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—
Chair

Mr. Bob Mills

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• (1120)

[English]

The Chair (Mr. Bob Mills (Red Deer, CPC)) *[Pursuant to a decision of the committee, the following in camera evidence has been made public]*

I'd like to start off by welcoming the Auditor General, Sheila Fraser. I think everybody is very familiar with Ms. Fraser.

As I think we've discussed with each member—just about, I think—she has asked for an in camera meeting for the beginning, at least, of this first meeting back.

I wish everybody Happy New Year, officially, and we'll carry on.

I would ask Ms. Fraser to make her statement in whatever time it takes, and then we'll go to questions from members.

Mr. McGuinty.

Mr. David McGuinty (Ottawa South, Lib.): Thank you, Mr. Chair, and welcome, Ms. Fraser.

There were some off-line discussions going on, and I'd just like to get a better understanding, Mr. Chair, if we could. I was just accosted by four media people outside the room who want to get a better sense of why this meeting would be held in camera. As a parliamentarian, I have to say at face value, *prima facie*, it's very difficult to understand why we would hold an in camera meeting with, of all positions in the Government of Canada, the Auditor General, when this is a room that is laced with cameras and microphones, in the Centre Block, in the heart of our democracy.

So perhaps, if we might, Mr. Chair, before we go any further in camera, certainly—and maybe other parliamentarians might want to contribute to this—it would be important to get a sense of why this meeting would be held in camera. For example, if it's a personnel issue, I don't recall ever being engaged, in my short parliamentary career, on personnel matters, even though the Auditor General reports directly to Parliament. As a former GIC who was a deputy minister equivalent, who ran a crown corporation, I couldn't have imagined coming to this committee and asking to speak in camera about personnel or structural issues in my organization. I'm not sure why we would do it.

So I guess what I'm putting here, before we go any further, is to get a better sense amongst ourselves as parliamentarians of where we're going, before we open the discussion, if that works for you.

The Chair: Certainly. I have discussed this with Ms. Fraser and we met prior to this meeting. Understand that there are really several things that need to be discussed. Of course, Mr. Godfrey did ask that

we invite the Auditor General to come to speak about the reporting process. But I think the statement you're going to hear right now does deserve to be dealt with in camera, and that's basically what I felt and agreed with Ms. Fraser on—by her making this statement. Certainly to broaden this, which I agree should be public and public information, I believe she can be invited back and we can carry through with what Mr. Godfrey has said.

Obviously this meeting has been set up in camera. The TV cameras are not turned on, and it would take some time to reverse that decision. She has convinced me that she can only make the statement that she wants to make in camera, and from there, of course, the other parts of what we want to ask can certainly be public.

I think we should listen to her make her statement, and then we can make a decision about how much further we want to go, Mr. McGuinty. I believe that's fair.

Mr. David McGuinty: Would it be possible to hear from other members of the committee to get a sense of...?

The Chair: Sure.

Mr. David McGuinty: I do apologize, Ms. Fraser. I'm not trying to be obstructionist or to delay. It's just that I'll be asked about this by my kids tonight and I want to be able to defend....

The Chair: I think Mr. Regan is next, and then Mr. Warawa and Mr. Vellacott.

Hon. Geoff Regan (Halifax West, Lib.): Mr. Chairman, I think the difficulty is that when Mr. Godfrey asked to speak about the reporting process, that's not a private matter. That is a matter, obviously, of public policy, in which the public have an interest and a right to be informed, to be aware of what the discussion is. If there are personnel matters internal to the Office of the Auditor General, I don't see how that should determine how the reporting function occurs.

The point is that if it is felt by Parliament that it makes sense to have annually a separate report of the environment commissioner to highlight environmental issues, rather than roll them into the quarterly reports of the Auditor General, in which they might get lost or might at least not get the same level of attention they'd get as a separate matter, that's not a question of personnel; it is a separate matter. I don't see how the two can possibly be linked, and that's my difficulty.

The Chair: I believe what we are receiving this morning in camera is a courtesy for us to be better informed as members of the environment committee who care about the environment and want to do what's best for the environment. I believe the message we're getting today is a heads-up for us. Obviously, the issues you raise are additional and public, and obviously reporting can be discussed, as Mr. Godfrey requested. That's another issue. Let's not mix the two today, or at least at the beginning let's not mix that.

We're talking about something that's a heads-up to us as a committee, which will help us do our job better. If we look at it that way, it's to our advantage.

Mr. Warawa.

• (1125)

Mr. Mark Warawa (Langley, CPC): Thank you, Mr. Chair.

When I discussed this with you yesterday, my understanding was that you had notified me and the critics of all parties—

The Chair: Mr. Bigras was the only one I didn't get to yesterday.

Mr. Mark Warawa: Okay—notifying them that the Auditor General had requested this meeting be held in camera. I initially expressed the same kinds of concerns to you when I was told it was an in camera meeting with the Auditor General, but then when I heard it was at her request.... My background is 14 years in local government on the front lines, and there is a session that's in camera, but the vast majority of the meetings should always be public meetings.

I respect the request of the Auditor General. She has asked that it be in camera and I will respect that. My understanding was that you asked for feedback, and you did not receive feedback in the negative from any of the critics, so I'm surprised we're debating it now.

The Chair: Mr. Vellacott.

Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC): I, too, want to get on the record that I'm not particularly a fan of in camera meetings, and over the years you will track my statements in committees and so on with respect to that. I take a view today, though, insofar as it is the Auditor General who has initiated and made the request for the in camera meeting...I defer in respect of her office. I can accept that.

My question is, how are we proceeding? You seemed to imply that we'll hear her make a statement first and then make a decision whether retroactively it was in camera. I'm a little confused. I would want to know in advance of her starting whether this whole meeting is in camera or whether we are doing just the first segment and then we're going to get into some other more public, reportable issues.

The Chair: The Auditor General is going to make a statement for us, and then as far as the other issues Mr. Regan raised about the reporting process and so on, that can be dealt with at a later date in more detail.

Mr. Maurice Vellacott: That would be in another meeting altogether then.

The Chair: Yes, and that, of course, would not be in camera.

Mr. Maurice Vellacott: If I understand, if we're in agreement, this entire meeting would be in camera and we're not segmenting it.

The Chair: Again, Mr. Vellacott, the initial portion needs to be in camera because of the nature of what we're going to hear, which, as I said, is a heads-up to us.

The rest of the meeting about this same subject, about reporting, obviously the public has every right to know about. I'm not a fan of in camera meetings either and have opposed them in many cases. I felt that, having listened to the Auditor General on what she wants to tell us, it has to be in camera or it can't be said. It's a heads-up as to what's happening in the future.

We have mixed the issues a bit, and that could be my fault for not better clarifying what this is about, but you will be very clear when you hear what the Auditor General has to say, if it's in camera.

Mr. Bigras.

[*Translation*]

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Chair, you'll understand that just like my colleagues, I have a preference for listening to all witnesses in public, including the Auditor General. Basically, we're just trying to understand why the meeting needs to be in camera. Quite frankly, with the information I have at my disposal, I am having a really hard time understanding why we would need to hold an in camera meeting. We mustn't forget that we live in a world where perceptions are key. There are journalists outside, and we will undoubtedly be called to task if this meeting is held in camera. We need to be aware of that, and the Auditor General must also bear it in mind and consider, in particular, the way her remarks may be interpreted. I'm going to respect the Auditor General's decision on this. If she considers that what she has to say should be said in camera, I will respect her wishes. However, I want to make sure I understand. If we decide to sit in camera, we need to make sure the questions we are asked outside aren't misinterpreted.

[*English*]

The Chair: Yes, Ms. Fraser.

Ms. Sheila Fraser (Auditor General of Canada, Office of the Auditor General of Canada): Mr. Chair, I would perhaps have to clarify that the only reason I asked to meet the committee is that I would like to inform you of an announcement that we will be making later this afternoon. It is simply a matter of courtesy. It has absolutely nothing to do with reporting strategy. If members are uncomfortable with that, we would be glad to send you a copy of the announcement as it is released. But given the importance of this committee to us and that we work for you, we would like to inform you in advance. There is absolutely nothing more to it than that. It is information that I would be very uncomfortable sharing with you publicly, but it will be public this afternoon.

• (1130)

The Chair: Mr. Cullen.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Thank you, Mr. Chair.

To the Auditor General, that's helpful, I think. Obviously, we all have similar concerns about accountability, you probably most of all.

The comments the Auditor General just made are reassuring, that this is a courtesy call and a heads-up on something that's going to be delivered this afternoon. I think we may be whipping ourselves up a little bit here in terms of what we're hearing. If we're getting some state secrets that we then have to take with us to our graves, that's certainly different from what was just said. But it bears in mind for all of us—and I think it's good that the committee members have said it—that when dealing with public matters we always seek the highest disclosure possible.

With that, I think we should proceed with the announcement. I don't think it implicates any of us in regard to what we're trying to do as committee members.

The Chair: Thank you, Mr. Cullen.

That was my feeling from the beginning.

Mr. Harvey.

[*Translation*]

Mr. Luc Harvey (Louis-Hébert, CPC): Ms. Fraser, you should come more often, because a consensus is easily... No really, what you have said is perfectly understandable. We really appreciate your being here today.

[*English*]

The Chair: Mr. McGuinty.

Mr. David McGuinty: I take it, Mr. Chair, that the part of the meeting that would be in camera would be very short?

The Chair: That will be totally up to Ms. Fraser.

Mr. David McGuinty: And then we'd open the doors, and anybody who wanted to join us could join us?

The Chair: I'm sure that Ms. Fraser would be happy to accept any questions, but once that's done, then they will carry on.

Mr. David McGuinty: So anybody who wants to come and join us afterwards is welcome to come and join us to deal with the committee business today on the reporting system?

The Chair: Well, again, having just briefly talked to Ms. Fraser about that.... She may want to come at another date for that. Let's let her make her statement. If we have any questions about that statement, then let's move on from there, and we'll make that decision at that point, Mr. McGuinty.

Ms. Fraser.

Ms. Sheila Fraser: Thank you very much, Mr. Chair and members of the committee.

As I mentioned, I wish to inform you, as a matter of courtesy, of an announcement that we will be making later today.

First of all, I wish to advise you that the current Commissioner of the Environment and Sustainable Development, Johanne Gélinas, will be leaving the position to pursue other opportunities. She will be announcing her specific plans once they are finalized.

I have decided to appoint Ron Thompson, who is with me today, as interim commissioner, effective today, until we can select Johanne's replacement. Ron is an assistant Auditor General with the office, and he has kindly agreed to defer his retirement in order to assist in this transition. Ron has worked closely with the

commissioner's group over the past year, and in his thirty years with the office he has been responsible for financial and performance audits, including several with environmental and sustainable development components. He has led audits in the three territories, in Agriculture and Agri-Food Canada, and in Fisheries and Oceans Canada.

[*Translation*]

Moreover, we are announcing today that we will be initiating a review of our environmental and sustainable development audit practice, to determine whether it can be strengthened to serve Parliament better in the years that lie ahead. This is something we have done in our financial and performance audit practices to good effect. This review will obviously be performed in the context of our current mandate, which leads me to an issue I would like to raise with the committee.

One of the messages we have already heard from some of our advisors is that there is a gap between the expectations of some about the role of the Commissioner and the actual mandate as outlined in the Auditor General Act—for example, the extent to which the Commissioner can or should be involved in an advocacy role where government policy is concerned. This is an issue this committee may want to consider.

In the course of our review, I would obviously like to hear from parliamentarians and other stakeholders about what works well and what could be improved. In particular, the views of this committee are very important, and we will be contacting you to conduct interviews in the next few months. I would expect that our review will take several months and that the results, which we hope will be known next autumn, will assist us in developing a profile of the ideal candidate as our next Commissioner. This will allow us to move forward with confidence to select a new Commissioner, whom I would expect to be in place in about a year's time.

That concludes my remarks, Mr. Chairman.

• (1135)

[*English*]

I would be very pleased to discuss with members of the committee how we might move forward together to ensure that the audit work my office does on environmental and sustainable development issues best serves you.

If we are to discuss reporting strategies in the review, I would appreciate that we do it after the public announcement has been made.

Thank you, Mr. Chair.

The Chair: Thank you, Ms. Fraser.

We're still in camera, of course.

If there are questions that need to be asked, basically you are suggesting that we discuss the original request about the reporting mechanism and so on and that this could be done, not in camera but in public, at a future date.

Ms. Sheila Fraser: Yes, that would be the case.

In the course of this review, we are going to look at how best to report the environmental and sustainable development issues. We have not come to a firm decision going forward on that, and we would certainly welcome any views of the committee.

We would welcome coming to discuss the planned review, how we plan to take this forward, and any suggestions you might have about the profile of the next commissioner. We would be glad to do that in a public hearing.

The Chair: So there are two issues, basically. The reporting process and the profile of the new environment commissioner would be what the committee would be charged with and what we would be able to discuss publicly.

Ms. Sheila Fraser: I would also, if I may, very much like to discuss with you the gap that some people have indicated seems to exist between the expectations of the commissioner's role and the current mandate in the Auditor General Act, to understand whether that gap exists for parliamentarians as well, and whether parliamentarians want to address that question.

The Chair: Mr. Bigras.

[Translation]

Mr. Bernard Bigras: Thank you very much, Ms. Fraser, for having been thoughtful enough to inform us about changes to your organization rather than having us wait and find out from the media. It is very much to your credit. At the same time, I cannot but draw the attention of committee members to point 13 of your presentation.

And I quote: One of the messages we have already heard from some of our advisors is that there is a gap between the expectations of some about the role of the Commissioner and the actual mandate as outlined in the Auditor General Act.

To begin with, I'd like to know the nature of this gap and the names of these advisors. Second, I feel I must ask you to what extent the Commissioner can or should be involved in an advocacy role where government policy is concerned.

I'm wondering if, as it turns out, point 13 isn't what actually prompted you to appear before the committee today and make this announcement. To my mind, and this will always be the case, the Environment and Sustainable Development Commissioner is the environmental watchdog. I understand that you may or may not wish the committee to address this issue, however the Environment and Sustainable Development Commissioner is duty bound to be vigilant and act as watchdog in relation to key causes or matters. You probably prefer the word "matters" to the word "causes", as the latter implies some form of militancy. Are you in the process of telling us today that you consider the Environment and Sustainable Development Commissioner to be overly militant on environmental issues, and you may prefer a future commissioner to take a bit of a step back in this regard? I'd be interested to hear what you have to say to that. I didn't read your text, but I listened to you. I'm not saying that point 13 annoys me, because I myself am militant, but I just want to understand this better.

• (1140)

Ms. Sheila Fraser: Let me go back in time a little. Following a study in 1994-1995 to establish the position of Commissioner, a report from the then environment committee recommended there be an independent Commissioner mandated to carry out assessments, and make comments on government policies and so forth. The

government decided not to adopt all the committee's recommendations and amended the Auditor General Act so that the Commissioner was part of the Auditor General's Office. The Commissioner had two obligations under the act: the first, to be petitioned, and the other, to audit sustainable development strategies. These are the only obligations of the Commissioner under the act.

Over time, we broadened the Commissioner's role to include reporting on all performance audits within the office. The Office of the Auditor General cannot, and must not, comment on policies. The Commissioner is not independent of the Office of the Auditor General. He or she is appointed by the Auditor General and is part of the Auditor General's staff and team. Under the current act, the Commissioner must comply with the constraints—that is, what some people perceive to be constraints—from the Office of the Auditor General. Some people would like the Commissioner to be far more proactive and comment on and assess the government's environmental performance. They would like the Commissioner to make comments on policy, which is something the Commissioner cannot do. These observations have been made to us in no uncertain terms during consultations we have had.

Mr. Bernard Bigras: Give me some examples. Are there any examples?

[English]

The Chair: Mr. Bigras, Mr. McGuinty wants to interject here.

The order was incorrect. I basically should have started with the Liberals, the Bloc, the NDP, and then the government with our witness. But I believe Mr. McGuinty wants a point of order.

Mr. David McGuinty: It's a point of order, Mr. Chair.

I'm sorry, and I don't want to cause any grief for any of us, including the Auditor General, but I'm very uncomfortable now. We've gone into a substantive discussion of the structure of the Auditor General's office. We've gone into a discussion immediately of the structure and the role of the Commissioner of the Environment and Sustainable Development. We're looking at some of the challenges. I don't see anything in this discussion that shouldn't be public.

There are four journalists outside this room who want to cover this discussion, who I think ought to cover this discussion. These are important discussions for Canadians. They want to know how we are doing this reporting. I'll pick up any newspaper today and it is the headline across the country. Environment is in. It's a concern to everyone. I understand the *délicatesse*—using the word of my colleague from the Bloc—about advising us in advance, and I thank you for that, because Madame Gélinas is departing, and that will be announced this afternoon. But everything I have read here other than that, and everything that has happened in the earlier discourse between my colleague, Monsieur Bigras, and the Auditor General ought to be a matter of open public discussion.

In good faith, I cannot continue participating in a discussion.... I don't think we should go any further in this discussion until we open the doors and say it's an open meeting. Let's have it out. I think Canadians want to know. If there are concerns about how the office is structured, Canadians should know.

Personally, I'm pleased to see this discussion. It was the national round table that called for the creation of the commissioner's office; it was the red book of 1993 that called for the creation of the office. And there's a great history and we all want to see it improve.

So I would respectfully submit, Mr. Chair, that before going one second further we move this meeting into a public meeting and open it up. I think the *délicatesse* around Madame Gélinas is fine; we can deal with that. But I think we should now not circumscribe the debate and open it up to the public.

The Chair: Mr. McGuinty, I tend to agree with you. I think Mr. Bigras was in fact trying to broaden that debate that we're going to have, and that the Auditor General has asked us to have, about the position, about the reporting, and so on.

I would just hear Ms. Fraser first.

• (1145)

Ms. Sheila Fraser: Mr. Chair, I would just like to say that I would very much like to come back and discuss this with the committee. We would like to get a sense of whether this is an issue for the committee or not. But if I could just ask that we do this after the announcement comes out about the review, because the departure of Johanne is in fact giving us.... We're sort of saying that this is an opportunity for us to look at all of this. I would be a little uncomfortable talking about the review that hasn't been announced right at this moment.

The Chair: Yes, Mr. Regan.

Hon. Geoff Regan: Forgive me for my lack of clarity on this, but perhaps you could, if you don't mind, tell us why you made the decision to have the announcement after this meeting rather than before. We started at 11. Maybe there are good reasons for it, but I don't see why the announcement couldn't have been at 10, and then you could have come here and talked about the issue.

You're willing to come back, and I hear that, so that's critical, obviously. It's just that it seems a strange process, and we'll have the media asking questions about what the heck this is about.

Ms. Sheila Fraser: If members would rather.... We have always gone on the principle that we should always inform parliamentarians before we inform the general public and the media. We would never send out something to the media if we haven't informed parliamentarians first.

Hon. Geoff Regan: Yes. I suppose one alternative would have been to announce it here. It happens sometimes. Ministers do that. Other people do that sometimes. That would have been an alternative, and that would then allow us to immediately proceed to a discussion. What Mr. Godfrey asked for was a discussion about the structure, not the individuals. But since there is an announcement, I do appreciate being advised in advance of the announcement. That, I understand. However, the desire was to get to a discussion in public about the reporting structure.

The Chair: Mr. Warawa.

Mr. Mark Warawa: Thank you, Mr. Chair. I have a question through you to the Auditor General.

Is there a proposed date for your returning to this committee, so that we can then in a public forum ask you some questions regarding the new program?

Ms. Sheila Fraser: I believe we had established a date around February 15. We'd be glad if members would like to do it sooner than that, to see if there are dates that are available before that.

Mr. Mark Warawa: I appreciate the comments that have been made around the table, but we went into this with the agreement that the presentation was in camera. I think given the points that were made, and the point of order by Mr. McGuinty, at this point we should not be going any further and we should wait for the next meeting. I look forward to that. If it could be done sooner, I think there's an appetite to have you back as soon as possible.

The Chair: Basically you want to carry on.

Mr. David McGuinty: Just for the record, I didn't say that. What I said was I think we should open the doors, and for anybody who wants to join us, who wants to hear more about the structural debate, we're here. We have two hours...an hour and 15 minutes left.

If the Auditor General is available to stay with us for another hour and 15 minutes, I think we would all like to get into the substance of the debate. You're here now. Why delay it to February 15?

The Chair: I think the Auditor General has made it rather clear that she feels uncomfortable talking about it prior to this announcement. I think we have to respect that. We'll try to work with her office to set up a meeting as soon as possible. We can then get into the real meat of the structure, and so on. I think, Mr. McGuinty, it's only fair to other requests we've heard.

I believe Mr. Cullen had a comment. Then we will go to Mr. Vellacott and then Mr. Bigras.

Mr. Nathan Cullen: This is, I think, quite a challenging moment for this committee, in particular because today what we're hearing is not a consideration over a switch in somebody in your office per se, but potentially a switch in a role as well as in the person.

The reason I'm bringing this up is to go back to Mr. Bigras' point about the part of your presentation that alludes to an overstepping of the bounds by Madame Gélinas, perhaps, into the policy realm.

• (1150)

Ms. Sheila Fraser: No, no.

Mr. Nathan Cullen: Well, it's difficult for me to not connect the departure of Madame Gélinas, considerations of a change of the role of the commissioner, and the statement in section 13. If they're not connected, then it's just by coincidence that these are happening at the same time and that concerns are raised here about an overstepping of bounds.

I think—through you, Mr. Chair—that the Auditor General has been picking up the value and quality of the reports we've been getting from Ms. Gélinas over the years, and the ability to use those reports to effect change in future government considerations.

I don't want to speak on behalf of this committee, but this committee has always looked forward to Madame Gélinas and encouraged Madame Gélinas to come back to our committee to influence the types of discussions we have. After reading over section 13 and seeing the circumstances of today, we then essentially have to hold our tongues, which is very difficult for a politician to do at the best of times. It is something that causes me great concern. I'm concerned reading this.

I'm concerned with what's happening right now. Mr. McGuinty has pointed out the substance of the debate around the role and the potential switching of the role and Madame Gélinas' leaving and the gap that you've alluded to between the actual mandate and expectations that exist or have been created. All these things cause me to think somebody went too far or too much was said.

Without that clarity, we have to wait until February to dive into it with your office, and the danger in this is it leaves me to suppose—and I'd rather not suppose—as to the circumstances and the questions around this gap between the mandate and the expectations. It is very difficult, particularly since, as Mr. McGuinty has said, this is such a critical issue for us right now in the country.

The Chair: Ms. Fraser, did you want to comment on Mr. Cullen's concerns?

Ms. Sheila Fraser: I know there is great reluctance to get into the substance of all of this in an in camera meeting. I would just say that I have absolutely no concerns, no problems at all, with the work that has been reported by the commissioner, because it has been reported on behalf of the Auditor General. I saw all the reports that came out; I am very comfortable with the work we did, and I think it was absolutely excellent work.

But there are people who would like the commissioner to go much further than that in certain environmental groups, I would suggest. Even the initial proposal of Bill C-288 would have had us play a role much different from the role we can actually play, and so we are putting it to the committee: do you perceive a gap? If so, I will not change the role that is actually played by the commissioner, but it might be something that parliamentarians would wish to consider going forward as we are doing this review on how we conduct our practices internally, which will continue very much as they have been in the past.

The Chair: I ask members to bring this to an end if we can. We've talked about it being in camera and the concerns people have. We have an offer to come back as early as we can arrange it to see if we can discuss the issues about the position and the whole thing.

I know we have a list here. Could I ask you to be really brief? Just make your point. Let's not get into the discussion about reports and the reporting and so on. Keep it just to questions while we have the Auditor General here, knowing that she's coming back to discuss the full issue.

I would like to go very briefly to Mr. Vellacott, Mr. Bigras, and Mr. Scarpaleggia.

Mr. David McGuinty: On a point of order, what are we—

The Chair: Let's go to Mr. Bigras. He has a point of order and I didn't realize it was a point of order.

[Translation]

Mr. Bernard Bigras: We need to try to find a compromise so that I can understand that the Auditor General—

[English]

An hon. member: Hold on, this is not a point of order.

The Chair: Let's go to Mr. McGuinty's point of order, if it is one.

Mr. David McGuinty: I'd like to cede to Mr. Bigras. I didn't hear him finish his point of order. He didn't have a point of order?

[Translation]

Mr. Bernard Bigras: It is not up to you to say whether it constitutes a point of order, it is up to the chair.

[English]

Mr. Maurice Vellacott: You were addressing the question—

Mr. Bernard Bigras: Take your time.

The Chair: Let's listen to Mr. McGuinty very quickly and try to move this on.

Mr. David McGuinty: I don't know what we are debating or discussing with the Auditor General. If we're debating the four corners of Madame Gélinas' departure this afternoon, I think the debate is over. Madame Gélinas is leaving. We've been given this heads-up and it's very appreciated. Other than that, everything else I'm hearing and everything else we're going into should be for the public record. If we're going to talk about structures, let's get into it. Let's open the doors, turn on the tape machines, and talk to Canadians.

I can't go out in the public—nor can any other member of Parliament here, in my humble estimation—and tell the Canadian people that this is not something they should hear about.

My suggestion to the committee is that we wrap up the discussion now on Madame Gélinas, open the doors, and have a good, full-blown debate for an hour. Then we can have Madame Fraser come back and join us again on February 15.

• (1155)

The Chair: Let's talk about the announcement that the Auditor General has made to us today. I agree with you, Mr. McGuinty.

Mr. David McGuinty: So we're going to debate the issue. What's left to debate?

The Chair: We have four people with their final comments. We will excuse Madame Fraser and carry on.

Mr. Vellacott.

Mr. Maurice Vellacott: I'll stick to that and stay away from the structure, as others suggest and as you've advised.

I do note, Madam Fraser, that you're appointing Ron Thompson as interim commissioner. I assume it's within your mandate to make that appointment. I suppose it's your role.

But I need some clarification. I think I understand how this works, but as to the role of Ms. Gélinas, I take it she is your employee; an employee of the Auditor General's office.

Ms. Sheila Fraser: That's correct.

Mr. Maurice Vellacott: So you have the authority to appoint her, to have an agreement when she departs, and that type of thing.

Ms. Sheila Fraser: Yes.

Mr. Maurice Vellacott: I guess I'll get to the chase then and be really frank with my question. Does the government have any authority to appoint...was the government involved in this kind of thing?

Ms. Sheila Fraser: Absolutely not. The government respects the independence of the Office of the Auditor General. We are what is known as a separate employer. We hire our own people. We have our own classifications, and government has nothing to do with our personnel issues.

Mr. Maurice Vellacott: Do they have any influence in respect to your—

Ms. Sheila Fraser: No.

Mr. Maurice Vellacott: Those are my questions.

Thank you.

The Chair: Mr. Bigras.

[*Translation*]

Mr. Bernard Bigras: I do not want to discuss the underlying issue, but it seems to me that... Ms. Fraser was courteous enough to come to the committee to tell us her decision. I do not think we should turn on the cameras, as my colleague, Mr. McGuinty, suggests. I think we should take note of her decision and allow her to make her public announcement as she sees fit. However, we could ask Ms. Fraser to come back to the committee, not on February 15th but tomorrow, to explain this decision. In that way, Ms. Fraser could make her announcement this afternoon. I do not know what I have on my schedule or what committee meetings are planned, but we could ask Ms. Fraser to come back tomorrow to explain her position. We can have a broader discussion of this matter at that time. I do not know what you think about this, but I think that that would strike a balance between what Ms. Fraser is suggesting and the open discussion we want to have, not in three weeks, but rather as quickly as possible.

Ms. Sheila Fraser: I would be pleased to appear before the committee at whatever time suits you, Mr. Chairman.

[*English*]

The Chair: Mr. Warawa, can you tell me what time Bill C-30 committee meets tomorrow?

Mr. Mark Warawa: It meets from 9 o'clock on Thursday. Tomorrow is Wednesday, so we're not meeting tomorrow.

The Chair: Go ahead, just on the topic, Mr. Scarpaleggia. And then we'll get right to Mr. Bigras' question.

Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.): I believe it's on the topic. I guess I'm thinking of how you're going to deal with the media today.

First of all, how much time was left in Ms. Gélinas' mandate?

Ms. Sheila Fraser: She does not have a mandate.

Mr. Francis Scarpaleggia: Oh, she doesn't have a five-year mandate.

Ms. Sheila Fraser: No.

Mr. Francis Scarpaleggia: Okay. Well, that's an interesting answer.

Second, how will you answer questions about whether she left as a result of a disagreement with the direction she was taking? More precisely, how will you answer that question when people say that her departure is juxtaposed with a desire to look at the mandate of the commissioner, in a sense? How will you answer that?

This is so we can be on the same wavelength in some way.

Ms. Sheila Fraser: As I'm sure you're aware, we cannot discuss personnel issues in any way, so I will not be making any comments about her departure. She has asked that we keep her plans confidential, and I intend to respect that.

As for the review, given the fact that she is leaving that position, we said that this appears to be kind of an opportunity at this time, before just going ahead with the search, to ask what the profile is that is needed for the commissioner. It has been 12 years since the creation of the commissioner. We hear from certain groups that there are expectation gaps. We'd like to hear from parliamentarians whether that is the case. What is the profile? Can we do our work better?

There are a number of issues that I'd like to bring forward to the committee to explain why we think a review would be appropriate at this time, and we obviously want parliamentarians to be involved in that. So I guess you could say that the departure has kind of created an opportunity to sort of reflect upon that.

• (1200)

Mr. Francis Scarpaleggia: We take you at your word, of course, that there's no connection, really, other than that it's an opportunity—

Ms. Sheila Fraser: That's right. That's right.

The Chair: Mr. Harvey, you're the last person on the subject, just very briefly, please.

[*Translation*]

Mr. Luc Harvey: I think it is quite simple. Ms. Fraser has to make an announcement this afternoon. As Mr. Bigras said, the important thing is to meet with you as quickly as possible to discuss this matter. Of course, we could comply with the request for an in camera meeting. If we were to start discussing this in a televised hearing, it would be a poor way of proceeding, because the announcement has not even been made.

Are there any other subjects you would like to speak about with us today? I am not saying that this matter is not important, but were there any other things you wanted to mention today?

Ms. Sheila Fraser: Unfortunately, there are none.

Mr. Luc Harvey: I see.

In light of what Bernard said, we must bear in mind that tomorrow is caucus day. We are not really available until 12:30 or 1 p.m., and since question period is at 2 p.m., the meeting will have to be late in the day. Otherwise, it would have to be Thursday morning.

[English]

The Chair: Mr. Harvey, the clerk and I have just discussed this. There would be a time, provided we can get a room, and I believe we will be able to, from 3:30 to 5:30 p.m. tomorrow. That means that the announcement is made this afternoon and we get right on it. I think that will be an open meeting, as I think everyone wants, and it would allow us to explore the two things: the nature of the replacement and in fact the reporting process as it's been proposed. If that meets with everybody's approval, I think we can move on.

Mr. Maurice Vellacott: [*Inaudible—Editor*]...available?

The Chair: The commissioner, I think—

Ms. Sheila Fraser: The commissioner will be Mr. Thompson.

The Chair: Will Mr. Thompson be available at that time?

Ms. Sheila Fraser: Yes.

The Chair: Does that meet with the committee's approval?

Some hon. members: Yes.

Mr. Nathan Cullen: I want to understand. Is it the Auditor General and the commissioner, or one, or the other? I want to understand what kind of meeting we're asking for here.

The Chair: Well, we want to talk about the reporting process through the Auditor General's department, so I would hope the Auditor General would be there, and we want to talk about the nature of Mr. Thompson's replacement, for any suggestions members might have. I can think of a number that all of us probably would agree on. If we can accomplish those two things in a meeting tomorrow, then we have the best of both worlds. I trust that everybody agrees with that, and again, that gets us around this issue.

Are there any other comments?

We will advise you what room as soon as possible. We will ask our two guests to be present and we'll carry on. Everybody knows what we're going to be doing at that meeting.

We will now go out of camera.

The clerk has just advised me that of course we have the preliminary CEPA report, which Tim has prepared. We'd like to hand that out today. We can do that in camera...provided we don't start discussing it, because of course that is in camera.

So I look to your guidance here. My plan was that we would hand out the report and give you until next Tuesday to go through it. Everybody is pretty busy with other commitments, so my proposal would be that we begin discussion of that report next Tuesday, February 6. That would give you the week to go through it, and then we would begin our look at that.

We now have our meeting tomorrow with the Auditor General and the commissioner.

•(1205)

Mr. Mark Warawa: On a point of order, Mr. Chair, I have a procedural question. Are we in camera or not?

The Chair: We are in camera for the distribution of that report. If we want to discuss it, we have to stay in camera. If we are not going to discuss it and simply distribute it, then we will go out of camera

and we will discuss future business, which would be some of the ideas that members of this committee have as to where we will go once we finish the two private members' bills and we finish the CEPA review.

It would be good to have some heads-up about ideas within this room, not that they'll be concrete or finalized, but just some ideas that we can then put some meat on and discuss further.

That was the plan for this meeting. It's your decision whether we stay in camera or go out of camera, depending on what you want to do with the CEPA report, but I would say we should distribute that now to give you the opportunity to look at that.

I believe Mr. Cullen had his hand up first.

Mr. Cullen.

Mr. Nathan Cullen: Obviously we can't discuss the report now. We haven't seen it. We'll get it in confidence and look at it.

The only problem I would pose to the plan you've suggested is that the Bill C-30 committee has agreed to meet twice next Tuesday. It might not be the best day for us to go thoroughly into such an important report.

I'll leave it at that.

The Chair: Okay, let us look at that, and with the clerk we'll come up with—

Mr. Nathan Cullen: Maybe the two clerks could talk about the scheduling that's going on right now. It will be important for us to maintain some sanity.

The Chair: Very good. The two clerks and the two chairs can work that out. We'll work on it.

Are there any other comments?

Mr. Maurice Vellacott: I just want to confirm, then, that this draft report is confidential, obviously, until such time as we get agreement in terms of what that report looks like.

The Chair: It is confidential, as all reports are confidential until they're gone through and then tabled, presented in the House. So yes, it is confidential.

I just felt that with all that's going on, two days was just not enough time to go through a 50-page report. I had the pleasure of looking at it, and I believe you're going to find that Tim has done an excellent job again. So we'll get on with it, but this isn't the time today.

So if we could hand out the report...

Mr. Warawa.

Mr. Mark Warawa: For clarification, your proposal is to provide this to the committee, an in camera document. So it's for us to read through.

The Chair: It's just for members of this committee.

Mr. Mark Warawa: Your original proposal was to give us a couple of days. As Mr. Cullen pointed out, it may not be—

The Chair: My proposal was to give you basically a week to work through it. It may not be a week, it may be eight days or whatever, but we'll try not to conflict, obviously, with what else is going on.

Mr. Mark Warawa: My question, for clarification, is, when we then address this document, does it remain as a confidential document?

The Chair: It does.

Mr. Mark Warawa: And we will again be dealing with it in camera.

The Chair: As all committee documents are in camera until they are tabled in the House.... What day we start that...obviously those meetings will be in camera from that point on, for the CEPA report.

Tomorrow's meeting is not in camera. I'd just like to make sure that everyone is clear on that.

Are there any other comments about the CEPA report?

Mr. David McGuinty: Who wrote the report, sir? Our researcher?

The Chair: Yes, the researcher has been here throughout all of the hearings.

Mr. David McGuinty: We have worked together before.

The Chair: We can talk about him after if we want him to leave the room.

Mr. David McGuinty: He has suffered through us before.

The Chair: I have a lot of confidence in his work.

We can now revert to public hearings.

Of course, our discussion at this point is about ideas members might have on where we go after we've finished the CEPA report and after we've finished the two private members' bills. I haven't discussed those two private members' bills with the proposers, but I don't believe there's a lot of controversy there and that they're going to take very much time. I do believe we'll be getting on to future business relatively soon once we've finished the CEPA report.

Mr. Cullen.

•(1210)

Mr. Nathan Cullen: As a suggestion along the lines of looking at the private members' bills, one of them is mine and another one comes from the Liberals. They're of a similar nature. I'd suggest that we almost may consider doing the witness testimony on the same day—many of the witnesses will be exactly the same ones—and then the clause-by-clause following, or over following days. Neither bill is big, so I think we could do them quite expeditiously.

The Chair: Having looked at them, I believe that is a good proposal. I assume most of the committee will probably agree with that. I hope they will, because there's no point in having the same witness come to testify about chemicals on the same basic issue. As you say, they're small and there's not much controversy there. Some of it has already happened, so some of it's history.

I think that won't take much time. That's why I think it's important, beginning a new year and certainly welcoming the new members on the committee, that we look at what we want to accomplish in this spring session.

Mr. Warawa, you have a comment.

Mr. Mark Warawa: Mr. Chair, we have no problem with dealing with them quickly and efficiently, as was proposed by Mr. Cullen, and with having the same witnesses dealing with both bills at the same time.

I do have a question for you and the clerk. When are you proposing that we deal with those private members' bills and to call the witnesses?

As was pointed out, we have those two private members' bills and the CEPA review as the main....

The Chair: April 16 and 17 are the dates on which they must be reported back to the House. If we don't report them back, they are deemed to have been reported back, so we do have some time.

I would like to see us get the CEPA report, but I don't know how long that's going to take. I don't believe anyone does at this point. We could get into that, and then there would be no reason why we wouldn't deal with the two private members' bills, along with the CEPA report. We'll allot a meeting or two, or whatever it's going to take. I don't see it taking very many meetings for that report, so I would see us getting to the bills as soon as possible, really.

Mr. Mark Warawa: The CEPA review continues to be a priority of the government.

The Chair: Yes, definitely.

Mr. Mark Warawa: When are we proposing, then?

The Chair: Next week we will begin the CEPA review. Tuesday has been mentioned as a problem day. Therefore, we'll maybe try to look at what we can work out.

I think the clerks can talk about when the meetings on Bill C-30 are, and we'll try not to conflict.

Mr. Mark Warawa: We'll be meeting on Bill C-30 Thursday morning, if I remember correctly, but not in the afternoon, so that may be an option.

The Chair: We'll take a look at what works.

Mr. Mark Warawa: Right, but right now, we will not be meeting again.

The Chair: I would like people to have some time to go through this CEPA review. I don't think it's fair to say we're going to start it tomorrow. My thinking is that it won't be Thursday either, Mr. Warawa. It would in fact be next week that we'd begin that. Okay?

Yes, Mr. Cullen.

Mr. Nathan Cullen: I don't want to rush things too much, but we've suggested that next Tuesday is too packed a day to go into the CEPA review, but the two PMBs are not complicated. Would it be possible to bring witnesses to look at them then? The committee has had three months with these bills around.

The Chair: You're suggesting that we start with those two bills and try to—

Mr. Nathan Cullen: Yes. We don't have to go to clause-by-clause right away, but if we have the witnesses up on a day when we're not doing something else.... Or we just don't have a meeting that day. We have quite a few, so that's fine, too.

The Chair: My thinking is that we'd replace that meeting. We'd still have our two meetings, but they would just be scheduled at a different time.

Let us look at it.

Mr. Nathan Cullen: I hear your suggestion. I know the government's priority is the CEPA review and such, but I hope we don't get all the way into CEPA and put two private members' bills at the very end, because if that's just the—

The Chair: I don't believe that's the intention.

Mr. Nathan Cullen: That's good.

The Chair: Are there any other comments?

Mr. Maurice Vellacott: Am I hearing Mr. Cullen suggest—because he's on the committee, and I respect those hard-working people who'll do all this extra work on the committee—that he doesn't want a meeting next Tuesday, that he'd prefer it to be set off till Thursday?

• (1215)

Mr. Nathan Cullen: I hadn't made a suggestion to cancel it. It was just the idea that we'd be running into CEPA on Tuesday.

Mr. Maurice Vellacott: No, I understand.

Mr. Nathan Cullen: I don't have an opinion one way or the other about whether we—

Mr. Maurice Vellacott: In effect, you'd have three meetings that day, then, right? You'd have this one plus two others.

The Chair: Again, let's leave it to the clerks and the two chairs to work something out. If anybody has a huge problem with it, get back to us immediately and we'll try to work around everybody's schedules. But at some point it becomes impossible to please everyone.

Mr. Mark Warawa: At this point, Chair, we do not have a next meeting date, other than tomorrow at 3:30 p.m.?

The Chair: Tomorrow at 3:30 p.m. is our next meeting date, and hopefully by then Justin and I will be able to suggest another date for the beginning of the CEPA review and when we're going to deal with the two private members' bills. We'll try to work that out. Certainly, if anybody wants to have input, just get in touch with either of us.

Are there any other comments about that issue?

Okay, let's move on, then, to future business and people's ideas. If you do have ideas and can get them to me in writing, I'd certainly appreciate that. That will just give us a little forward thinking as to

where we might go, and we'll bring it back to the committee to make decisions about what our next major topic might be.

I know I have pet issues. I know many of you do. Anybody who's been around me for more than five minutes knows that I would love to talk about waste disposal. There's all kinds of expertise there, but that may not interest everyone in this group. But there are issues that we can deal with and on which we can be constructive.

I would like to see us work productively and cooperatively to do the best for the Canadian environment, and not focus on partisan issues.

I've been on this environment committee forever. Certainly we had, under Mr. Caccia's guidance, some very productive times. I know Mr. McGuinty was there at that time and so on, and Mr. Regan and I served on a committee about a hundred years ago together. So I certainly welcome the new members, and I know we can work productively together.

Anyway, does anyone have any immediate suggestions? That, basically, was the nature of this meeting.

Thank you for your indulgence with Ms. Fraser. She did request that meeting, and I think it did turn out for the best.

Are there any burning issues that we need to discuss?

I would remind you again that this report is in confidence and we don't really need to read about it in the paper.

Because the meeting is now open, we do have an opening for a vice-chair. I know I did not give you notice of that, but unless there's any objection, I would suggest that this would be a good opportunity to take care of that item and to receive nominations for the vice-chair. That was held by the Liberal Party, but now that member is no longer a member of the committee.

Mr. Bigras is the vice-chair, and we—

Mr. David McGuinty: Mr. Chair, can we get back to you in very short order? It's just that we haven't had a chance to have a discussion ourselves.

The Chair: Sure, we can do that. It has to be an open meeting. We could even do it tomorrow. It shouldn't take more than five minutes, I wouldn't think, unless there's a huge competition.

Okay, we will deal with this item tomorrow, then.

Are there any other items anyone wants to bring up?

We don't usually end early, but let's end early.

The meeting is adjourned.

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