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—
Chair

Mr. Bob Mills

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• (1530)

[English]

The Chair (Mr. Bob Mills (Red Deer, CPC)): I would just ask that the cameras depart, and then we'll begin the meeting.

Thank you very much, and again, welcome to our guests.

There are a couple of items I'd like to deal with first, before we get into the testimony and what we're here for.

The first is the election of the vice-chair, which I explained yesterday was necessary. What happens here is that I vacate the chair and the clerk takes over, there are nominations, and the process occurs.

The second thing I'd like to deal with is the schedule, which was brought up at the end of the meeting, as to when we could have our meetings for the upcoming weeks.

So I would ask the clerk to take over, and we'll get that done and carry on.

The Clerk of the Committee (Mr. Justin Vaive): I'm now prepared to receive motions for the election of the first vice-chair.

Mr. Anthony Rota (Nipissing—Timiskaming, Lib.): I nominate Geoff Regan.

The Clerk: Pursuant to Standing Order 106(2), the first vice-chair must be a member of the official opposition. It has been moved by Mr. Rota that Mr. Regan be elected as the first vice-chair of the committee.

Are there any further motions?

Is it the pleasure of the committee to adopt the motion?

Some hon. members: Agreed.

The Clerk: I declare the motion carried and Mr. Regan duly elected first vice-chair of the committee.

The Chair: Congratulations, Mr. Regan. Good campaign.

Concerning the schedule, we talked about the problems with Bill C-30. What the clerk has managed to arrange is that our meetings that normally would be on Tuesdays could be held on February 5, 12, 19, and 26, on those Mondays. Those meetings would be held from 3:30 until 5:30 on Mondays. Our Thursday meetings would carry on as scheduled, with the meeting on the 15th being cancelled, but all the other meetings on the Thursdays would carry on.

• (1535)

Hon. Geoff Regan (Halifax West, Lib.): Mr. Chairman, was there a problem with the Tuesday meetings?

The Chair: Yes, there was. The Bill C-30 committee meets from 9 until 11 and from 3:30 to 5:30 on Tuesdays. Several members are on each, and they requested that we look at another time slot.

Hon. Geoff Regan: So they're a darn nuisance, aren't they?

The Chair: They're a nuisance, but we have to put up with them.

Mr. Cullen.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): I won't make a comment about the nuisance.

I think if the clerk talks to the clerk of the Bill C-30 committee, they'll find that the first one you mentioned, 5:30 on Monday evening, won't work. We actually have a meeting booked this Monday evening at 5:30.

The Chair: This is 3:30 until 5:30 on Mondays.

Mr. Nathan Cullen: Oh, excuse me, it's 3:30. I heard 5:30.

The Chair: Are there any other comments on that schedule as put forward? I hope that accommodated....

I think it was you, Mr. Cullen, who brought this to the attention of the group.

Does that meet everybody's approval? Are there any problems?

The clerk will send out notices, and our next meeting, then, will be at 3:30 on Monday, February 5.

We'll now move on.

Mr. Cullen.

Mr. Nathan Cullen: Chair, before we begin testimony, I think there's something important that arose from yesterday's meeting that I would bring to the attention of the committee.

Without holding things up, I'd like to move a motion that we should consider before we start. I move that yesterday's meeting of the Standing Committee on Environment and Sustainable Development, held in camera, be a matter of public record, and that all records and minutes be released into the public record.

The Chair: Before we deal with the motion, if I could ask Ms. Fraser, obviously it was a heads-up to us, and now that it is public and there have been varying reports about what happened at that meeting, what is your feeling, if I may ask?

Ms. Sheila Fraser (Auditor General of Canada, Office of the Auditor General of Canada): I have absolutely no objection, Mr. Chairman. In fact, I think it might be quite useful if the transcript of that meeting was made public.

The Chair: Okay.

Are there any other comments?

Is there a seconder for the motion?

Thank you, Mr. Regan.

Mr. Harvey.

[*Translation*]

Mr. Luc Harvey (Louis-Hébert, CPC): Since we've requested an in camera meeting, does that risk setting a precedent whereby, if someone requested an in camera meeting again, the discussion might fall into the public domain? Is it customary to change a decision concerning a meeting?

[*English*]

The Chair: The clerk advises me that it's quite within protocol to do this. You take testimony in camera that, with all agreement, can in fact be then put on the record.

In that regard, I think I should express on behalf of myself, and hopefully most of the committee, that I was fairly upset, fairly annoyed, that I received from the *Canadian Press* through *The Globe and Mail* at 12:51 statements made by a reporter of what happened in that in camera meeting. Obviously, I feel that an in camera meeting is in camera.

We will have cause, hopefully very seldom, to have in camera meetings, but I don't want to read about them or hear about them. Reporters were immediately calling about comments as soon as I left this room. Of course, some of those stories ended up being totally incorrect and inaccurate. I found that to be most disturbing and unfair to our witness, because of course the notice of meeting had gone out that it was in camera, we discussed that at some length, and we decided to go ahead to hear the heads-up about what was going to happen at 3 o'clock. Obviously, at 3:01, I assumed people could talk about that meeting, but I didn't expect to see it at 12:51, in writing, on my desk. I was very troubled by that. It's not the sort of thing that I would hope this committee would allow to happen ever again, and it's a discredit to all of us I think that it did happen.

I don't believe we need to discuss that any further than to make that statement and for everyone to get that message. We're now going to be dealing with the CEPA report, which again has to be in camera until it's tabled in the House. I don't want to read about it, and I'm sure none of the other members here wants to read about what happens during those discussions of important pieces of legislation. I think that's enough said. I don't believe I want to entertain a lot of comments on this.

However that happened, I trust it won't ever happen again. Whoever leaked that material obviously knows who they are. Anyway, I think we'll move on.

I believe, Mr. Cullen, you indicated that...

Mr. Warawa, is it on the same subject, or have I satisfied the issue?

• (1540)

Mr. Mark Warawa (Langley, CPC): Mr. Chair, I'd like to first move to hearing from the Auditor General. After we've spoken and questioned her and heard from her again, I also have a comment that I'd like to make on that, but not at this time.

The Chair: I think we can proceed, Mr. Cullen. I think we're fine now with everything.

Mr. Nathan Cullen: Just to be clear, that motion was carried?

The Chair: That motion was carried unanimously.

(Motion agreed to)

The Chair: Welcome, again.

I think everybody understands what we're talking about today. We're talking about the proposed new reporting scheme that we're going to be looking at for the upcoming year on environmental reports, and also some of the criteria that we think should be considered in the hiring of a new environment commissioner.

If we could keep our comments to those two topic areas, we'll follow our normal procedure. I should warn the new members—we have a number of new members—that I have this wonderful little grey box. This grey box is extremely accurate and takes us to the ten minutes. I will give you a little bit of time to finish answering the question, but I'd really ask you to live by the time: ten minutes, ten minutes, ten minutes, ten minutes, and then we go to five-minute sessions.

I would ask Ms. Fraser to begin. We will then go to the Liberals first, whoever is their speaker.

Thank you.

Ms. Sheila Fraser: Thank you very much, Mr. Chair.

I am pleased to be here to discuss these issues with members of the committee.

I would like today to provide clarification around three issues: first, the appointment of an interim Commissioner of the Environment and Sustainable Development; second, the internal review of our environment and sustainable development audit practice; and, finally, the role of the Commissioner of the Environment and Sustainable Development as defined in the Auditor General Act.

First, on the appointment of an interim commissioner, I take full responsibility for the decision to name an interim commissioner, and I made this decision after careful deliberation. I would like to assure the committee that my decision has absolutely nothing to do with the commissioner's 2006 report or with any other commissioner's report. As I stated yesterday, the Commissioner of the Environment and Sustainable Development reports to Parliament on behalf of the Auditor General. Accordingly, I, along with other senior officials in my office, approve all audits and review all reports before they are made public. I consider all reports of the commissioner and her team to have been excellent work, and I stand behind all of them. The large team of auditors that is responsible for producing the commissioner's reports will continue to perform the same quality of work under Mr. Thompson's leadership as they have in the past.

As well, I wish to assure the committee that there was absolutely no pressure or interference from the government regarding this decision. As I'm sure members will understand, I cannot comment any further on this for a number of reasons, including privacy issues. And while I would imagine that some of you may find this frustrating, I simply cannot comment further.

[*Translation*]

The second issue concerns internal review. Our role is to provide parliamentarians with fact-based, independent information that can assist them in holding the government to account for its management. We attempt to measure our effectiveness in a number of ways — by surveys of MPs, and by several performance indicators. From time to time, we assess our performance and introduce changes that we believe will strengthen our audit practice. We have done this in our financial and performance audit practices to good effect. That is the objective of the internal review of our environment and sustainable development practice I mentioned yesterday.

Our environment and sustainable development practice is a very significant and important one within our Office. I believe that we have done very valuable work, but there are always opportunities to improve. Certain indicators for example show that our environment and sustainable development audits may not have as much impact as other work in the Office in improving government management. We need to understand if that is the case and, if so, how we can improve. The review is not intended in any way to diminish the work we currently do, but rather to strengthen it.

As I mentioned earlier, our role is to provide objective, fact-based information to parliamentarians to assist them in holding government to account. To preserve our credibility, we must remain independent of government and not stray into policy issues.

We cannot, as an audit office, comment on policy choice, nor dictate to government what policies they should adopt. That is the role of government and parliament. I believe that we have carried out the mandate given to us in 1995 faithfully — we have not crossed that line into policy. However, there is some indication that some people would like the Commissioner to go further. Comments by some environmentalists and more recently the introduction of Bill C-288 showed that there may be a gap between what is expected from the Commissioner and what the legislation states. In its original form, Bill C-288 would have required us to act as a policy advisor to the government of the day and to evaluate programs. This is inconsistent with our role as auditors and it is not a role we can fulfill in our Office.

These examples led me to believe that I should bring this issue forward to this committee as only you can determine if it merits further consideration.

• (1545)

[*English*]

Mr. Chair, my office has been conducting environmental audits for more than 20 years, and we will continue to do so, in keeping with our audit mandate. We view the 1995 modification to our act as a very important addition to our mandate.

I believe that the environment and sustainable development work of my office is important and is valuable. Our objective in

conducting an internal review is certainly not to diminish it. Our objective is to strengthen this practice and to ensure that our environmental audit work best serves parliamentarians.

That concludes my opening statement, Mr. Chair. I would be pleased to take any questions from committee members. Thank you.

The Chair: Thank you very much.

I would just remind members to try to focus on the issues that have been presented to us. In other words, we had a process where the environment commissioner reported once a year, and it's proposed that the environment commissioner report with the Auditor General's report. The second item, of course, is any guidance we can give in hiring the new environment commissioner.

I'll begin with Mr. McGuinty, please.

Mr. David McGuinty (Ottawa South, Lib.): Thank you very much, Mr. Chair.

Thank you, again, Ms. Fraser, for appearing today, and thank you for appearing yesterday.

I'd like to pick up on your opening comment, if I could, just to explore your own clarification about yesterday. You can imagine there are an awful lot of shell-shocked Canadians. Madame Gélinas has been I think judged to be one of the best Commissioners of the Environment and Sustainable Development that the country might have aspired to, held in the highest of regard I think by all parties, and, I'm assuming from your own comments, by yourself.

I think she has demonstrated a very even-handed approach to the delicate charge she has, responsibilities. In a sense, she's lived beyond the expectations of the original conception of the commissioner's office, which we as a government introduced a decade ago, and she has really held successive governments' feet to the fire, so to speak, our previous government and this government, and I think did quite a knockout job.

It was very, very kind of you to come yesterday and give us a heads-up, as you described it, with respect to what you were going to be announcing in the afternoon, but I do want to explore a little bit only because Canadians are confused. They'd like a better answer, perhaps, or a better idea of what has transpired here, and it does relate directly to the appointment of the interim Commissioner of the Environment and Sustainable Development.

In your own press release that was issued yesterday there was talk about Madame Gélinas leaving, if I recall the words—you'll forgive me, I don't have the press release in front of me—"to pursue other opportunities". Five or six hours later, most of us received a second press release, from Madame Gélinas herself, indicating that in fact she was surprised that she was, I guess, effectively terminated and that this was being made public sooner than she had expected it to be, and that negotiations or discussions had gone on for some time between herself and your office, and so on and so forth.

Could you help us understand, given the media reports that our chair cited just moments ago, some of the discrepancies between both your press releases and also perhaps some of the comments that are now public that were in the four-page document presented to this committee yesterday about the performance of the commissioner? Help us, please, understand what has transpired here so that we can work together to move to improve the functioning of that office and its structure and the role it ought to be playing, and perhaps an accentuated role that it ought to be playing going forward.

● (1550)

Ms. Sheila Fraser: Thank you, Mr. Chair.

As I indicated in my opening statement, I will not comment on Ms. Gélinas' departure from her position as Commissioner of the Environment and Sustainable Development. I would be glad to discuss any of the other issues that I have brought forward, but there are a number of reasons why I cannot give the kinds of answers that I think the member would like to hear. Unfortunately, I just can't do that.

Mr. David McGuinty: Could I then ask, Mr. Chair, with all of the *délicatesses*, as my colleague from the Bloc put it yesterday, are Canadians right to conclude that there's a difference here in view, or a difference in denouement rollout here in terms of what has happened? I do have constituents calling me and asking, "This is a very important post. What's the problem here? Was it inter-professional? Why would there be two different public versions about what has transpired?" It's a pretty important issue for Canadians. There's a great mystery.

You have a very, very strong reputation, Ms. Fraser, in Canadian society, one that I strongly support. Madame Gélinas has a very strong reputation in Canadian society, has done, I think you would agree, and most of us would, a knockout job in her role, in a difficult role.

So I put it to you again. It would be important to illuminate in some way how there could be such a difference publicly. Without getting into, obviously, the details of whatever might be internal to your office, can you help us understand here in practical terms what has happened?

Ms. Sheila Fraser: The only thing that I would like to clarify, as I said in my opening statement, is that there seems to be, certainly in certain quarters, people trying to attribute this to the audit report that was produced in the fall of 2006 on climate change. This situation has absolutely nothing to do with that.

As I mentioned in the statement, the reports that are tabled by the commissioner go through the same process as any other audit of the office, which means that the senior management and executive are involved in the choice of the audits. So the fact that we were doing that audit was a decision of the executive of the Office of the Auditor General. I review all of the reports. I am briefed on them. I actually participate in helping the commissioner with her forward remarks. So that report, while it was tabled as a report of the commissioner, is a report of the Office of the Auditor General. We stand behind that.

I would just like to clarify that it has absolutely nothing to do with that, and I really cannot go further than that.

● (1555)

Mr. David McGuinty: Ms. Fraser, are you in a position to help us understand, then, for example, the document that you tabled here yesterday, which is now a public document pursuant to the motion put forward by my colleague in the NDP? I don't have it in front of me, but I do recall that I think it was fairly categorical in a statement that the commissioner's reporting or performance was not up to standard, given the performance and other indicators that you are using in the AG's office. I'm just trying to, again, assess. Is that what transpired, or today's bullet point seven, and I'm not sure if there's an inconsistency—again, I'm in your hands here—where you say, "we assess our performance and introduce changes that we believe will strengthen our audit practice"?

You've gone on to say that the reports thus far of any commissioner for the environment, I'm assuming, going back to the creation of the post, are not at play, so to speak. I'm having a hard time reconciling yesterday and today.

Ms. Sheila Fraser: What I said yesterday, and I will quote, is that "In the course of our analysis"—and this was over frequency and timing of reports, and I'll come back to that in a minute:

...we also noted that performance audits on environmental and sustainable development issues do not appear to have the same impact as our other performance audit work. This conclusion is based on an assessment of our effectiveness, as measured by performance indicators that have been established for the Office such as how many of our recommendations are implemented.

Then I said:

This, I believe, is very unfortunate, because our work on environmental and sustainable development issues is very important to us—and, I believe, to Parliament and Canadians.

This is not a reflection on the commissioner. It is a reflection on the effectiveness overall. For example, one of the key measures we have for our work in the office is, do our audits contribute to improving the management within government? We use as an indicator of that the degree to which recommendations are implemented. The work on environment and sustainable development has consistently, over 12 years, had a much lower rate of implementation than our other work.

Now, I think we have to question ourselves, is that measure an appropriate one? If so, why is it lower? There can be a number of reasons. Our recommendations may be part of the problem, but we need to understand that, because at the end of the day we have several roles. Obviously one is to provide information to parliamentarians as they go through and consider policy legislation, but another one is to improve management in government over very important issues, such as environment and sustainable development issues. One would expect that when we do work, for example, on pesticides and have recommendations to government on how to improve that management, they should be implemented. So that's where this review is headed. We have done the same work in other areas in the office and have modified our practices, and hopefully we'll see our practice improve because of that.

The Chair: Mr. Regan, you have about a minute and a half. You will get a second round, so one question, please.

Hon. Geoff Regan: Thank you, Mr. Chairman.

I was recently in Mali—and I mentioned this yesterday to the Auditor General. We were there as a delegation of Canadian parliamentarians supporting democratic development in countries such as Benin, Burkina Faso, and Mali. Of course, as the Auditor General knows, Mali has actually adopted our concept of an auditor general and they're developing that in their own country.

My point in saying that is how proud I am of the fact that this institution, which in my view has been even-handed and very important in holding governments to account, including the one that I was part of... Canadians have great pride in that institution. It's very important that we recognize that to start off with, and we all admire that.

I want to come back for a second, because I think Canadians may want to understand a little better what's going on and what happened yesterday. I had the impression from our meeting yesterday that Madame Gélinas was leaving voluntarily. Maybe that wasn't the impression that was intended to be given, but that was the impression I got—it's my mistake, perhaps—but then it seems that she didn't go voluntarily. I guess the question is, and I don't know if you can answer it or not, can you tell us whether she was in fact dismissed?

Ms. Sheila Fraser: Ms. Gélinas continues to be an employee of the Office of the Auditor General.

Hon. Geoff Regan: Okay. So did she leave her position as Commissioner of the Environment voluntarily?

Ms. Sheila Fraser: I would prefer not to get into that discussion.

The Chair: Thank you, Mr. Regan.

Let us go on to Mr. Bigras, please.

[*Translation*]

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Thank you very much, Mr. Chair.

Ms. Fraser, welcome to the committee. I'm reading the notes for your address and your statement of this afternoon, and I'd like to hear you comment in more detail on what's written on page 2 of your statement:

As I mentioned earlier, our role is to provide objective, fact-based information to parliamentarians to assist them in holding government to account. To preserve our credibility, we must remain independent of government and not stray into policy issues.

Has the government made any approach whatever to you that would lead you to suspect that Ms. Gélinas, or any other commissioner before her, infringed that duty of independence?

• (1600)

Ms. Sheila Fraser: Absolutely not. Moreover, in paragraph 10, I say I believe we've faithfully carried out the mandate given to us and that we have not strayed from it.

As I mentioned, every report that comes out of the office is approved by senior management, including myself. If I had ever found that we had gone too far in the report, it would not have been

published. The issue I'm raising here is more for the future and concerns pressures that you sometimes see or expectations of certain persons who would like the Office to play a much more active role as policy advisor, by evaluating programs. That role is not compatible with the role of auditor.

So I'm asking the committee whether this is an issue that is perceived and whether it's an issue that deserves more in-depth study. If you say that is absolutely not the case and that you're entirely satisfied with the present role, that confirms for me that parliamentarians are satisfied.

Mr. Bernard Bigras: I understand what you're saying, and I understand your answer very well, but the question is this: have you or one of your advisors previously received a call from a representative of the government to the effect that Ms. Gélinas' reports or subsequent comments went beyond the independence that you expected from a member of the staff of your office?

Ms. Sheila Fraser: Honestly, as far as I know, no. I must say that sometimes we're generally accused, as the Office of the Auditor General, of going beyond our mandate. For my part, I don't believe we've crossed the line. I'm not aware that such a call was made concerning Ms. Gélinas or the previous commissioner, Mr. Emmett.

Mr. Bernard Bigras: At the end of paragraph 10, you refer to Bill C-288, a bill that, incidentally, was discussed in committee, where it received the support of all the opposition committee members, but was rejected by the government. You say: "In its original form, Bill C-288 would have required us to act as a policy advisor to the government of the day and to evaluate programs."

My question is still the same: did the government or one of its representatives contact you to tell you that, in his view, one consequence of Bill C-288 would be that you would be acting as a policy advisor to the government of the day?

Ms. Sheila Fraser: We have not been contacted by the government at all. It was we who, in seeing the initial bill, wrote to the committee to tell it that this was an inappropriate role for us and one that would ultimately have caused harm to the Office of the Auditor General. We worked with the member to amend the bill to give it a form consistent with our present mandate.

Mr. Bernard Bigras: Okay. I have another question. I would ask you simply to reassure me, if I may put it that way, because, if the Commissioner of the Environment is an environmental watchdog, I believe the committee must also play that role. We therefore have a common interest: that desire, that possibility, that review of environmental audit practices as a result of which the report of the Commissioner of the Environment could be integrated into the Auditor General's report.

If I understand correctly, that's what you're proposing.

• (1605)

Ms. Sheila Fraser: That's one of the options we considered. Allow me to explain the strategy, because a lot of information was conveyed without me ever explaining to you what it was about.

It all started with a request from the Standing Committee on Public Accounts that we review the due dates of our reports. We noted that, when we tabled our report in late November, Parliament had very few sitting days left to hold hearings. After considering the House's calendar, we decided to bring the presentation of our November report forward and to present it in October.

In reviewing all that, we began to question the Commissioner's way of reporting. We wondered whether we should table one report a year or whether we should report more frequently. Indeed, perhaps it would be useful for the committee if we tabled reports two or three times a year, rather than only once a year.

It is interesting to note that this possibility, that the Auditor General table report more than once a year, was raised during the discussions of the amendments to the bill in 1995. There was even some question of tabling reports on the environment and sustainable development more frequently during the year. That's where the idea came from. The idea wasn't to abolish the Commissioner's report, but rather to determine whether it would be advantageous to table reports more frequently.

Another question was also raised: would it be advantageous for the Commissioner to table his report at the same time as that of the Auditor General? Could we have a little more visibility? Because, apart from the last report, the Commissioner's report has had very little visibility in recent years. That, quite honestly, is what the suggestions were.

Mr. Chair, I want to say that, if the committee states that it absolutely does not want to change anything and that it wishes us to continue as we've done in the past, tabling one commissioner's report a year, we will maintain that practice.

Mr. Bernard Bigras: Aren't there any consequences or dangers in including the Commissioner's report in the general audit report? Wouldn't that bury this entire environmental audit in a broader audit? The wish of committee members is that the audit be as independent as possible, precisely so that the report of the Commissioner of the Environment and Sustainable Development enjoys some visibility.

So wouldn't more independence be preferable, rather than burying these results among broader indicators? Ultimately, what the public expects — and this is the priority for citizens — is to know more about what goes on in government in the environmental field.

Ms. Sheila Fraser: Mr. Chair, I'm definitely not an expert in communications, but our communications staff conducted a study comparing the reports that are tabled by the other officers of Parliament concerning quite unique subjects, official languages, privacy and others.

The Commissioner's report attracts a lot more attention than those other reports, but not as much as ours, simply because we cover a broader range of subjects. In addition, we interest the parliamentary press gallery, whereas the Commissioner's report is considered a report on the environment. It interests and attracts journalists specialized in that field to a greater degree.

That's why we wondered whether we would try that, to see if we would have a broader audience of journalists at an in camera meeting. I'll give you some examples: when the Commissioner's last report was tabled in September, there were about 25 journalists; there

are more than 100 journalists when the Auditor General's reports are tabled.

There is indeed a danger, that an audit may attract more attention, but, in so doing, perhaps we can increase visibility.

That's an element that we're proposing, but, if you say that you absolutely don't want that, we'll respect the wish of Parliament.

Mr. Bernard Bigras: Do you believe that greater homogeneity must be achieved in the comprehensive audit that you conduct, including the work of the Commissioner of the Environment and Sustainable Development?

• (1610)

Ms. Sheila Fraser: May I ask the member for some clarification?

Mr. Bernard Bigras: I want to know whether, in ensuring that there's one less report and that the Commissioner's report is included in the general audit, we wouldn't arrive at a kind of homogenization of audit parameters. Even though it's environmental, the audit would then be conducted in the context of a more comprehensive audit and might not include very particular indicators specific to the environment.

[English]

The Chair: Ms. Fraser, could I possibly get you to include that in your next answer? We're over the time.

Mr. Bigras, in all fairness to the Auditor General, I advise you that we had a discussion, and it came down to one report versus a number of reports. My feeling is that we should try to put the highest profile we can on the environment. We should try it for a year and see if it works.

So we had that discussion, and today we have input directly to the Auditor General. I think that's very positive.

Mr. Cullen.

Mr. Nathan Cullen: Thank you, Mr. Chair.

Thank you, Ms. Fraser, for being here.

This is a struggle. There's obviously a conflicting view of some of the things that have transpired in the last 24 hours. As a parliamentarian, I'm struggling to determine what happened, because in essence, at the end of the day, it seems that the country has lost the advocacy of a voice within your office that was able to clearly describe the shortcomings of government and was a strong call to action. Members of this committee and across the entire parliament used that voice effectively.

You've said repeatedly that the work of Madame Gélinas was of good quality. But what I do not understand is that from the testimony you gave yesterday and the very strong impression left—and this is a critical factor—is that Madame Gélinas left of her own free will to pursue other options; what we believe today is that she was terminated. It is very difficult for me to reconcile those two views, and this matter is essential to what we're talking about.

Ms. Sheila Fraser: I'm sorry, Mr. Chair, but as I indicated earlier, I cannot comment on that issue.

Mr. Nathan Cullen: When the commissioner produces a report, do you review it?

Ms. Sheila Fraser: Yes.

Mr. Nathan Cullen: Is there an editing process that your office takes on in the comments made?

Ms. Sheila Fraser: The commissioner's report and any audit done by the commissioner's group follows—and this will be in part a response to Mr. Bigras' question—exactly the same process as any audit that is done in the Office of the Auditor General.

Mr. Nathan Cullen: I'm not casting aspersions but just trying to understand that you look at it—

Ms. Sheila Fraser: It goes through the same process and uses the same audit methodologies. It has the same quality assurance, procedures, internal and external advisers, reviews, and briefings to me and the commissioner on what the findings in the audit and the conclusions are. It's also the same regarding what points we want to emphasize and how are we going to present the message, even to the point where I review and comment on the commissioner's report, and we make suggestions on it. So it is the work of the Office of the Auditor General, and it follows the same standards as any other board.

Mr. Nathan Cullen: At what point did Madame Gélinas stop doing the work of the Commissioner of the Environment?

Ms. Sheila Fraser: Yesterday.

Mr. Nathan Cullen: Is Mr. Thompson her replacement? Is he acting?

Ms. Sheila Fraser: Yes.

Mr. Nathan Cullen: Square the circle for me. I'm trying to understand Mr. Thompson's capacity and experience, or lack of experience, when it comes to environmental issues, something that's essential to the role of the Commissioner of the Environment. How is this being proposed as an effective use of the Office of the Auditor General?

Ms. Sheila Fraser: Mr. Chair, the work of the commissioner's group has to continue. Audits are under way. We need someone who will lead that, and Mr. Thompson is a very experienced professional within the office. He has been responsible for a number of portfolios, including work on the north, which would include contaminated sites, for example. He has done work in fisheries, with salmon, and agriculture.

I think it's important for the committee to realize that the assistant Auditor General, who leads the group, is not alone. There are some 50 to 60 people working in that team, and many of them have environmental specialties and backgrounds. Also, where we don't have the expertise we need, we go out and bring in people to help us on our audits.

• (1615)

Mr. Nathan Cullen: Have we been losing staff in the Commissioner of the Environment's office over the last number of months?

Ms. Sheila Fraser: We have not, to my knowledge, not any more than anywhere else within the office.

There have been some rotations. We have a policy of rotation within the office to ensure independence, and there have been some rotations of staff, but they have remained within the office.

Mr. Nathan Cullen: There seem to be two criticisms, if not of the commissioner herself, then of the role and the work that's been done by the commissioner, where there's been a straying into policy raised. It's been raised a couple of times now by you.

The second is the impact of reports not changing the government's view or direction, in the course of events.

Did Ms. Gélinas help create that gap, that stray, from purely auditing programs to straying into a policy recommendation field?

Ms. Sheila Fraser: As I indicated in my opening statement, I do not believe that any of our reports have strayed into policy areas. If we had felt we had gone over the line, the report would not have been published, because—

Mr. Nathan Cullen: But you raise it as an issue. This is what I'm trying to understand. You raise it as an issue, that expectations have been created, and yet that policy stray hasn't happened.

Ms. Sheila Fraser: The policy stray has not happened, but I can tell members of the committee that we, on a fairly regular basis, receive requests from people who would like us to go much further. If the current role, as essentially an audit of government practices and environment and sustainable development, is the role the committee believes is sufficient.... Obviously, it's a very important role within our office and one we would intend to continue.

We are raising that there appears to be this expectation gap. It is not one that the Office of the Auditor General or the commissioner can address.

Mr. Nathan Cullen: I'm sure—through you, Mr. Chair—that you must appreciate that the timing and circumstance of this is very difficult. The commissioner has come forward and said that she first heard about the notice of her departure through the media. It feels as if we've opened ourselves up for a wrongful dismissal suit. There are criticisms of what's happened within the commissioner's office, or expectations that have been created or put upon...that the impact has been insufficient. But we're not meant to connect those two criticisms to what is a very unusual, if not suspicious, departure of the head of that department.

I'm trying to understand. I understand that you can't comment on the specifics, but if the effectiveness is questioned, and there's a policy drift described, and the commissioner is dismissed—and you told us that she voluntarily left.... I don't understand.

Ms. Sheila Fraser: We believe that the nomination of an interim commissioner is a time to reflect upon how we can improve that practice, if we can, before we go ahead with the search for a new commissioner. That is why I brought the review forward here; otherwise, there would be an expectation, quite frankly, that we would begin a search process right away.

I would like to take the time, before just automatically going out, to say that the commissioner's office and that part of our mandate has been in place now for 12 years. I think it's time to take a look at it and to really focus on what qualifications are needed for the next commissioner. As part of that review—and we've already begun some very initial consultation—the issue around policy advocacy and advice to government is coming up.

Mr. Nathan Cullen: Yes. I have two last thoughts, in the time left.

Mr. McGuinty today brought a motion forward. The original intent, it seemed, when the former Liberal government made this commitment, was to have an independent commissioner, one who reported directly and was removed. We'll be making suggestions to bring that right into the review process of Bill C-30, the government's bill. We think this is potentially an effective tool.

I know you can't comment on that, it being policy. My question is this. Looking at some of the comments your organization, the Auditor General's office, made about the employment insurance account—that government is consistently taking too much in—I'll quote:

[To allow] the Account to accumulate a surplus beyond what could reasonably be spent for employment insurance purposes, given the existing benefit structure and allowing.... In our opinion, the government has not observed the intent of the Employment Insurance Act.

Where's the line? Where is the line between commenting on ineffective government spending, or promises made and not kept, and advocating for policy options, which in Ms. Gélinas' last report she commented on, saying on climate change that the government had not taken it seriously enough yet and needed to ramp it up? Where is that line?

• (1620)

Ms. Sheila Fraser: If we use the employment insurance account as an example, there was at the time we made those comments a clear definition in the act as to how the rate was to be set. The way the surpluses were accumulating, we believe, was not in compliance with that legislation. We did not say you have to change the legislation, or you have to do this. We are simply stating a fact: that the legislation says it should be established this way and we do not believe you are establishing it according to legislation.

In fact, to complete this point on the Employment Insurance Act, what subsequently happened was that the legislation was changed. The surpluses are still continuing to grow, but we are no longer justified to make any comment, because the legislation has changed and Parliament has agreed that the rate can be set in another way. That's fine.

On climate change, government has an international obligation, and we are perfectly entitled to ask if government is respecting that obligation—

Mr. Nathan Cullen: And if they are not, to say that.

Ms. Sheila Fraser: —and if they are not, to report so.

Mr. Nathan Cullen: When Madame Gélinas said this government is not respecting that and not doing enough—

Ms. Sheila Fraser: That is a perfectly legitimate role for the commissioner, within the Office of the Auditor General.

Mr. Nathan Cullen: Thank you.

The Chair: Thank you, Mr. Cullen.

We'll now go to Mr. Warawa.

Mr. Mark Warawa: Thank you, Auditor General.

The government respects the autonomy of your office of Auditor General, so I will not be asking any questions regarding Ms. Gélinas. I will comment, though, that we appreciate the work of your office, and yourself particularly, and the work that Madame Gélinas did while she was working within your office. As you said, she's still within your office.

My questions relate to your comments on reporting. You're going to be looking for input from each of us around this table.

In your comments made yesterday, you said that as you assess the effectiveness of the government, you're looking at how many of our recommendations were implemented. In the report we received last fall, there was a critique of different departments not working together. It appeared that one department didn't even know what the other was doing and that the recommendations were not being acted on. It was a challenge for the new government to try to make sure that issue was solved, so that we could move forward on environmental issues, which are very important to the government.

If what is being discussed and will be discussed is, as was said, the possible creation of an office of the Commissioner of the Environment separate from your office.... At this time we have one body doing the audit of all different departments within government. These are not questions on policy, but I'm wondering, if you can comment, whether you think it would be more effective for your office to audit all of the offices of government or more effective to have an individual office of the Commissioner of the Environment. Which would be more effective?

Ms. Sheila Fraser: Thank you, Mr. Chair.

Let me make a very short comment on the first part, about implementation of recommendations. One of the things we do in the office is what we call follow-up audits, where we go back and actually assess whether government is making satisfactory progress on addressing issues we've raised in previous audits. We call them status reports. Our report of February 2008 will be devoted strictly to environmental and sustainable development issues. I think we have nine or ten audits coming in that area, on everything from pesticides to...a whole range of them. We will be assessing whether government has made satisfactory progress or not in dealing with the recommendations that were made in audits going back sometimes several years.

The question of creating an independent commissioner is of course a decision for Parliament. I would just say that the audit function has to remain separate from the policy advice evaluation of programs. Those two functions are really inconsistent. In order to have an effective audit function, you must be independent from, if you will, the management and the establishment. If you're involved in establishing policy, you cannot then audit it objectively.

We believe that the audit function we've carried out in the office through the commissioner to date has been very valuable and very good. There is, though, an expectation that we can do policy advice evaluations of the effectiveness of programs. That is work that we cannot do, that is inconsistent, and that could actually damage our office if we were to go into that kind of work.

• (1625)

Mr. Mark Warawa: Then, as you made comment on Bill C-288, Bill C-288 is asking for a new position of Commissioner of the Environment to do both policy and audits.

Ms. Sheila Fraser: The initial draft of the bill would have had us, the Office of the Auditor General, conducting both of those functions. That is why we came back to the committee to say that this was an issue for us and it would be a problem for us. We have worked with the member to modify the bill so that policy advice and evaluation would no longer be done by the Office of the Auditor General and the commissioner.

Mr. Mark Warawa: I have one last question, and then, if I have any time remaining, I will share it with Mr. Harvey.

Are you aware of any member—and this is regarding what has happened, your visit yesterday—of this committee breaching the contents of the in camera portion of the meeting and revealing information that you had shared in confidence?

Ms. Sheila Fraser: Based on *The Globe and Mail* reports at 12:59, I would have to answer yes, but I can only surmise from newspaper articles and certain information that is attributed to certain members of the committee. But those are also available to the chair and to others, so I do not think it would be appropriate for me to get into that.

Mr. Mark Warawa: Right, and you made your announcement at three o'clock?

Ms. Sheila Fraser: That is correct.

Mr. Mark Warawa: Thank you.

The Chair: Mr. Harvey, you have four minutes left.

[Translation]

Mr. Luc Harvey: I understand that the mandates of the Auditor General and the Commissioner are not to assess whether a program is good or not, but rather to determine whether it has been well administered. Is that correct?

Ms. Sheila Fraser: Essentially, yes. We can't do program evaluation. The act states very clearly that we can audit whether departments and agencies have put measures in place to conduct evaluations, but we don't conduct the program evaluations. We examine the systems, management methods, to determine whether the government is acting as it has undertaken to do.

Mr. Luc Harvey: Ultimately, that's the value of the watchdog, of the Auditor General. He must ensure that the government does what it says it was going to do.

Ms. Sheila Fraser: And that it does it in an efficient, effective and economic manner, and in accordance with the laws, of course.

Mr. Luc Harvey: So what would be the mandate of a Commissioner of the Environment?

Ms. Sheila Fraser: Obviously, the Commissioner's mandate will depend on what Parliament tells the Commissioner to do.

The Commissioner's present role is more like that of the Auditor General. Ultimately, the Commissioner must comply with certain provisions of the act, but the other duties, as well as the audits that the Commissioner tables in Parliament, depend on the mandate given to the Auditor General.

If another agency or independent entity were created, that would concern more questions of advice on policy and program evaluation, things that we cannot do.

• (1630)

Mr. Luc Harvey: If there were an independent commissioner or independent office, perhaps that function might add to the Commissioner's mandate.

Ms. Sheila Fraser: As I said earlier, it's very important that the audit function remain independent. We cannot give advice on policy development on the one hand, and audit those same policies on the other. Those are incompatible roles. The auditor's role must be independent, and a role of advising on policy and program evaluation is something else.

Mr. Luc Harvey: Isn't it a bit dangerous to create a policy evaluation role?

Doesn't the role of evaluating performance against policies proposed by the government fall to the opposition, not to an office?

Ms. Sheila Fraser: That's a question that we're raising in committee. Would there be grounds for considering that? We submit that question to your attention. It's not up to me to say whether you should do it or not. It's really up to parliamentarians to decide whether this is a question that should be examined in greater detail.

Mr. Luc Harvey: All right. Thank you.

[English]

The Chair: Thank you, Mr. Harvey.

Mr. Regan.

Hon. Geoff Regan: Thank you, Mr. Chairman.

Like Mr. Warawa, I certainly respect the autonomy of the Office of the Auditor General—and our party respects that autonomy, as we should. Obviously, the public has a great deal of admiration for the Office of the Auditor General, for you personally as Auditor General, and I think also for the office of the Commissioner of the Environment and for Ms. Gélinas personally, which I think is one of the reasons why there's public interest in understanding what's happened here.

Obviously, as we are a standing committee of the House of Commons and members of Parliament, we have our own responsibilities to consider what's happened and to make sure we make our decisions and Parliament makes decisions on the basis of good information.

Let me refer to your statement of yesterday to this committee. As you know, the committee has now passed a motion that this should be public, and with your concurrence. In paragraph three of yesterday's statement, you said:

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

It was your wish to come before us to inform us of this. It seems when you say she "will be leaving the position to pursue other opportunities"... I get the impression from this that it was her wish, that she was leaving so that she could pursue other opportunities. I'm trying to understand whether that's accurate.

The Chair: Mr. Regan, I believe that Mr. Cullen approached that a couple of times, and the Auditor General made it clear that she can't talk about those personal issues. If she cares to answer... Otherwise, you could go on to another question.

Hon. Geoff Regan: Mr. Chairman, the problem is that it was talked about yesterday before the committee and in the way I just described. The question is, do we have a responsibility to assess that? I guess, really, I want to get on to the question of the reporting structure, and that's really what we're here for and want to talk about. If she wants to answer this, it's up to—

Ms. Sheila Fraser: I cannot answer the specifics, but what I will say is that everything I said yesterday I believe to be true.

Hon. Geoff Regan: And I accept that; I'm not going to argue.

The Chair: Let's get on with the reporting.

Hon. Geoff Regan: Let's go on to the question of the nature of the role of the commissioner and when the reporting should be. It seems to me that when Parliament passed the legislation to create the role of the commissioner, Parliament could have said, "We'd like the Auditor General's office to do more in terms of the environmental area", but it specifically created the role of the commissioner. As I understand it, the act actually refers to the commissioner having an advocacy role.

Is that right? Is there no provision in that regard in the bill that was passed by Parliament? My understanding was.... Well, I'll have to have a look at it.

Ms. Sheila Fraser: Would you like me to...? I have the act with me, if you would like me to quote what the actual—

Hon. Geoff Regan: You have it with you? All right, that's fine. That's what I heard, and I haven't had a chance to look at it directly.

It seems to me that rolling the report of the commissioner into the report of the Auditor General on a quarterly basis.... My concern is that it would diminish the impact of that report in itself. I understand what you're saying, that in past years it perhaps hasn't always received the attention it should receive; however, it certainly received a lot of attention in September. We've seen in recent polls and in what we've seen this week in the House of Commons that it is

receiving a lot of attention these days. Whether that's a result of a cumulative amount of effort by the commissioner and other people as well.... I don't know how we attribute it exactly, but perhaps that's part of it.

I guess my inclination is to say that it ought to remain as a separate, stand-alone report. I think it's incumbent on us to hear.... We've heard part of your argument on this, and maybe you'll help us a little more to understand why you feel...because it's important to understand and respect your opinion.

•(1635)

Ms. Sheila Fraser: What is unfortunate is that we really did start this as a consultation process. No hard, fast decision has been made, and we wanted to come before the committee to consult.

One of the advantages that we saw was reporting more frequently throughout the year—not to have one report at the beginning of the year in September, but to have reports in October, April, and possibly in February.

Having said that, it became an issue that there wouldn't be five, six, or eight chapters. Would we then table those reports concurrently? At the same time, it doesn't necessarily have to be in the box with the Auditor General's report. It could be a separate commissioner's report; it could be volume 1, then volume 2. There are different ways of packaging it.

What we had hoped was to give more visibility and quite frankly to get it in front of more journalists. The other advantage—and I say this with all due respect for this committee—is that we think there would be an advantage to having certain reports, which deal with management issues, go to the Standing Committee on Public Accounts, in addition to this committee. That committee really holds the government to account for management issues.

If any of you have been there...they have a very different role and procedure from all of the other House committees. They bring witnesses forward from the departments, ask them for action plans, follow up on what they are doing, and issue their own reports. By tabling at the same time as the AG report, we could then say that this report is really about the management of a program; could it not also go to the public accounts committee, rather than just to this one?

Quite honestly, that was what our thinking was. If the members say no, we really like the way it was working, then we will stay with that.

The Chair: Thank you, Mr. Regan.

Mr. Vellacott.

Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC): Thank you for being here, Ms. Fraser. We appreciate the work you do and the manner in which you do it. The thoroughness of your work is much appreciated as well.

My question relates to a comment you made in point number eight in this statement. You said that the performance audits on the environment and sustainable development issues don't appear to have the same impact as other performance audits.

Off the top of your head, can you give us some general percentage over the years of how many recommendations from your office have been implemented, compared to the recommendations from the CESD?

Ms. Sheila Fraser: I do have a bit of a breakdown. I caution that this may not be a perfect measure. I would say that the reports from the Office of the Auditor General average somewhere around 45% to 50%—which we find unacceptable and have been trying to improve. On the commissioner's report, the rate of implementation since the beginning is certainly under 20% and might even be under 15%.

Some very important issues were brought up about management, and those recommendations should be put into place. We need to find a way to ensure that this is done more effectively.

Mr. Maurice Vellacott: Right.

Do you have any idea why there's this big difference in terms of recommendations, or would you speculate?

Ms. Sheila Fraser: I suspect that some of it may be due to the recommendations themselves. They may be too general and not specific enough. Some of it may be because of the kinds of areas we looked at. Quite frankly, some of it may just be due to a lack of commitment to deal with some of these issues.

That's what we need to study further. We need to go back and probe around specific recommendations to see how we can improve that practice.

• (1640)

Mr. Maurice Vellacott: Okay, thank you.

The Chair: Mr. Bigras.

[*Translation*]

Mr. Bernard Bigras: Thank you very much, Mr. Chair.

I'd like to go back to the statement you made yesterday before the committee, particularly since it's now public. Paragraph 13 reads:

According to some of our advisors, there is a gap between the expectations of certain persons regarding the Commissioner's role and the mandate [...]

I must tell you I fell off my chair reading the example that you then gave:

[...] to what extent can or should the Commissioner defend a cause with respect to a government policy issue?

And you nearly suggest that the committee look into this matter.

So I would like to ask you two questions. First, who are these people who communicated with your advisors to point out this gap? Second, do you think that Ms. Gélinas was perhaps a little too militant in favour of the environmental cause relative to the mandate that was given her under the act?

Ms. Sheila Fraser: As the committee perhaps knows, we have a number of advisory committees at the Office of the Auditor General of Canada. Among others, we have what are called the Panel of Senior Advisors and the Panel of Environmental Advisors. The people who are members of these advisory committees are very well known. Their names are all on our Web site, but I'll name a few. For example, Mr. Stuart Smith, Mr. Caccia and Ken Ogilvie are members of the Panel of Environmental Advisors. Our Panel of Senior

Advisors consists, among others, of Mr. Broadbent, Mr. Clark, Mr. Ritchie, Mr. Gorbet, Lorna Marsden and Elizabeth Dowdeswell.

These are people with whom we discuss strategic issues of the Office. In the context of our discussions, they often tell us that there are groups that would like us to go further. I believe you only have to see the statements sometimes made in the newspapers to understand that some would like to see a more independent commissioner who is able to comment on policies.

Mr. Bernard Bigras: Was it a report of one of the advisory panels that led you to make a suggestion on that subject to the committee? Perhaps the committee could be asked to consider this issue of activism or the cause that a commissioner is bound to defend.

Ms. Sheila Fraser: Indeed, our advisors, especially former parliamentarians, have told us that this was a question that, in their view, deserves to be raised with the committee so that it can say whether or not it is an issue that should be considered.

Mr. Bernard Bigras: Was that a unanimous report? Was there a consensus? Was there unanimity on this opinion of one of the advisory panels?

Ms. Sheila Fraser: We don't proceed by votes, but I would say that most of them were indeed of the view that this was an issue that we should raise in committee.

Mr. Bernard Bigras: So you agreed with that opinion of the committee? If you're making the suggestion to the committee—

Ms. Sheila Fraser: I agreed to raise the issue in committee. Obviously, I'm not recommending that you do it, but I agree that it should be raised in committee.

Mr. Bernard Bigras: How many commissioners of the environment have there been since that position was created?

Ms. Sheila Fraser: There have been two full-time and one acting.

Mr. Bernard Bigras: Ms. Gélinas occupied the position for how long?

Ms. Sheila Fraser: For a little more than six years, approximately six and a half years.

Mr. Bernard Bigras: Did the advisory panel's report concern the last six years?

Ms. Sheila Fraser: I'd say that it went even further. This didn't concern one commissioner in particular, but a number of people go back to the report the committee prepared at the time when it was recommended that there be an independent commissioner, and they would still like that to happen. So there's been a change. I think expectations were perhaps created 12 years ago and that some would like to see them realized.

Mr. Bernard Bigras: Are the minutes of those meetings or that report public?

Ms. Sheila Fraser: No.

Mr. Bernard Bigras: Can it be made public under the act?

• (1645)

Ms. Sheila Fraser: No. It is an advisory committee that reports to me and to the Commissioner. We aren't currently subject to the Access to Information Act. We will be, but a lot of audit-specific subjects would be excluded. So this is private advice.

Mr. Bernard Bigras: Thank you very much.

[English]

The Chair: Thank you, Mr. Bigras.

Mr. Calkins.

Mr. Blaine Calkins (Wetaskiwin, CPC): Thank you, Mr. Chairman.

Thank you for coming today. I know it's a difficult set of circumstances.

As I listened to some of the questioning that has taken place earlier today, I have had some concerns about the great reputation that the Office of the Auditor General has right now. I'm going to try to point these out, and this is probably going to take me a few minutes. I might only get one question in here.

I heard Mr. Cullen, when he was speaking earlier about Ms. Gélinas leaving in her role as commissioner, say, "We lost an advocate."

The brief you gave here says:

Comments by some environmentalists and more recently the introduction of Bill C-288 showed that there may be a gap between what is expected from the Commissioner and what the legislation states.

It goes on: "...would have required us"—that is, the Auditor General's Office—"to act as a policy advisor to the government of the day and to evaluate programs".

I'm very concerned about that. As a parliamentarian, it's my job to advocate policy. It sounds as though, through Bill C-288 and everybody who's agreed with it, they would like to abdicate that responsibility as parliamentarians and place it squarely on the shoulders of either the Office of the Auditor General or an independent officer of some other branch of the Auditor General.

To me, that's quite alarming, because I can see that what's going to happen is that as soon as the policy doesn't work, they can shift the blame. The blame can be shifted away from bad policy squarely onto the shoulders of somebody else. It's always nice to have a scapegoat when your ideas don't work. I'm really concerned, because, quite frankly, I like the idea of somebody monitoring what government does. It's just a good idea to have an independent party clearly look at and assess how the government is doing in implementing policy—period.

It's the implementation of the policy that the Auditor General's Office should be responsible for—and this is my opinion—strictly. I wonder, are you not concerned about the risk of exposing the Office of the Auditor to the subjectivity of a conflict of interest between assessing policy and assessing the outcomes of how government implements programs?

Ms. Sheila Fraser: Thank you, Mr. Chair.

Let me just talk a minute about the word "advocacy". The Office of the Auditor General and the commissioner are advocates. We are advocates for responsible spending, we are advocates for open and transparent contracting processes, and we are advocates for good environmental management practices.

We cannot be advocates for a particular policy or be seen to represent a particular interest or group. That is why, as was said very correctly, we cannot audit policies; we can audit implementation of policies. We can see your policies being implemented in the way Parliament had intended; we cannot get into the discussion about the policy or comment on the policy, but we can see whether the policy is being implemented according to either good management practices or as Parliament has established it. Obviously, that is our mandate.

Mr. Blaine Calkins: Well, I'm glad to hear it, because that's the way I'd like it to stay. Thank you. That's exactly what I wanted to hear.

I have another question, from paragraph 7:

We attempt to measure our effectiveness in a number of ways—by surveys of MPs, and by several performance indicators.

Could you enlighten me as to what those performance indicators are?

Ms. Sheila Fraser: We use indicators such as the number of reports that have been subject to parliamentary hearings, which gives us an indication of usefulness. We will look for other work: the number of times our recommendations have been endorsed by a parliamentary committee; we look, obviously, at operational indicators, such as timeliness; we also do surveys of departments to see whether the reports are useful to them. We have sometimes to take those responses with a certain analysis. So we have a number of surveys that we do, and one of the major indicators of performance, which many audit offices around the world use, is implementation of recommendations.

• (1650)

Mr. Blaine Calkins: Okay, thank you.

How much time do I have left, Mr. Chair?

The Chair: You have a little less than one minute.

Mr. Blaine Calkins: In the time I spent in municipal politics I was very frustrated in the ability to gauge whether something we had done or a decision we had made had been effective or not. It was usually because there were not clear guidelines or clear benchmarks set, as far as achieving goals or outcomes was concerned. You have to set a goal and a target in order to reach it.

When your office is performing audits and you come across implementation ideas and there weren't clearly delineated targets or goals, how does your office go about assessing whether or not an implementation was successful if you don't have that kind of clarity? And do you comment on whether or not a plan was clear enough to begin with?

Ms. Sheila Fraser: Yes, of course.

We do not, as I mentioned earlier, actually conduct effectiveness studies ourselves. In our mandate it's very clear that we can look to see whether departments have measured the effectiveness of the programs. And the only way you can really measure effectiveness is if you have set established objectives at the beginning.

We often—I would say in the vast majority of our reports—report on whether there have been reviews of effectiveness: does government know whether the program is being effective; is there information in place; and are the objectives of the program clear at the beginning of the program?

The Chair: Thank you, Mr. Calkins.

Now we go to Mr. Cullen.

Mr. Nathan Cullen: Thank you, Chair.

Typically, when you bring out an auditor's report, some length of time beforehand you advise the government; the government sees a copy of the report.

In the announcement you came to us with yesterday, was the same procedure used?

Ms. Sheila Fraser: No. You were the first to see the announcement.

Mr. Nathan Cullen: There's a distressing thing. Why...?

You've clearly indicated, along the lines of questioning about whether Madame Gélinas was dismissed or chose to leave, that you can't answer that. Can I ask why not?

Ms. Sheila Fraser: It's because of privacy issues, and as I am sure you can imagine, there are now lawyers involved in this file, and discussions continue.

Mr. Nathan Cullen: Okay.

One of the critiques or concerns you've raised is the implementation.

I would clearly, particularly as an opposition member, put much of the fault for that with the government of the day. They make a commitment; you audit that commitment and find it lacking—as Ms. Gélinas did on numerous occasions—and the government doesn't act upon your recommendations; it essentially goes against the auditor's word.

It's something—for me, anyway, in the private sector—I'd never encountered before I came to Parliament: that the auditor's comments were just refused outright by departments, or ignored, or delayed over time.

We have to take a look at the climate change file in particular. I can remember—and I have the reports here—recommendations, and then recommendations, and things getting continually worse.

One of the concerns you raised was around that implementation. I would find a great deal more fault with the government of the day and the current government than with Madame Gélinas or her office for recommending it. That's where it lies.

But the critique you raised—and this is what I want to get to—is that there's a visibility question. I'm confused by that, because particularly over the last six to twelve months the Commissioner of the Environment's report has received a great deal of attention and notice. It's certainly driven much of what this committee has been up to.

Ms. Sheila Fraser: Yes, but let me add, Chair, that we began this review and began the discussion about the reporting strategy and actually looked at all of this close to a year ago now. At that point the

reports were not getting the same kind of visibility as the last one has, and I take that.

On the question of recommendations, you were right that it is beyond our control. We cannot force government to act on recommendations, but it is a measure of our effectiveness nonetheless. So we have to look at whether there are things we can do differently or that we can have the system do differently to try to make those recommendations.

The recommendations are valuable ones. They are not done lightly, and they are things that we believe should change.

• (1655)

Mr. Nathan Cullen: I want to go to this....

And I believe they should change, too. Many Canadians join your concerns.

But the advisory committee that established.... Remind me of the numbers again—15 or 20...?

Ms. Sheila Fraser: It's probably 10 to 15 people on each.

Mr. Nathan Cullen: These are wise minds when it comes to the environment—and other issues.

Ms. Sheila Fraser: And other issues.

Mr. Nathan Cullen: You met with this committee.

Ms. Sheila Fraser: Yes, we meet regularly. There are two committees. These are committees that have been in place in the office for.... What we call the panel of senior advisers has been around for more than 10 years, probably 15 years.

Mr. Nathan Cullen: When was the last time you met with them?

Ms. Sheila Fraser: I met with them about a week ago.

Mr. Nathan Cullen: And was the topic of Ms. Gélinas' performance part of that discussion?

Ms. Sheila Fraser: Not the performance, no, because that is an internal matter, but the whole question about the review of our practice—whether we should bring this question of a perceived gap in expectations to parliamentarians—all of that was discussed with the panel.

Mr. Nathan Cullen: The advisory panel's opinion of Ms. Gélinas, I assume, is very high?

Ms. Sheila Fraser: It is very high.

Mr. Nathan Cullen: Is it possible a mistake was made yesterday?

Ms. Sheila Fraser: Mr. Chair, I believe I did the best thing for the Office of the Auditor General and for the office of the commissioner.

Mr. Nathan Cullen: The question of effectiveness is important for us here. When you bring recommendations forward....

I heard something you strayed into earlier, that the Office of the Auditor General should never comment on policy or make those policy recommendations—in a sense offering some policy recommendation yourself.

Perhaps there is a role, and a role not traditionally held by auditors' offices, that can be put forward.... When I look at Madame Gélinas' last report, I think it's quite clear in saying that, looking at the plans of the government, there needs to be more. That, under some strict auditor's interpretation, would be suggesting that the policies put forward are not enough to meet Canada's commitments. That seemed appropriate to me. It was appropriate to you.

Again, I go back to this question of the line that, under strict auditor's guidelines—very traditional—would have been crossed over. The role of the auditor of the environment seems to be one that is so broad-sweeping that comments like that become something appropriate in this context but would not pass the test in traditional standards.

The Chair: Respond very briefly, Ms. Fraser, please. We're over time.

Ms. Sheila Fraser: We felt those comments were appropriate within the mandate and our interpretation of the role of the Office of the Auditor General, because the reports of the commissioner are released on behalf of the Auditor General. I have to be comfortable with everything that is said, and I was comfortable.

It is a broader issue whether, quite frankly, we are straying very close to that line sometimes. Probably we do, and at times when you see that a policy is being implemented very badly, it can call into question the policy. We try very studiously to say that it's not a question of the policy but a question of the implementation and the management.

The issue I'm bringing forward today is, I believe, of importance to us, because if that expectation continues, quite frankly, I believe it could at some point damage the Office of the Auditor General.

The Chair: Thank you.

Members, as you know, we end at 5:30. We have two more people who have asked to speak, Mr. Lussier and Mr. Rota. Then we have a comment that Mr. Warawa would like to make, and Mr. McGuinty wants to advise us of the notice of motion for his item for next Monday. I would ask you to be as brief as you can. If a question has been asked, please move on. We'll do this as quickly as we can so that we can live by our 5:30 timeline.

Mr. Rota.

Mr. Anthony Rota: Thank you, Mr. Chair.

One of the issues discussed earlier—I'll go through it and tell you what I feel of it, and the answer should be very brief—is about moving from an annual report to four reports. I share the same concerns that were spoken earlier, that it may be buried in four small slices, as opposed to having one major report, as was discussed or presented in September. It brought a lot of importance to a very pertinent issue.

A comment you made earlier was to confirm that if, as the main consumer of that report, this committee were to request that report, it was not a problem.

I just want to confirm that.

• (1700)

Ms. Sheila Fraser: It is absolutely not.

Mr. Anthony Rota: Can you assure us that the document would be delivered in September, as expected, or is there some confusion within the department and would there would be some kind of delay?

Ms. Sheila Fraser: Our plans for the coming year are that we will table the report, the statutory work, in October. That's the sustainable development strategies and petitions.

We have moved the other work, which is what we call the follow-up work, to February, because that is normally the time we produce what we call a status report. That would be a report strictly devoted to follow-up on environmental and sustainable development audits that we have done in the past, and it will fall in February.

After that, if the committee gives us an indication of their preference on reporting, be it one report or two reports, and the timing of it, we will obviously follow your wishes.

Mr. Anthony Rota: Very good.

According to the job description listed on the Auditor General's website, the environment commissioner is responsible for “[e]ncouraging the government to be more accountable for greening its policies, operations, and programs”, and this “is a key to the Commissioner's mandate”.

Discussed earlier was advocacy and an auditor's functions. When I think of an auditor, it is as someone who looks at what was done in the past, audits it—looks at it—and reports on it. The Auditor General Act says, in section 21.1:

(h) respect for nature and the needs of future generations.

Do we have a conflict within the Auditor General's department, whereby we have basically someone who does audits...? I respect what an audit does; it points out mistakes we've made in the past. But an advocate will talk about the future and suggest policies and where we should go in the future, as opposed to just relating to past experience.

Maybe you can comment on that.

Ms. Sheila Fraser: The reference you're making, 21.1 in our act, deals with the whole question of the sustainable development monitoring and reporting. The sustainable development strategies were introduced into the legislation at the same time as the creation of the commissioner. It indicates here that this is the definition of sustainable development; this is not the definition of what the commissioner will do. The commissioner audits the sustainable development strategies of departments, which are tabled every three years. We will be auditing the new sustainable development strategies that have just been released, and we will be reporting on that in the fall.

Mr. Anthony Rota: So you're saying that defines sustainable development and you audit it.

I'm trying to make the connection—

Ms. Sheila Fraser: We audit the strategies of the departments.

First of all, we look at how they actually developed the strategy and assess how they developed that. Then we will say, "You have this strategy, and you have committed to doing X. Have you actually done it? Do you have a plan in place to do it?" But we do not comment on whether they should include consideration of this element or that element in their strategy. That would be going into the policy—future-oriented stuff—which we cannot do.

Mr. Anthony Rota: Very good.

Thank you.

The Chair: Thank you, Mr. Rota.

We now have two statements, I believe. I don't believe either of them....

Sorry, Mr. Lussier, I apologize.

Mr. Lussier.

[*Translation*]

Mr. Marcel Lussier (Brossard—La Prairie, BQ): I have three brief questions to ask, Mr. Chair.

Ms. Fraser, who appoints the 10 or 15 members of the advisory committee?

Ms. Sheila Fraser: There are two committees: the Panel of Senior Advisors, the members of which are appointed by the Auditor General, and the Panel of Environmental Advisors, whose members are appointed by the Commissioner, on consultation with the Auditor General.

Mr. Marcel Lussier: Is the job description of the Commissioner of the Environment very clear on what the Commissioner must do with the report when it is tabled? Is it the Commissioner's role to distribute it, to give press conferences, to convene members to explain the issue? Is that the Commissioner's role?

Ms. Sheila Fraser: Yes, and that will continue. The Commissioner's responsibility is to be the main spokesperson for the report to the parliamentary committees, at conferences, and so on. Obviously, members of the Commissioner's team sometimes also have a role to play and may attend various conferences and so on.

• (1705)

Mr. Marcel Lussier: You're now looking for a new commissioner. Who will do the description of the evaluation grid for the new commissioner?

Ms. Sheila Fraser: The incumbent of that position is appointed by the Auditor General. As I indicated, in the review process, we'd also definitely like to obtain the opinions of parliamentarians and other persons regarding the qualifications that a commissioner must have, after which we'll prepare the description of the evaluation grid.

Mr. Marcel Lussier: So the profile hasn't yet been developed?

Ms. Sheila Fraser: A profile currently exists, but this would be the opportunity to see again whether or not changes are necessary.

Mr. Marcel Lussier: Thank you.

[*English*]

The Chair: Thank you.

Mr. McGuinty, I understand you want to speak briefly to your notice of motion.

I will just advise members that this is not debate on this motion. This motion will be put next Monday. This will just be some advice for the committee.

Thank you very much, Ms. Fraser. I believe you've answered our questions, and there will be, I'm sure, some follow-up from us.

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

As I mentioned in this review, we would like to meet with parliamentarians, so I hope you will share your opinions with us. There will be members of my staff and others—we have to see if it will perhaps be combined with outside people as well—who will be contacting you to meet you over the coming months.

Thank you.

The Chair: Thank you very much.

I'm sure that once we're finished the CEPA review there will be room for us to discuss this much further and give you some guidance. I'm sure the committee members would like to do that.

Thank you very much for appearing.

Mr. McGuinty.

Mr. David McGuinty: Thank you, Mr. Chair, and thank you for the indulgence of the committee.

I'd like to very quickly speak to a notice of motion, which I hope we can debate Monday, Mr. Chair. It speaks to the question of making the Commissioner of the Environment and Sustainable Development a fully independent officer of Parliament, reporting directly to Parliament. It clearly affirms and appropriately circumscribes the duty of that office, of that commissioner, which would include the role of advocacy on environmental and sustainable development issues, making sure that this office was properly funded at arm's length and had the right kind of staff and auditing function without government influence, and so on.

I raise this, Mr. Chair, because of the original intent that created this position. It flowed from the 1992 Earth Summit at which governments of that time—Prime Minister Mulroney's government—signed the Rio Declaration. One of the undertakings at the time by states that signed was to do two things: to strengthen and create a council for sustainable development in their respective countries—in our case, Prime Minister Mulroney created the National Round Table on the Environment and the Economy—and to strengthen the follow-up and monitoring of.... There is no debate.

The Chair: Be brief, Mr. McGuinty. You'll get an opportunity on Monday.

Mr. David McGuinty: It's not a debate. It's simply to say historically that the second thing we committed to do as a nation was to create an office like that of the commissioner. It was supposed to have been independent. I wanted simply to give notice that we can speak about this in the next meeting. I really believe this gives us the opportunity to improve the situation. We can build on the existing commissioner's office and render it more fully independent from the Auditor General's office. The commissioner's office can pick up the kind of role that our colleagues from the Bloc spoke about moments ago concerning the advocacy responsibilities, which would go beyond moral suasion and public embarrassment. I think that would speak more directly to the spirit of the original intent.

Thank you, Mr. Chair.

The Chair: Thank you, Mr. McGuinty. I think everyone has taken notice of that. We'll do some homework, and hopefully we can get through this and get on with the CEPA report as well on Monday. If everybody can do some work on this and have their opinions crisp, we will get on with it.

Mr. Warawa, you had a comment?

Mr. Mark Warawa: Yes. Thank you, Chair.

I'm sad to have to raise this issue, but it's clear to each of us that the contents of the discussion that took place yesterday during the in camera portion were leaked to the media immediately after the commissioner left the room and while the meeting was still going on. I believe this is a serious breach of our privileges as members of Parliament. I have 16 years of serving in government in an elected position, and if we cannot trust the confidence of an in camera meeting, it will cripple the ability of this committee to operate. There has to be trust. There has to be respect for confidential documents and confidential meetings.

I asked Ms. Fraser if she was aware of any member of this committee breaching the contents of the in camera portion of the meeting, revealing the information that she shared in confidence. She answered yes, that she made her announcement at three o'clock. She said she had received a document entitled...it was 12:58, I think; mine shows 12:59. It was already out. There was an article in *The Globe and Mail* under the name of Bill Curry as the reporter who reported in detail.

We have to be able to trust one another. I would first ask if somebody did leak the document, to share that with the committee at this time. That would be my first question, Mr. Chair.

• (1710)

The Chair: Does anyone have any comment on that?

I have talked to many members, and we all feel pretty much the same, that this is something that.... Certainly I wasn't pleased to get that phone call, and I know the commissioner wasn't either, but it happened. I trust it will never happen again. I don't know if someone wants to comment. I don't want to get into a great long discussion.

Mr. Vellacott.

Mr. Maurice Vellacott: Well, I would have to say that I was very nervous, because I could almost see and predict where this was heading when there were, right from the get-go, members of the opposition, Mr. McGuinty in particular, making a big issue about the

media outside and questions for him, and he went on about this at length, and several times in fact. So my sense at that point was that this scenario could well develop, of something of a confidential meeting being leaked out, because there was all this lathering up about the media out there. And I thought, well, if it's a confidential meeting, with confidential documents, what does that matter? It's not really the issue we should be discussing at this point.

I'd like members of the opposition, the member I named, to think deeply in their hearts, do we want this kind of pattern occurring? I think it's a tremendous breach of what goes on here. It's a difficult circumstance as it is when we get in these committee meetings, but when we have people who are not holding things in confidence, it's a very unsettling and disturbing precedent for any member of this committee to do, and I don't appreciate it.

I did see members meeting with the media, off in huddles in corners. Mr. McGuinty was in fact with a particular named reporter. It left me a bit uneasy that that would occur within minutes of the meeting being over. Why are these confidential huddles going on when in fact this is a confidential meeting?

The Chair: Well, Mr. Vellacott, that's why I began the meeting with my comments. I know a number of other members have talked to me about it. Obviously it can happen again. It shouldn't have happened. I don't know exactly how it happened.

I would think the Auditor General would have certain doubts about appearing to give us a heads-up on a matter because it happened, but I'm not sure belabouring it much further than that is where we need to go.

Mr. McGuinty, you've been mentioned. Do you want to make a comment?

Mr. David McGuinty: Well, only to say, Mr. Chair, that I think it's important in the future, if we're going to have an in camera meeting, that we should have the discussion as a committee first. If a witness approaches the committee, or, in terms of membership, you, or the clerk, or any individual member, it would be very important for us to have that discussion first.

I remain troubled by what happened yesterday, absolutely. I don't think that meeting should have been held in camera. I was very supportive of what our colleague from the NDP said about opening it up. I don't think there was any justification for holding it in camera in the first place, and I don't think we've come out of this meeting today with any further elucidation or illumination as to what actually has occurred here. That's what I think most of us are leaving with today. We don't exactly know what's happening. I don't know whether the commissioner has been fired. We asked whether she'd been fired and we were told she's not fired, but she's fired. She issued a statement saying she's fired.

So I think in the future we have to be extremely scrupulous in terms of our choice, as a committee, as to when things will be held in camera or not in camera. That's my reaction today.

•(1715)

The Chair: Obviously, I'm the one who made the decision when the Auditor General approached me and said, "I would like to give a heads-up in camera and it's regarding a position." Obviously that was her intention, and I think that's what she did. Of course, by us going ahead, obviously it was in camera. Everyone was advised that it was in camera; it was in camera. I think everyone stayed in the room and agreed it was in camera, and obviously that confidence was broken. So that's the problem that cannot happen. If it's in camera, it's in camera; if it's not in camera, it's not.

I take your advice, obviously. I have fought that in camera thing for years. I don't like having meetings in camera. I wasn't elected in camera. I don't believe we should have those kinds of meetings. However, when the Auditor General came to me with that specific request, the clerk and I talked about it. She approached both of us. We talked about it, we brought that to the committee, and we carried on. I think that's the point that needs to be made, it has been made, and I really believe we can drop it at that point.

We do have time, but Mr. Vellacott, is this something new?

Mr. Maurice Vellacott: I have one quick follow-up comment or question. I understand and I hear the rationalizations of the member. His body language is very interesting.

So, David, I'll ask you directly, were you the one who leaked that document to the media yesterday? You inferred earlier in the meeting that you don't have your document. Is it because you passed it on to the media yesterday?

The Chair: What I would suggest, Mr. Vellacott, is this. Why don't you and Mr. McGuinty go for a cup of coffee and discuss this?

Mr. David McGuinty: As long as he buys. You're in government.

The Chair: If you buy, he says he'll—

Mr. Maurice Vellacott: Well, he could respond and get it on the record pretty quickly.

Mr. David McGuinty: You have \$27 million in the party. Take me out for a nice lunch and we'll have a chat.

Mr. Maurice Vellacott: Well, you could respond.

The Chair: I really don't believe we're going to get anyplace on this, so I believe we should move on.

Mr. Warawa, you don't think we should move on.

Mr. Mark Warawa: Mr. Chair, the question was asked, and I would appreciate an answer. If not, I have concerns. Can there be confidence in secure documents going through this committee if we're not able to deal with this issue? It was very clear it was in camera. They were confidential documents, and that trust...it's a breach of Parliament, Mr. Chair, and that is a very serious issue. It's a breach of Parliament. It's a breach of confidence. For us now to say we have dealt with it...I don't believe we have. If the person who leaked that document....

If it's not dealt with appropriately, I believe it will happen again. We need to have an apology to this committee from the person who breached that or we need to make a motion to ask the clerk to do some research and report back to the committee on where that breach happened. If it was not from one of us, as elected people, then was it

a staff member? There was a definite breach, and an apology needs to be made to this committee.

The Chair: Mr. Warawa, having just talked to the clerk briefly, a motion can be made. If it is passed, then a report can be done. It will go to the House. The Speaker ultimately is our boss, but I have heard his reports in the past when he said that committees are in control of what they do.

This has been a learning experience for all of us that obviously we can't have that sort of thing happening. It is certainly my opinion that we should simply move on.

Mr. McGuinty and Mr. Vellacott and Mr. Warawa may want to get together. Mr. McGuinty and I in the past have had disagreements and have sat down over a cup of coffee and solved the problem and moved on. To pursue this any further, certainly you can. You can make the motion and the committee can vote on it. If it's passed, then a report will be done and it will go to the House. If that's the will of the committee, obviously, you can overrule what I'm suggesting. My suggestion is that enough has been said about it.

Who had a comment? Was it you, Mr. Regan?

Hon. Geoff Regan: Mr. Chairman, I move that the committee now adjourn, and if it is unnecessary to have a vote, I'd certainly accept that it be simply returned.

The Chair: Mr. Warawa really has the floor in that he has suggested a motion. If he wishes to make such a motion—

•(1720)

Hon. Geoff Regan: He didn't make a motion; I just made a motion.

The Chair: He sort of made a motion.

Hon. Geoff Regan: I don't think you can sort of make a motion, Mr. Chairman. You either make a motion or you don't. You can talk about it, but I've made a motion.

Mr. Mark Warawa: Mr. Chair, the comments I made were these. I asked for an apology from the person who leaked that document. We need to return confidence in the confidentiality and the trust in one another, that when we have confidential documents or a confidential meeting we can trust that each of us will respect that. Now that has been breached, and until the person apologizes to this committee, there is a possibility, in my mind, that it will happen again, and I will not feel comfortable going into another confidential, in camera meeting.

This committee deserves an apology, and if that person is not willing to make it—

The Chair: Your motion then, Mr. Warawa.

Mr. Mark Warawa: Yes, I will be making a motion. I move that if that person is not willing to make that apology, that this committee investigate and that the clerk investigate and provide a report back to this committee of where that breach happened.

As you said, we are creatures of our own making, and that's what the Speaker would rule.

The Chair: Is that the motion then?

Mr. Mark Warawa: That is my motion.

The Chair: That is the motion.

Is there discussion?

Hon. Geoff Regan: My motion came first. It takes precedence.

The Chair: That motion will certainly deal with your motion.

Hon. Geoff Regan: On a point of order, Mr. Chairman, you have to deal with a motion. In fact, a motion to adjourn is a priority motion. You're telling us that you didn't have a motion from Mr. Warawa until just now after I made my motion, and therefore the motion that I made takes precedence and must be voted on.

The Chair: I said it was sort of a motion.

Mr. Maurice Vellacott: Yes, he hadn't completed yet. He still had the floor.

Mr. Mark Warawa: I was given the floor by the chair, so you can't say he had the floor.

The Chair: What I am saying is that I'm accepting Mr. Warawa's motion, which can be debated and voted on. If you want to appeal my decision, Mr. Regan, you can, and of course a vote can be taken on that.

Mr. Vellacott.

Mr. Maurice Vellacott: I'd just like to comment.

Maybe there's a way to shortcut this, because my question to David before was not grabbed out of thin air.

Dennis Bueckert, of *The Kingston Whig-Standard*, says:

But Liberal environment critic David McGuinty said Fraser made it clear to the environment committee at a private meeting yesterday that she felt G elinas had been taking on too much of an advocacy role.

The clerk can go to Dennis Bueckert and confirm the fact that Mr. McGuinty is reporting, out of this place, stuff that occurred in a "private meeting". It occurred here.

So I think we actually have it on the record as to—

The Chair: I think you're going further now.

I think Mr. Warawa's motion is that the clerk investigate. Then, of course, if we agree to have that investigation, it then gets reported to the House and the Speaker rules on it. That's where we are right now.

Is there any discussion on that specific motion?

Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.): First of all, I commend you on the attitude you're bringing to this issue.

Mr. Chair, I've been around Parliament Hill for awhile, as a staffer and now as a member of Parliament, and I remember when your party was in opposition. I was working on the Hill and there were leaks from members of your party, leaks of important committee documents. Those were resolved in a collegial way and with good faith, and nobody was launching witch hunts as a result.

Mr. Warawa says trust has been undermined. I'd like to pick up on Mr. Harvey's point at the beginning. Quite frankly, I agree with Mr. Harvey. When we decided retroactively to publish the proceedings of yesterday's in camera meeting, quite frankly, I didn't mind that myself, but who is going to take an in camera meeting seriously? If trust has been undermined, it's by the fact that we, as a committee, have decided retroactively to divulge what happened in camera yesterday.

The Chair: With the agreement of the witness, of course.

Mr. Francis Scarpaleggia: It doesn't matter. That's irrelevant, I believe.

Before we become too pious, I think we should just look at the whole situation. By pursuing this matter, Mr. Warawa is in fact undermining the trust in this committee. How can we work together if we go on a witch hunt?

• (1725)

The Chair: Mr. Regan, very briefly.

Hon. Geoff Regan: Very briefly, yes.

I agree with the general thrust of what my friend and colleague has just said, except for one thing. The nature of yesterday's meeting was to give us advance notice of something that was publicly announced later. That's the reason we unanimously agreed to make the meeting's records public—because of the fact that the subject matter became public. There was no reason to keep it secret anymore. That's the distinction we can make between this and other kinds of in camera meetings.

The Chair: The problem is the two-whatever or the twelve-whatever to the three o'clock.

Hon. Geoff Regan: Oh, I agree.

The Chair: Mr. Harvey.

[Translation]

Mr. Luc Harvey: The issue is relatively simple. I believe that Ms. Fraser has put her trust in us by coming to present to us what she was going to announce in the afternoon concerning Ms. G elinas. I believe we all appreciated getting that information before everyone, in that it was even out of respect for us that she did it, and she formally asked us that it be done in camera and that this information not be circulated before she had her press conference. I understand her: she didn't want the information to come out all wrong before she had her press conference. She showed respect by coming and making this presentation to us. However, if we disclose information, I believe that the next time someone comes here, there will be some reluctance. Then we'll understand why not all the information is given to us. That's an effect.

When I asked Ms. Fraser earlier whether it was possible for something that happened in camera subsequently to become public, if that set a precedent... Once again, if someone comes and makes a presentation to us in camera, that in camera meeting must be respected. Otherwise, it's as though we had asked someone to tell us a secret, but we went and told it to everyone. It becomes a little complex. I believe it's a matter of trust. Perhaps I'm a little naive, but that's how things work, I believe.

Thank you, Mr. Chair.

[English]

The Chair: We should be able to go to a vote now. I think we've heard enough.

Mr. Warawa, do you want to close the debate on your motion?

[Translation]

Mr. Bernard Bigras: Can you remind us of the motion we're going to vote on, Mr. Chair?

[*English*]

The Chair: Yes. Could you read the motion, Mr. Warawa, please—slowly.

Mr. Mark Warawa: Mr. Chair, I think the points have been made. I started off my comments by saying that I was quite sad and disappointed in the trust being broken, but I believe the points have been made and it wouldn't serve the committee well to now continue

dividing us. We need to work together on the environment, and I'd like to remove my motion.

Thank you.

The Chair: Thank you.

Mr. Regan, now your motion is very much accepted and the meeting is adjourned.

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