52,000 people. You, sir, brought it down to 20,000, and we were looking forward to that number decreasing and having an efficient system. Of course, with these vacancies, the backlog is growing.

Can you, in your time, recall when we had a situation where over one-third of the board was vacant?

Mr. Jean-Guy Fleury: I don't know.

Hon. Andrew Telegdi: Thank you.

My understanding is that when the Liberals left office we had five vacancies. How many people went through the selection process who were ready for appointments at that time?

Mr. Jean-Guy Fleury: Mr. Chair, I'm going to be approximate and stand corrected by maybe the board. The staff from the board could possibly write to you, but I think we had at least 40 or 45 names.

If I may also add to this, I did not anticipate—and I should have, but I didn't, and I accept responsibility for that—that the percentage of my recommendations of reappointments would drop so fast, because 35 names—In a normal year when everything's in place, you don't have more than 15 vacancies that come up for new appointment.

The Chair: You can continue a little bit further on, if you want, Mr. Fleury, but we are at 5:10 now. Or are you finished?

Mr. Jean-Guy Fleury: Yes, I'm finished.

The Chair: Thank you, sir.

Madame Faille or Mr. Gravel.

[Translation]

Ms. Meili Faille: I didn't expect to answer questions; I thought Nina would take the floor.

[English]

The Chair: If you're not prepared at the moment, we can move on.

[Translation]

Ms. Meili Faille: In fact, I'm going to ask you the following question.

I had understood that there were five Board member openings before the election, that is before January 2006. At that time, some 40 candidates had been proposed to the minister. Is that correct?

Mr. Jean-Guy Fleury: Yes.

Ms. Meili Faille: You subsequently pointed out that positions had become vacant over the months.

I think that, when you appeared before the committee, you told us that you were short approximately 40 members. At that time, you were sure that the minister had enough candidates in hand to fill those positions. I also think you mentioned that the problem was that appointments had to continue.

Mr. Jean-Guy Fleury: I want to qualify your question. There were five vacant positions for new appointments. However, the government in power also had a file containing some 20 renewals, because it should not be forgotten that renewals also create vacant positions if they are not filled. So you have to be careful.

Ms. Meili Faille: When you appeared before the committee, the minister's office had in hand the names of candidates that it could have appointed. Is that correct?

Mr. Jean-Guy Fleury: Yes.

Ms. Meili Faille: Yes, all right.

I don't have any more questions, Mr. Chairman.

[English]

The Chair: Thank you, Madame Faille.

Mr. Siksay.

Mr. Bill Siksay: Thank you, Chair.

Mr. Fleury, just to pick up on something else that Mr. Telegdi had mentioned, he said that there had been some progress on reducing the backlog. I think it was down to around 20,000 files. Do you know what it was when you did leave? Had it risen again from that 20,000 that you last reported to the committee? And where was it at the time of your departure?

• (1210)

Mr. Jean-Guy Fleury: I stand corrected there, but I think we were climbing to 26,000, and going at a rate of a possible 1,000 a month on the refugee side. On the appeals side it's different.

Mr. Bill Siksay: Okay. Can you tell me what level of backlog you'd find acceptable in the workings of the board?

Mr. Jean-Guy Fleury: None.

Mr. Bill Siksay: And was that always the goal of the board?

Mr. Jean-Guy Fleury: No, no, you can't—Let me paraphrase this so that we have a benchmark for when I use the word "backlog".

The ideal on the refugee side is to have a decision rendered in six months. To do that, if I have all the members in place, in six months, the cases in waiting—they wouldn't be called a backlog—would need to be at 16,000.

Mr. Bill Siksay: So 16,000 is a target for what you believe is the effective functioning of the board. And we're seeing that disappearing over the horizon, at this point, given the number of vacancies.

Mr. Jean-Guy Fleury: Yes, but in the four years I was in the position, we never reached it.

Mr. Bill Siksay: I understand that—but we were getting there.

All I want to say, Mr. Fleury, is thank you for your long service as a public servant in Canada. I want to add my voice to those of others who've expressed that this morning.

Mr. Jean-Guy Fleury: Thank you very much.

The Chair: Ms. Grewal.

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Mr. Fleury, I would like to congratulate you on your retirement after nearly 42 years of public service. I appreciate your desire to spend some more time with your family and to pursue new endeavours.

When you announced your retirement, you wrote a letter to Minister Finley that is now publicly available on the IRB website. In your letter you state that the Immigration and Refugee Board's current structure is dated and lacks sufficient clarity with regard to accountability. Can you please tell the committee what you meant when you said the structure was dated and lacked sufficient clarity?

Mr. Jean-Guy Fleury: Yes. I think there are two factors.

The board was structured the way it was for 15 years, and having worked with it, I had come to the conclusion that we did not need the position of executive director; we definitely needed to change the accountability in the chair's office and clarify the roles and responsibilities. That's one.

The second factor in terms of governance is that with the new Accountability Act, with the responsibilities of deputy head and accountability, and the fact that you have to account to this committee—and I do account to the committee, by the way—you need to make sure that you understand your mandate and that it is clear. It's also important, in the initial stages of an appointment, for the minister to give general direction in terms of where the board is going.

The Chair: You may continue. You have three minutes.

Mr. Ed Komarnicki: I'll just continue from where she left off. I want to get some of your thoughts on other aspects of the report that we haven't touched upon and see if you're in agreement.

One of the recommendations was a recruitment campaign on a frequency basis to ensure an ongoing pool of candidates. Do you agree there should be an ongoing recruitment campaign, and would you agree it should be with the widest possible publication on a national basis, so that we could get a good number of candidates applying for the position?

Mr. Jean-Guy Fleury: I agree with you.

Mr. Ed Komarnicki: Okay.

We've talked about setting and applying the pass mark, and that was fine. He talked about keeping potential candidates informed of the situation and giving them ample notice in advance of the expiry of a current member's term. Are you in agreement with that part of the report?

Mr. Jean-Guy Fleury: I am, very much.

• (1215)

Mr. Ed Komarnicki: Making the initial appointments for three years as opposed to the current two years—would that be helpful in the process in terms of reducing the backlog?

Mr. Jean-Guy Fleury: Yes, I agree. It would be three years, five years, and two years—maximum, ten. I think it was Mr. Harrison's recommendation.

Mr. Ed Komarnicki: Yes. He said that reappointments should be for five years, followed by a two-year term. Would you be in agreement with that?

Mr. Jean-Guy Fleury: Yes.

Mr. Ed Komarnicki: You mentioned that the minister should continue to be provided with three names for each vacancy. When you were giving the testimony—I assume you supply just a bulk set of names without regard to vacancies. Has it been the practice to supply three names for the vacancy, as opposed to a pool of candidates?

Mr. Jean-Guy Fleury: No. I think I discussed the 3:1 ratio at the last appearance. I had a discussion with one minister in terms of costs and benefits and in terms of coming to a conclusion about how many candidates you need. What was missing prior to putting in the new regime was that you had 300 people on the list and you needed only 20. The candidates were frustrated. They would phone and ask when they were going to be—

I was saying that in the private sector, your short list is sometimes 3:1. I asked the minister if he would agree that we should try to arrive at that objective—but if I could give 5:1, if the amount—

Our experience was that without going into a campaign—which we were—each year we usually had 300 applicants from all walks of life showing interest. With the campaign, it went up to 400 or something. I think that if you ran a campaign right now, you wouldn't get more than 300, because of the complexity of the work. You wouldn't get more than 300. Do you still do it? For sure.

The Chair: Mr. Wilson is next.

Mr. Blair Wilson (West Vancouver—Sunshine Coast—Sea to Sky Country, Lib.): Thank you, Mr. Chair.

Thank you, Mr. Fleury, for coming to this committee today after 42 years of public service. We know in committee that public service can be both demanding and very rewarding. I think you should be proud of the work you've accomplished over your term.

I just want to go over a few questions with respect to the selection process and the appointment process.

It's my understanding that since 2004 the selection process for IRB members has included an initial screening, a written test, pre-screening by an advisory panel, a selection board interview, and reference checks. The advisory panel, consisting of the legal community, academia, non-governmental organizations, and human

resources experts, is responsible for pre-screening candidates. The selection board, chaired by the IRB chairperson, then interviews candidates identified by the advisory panel. Based on the assessment of the advisory panel and the selection board, the IRB chairperson provides the Minister of Citizenship and Immigration with a list of qualified candidates. The minister can then recommend IRB members, who receive their appointments by order in council.

Mr. Fleury, do you consider those members who were selected through this current merit-based selection process, which was introduced by the prior Liberal government, to be better or worse than those selected before these reforms came into place, in terms of both competence and overall qualifications?

Mr. Jean-Guy Fleury: I wasn't here before. All I'm saying is that we had a lot of complaints about how people were selected six, seven years, or eight years ago. The previous chair has written a book on that, and he makes reference to the quality, and so on.

The impression from my managers and the people I worked closely with was that we were getting there and had professionalized to a higher degree than in the past. That is not to say that with a different system in the past, we did not have good candidates. There were good, strong members in the past. But they probably didn't have the critical mass that was necessary.

Mr. Blair Wilson: On February 28, 2007, during question period in the House, Minister Diane Finley said: "The current chair of the IRB, Mr. Fleury, has said, 'the Board could be an even more effective, efficient and ultimately fair tribunal'."

What changes do you think are necessary to make the IRB "more effective, efficient, and ultimately fair"? What are the top three changes you would recommend?

• (1220)

Mr. Jean-Guy Fleury: I didn't know about that. Are you quoting from a statement?

Mr. Blair Wilson: It's a question period response by a minister in the House.

Mr. Jean-Guy Fleury: You can always improve. I didn't have a shopping list.

Let me say that the mandate was professionalization of the institution. I think we were there. The mandate was a merit selection process independent of a political process. We were there. The mandate talked about governance, getting out of a backlog, and bringing institutions, both the public service and the GICs, to the highest standard. That is what we sought in the four and a half years.

This is not about Jean-Guy Fleury. My predecessors built this also, and I built on what they did. Whether it was performance evaluation improvement, diversity, or values and ethics, we reinforced each other.

The model I used with the IRB was what the Clerk of the Privy Council was trying to do with departments in terms of accountability, values, risk-taking, creativity, and innovation. There were all kinds of things that were—

Mr. Blair Wilson: It seems that the process is set up and structured fine. The problem seems to be at the minister's level, where there is this backlog and the minister's refusal to appoint and reappoint candidates. We had five vacancies when this government took over; we have sixty now.

Did the government ever give you any reason for not appointing more from the bank of candidates that your process put forward?

Mr. Jean-Guy Fleury: I can't speak for the political; I can't speak for ministers. All I can say is that Minister Finley and I worked together only 60 days.

But the previous minister was always available. He always listened to my representations. Was I successful? I don't think so.

Mr. Blair Wilson: You said earlier in your testimony that you had become a "liability", and you felt that you were—

Mr. Jean-Guy Fleury: That's my opinion.

Mr. Blair Wilson: —not being successful in convincing the minister to make these appointments. Why do you think you were unsuccessful in convincing the minister to make these appointments?

Mr. Jean-Guy Fleury: I don't know.

Let me be quite clear here. When I recommended a candidate and gave the situation to the minister about what was at stake, I never asked them—They didn't account to me. I was a public servant; I provided advice, and I stated the facts. What happened thereafter I was not privy to, nor did I engage—

The Chair: It's been almost six minutes. Thank you, Mr. Wilson.

I can continue on to the various parties, but I don't see any hands coming up. So I will go to the next one who indicated they wanted to speak, which was Mr. Alghabra.

Mr. Omar Alghabra: Thank you, Mr. Chair.

I want to pick up on that point because, Mr. Fleury, we all heard testimony from you and the stakeholders about how much the IRB advanced. You were rightly very proud of the work you did and the progress you made as a chair and, previous to that, as executive director.

So I really find it surprising that you said a minute ago that you found your presence as chair—and these are my words—an impediment, or as you said, a liability. Could you please elaborate on that? How could you—especially after talking about your success regarding professionalization, governance, and independence—still feel that you were an impediment or a liability?

Mr. Jean-Guy Fleury: Yes. Maybe the word "liability" in English is not what I meant. It's not a liability so much as, first of all, it's we who did that, it's not me. I'm very careful. It's everyone on the board. I had a sense that I had accomplished what I promised, and to wait for another nine months...I don't think the board would have been well served. I think my time had come.

• (1225)

Mr. Omar Alghabra: Why not? I think everybody you ask will tell you that you, and the team with you, have served the board extremely well. Why, in this last nine months, do you say you're not —

Mr. Jean-Guy Fleury: My wife was very happy for me to leave. She helped draft the letter.

No, it's not the 42 years; it's about having a sense sometimes—how much more value-added could I be? And that's why I was a bit reticent to come here. I didn't see myself as being value-added today. I had given my testimonies to you previously. My sense is that when the time comes, you know it's there.

I've always said that it's important that when you get up in the morning you want to go, and if that feeling is not there, that's the signal.

Mr. Omar Alghabra: I understand. I don't want to again put you in a difficult position, but did it have anything to do with the timing of the Harrison report release?

Mr. Jean-Guy Fleury: Well, there's always timing in everything.

Let me talk about the Harrison report from one dimension. I was consulted throughout. Mr. Harrison and his team—I opened the door. They came and observed hearings in Toronto. They saw all our files. Mr. Harrison always kept me informed of where he was with the report, although the client was the minister. I wasn't the client.

Mr. Omar Alghabra: I'm serious. Looking forward to that—

Mr. Jean-Guy Fleury: I'm not trying to go around—

Mr. Omar Alghabra: Did it have anything to do with the timing of that report?

Mr. Jean-Guy Fleury: Well, partly, in the sense that when the minister said she agreed with everything that was in the Harrison report and they were going in that direction, I couldn't see myself being the one implementing that, in fairness to the government.

Mr. Omar Alghabra: Why? Why didn't you see yourself—

Mr. Jean-Guy Fleury: Well, we talked about it.

Mr. Omar Alghabra: So when I asked you a question, you felt that this new merger of the advisory panels increased the politicization of the—

Mr. Jean-Guy Fleury: I've said what I had to say on that. But let me just point out that it's a combination of factors. It wasn't only Mr. Harrison's report; it's a combination of factors.

On March 16, I still did not have the appointments I needed, and this had been going on for some time. What more could I do? Then the government decided...and I respect what they're doing, and it is not for me to criticize the decision they're taking. For me, the best way is to have a new chair appointed by the government who can give what the government wants in terms of our board.

Mr. Omar Alghabra: Congratulations on great integrity and great service to Canada.

The Chair: You have an impeccable sense of timing, Mr. Alghabra.

Who do we have next? Mr. Komarnicki.

Mr. Ed Komarnicki: Absolutely, as we close here, I congratulate you on your many years of service, for sure, and I realize you've done an admirable job.

I know that your position has been replaced by Mr. Goodman, with whom you probably are familiar. He's an excellent choice. You worked with him for a number of years.

Could you tell us a little bit about him?

Mr. Jean-Guy Fleury: Under Minister Solberg I conducted a competition for vice-president, and Mr. Goodman was the successful candidate as vice-president. He's an outstanding individual. He had been in tribunal work, public service in Ontario work, and he was doing extremely well. So in terms of the interim, I recommended to the minister that Mr. Goodman was the right choice, and the minister agreed.

Mr. Ed Komarnicki: So you're leaving the board in good hands.

Mr. Jean-Guy Fleury: I have a good comfort level. Very much.

By the way, I saw my doctor this morning, and my high blood pressure is lower than it was two years ago.

Mr. Ed Komarnicki: That's probably not a bad assessment of things, for sure.

I see that also Ken Sandhu has joined the executive team as deputy chairperson.

• (1230)

Mr. Jean-Guy Fleury: Yes. There again, Mr. Sandhu was chosen through a selection process conducted by the minister, Privy Council Office, and PMO. I was on that board.

You're mentioning something, and I'm glad I never made the distinction. I have no problem, for my selection and the selection of the vice-president, that the minister's office and the Prime Minister's Office are the ones on the board; I don't call that politicizing. When I talk about politicizing, I am talking about the level of the decision-makers. I am not talking about the levels of management. I think the government should have a say, and they have.

Mr. Ed Komarnicki: In fact, you were appointed by the previous government. Wouldn't that be correct?

Mr. Jean-Guy Fleury: Yes, I was.

Mr. Ed Komarnicki: Finally—I'll perhaps stop right there.

The Chair: Thank you.

Mr. Karygiannis.

Hon. Jim Karygiannis: Mr. Fleury, every day when somebody wakes up and goes to work, they either look forward to going to work and they're happy about it or they go to work grudgingly because they have to pay a mortgage and they have to feed the family. I don't think in your case, sir, it was the second. I think every morning when you got up to go to work you were happy about what you were doing; you were proud of what you were doing. Certainly

we can see in this committee, from your testimony today, that you had a very successful 42 years, and you certainly made a lot of contributions to this country.

From that, if I were to come to the conclusion that during the last nine months, as you said, you didn't have any added value, I would say that probably you were not happy about going to work and you decided you were going to pack it in. Your blood pressure is lower now. I would come to the conclusion that although you were trying to make a difference, and as a 42-year public servant you had a lot of know-how—The list of people praising you, even in this committee and everybody around this table, certainly is impeccable. But I would come to the conclusion, sir, that you were at loggerheads with the minister, and certainly the minister was not listening to you, and one morning you woke up and said, screw it, I'm gone.

I would say that on the other side the minister was probably even happier to get rid of you, because you were pointing in the right direction and giving advice to the minister that the minister needed to take, and that this government is certainly not willing to go in that direction. This is why we are in the quandary that we are in today, and this is why you probably said, enough is enough and I'm leaving.

How close am I, sir?

Mr. Jean-Guy Fleury: It wasn't like that.

Hon. Jim Karygiannis: How was it?

Mr. Jean-Guy Fleury: As I said, there were family considerations. After 42 years in the federal government I wanted to do something different. I wanted to take four or five months off and then start my own company. I don't know what I'm going to do in September. I certainly won't stop working, by the way. The word "retirement" is not the right word.

I think it was just the timing. The time was good to have a new leader in the institution. I think you'll see appointments coming better now. That's my prediction.

Hon. Jim Karygiannis: So you were a road block to appointments?

Mr. Jean-Guy Fleury: I don't know. I'm not using those words, and I did not have a difference of opinion with any minister.

Hon. Jim Karygiannis: Mr. Fleury, you said that we'll see appointments come better. Does that mean—

Mr. Jean-Guy Fleury: No. I'm saying that with the new regime they're going to put in place, with a new chair, there may be a confidence level that more appointments will follow. I don't know.

Hon. Jim Karygiannis: Are you stating, sir, that the minister had no confidence level in you?

Mr. Jean-Guy Fleury: You're going to have to ask the minister.

Hon. Jim Karygiannis: But you just stated "confidence level".

Mr. Jean-Guy Fleury: It's not a matter of confidence. I'm not saying what you're trying to do. I'm saying that my decision to leave the government at this time was a combination of many factors. I had to look at what was good for my boys. To me, my staying was not good for my boys at this stage.

Hon. Jim Karygiannis: If I were to put a percentage on that, sir, how much was your decision affected by what was going on at the minister's office: 20%, 30%, 40%, 50%, or 60% of your saying, enough is enough and I'm walking out?

Mr. Jean-Guy Fleury: Have you ever tried to quantify a gut feeling?

Hon. Jim Karygiannis: Yes, many times, and in this case I would say that the minister's office had a lot to do with it.

Thank you, Mr. Chair.

Mr. Jean-Guy Fleury: Well, I don't conclude that.

The Chair: Thank you.

I told Mr. Telegdi he was next, but we have time for two more questioners, and that is all I have on the list here. Two more people have indicated that they want to speak. That will take us up to about a quarter to the hour, when we can consider the proposal that the clerk has before us.

Mr. Siksay, I am sure you have a couple of questions. Then we'll go to Mr. Telegdi.

• (1235)

Mr. Bill Siksay: Thank you, Mr. Chair.

I'm glad to hear about your blood pressure, Mr. Fleury. I am wondering whether we shouldn't be monitoring Mr. Goodman carefully, though, at this point, given his new responsibilities.

Mr. Fleury, when the advisory panel resigned en masse on February 27, they wrote you a letter, and I suspect you knew that was in the works. Had you tried to dissuade them from taking that action prior to their resignations?

Mr. Jean-Guy Fleury: I'm glad you raised this.

Remember, I was the one who selected all of the people on that panel. Other than general terms of references that are all available to everyone, we didn't really have a way of working together, as to how we would work and so on. I was of the view that the panel should not be chaired by me, because it was too much power in one role. I was the one who was going to do the recommendation to the minister, and to chair the panel was a lot of—So at the first meeting of the panel, I left the meeting and they elected a chair, Madame Plante, a human resources person.

The way the panel worked was up to them. I was there; I observed; I could speak, if I wanted to, to a candidate's name.

The other thing you should be aware of about this panel is that they swore an oath that if they knew a candidate or if a candidate had made representations to them, they would declare it and stand out. No candidate ever tried to approach them, to my knowledge, and when they knew a candidate personally, they did not discuss the candidate.

The Chair: Since we have some more hands that have gone up, the chair has a certain amount of discretion, according to the motion we're operating under.

Mr. Jean-Guy Fleury: Mr. Chair, may I—? I didn't answer his question; I went too far in explaining.

The Chair: That's no problem, sir.

Mr. Jean-Guy Fleury: I knew there was displeasure toward the end. They had seen a version of the Harrison report. I purposely went out of the room to let them deliberate. I did not take part in any drafting of letters. I found out from Madame Plante that they were going to resign.

So their conduct was independent of me.

Mr. Bill Siksay: Could I ask a brief supplementary?

The Chair: Yes. Let's have a brief question and a brief answer.

Mr. Bill Siksay: Mr. Fleury, do you disagree with anything they wrote in their letter of resignation, in terms of their analysis of the situation they faced?

Mr. Jean-Guy Fleury: I think the analysis of how they saw their role is well reflected.

The Chair: Thank you, Mr. Fleury.

Mr. Telegdi. And now I have Mr. Jaffer and Mr. Wilson also.

Hon. Andrew Telegdi: Thank you very much, Mr. Chair.

I just want to make sure that the record shows that when the parliamentary secretary asked Mr. Fleury if he was appointed by the Liberal government, he said yes, and you, Mr. Chair, said, "Good choice".

The Chair: It seems to be, in my opinion.

Hon. Andrew Telegdi: Thank you very much, Mr. Chair. As a former chair of the committee, I agree with you. It was an excellent choice, and we made great headway with Mr. Fleury. I wish we were making some more with him.

Having listened to some of the questions, I think what we're dealing with is that the work of IRB is life and death. You make a wrong call, and somebody gets sent back, and somebody dies.

I had the occasion of almost resigning as the parliamentary secretary prior to my final resignation when I had a case before me in which somebody was turned down for refugee status because the board member was too ignorant about the situation in the former state of Yugoslavia. He turned down a refugee claimant because he did not believe that the state radio station and the police and the government collaborated together to deny people's human rights, particularly as related to minorities in the former Republic of Yugoslavia. Of course we all know Milosevic, the war criminal, and the whole workings of the dictatorship, and that the board member was dead wrong.

I use that point because I'm convinced that had that person been sent back, that person would have died.

I want to clarify something for my mind, because after some of the questions, it became a little confusing. Going back to the date that you made the decision to resign—and I said that before—you did so because you believed that the appointment process should not be politicized, and that's why you did not want to see ministerial involvement at that level. If the selection process could have been preserved, and the Harrison report could have said, okay, at the appointment process let the minister set up an advisory committee to herself, that would have been okay with you.

That's where you really came to a parting of the ways. Am I correct on that?

• (1240)

Mr. Jean-Guy Fleury: Yes.

Hon. Andrew Telegdi: Okay. Good.

I would suggest that we really could have benefited from that process, keeping in mind that we want to make sure that the appointees are competent, not political. It doesn't mean that they couldn't have had political experience or have been involved in politics before, but the selection process for those people who are going to sit on life-and-death decisions has to be totally beyond reproach.

Mr. Jean-Guy Fleury: That's my fundamental conviction.

The Chair: Thank you.

We're going to go for two minutes each to Mr. Jaffer and Mr. Wilson.

Mr. Jaffer.

Mr. Rahim Jaffer: I think most of my questions have been answered. I'll just again wish Mr. Fleury all the best with whatever business or whatever future he chooses. I'm sure he'll still be available when we sometimes need to pick his brain from time to time.

Mr. Jean-Guy Fleury: I'll come in as an expert, not as a former chair.

The Chair: Thank you, Mr. Jaffer.

Mr. Wilson.

Mr. Blair Wilson: I have just a couple of final questions and comments on the difficult position that you've been put into with the politicization of this process and the changing of the systems. I just want to ask two questions.

To your knowledge, were there any appointments made of individuals who were not on the list of candidates recommended to the government?

Mr. Jean-Guy Fleury: In the four and a half years, never. They always worked from the qualified list.

Mr. Blair Wilson: In your opinion, what impact is this mounting number of IRB adjudicator vacancies having? As Mr. Telegdi said, it's a life-and-death situation—going from five to fifty vacancies and increasing the time during which people's lives are put in limbo. How is it affecting the refugees' lives, and how is it affecting the political process as a whole?

Mr. Jean-Guy Fleury: Again, I think you're hitting on something very important. After all, it's not about the public service bureaucracy and me; this is about making decisions that are fair for individuals who are waiting on the determination of their lives. That's what we're all about. If you lose sight of that, this is bureaucratic.

Now, you won't like my answer. Those who are in place are so professional that they go about their work as though there were a full complement, and they say, let's get the job done. And surprisingly, even though their morale may be affected, they are not showing it. I don't think the quality of decisions has deteriorated at all.

The Chair: Thank you.

Well, that wraps up our meeting.

Do you have a comment you want to make, Madame Faille?

[*Translation*]

Ms. Meili Faille: I want to wish you a happy retirement, Mr. Fleury. It's been very pleasant to be in contact with you in recent years.

I also worked at the Department of Citizenship and Immigration, so I have been following the work concerning refugees and immigration for a number of years. I know it's not always easy.

I'd also like to point out that the bill to amend certain sections of the Immigration and Refugee Protection Act concerning the Refugee Appeal Division will be voted on in Parliament. You have to be patient in order to work in that field.

I would have liked you to remain Chair of the Immigration and Refugee Board until we could solve the problems there.

• (1245)

Mr. Jean-Guy Fleury: Thank you.

[*English*]

The Chair: Thank you.

Thank you, Mr. Fleury, for coming here today. We wish you very well in your retirement. I envy you your blood pressure. I hope to be there at some point too.

Thank you very much, and all the best.

Mr. Jean-Guy Fleury: Thank you very much.

The Chair: Mr. Fleury will now take leave of us. We all wish him well.

Okay, continuing on with committee business, we're going to try to clear up once and for all the problems associated with the speaking arrangements we have at committee. Of course, we gave you some documents here a few minutes ago.

We've been operating on a variety of different motions here. The first one we had was a motion by Mr. Siksay on May 8, 2006. I'm not going to go through it all, but it was to have a seven-minute round for each party. Five minutes would be allocated to each questioner, alternating between the government and the opposition parties. I'm sure you can remember when we had that arrangement. That was working quite well, I thought. There was no discussion on that motion when Mr. Siksay brought it forward for discussion.

Then, of course, as the clerk informed me, on May 15 we had a motion from Mr. Wilson. The motion, the one we've been using over the last couple of meetings, is that the individual is given 10 minutes to make an opening statement. Then, at the discretion of the chair, during the questioning of witnesses, seven minutes is allocated to the first questioner of each party, and thereafter, five minutes is allocated to each subsequent questioner of each party until all members have had a chance to participate, after which, if time permits, a new round commences.

Now, we have had some disagreement on that, and I think the chair has been working quite hard to come up with a third option, which I've given you. Does everyone have this option before them? I think you do.

So up for discussion, prepared for the chair of the standing committee by the clerk, is:

That witnesses from an organization be given ten (10) minutes to make their opening statement; and that, at the discretion of the Chair, during the questioning of witnesses, there be allocated seven (7) minutes for the first questioner of each party and that thereafter five (5) minutes be allocated to each questioner who has not yet had a chance to participate, in the following order:

And you see the order that has been given to you.

So I'm just hoping I got it. Now we'll have discussion. Hopefully, this will be the last one, and we can get operating on something or other.

We'll go to Mr. Karygiannis and Mr. Telegdi.

Hon. Jim Karygiannis: Mr. Chair, this is a very good solution you've put forward. I don't think it needs any discussion. It's straightforward. It represents what we do in the House in question period. It represents the spirit of electoral participation we had last year. I'd say it's a very good motion, so I ask for a unanimous decision to support it.

The Chair: Okay.

The clerk told me I'm ahead of myself here. What I should have done is ask that somebody move that motion, then we'll have discussion.

• (1250)

Hon. Jim Karygiannis: I do so move.

The Chair: Okay, we'll go to Mr. Telegdi, after whom we'll get more, I'm sure.

Hon. Andrew Telegdi: Yes, basically, Mr. Chair, this affords an opportunity for all members to participate. I know one thing I always tried to do as chair—I set myself this challenge—was make sure that all members who wanted to ask questions were able to do so. And that's the underlying principle of this one.

The Chair: Okay, and that means, of course, looking at it, that everyone would get a chance to speak at least once before we'd get anyone the second time around. Right?

Is there any further discussion? It's okay?

Go ahead, Mr. Siksay.

Mr. Bill Siksay: Thank you, Chair.

Chair, I do have a problem with the proposal, not surprisingly, since I'm the only one who loses out in the proposal. I'm a little taken aback because I don't believe I've ever been frivolous or overtly partisan in my contributions in questioning witnesses and hearing testimony before the committee. I don't think I've ever used it for grandstanding or even for speech making. I've often given my time almost exclusively to witnesses and questioned them.

I think that's an approach that has been helpful to the committee in the long run and hasn't debilitated the committee in doing its work. I've been known, Chair, to pass on my time to allow other members

access or not to use the full time, as a courtesy to other members who might not have had the chance to get on.

So, Chair, I have a problem with the proposal you've put forward. I have some suggestions for changes to that—or that the clerk has put forward, sorry. I have some suggestions and I want to talk about them first, and then, if necessary, I will proposal some specific amendments.

The fifth round, I'm not sure why it's necessary, Chair, given that by the end of the fourth round every member of the committee would have had a chance to participate, if we look at the absolute numbers of members. By the end of the fourth round, four Conservatives would have had an opportunity to participate, four Liberals, two Bloc, and one NDP. So I think the fifth round is unnecessary and that after the end of the fourth round, we should begin again.

I think that is also something that should be in the motion. What I would suggest is deleting the fifth round and adding “after the fourth round, after which this schedule will repeat”, which has been part of our motions in the past.

But I'd also like to suggest, Chair, that if we're going to get stricter about speaking times and how the time is used, we should consider saying that no individual member should be allowed to participate more than once over the course of rounds one, two, three, and four, so the time that's spent is identified with a particular member. So for instance, the parliamentary secretary couldn't take all four Conservative spots in that time; it would have to be shared among all members, and if members didn't want to use their time, it would proceed to the next person on the list.

I also would suggest that individual members not be allowed to share their time with another member, so the time is specifically linked to the individual members.

I would like to propose those as amendments, chair. I'd like to propose the first one, that we delete round five and add “after round four, after which this schedule will repeat”.

The Chair: Repeat itself. Thank you.

That's an amendment.

Mr. Telegdi, I think, to the main motion.

Hon. Andrew Telegdi: We've got an amendment, so we're speaking to the—

The Chair: Okay. So you're speaking to the amendment now, are you?

Hon. Andrew Telegdi: Yes. I always appreciate Mr. Siksay's contribution. The only thing that I have is that all members should be able to speak.

I wonder, in terms of the fifth round, in case we get the opportunity—and it's not very often we get that opportunity—I think instead of giving somebody seven minutes because you start a new round, if you go back to seven minutes, seven minutes, seven minutes, and seven minutes, the chances of getting beyond that for the second question is not very likely. So in that sense I like the five minutes because it affords — and I hope it can be done faster. But as soon as you say seven minutes, then somebody might feel they want to take the whole seven minutes, even though they have a 30-second question and a 30-second answer.

I like the fifth round the way it sits, because otherwise you'd have to go seven minutes. I think once you have that seven minutes at the start, that's fine. Once your round of questions is complete, if you start something else, then we start a new round.

•(1255)

Mr. Bill Siksay: Mr. Chair, I'd be happy to make a friendly amendment that said “after which this schedule repeat with a five-minute time limit in all rounds”.

The Chair: Okay.

Mr. Bill Siksay: So that we eliminate round five and we have four rounds.

The Chair: Okay. Mr. Telegdi agrees with that.

Mr. Alhabra.

Mr. Omar Alhabra: Thank you, Mr. Chair.

Obviously we all understand why Mr. Siksay is not comfortable with the proposal. It has nothing to do with his personal contribution, but we need to set the rules, regardless of the individuals who are here.

You might not be here at the next meeting, Mr. Siksay. You might have a replacement. So it has nothing to do with the individuals who are members of the committee; it has to do with establishing rules that apply fairness to everybody, and I think the main motion proposes something that I've seen other committees do. After the first amendment has been amended again, I don't see a problem with it, making it five minutes.

As far as the second amendment is concerned, I don't really agree with it. I think the idea here is to give everybody the opportunity to speak, including the opportunity to give their time to somebody else, and also to have a fair representation of all the parties represented in committee before the second round is started. It would be unfair if the NDP gets three or four chances while they have only one seat on the committee, while the other parties have more seats and fewer chances.

Thank you.

The Chair: Thank you, Mr. Alhabra.

Mr. Gravel, did you want to make a comment?

[*Translation*]

Mr. Raymond Gravel: My remarks will be brief.

I agree on the motion as it stands, but I also agree with Mr. Siksay that the same speaker should not speak twice during a single round.

For example, if there are three Conservative members and one of them passes his turn on the fourth round, that means that he'll be able to speak second during the fifth round. We have to follow this procedure to the letter because it's a matter of justice for everyone. Every member is entitled to speak, and, when everyone has spoken, he or she can speak again in the fifth round. We must keep this fifth round because it is important that we have an opportunity to speak again if we have something to say.

So I agree on the wording as it stands.

[*English*]

The Chair: Thank you, Mr. Gravel.

The first amendment was “after which this schedule will repeat itself, with a five-minute time limit on each round.”

Mr. Bill Siksay: Is it to delete round five, and after the round four explanation, to add “after which this schedule will repeat”—

The Chair: That it will repeat itself, with a five-minute time limit on each round.

Are you ready for the question?

Mr. Omar Alhabra: What was that?

The Chair: The first amendment was that we would go to the four rounds, after which the schedule would repeat itself, with a five-minute time limit on each round.

(Amendment agreed to [See *Minutes of Proceedings*])

The Chair: The second amendment was that no individual member should be allowed to participate more than once.

(Amendment agreed to [See *Minutes of Proceedings*])

The Chair: On the third amendment, what are we talking about here? There was another amendment here—

Mr. Bill Siksay: I would like to move that no individual member be allowed to share their allotted time with another member.

The Chair: The amendment is that no individual member be allowed to share their allotted time with another member.

(Amendment negated [See *Minutes of Proceedings*])

The Chair: Two out of three ain't bad, Mr. Siksay.

I'll now call the vote on the main motion.

(Motion as amended agreed to [See *Minutes of Proceedings*])

The Chair: The meeting is adjourned.

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

**Also available on the Parliament of Canada Web Site at the following address:
Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante :
<http://www.parl.gc.ca>**

The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.

Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.