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# **Standing Committee on Government Operations and Estimates**

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**EVIDENCE**

**Tuesday, March 27, 2007**

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**Chair**

**The Honourable Diane Marleau**

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## Standing Committee on Government Operations and Estimates

Tuesday, March 27, 2007

• (1530)

[English]

**The Chair (Hon. Diane Marleau (Sudbury, Lib.)):** We have quorum, so I'll call the meeting to order.

Welcome to Mr. Peter Harrison, who is now with Indian and Northern Affairs Canada but was executive director of the Public Appointments Commission Secretariat, Privy Council. That's really why you're here.

You know the routine. I'm sure you've been before committees in the past. You have a few minutes to make a presentation and then we will open it up for questions.

Mr. Harrison.

[Translation]

**Dr. Peter Harrison (former Executive Director, Public Appointments Commission Secretariat, Privy Council, As an Individual):** Thank you, Madam Chair and committee members.

Thank you for inviting me to report to your committee on the operations of the Public Appointments Commission Secretariat of which I was the Executive Director and Deputy Head from April 21, 2006, until January 21, 2007.

[English]

I'd like to begin my comments by providing committee members with some context.

The Public Appointments Commission Secretariat was created by order in council on April 21, 2006, and I was appointed by order in council on the same day. Orders in council were also published allowing for the appointment of commissioners. I should add, Madam Chair, which is not in my comments, that in effect, this made the commission secretariat a department within the Prime Minister's portfolio.

[Translation]

At that point in time Bill C-2, the Federal Accountability Act, made reference to the Public Appointments Commission by proposing a change to the Salaries Act. The draft bill was later amended in committee to include the mandate of the Commission.

Pursuant to section 1.1 in clause 227 of the Federal Accountability Act, the functions of the committee are:

[English]

(a) to oversee, monitor, review and report on the selection process for appointments and reappointments by the Governor in Council to agencies, boards, commissions, and Crown corporations, and to ensure that every such

process is widely made public and conducted in a fair, open and transparent manner and that the appointments are based on merit;

(b) to evaluate and approve the selection processes proposed by ministers to fill vacancies and determine reappointments within their portfolios, monitor and review those processes, and ensure that they are implemented as approved, giving special attention to any instances in which ministers make appointments that are inconsistent with the recommendations of appointment panels;

[Translation]

(c) to develop and establish a code of practice for appointments by the governor in council and ministers that sets out the steps that are necessary for a fair, open and transparent appointment process, including requirements for appointments and criteria for appointments to be made fully public;

(d) to audit appointment policies and practices in order to determine whether the code of practice is being observed;

• (1535)

[English]

(e) to report publicly on compliance with the code of practice, in particular by providing an annual report to the Prime Minister to be transmitted to the Speaker of each House of Parliament for tabling and referral to the appropriate committee of that House for study;

(f) to provide public education and training of public servants involved in appointment and reappointment processes regarding the code of practice;

(g) to perform any other function specified by the Governor in Council.

As you can see, Madam Chair, the commission and the secretariat created by order in council, now enshrined in Bill C-2, are mandated to focus on the process related to Governor in Council appointments. I think it's important to underline that neither the commission nor the secretariat have any role to play in the individual appointments themselves. It remains the responsibility of ministers to manage selection processes and to bring forward names for consideration by the Governor in Council.

[Translation]

It is also important to note that the commission's oversight role applies only to the governor-in-council appointments to agencies, boards, commissions and crown corporations. It does not include other GIC appointments such as public servants or deputy ministers, the judiciary or ambassadorial postings.

[English]

The secretariat was created to support the commission in meeting its objectives. While the commission itself is in abeyance, the secretariat was asked to continue the staff work necessary to meet these objectives.

I reported regularly to the Clerk of the Privy Council on the secretariat's activities and progress, and on December 8, 2006, I provided a full report to the Treasury Board portfolio advisory committee.

In these reports, I reviewed the broad consultations we undertook with heads of agencies, boards, and crown corporations and their representatives who are responsible for the appointments process; “learnings” we had gleaned from other jurisdictions that have implemented similar reforms to their public appointments process;

[*Translation*]

early principles to underlie the development of a “code of practice” provided in the bill; and the creation of the secretariat through a Treasury Board submission to access the annual allotment of \$1.175 million which had been set aside for the secretariat and commission activities, and relevant staffing activities.

[*English*]

The secretariat was also asked to review the Immigration and Refugee Board selection and appointment process with a view to enhancing its effectiveness, and to begin an analysis of the relationship between the appointment of board members and governance challenges in institutions with a dominant shareholder—in other words, similar to crown corporations.

[*Translation*]

Madam Chair, it was a privilege for me to have been asked by the governor in council to be involved in the creation of the Public Appointments Commission Secretariat. I was supported by a small and dedicated group of people comprising the deputy executive director, who was at the EX-3 level; a senior officer on loan from Service Canada, who was at the ES-6 level; my assistant who is also the office manager (AS-6); and one clerical support person hired on a casual basis.

[*English*]

Madam Chair, I trust that this provides you with helpful information. I will try to answer any questions you have.

**The Chair:** Thank you very much, sir.

We will begin with Mr. Garth Turner.

**Hon. Garth Turner (Halton, Lib.):** Thank you for your appearance here. We appreciate it.

I have a couple of questions relating to you being here and to your duties. Perhaps you could just brief me on it a little bit.

In April of 2006 you were hired. In January of 2007 you moved on. Correct?

Why such a short tenure?

**Dr. Peter Harrison:** I was asked by the Clerk of the Privy Council—and I agreed—to take on new duties.

**Hon. Garth Turner:** Do you know why? Was there an explanation given to you at the time?

**Dr. Peter Harrison:** The explanation was that there was a significant amount of work to be done in the places where I am.

I should explain that I have two hats, two positions, at the present point in time—one as senior associate deputy minister at the Department of Indian Affairs, and the other as effectively deputy head of Indian Residential Schools Resolution Canada. As you may know, residential schools resolution has moved into a very significant period following agreement by the courts.

I have to assume that I was asked to do that because it was felt that my competencies would apply in those situations.

● (1540)

**Hon. Garth Turner:** All right, but you left the position vacant. Your previous position was left vacant, correct?

**Dr. Peter Harrison:** I understand that it was left vacant after I left, that's correct.

**Hon. Garth Turner:** In the wake of you moving on, what's left there? What's left of the secretariat?

**Dr. Peter Harrison:** One individual, who will be moving to another position as of the first of next week.

**Hon. Garth Turner:** So one person is working there.

**Dr. Peter Harrison:** That's correct.

**Hon. Garth Turner:** Is there a budget?

**Dr. Peter Harrison:** The budget is still there. As I mentioned in my comments, this was approved by the Treasury Board and went through the supplementary estimates process.

**Hon. Garth Turner:** So the budget is what, about \$1 million?

**Dr. Peter Harrison:** Yes, \$1.175 million.

**Hon. Garth Turner:** And it's still sitting there? It hasn't been spent? Or has it been spent, and if so, how much? Do we know that?

**Dr. Peter Harrison:** Yes, I can provide you information on that.

Madam Chair, I should point out that I am no longer in this position. I've had to rely on the goodwill of a number of people in providing the information I have. I requested the Privy Council Office, which was the support mechanism for the secretariat, to provide expenditures as of March 26. This includes expenditures while I was in the position and any that may have occurred afterwards.

The total amount, as of March 26, in such things as salary, transport, communications, professional services, rentals, and so on, was \$546,922.74. That, Madam Chair, is the information that was provided to me.

**Hon. Garth Turner:** All right. So the secretariat spent \$547,000 in that period of time. What did it do for \$547,000?

I mean, we had this abortive situation with Mr. Gwyn Morgan. I guess everything ground to a halt after that. Is that correct?

**Dr. Peter Harrison:** Madam Chair, following the event to which the honourable member refers, I was asked to continue to work, from a bureaucratic point of view, to do the things necessary that would support an eventual commission. The things we did, I laid out in a report to the Treasury Board advisory committee.

Perhaps I can take several minutes to review that, because I think it's—

**Hon. Garth Turner:** No, don't, please, because my time is limited. Could you table that, though, please?

Is that possible, Madam Chair?

**Dr. Peter Harrison:** I only have it in English today, but I will make sure, Madam Chair, that I can provide it in both languages.

**Hon. Garth Turner:** Okay. Can you just give us the highlights here? That \$547,000 included some travel. I guess you went to Britain?

**Dr. Peter Harrison:** That's correct.

**Hon. Garth Turner:** When was that, please?

**Dr. Peter Harrison:** That was early in the mandate that we had. And if you'll allow me two seconds, Madam Chair, that was May 18 and 19 and 21 in the United Kingdom. We met with the Commissioner for Public Appointments, Janet Gaymer; Janet Paraskeva, the First Civil Service Commissioner; and Baroness Usha Prashar.

**Hon. Garth Turner:** When was the plug pulled on your daily operations following the Prime Minister's withdrawal of Mr. Morgan's appointment? What date was that? Do you recall?

**Dr. Peter Harrison:** I don't recall that date, but it was—

**Hon. Garth Turner:** It was in May though?

**Dr. Peter Harrison:** I do believe it was in May.

**Hon. Garth Turner:** Was it before or after your trip?

**Dr. Peter Harrison:** That was before the trip, Madam Chair.

**Hon. Garth Turner:** So the Prime Minister withdrew Mr. Gwyn Morgan and didn't offer a replacement, so your work effectively stopped?

**Dr. Peter Harrison:** Madam Chair, the secretariat's work did not stop. It was indicated to me through the Privy Council Office that we would continue to develop the approach to support an eventual commission. The work did not stop.

• (1545)

**Hon. Garth Turner:** All right. But basically, as I understand it, it's like the people of Canada spent \$547,000 for nothing? Is there anything we can point to?

**Dr. Peter Harrison:** Madam Chair, the view that it is for nothing is not the view that I would share.

**Hon. Garth Turner:** All right.

**Dr. Peter Harrison:** First of all, we were asked to be in place, and I think it's entirely appropriate to pay people. The bulk of this was salaries.

Second, we did an extensive consultation with heads of agencies, crown corporations, first of all to find out from them what the current practice is, and secondly, to seek guidance on the eventual development of a code of practice, which is mentioned in the appropriate legislation.

**Hon. Garth Turner:** Okay. But my point is because the Prime Minister had his nose out of joint because Mr. Gwyn Morgan didn't get his appointment or wasn't approved—and I guess Mrs. Nash can fill us in a little more on that—basically he said he was going to take his marbles and go home. So the secretariat was left sitting there, for which salaries continued to click, and in fact there's money still being spent. Is this a characterization that makes sense?

**Dr. Peter Harrison:** Madam Chair, the secretariat remained in place and we undertook through discussions with the Privy Council to continue to develop the support for an eventual commission.

**Hon. Garth Turner:** Okay. But the commission today is doing nothing. Is that correct?

**Dr. Peter Harrison:** There are no commissioners today.

**Hon. Garth Turner:** Okay. So we have a secretariat that's doing nothing at the moment?

**Dr. Peter Harrison:** The secretariat is at the moment comprised of one individual, who will be moving to another appointment on Monday.

**Hon. Garth Turner:** Okay. So that's my point, \$547,000 later there's nothing there?

**Dr. Peter Harrison:** We have a report.

**Hon. Garth Turner:** A report. I feel a lot better now, I'll tell you that.

**The Chair:** Thank you. Your time is up.

We will go to Madame Thibault.

[*Translation*]

**Ms. Louise Thibault (Rimouski-Neigette—Témiscouata—Les Basques, BQ):** Thank you, Madam Chair.

Thank you for coming here, Mr. Harrison. Knowing you the way I do, I'm not surprised that you have come to appear as an individual despite the fact that you are no longer in this position.

In January, you provided the government with an opinion as part of a report. Can we know exactly what came out of it? Further to the consultations you held with the directors of agencies, you and the other three individuals—which it must be said is a small group given your mandate—were you able to develop tools enabling you to carry out your mandate? Did it enable you to comply with the requests for the Immigration and Refugee Board?

**Dr. Peter Harrison:** Thank you, Ms. Thibault, for your questions. I believe there were two of them. I will begin with your question regarding the Immigration and Refugee Board.

Following discussions with the clerk, we were asked to define the board's mandate and review its procedures. The mandate had been approved by the minister at that time, and we did an analysis in order to ascertain whether effective changes could be made to the procedure implemented in 2004. This report was published and made available on the immigration department website. After consulting experts involved in the procedure and after hearing testimony from the members in order to understand the complexity of their jobs, we made recommendations to the minister.

Our primary objective was to consult with the directors of agencies in order to compare the various procedures and ascertain whether or not we could improve them. These consultations enabled us to draft, in cooperation with them, a series of principles which eventually were to be applied to these procedures. I do hope that these principles will be used as a basis for drafting a code of practice. However, it was not up to the secretariat to draft such a code. I am speaking specifically about the principles that we developed. First of all, we had to respect the prerogative of the governor in council. We were tasked with reviewing the governor in council decision-making process.

Then, in conjunction with the organizations and crown corporations, we developed a principle which we felt was very important and which was also important for our counterparts in other jurisdictions, including British Columbia and the United Kingdom: the principle of proportionality. I am mentioning this because this is a very important tool.

When it is time to staff one of these positions, it is obvious that there is a difference between appointing an individual who will be a member on a steering committee that meets three times a year and that of a CEO of a Crown corporation, for instance. The very important principle that we developed during the course of our consultations was to see how this could be applied in practical terms.

You have to start by developing principles and then discussing the ability of the nominees to fulfil their roles, and to have procedures that are both transparent and fair. There is also the principle stating that appointments should be made in an acceptable time period because, at times, there can be long periods of time—

• (1550)

**Ms. Louise Thibault:** I am going to interrupt you because I am sure that the chair is going to warn me that I have only one minute remaining. We only have seven minutes. Do I still have a minute left?

**The Chair:** You have one minute remaining.

**Ms. Louise Thibault:** I'm going to interrupt you because I would like to discuss something that concerns us. Would the criteria you developed guarantee, to parliamentarians and all citizens, that the process will be as watertight as possible, so that there would not be any room for partisan or ideological appointments? I am not referring only to the current minority government, but any government that wants to leave its mark.

Would that enable us to have a process that is truly transparent and not biased so as to give an advantage to people who share our points of view?

**M. Peter Harrison:** Madam Chair, the objective is to ensure that the process is transparent. The individuals whose names are suggested to the governor in council must be able to fulfil the role that we want to give to them.

This is a process based on a decision made by the governor in council. The appointments are made by the ministers. Hence we were going to propose an approach, should there ever be a commission, that would enable us to have the names of competent individuals so that all ministers could submit that to the cabinet for approval.

**The Chair:** Mr. Poilievre has the floor.

**Mr. Pierre Poilievre (Nepean—Carleton, CPC):** I would like to thank our witness for coming.

[*English*]

Mr. Harrison, at this point, how close is the secretariat to completing its work in developing the code you spoke of earlier?

• (1555)

**Dr. Peter Harrison:** Thank you.

Madam Chair, we did what we could as professionally and efficiently as possible in the time available. I'm talking about the past, because I've not been involved in this for the last several months, as I was appointed elsewhere, but I believe we did very effective groundwork.

In order to move on a code of practice, the secretariat, which is made up of officials, would need the guidance of the commission. The code of practices that we've looked at elsewhere vary significantly. There are some that are thick tomes of rules and regulations. The movement in a number of jurisdictions is to say the code should be something that is extremely understandable, practical, and meets the objectives, some of which I laid out a minute ago. But the kind of code that the commissioners would like is a decision for the commission to make.

On the role of the secretariat, as in any supportive group—

**Mr. Pierre Poilievre:** How far along are we in setting up this commission?

**Dr. Peter Harrison:** I'm told the government is in the process of considering the naming of commissioners. The orders in council to create the commission are in place. It's a question that would need to be answered by the government.

I think the secretariat work that we did is in sufficient order to be able to move quickly so that the commission can begin its job.

**Mr. Pierre Poilievre:** Right. I think there's a misperception that the government is going to nominate people who will work against the agenda that the government promised at election time. I think it's a misperception. There's a sense among some in the opposition that governments must not appoint people who agree with the government's agenda.

We were elected on a very clear platform in the last election. We've always been clear that we will be appointing people who will further the agenda. It's nothing new.

In fact, it's worth saying twice. We are going to appoint people who agree with the agenda that we intend to implement because we were elected on that agenda. This commission is designed to ensure that all the appointees are qualified.

Is that not your understanding of the commission's role?

**Dr. Peter Harrison:** If I may, Madam Chair, that is my understanding of the commission's role.

As I indicated in my opening statement, both the order in council that originally created it and Bill C-2 effectively give the commission an oversight role. The aim is to ensure there are processes in place that lead to the consideration of people who are qualified to do the job. It means there would have to be processes such that it is known that whoever comes forward can do the job.

The ultimate decision is made by the Governor in Council on the advice of the respective minister. It seems to me the decisions the ministers take, to which I have not been privy, will take into account the number of factors you've raised.

**Mr. Pierre Poilievre:** That's right, and that is the clear distinction here. We are making qualified appointments. The previous Liberal government appointed its friends because they were friends, not because they were qualified.

We ran on a commitment in the last election that—

**Hon. Garth Turner:** On a point of order, Madam Chair, that seems to be a rather partisan, broad, generalized statement.

**Mr. Pierre Poilievre:** Yes, it's partisan.

**Hon. Garth Turner:** It's a point of debate. If you're going to throw that out, maybe you ought to justify it instead of wasting the witness's time with partisan—

**Mr. James Moore (Port Moody—Westwood—Port Coquitlam, CPC):** Debate, debate, debate.

**The Chair:** Thank you.

Let us go back to your time. You have a couple of minutes left.

**Mr. Pierre Poilievre:** Thank you.

The Liberals made appointments of unqualified individuals because they were Liberals, and we saw the outcome during the sponsorship scandal.

• (1600)

**Mr. Ed Komarnicki (Souris—Moose Mountain, CPC):** You campaigned against that, don't you remember?

**Mr. Pierre Poilievre:** We saw individuals in high places who were appointed because they were tightly associated with the government, not because they were qualified, and the consequences of that have been clear. So what we are trying to establish with this public appointments commission is a system that appoints qualified people to positions of public interest. Is that your understanding?

**Dr. Peter Harrison:** Thank you.

As I indicated in my opening comments, where I quoted the legislation, the role of the commission will be to ensure that there are processes in place that lead to the consideration of qualified people for Governor-in-Council appointments.

The commission would, I do believe, having developed a code of practice, ensure, because it has the role of oversight, that there are in place processes to bring that about.

**Mr. Pierre Poilievre:** Excellent, because we have a democratic agenda on which we were elected, and it would not be democratic to have people in positions trying to undermine that agenda that was voted in favour of by the electors of this country.

Is that a fair interpretation?

**Hon. Garth Turner:** Yes, is that fair? Is that your interpretation?

**Dr. Peter Harrison:** Madam Chair, I seek guidance from you.

**Hon. Garth Turner:** You should.

**Dr. Peter Harrison:** I do believe I've answered the honourable member's questions in terms of what the secretariat and the commission are intended to do.

**The Chair:** Thank you very much. I think you're being quite just, in not getting involved in some of this partisan nonsense.

**Mr. Pierre Poilievre:** I agree very much.

**The Chair:** We will go on to the next questioner, Madame Nash. And I'm biting my tongue not to make some nasty remark.

Madame Nash.

**Ms. Peggy Nash (Parkdale—High Park, NDP):** Thank you, Madame Chair.

I'd like to welcome you, Mr. Harrison, especially as you're no longer in your previous position and you've made yourself available to this committee. So thank you for that.

I want to begin with your appointment and the functioning of the secretariat.

Of course the issue of accountability was a big issue during the last election. It was a key campaign promise by the Conservative Party. The Accountability Act was a centrepiece of this government's legislative initiatives, and the Accountability Act was passed with a number of amendments. Our party was involved in some of the amendments that we felt strengthened the Accountability Act, especially as it concerned the appointments process, to make the appointments more accountable to broader parliamentary oversight.

You were appointed in April 2006, and the Accountability Act was passed by the House of Commons in June. How did the passage of the Accountability Act change the work that you were doing in your position, if at all?

**Dr. Peter Harrison:** Thank you, Madame Chair.

If I may, I think that's an intriguing question. The order in council that created the secretariat and the commission in the first instance, as I pointed out in my opening comments, was related to the fact that in Bill C-2 at that point the reference to the creation of the commission was through a change to the Salaries Act. I am no legal expert, and I'm not an expert in machinery of government, so I do not have the ability to explain why it was done that way.

As you point out, Madame, Bill C-2 itself was amended, and effectively the principles, as I read it, of the order in council were included in the legislation. However, and I have not done a total analysis in recent time, the role of the commission would have been increased or is increased because of the fact that the bill is passed. By adding a number of functions, including audit, so the commission would be in the position of looking at what had taken place, the legislation still includes a very key instrument, and that is a report by the chair of the commission to the Prime Minister for tabling through the clerk in both houses of Parliament, which is maintained in the bill.

The bill also requires the development of a code of practice, which the order in council talked about in terms of guidelines. There are those who would argue that guidelines are different from code of practice. My reading of that is that an instrument needs to be developed so that ministers would be able to respond to that, so effectively, the work of the secretariat continued the way it had been, but with the role of the commission enlarged somewhat.

That's the best answer I can give you.

• (1605)

**Ms. Peggy Nash:** There were no commissioners named to the commission, as I understand it. Is that not correct?

**Dr. Peter Harrison:** If I may, Madame Chair, the chair of the commission was not appointed. Three commissioners were appointed by order in council, and my understanding is that they resigned.

**Ms. Peggy Nash:** No new commissioners were appointed?

**Dr. Peter Harrison:** There are no commissioners. No commissioners have been appointed.

**Ms. Peggy Nash:** The commission does not exist?

**Dr. Peter Harrison:** The commission, Madame Chair, exists. There are no commissioners.

**Ms. Peggy Nash:** The commission does not function?

**Dr. Peter Harrison:** But there are no commissioners.

**Ms. Peggy Nash:** The role of the commission is not being fulfilled, or is it being fulfilled?

**Dr. Peter Harrison:** If I may, since there are no commissioners, I have to assume that function is not being fulfilled, but my information to this committee is that the role of the secretariat was functioning with the objective of supporting a commission.

**Ms. Peggy Nash:** There are, of course, appointments being made on an ongoing basis, but there is no guidance or oversight by a commission, as required by the new Federal Accountability Act?

**Dr. Peter Harrison:** The new Federal Accountability Act indicates, if my understanding is correct, that the government may appoint a commission, and to my knowledge, that has not taken place. Appointments have continued, because the prerogative of the Governor in Council remains in place.

I am told—this is anecdotal, however—that given the discussions we had as a secretariat with many of the heads of agencies, crown corporations, and commissions, that within some of those organizations they have proceeded to review the procedures they have in place and to move in the general direction we would have hoped.

**Ms. Peggy Nash:** Because the secretariat exists, as I understand it, at the prerogative of the Prime Minister, what was the nature of your relationship and the secretariat's relationship with the Prime Minister? Does he provide oversight, and if not, where has the political oversight come from?

**Dr. Peter Harrison:** The secretariat was created by order in council. It has the status of a department within the Prime Minister's portfolio. This is similar to other examples elsewhere in the Government of Canada where a minister will have a number of responsibilities in her or his portfolio. So the secretariat was the department of which I was the deputy head, and I was accountable, therefore, to the Prime Minister as my minister. In reality the deputy head to the Prime Minister is the Clerk of the Privy Council. The Clerk of the Privy Council, who is also secretary to cabinet, plays the role of head of the Public Service of Canada, as you know. So my dealings with the Prime Minister's Office and with the Prime Minister, therefore, were through the Privy Council Office, as I think is appropriate.

That having been said, there were occasional meetings I had with the Prime Minister's director of appointments simply to keep him apprised as to what we were doing, or what I was doing in terms of my accountability as a deputy head.

•(1610)

**Ms. Peggy Nash:** Thank you very much.

**The Chair:** Thank you.

Monsieur Rodriguez.

[Translation]

**Mr. Pablo Rodriguez (Honoré-Mercier, Lib.):** Thank you, Madam Chair.

Thank you for coming here today Dr. Harrison. If I understand correctly, you were appointed on April 21, 2006, and you remained in this position until January 21, namely about nine months: a structure was established, a few individuals were hired, you left, other people left. I believe that at present there is only one individual at the secretariat, who will soon be leaving. So we are left with an empty shell. In your opinion, was this money well spent?

**Dr. Peter Harrison:** Madam Chair, I am not here to provide personal opinions. What I can tell you is that under my direction, the secretariat did accomplish what we had been asked to do. We did the required analyses. We held round tables. We created a network in the system.

**Mr. Pablo Rodriguez:** I am not judging you, Dr. Harrison. I want this to be clear. I am simply asking whether or not Canadians received value for their money in this instance. I'm simply trying to find out what happened following this series of events: if you had remained in your position, if the committee had furthered its process, if the team had been in place, if it were still operating, if there was something else. I am not at all trying to make you bear the burden of anything whatsoever. Nevertheless, given the way that things went, where you started from and where things got, I'm wondering whether or not this was money well spent, whether or not Canadians got good value for their money. That is simply what I am trying to find out.

You are sticking to that. Fine.

As a result of the problems with the commission, were appointments not made, was the work done by the government not really done?

**Dr. Peter Harrison:** I don't know. Could you clarify your question?

**Mr. Pablo Rodriguez:** Of course. It is clear that there was an entire structure in place to operate and provide results. Given that this structure is no longer in place and given that it is, for all intents and purposes, an empty shell, has this situation had an impact on the appointment process and on the way that the government and its various entities operate?

**Dr. Peter Harrison:** Thank you, sir. Madam Chair, the secretariat was created to do the work required to establish a commission. One option would be—and I'm talking about options—to do everything on the first day, and it would take a great deal of time before a commission would become effective. We were asked to do the preliminary work so that there could eventually be a commission and so that this commission would be able to immediately begin fulfilling its mandate.

In my opinion, I was asked to do what I explained to you. I can simply say that I believe that we accomplished, within the prescribed deadline, what we were asked to do.



**Mr. Pablo Rodriguez:** What type of expertise was the secretariat to have in order to help the commission with its work? What type of expertise was the secretary to have?

**Dr. Peter Harrison:** Madam Chair, may I interpret the question?

**Mr. Pablo Rodriguez:** Of course, if you don't interpret it properly, I will tell you so.

**Dr. Peter Harrison:** Perhaps you are asking me what my background is.

Mr. Pablo Rodriguez: No, not necessarily you, but—

Dr. Peter Harrison No?

**Mr. Pablo Rodriguez:** What were they looking for as a team—

Dr. Peter Harrison It's required to—

Mr. Pablo Rodriguez: —particularly you.

**Dr. Peter Harrison:** I'll start with me. I did not appoint myself. Someone else did. That someone else could explain why I was chosen. However, I can tell you why I accepted the appointment. First of all, I felt that the objective was a noble one. Moreover, I am a career public servant. I was a deputy minister in a number of major departments. My experience was not related only to decision-making, but to personnel management as well. More specifically, besides being a deputy minister at Fisheries and Oceans and at Natural Resources, I created the Leadership Network. I was the vice-chair of what was then known as the Canadian Centre for Management Development. I served as the human resources ADM at Revenue Canada. I was the head of La Relève Task Force, and reported directly to the clerk of the Privy Council.

• (1615)

**Mr. Pablo Rodriguez:** Mr. Harrison, far be it from me, or anyone else, to challenge your experience or your credibility. It isn't you that I don't trust, it's the government. Please don't think that we are ganging up on you.

Earlier, Mr. Poilievre said, quite candidly, that appointments should not be partisan—and I think everyone would be in agreement—but that they could be ideological. That is what I thought he said. People who are appointed to do certain jobs should share the government's way of seeing things. Did the group share that philosophy?

[*English*]

**Mr. Pierre Poilievre:** I have a point of order.

The member has mischaracterized my remarks, and he knows it.

**The Chair:** That's a point of debate.

**Mr. Pierre Poilievre:** I just thought, from the other point of order you accepted, that the rules had perhaps changed.

**The Chair:** That was also a point of debate. You've both had a chance to have your word.

[*Translation*]

**Mr. Pablo Rodriguez:** Mr. Harrison, I believe that the question deserves an answer.

**Dr. Peter Harrison:** Madam Chair, the people who worked for the department had a great deal of experience within the public service. We started by deciding how we would proceed, and how we

would choose our options; we had to write clearly and be familiar with the system. The people who came to work with me had those skills. I believe that the entire group agreed that our objective was to devise a system through which all of the names would be submitted to the governor in council.

**Mr. Pablo Rodriguez:** More specifically, would you say, Mr. Harrison, that all of the public service appointments may or should be based on ideology? That is what I would like to know.

**The Chair:** Mr. Harrison was a public servant. He was non-partisan.

**Mr. Pablo Rodriguez:** I am trying to follow up—

**The Chair:** Yes, but he can't take sides. He was a public servant who was appointed to set up a system to vet candidates. I think that is more or less what it was all about. It was not up to the commission nor to Mr. Harrison to make the appointments. It was up to the Prime Minister and the ministers who were responsible to—

**Mr. Pablo Rodriguez:** But it would still be interesting to hear his opinion, Madam Chair.

**The Chair:** He is a public servant. He may answer if he wishes to do so, but I think the question is rather sensitive.

**Mr. Pablo Rodriguez:** Of course, if he wishes to.

**Dr. Peter Harrison:** Madam Chair, I believe you have answered the question, but I would like to add that the secretariat was made up of public servants. We are proud to be in a position to support the Government of Canada, regardless of the party in power. We were asked to help the commission to define their code of practice. We were never part of the appointment process. Even when I was a deputy minister, all I did was to provide the minister with the names of competent individuals. It was then up to the minister and colleagues to move the process forward. We were expected to be politically neutral, and that is something of which I am proud.

**The Chair:** Thank you.

[*English*]

Mr. Komarnicki.

**Mr. Ed Komarnicki:** Thank you, Madam Chair, and thank you, Mr. Harrison.

Perhaps we'll follow up from where Mr. Poilievre left off. Specifically, I'll be asking questions relating to the Immigration and Refugee Board and the appointments made therein.

Certainly one of the things you looked at was ensuring that on the list of the appointees was the right combination of knowledge, background, experience, and required competency to perform the functions of an IRB member. One of the ways of testing that competency was through written examinations. If I'm correct, one of your recommendations was to set and apply a pass mark to the examinations to ensure that the candidates met a minimum standard of adequacy, if you want to call it that. Is that correct?

• (1620)

**Dr. Peter Harrison:** That is correct.

**Mr. Ed Komarnicki:** Further to that, in your consideration and opinion in your report, that was really beefing up the system as it existed in the past. First of all, was there an examination or a written test of the applicants in the previous appointment process, prior to your recommendation?

**Dr. Peter Harrison:** Thank you.

Madam Chair, we reviewed the process that was in place at that point in time. In that process, there was—and still is, I understand—an examination.

**Mr. Ed Komarnicki:** I've read through your report. You've indicated that the examination itself has some appropriate questions to test competencies, but you took issue with the fact that people who were referred to the advisory panel and ultimately to the selection board didn't necessarily receive a pass mark. Is that correct?

**Dr. Peter Harrison:** That is correct.

**Mr. Ed Komarnicki:** One of the questions that you had is if you didn't have to receive the pass mark, why have the test at all in the first place?

**Dr. Peter Harrison:** Madam Chair, I think it can lead to several different questions. We were using the existing guidelines from the Immigration and Refugee Board, which already set a pass mark.

Our recommendation was very simple: if there is a pass mark in place, then it should be applied. Otherwise, there are questions about whether the pass mark should be lower. Should it be a different exam? We were not in a position to do that. We did have Sussex Circle, a group of people who are really experienced in these things, review the process and particularly look at the exam. But you are correct, the recommendation was to set a passing mark for the written exam and exclude from further consideration those who fail.

**Mr. Ed Komarnicki:** So I gather from the data you were able to obtain that there was a considerable number of applicants, if you want to call them that, referred to the advisory board who were somewhat below that standard. Is that correct?

**Dr. Peter Harrison:** That is correct, Madam Chair.

**Mr. Ed Komarnicki:** And as a consequence, there was a considerable process of re-selection at the advisory board that wasn't necessarily objectively based, in the same sense that the testing would have provided.

**Dr. Peter Harrison:** That, Madam Chair, is drawing a conclusion. What we did was look at the facts that were provided by the officials at the Immigration and Refugee Board, and we found at that point in time that 28% of the people who went on to the next step had not met the minimum requirements. That is our observation.

**Mr. Ed Komarnicki:** In fact, some of the applicants who were ultimately appointed were in that category. However, if your recommendation were accepted, as the Minister of Immigration indicated she would, everyone on the potential list would have qualified at least by meeting the pass mark.

**Dr. Peter Harrison:** That is correct.

**Mr. Ed Komarnicki:** And in your opinion, the objective of the test would be such that anyone who passed that particular examination would at least meet the bottom threshold that would ensure that there was the right combination of knowledge,

background, experience, and required competence to perform the function required of an IRB chair to perform.

**Dr. Peter Harrison:** That is correct.

**Mr. Ed Komarnicki:** As a consequence, if indeed you were going to raise the level of competence by the process you suggest, then the numbers of discards, so to speak, by the subjective basis of the advisory board would be lessened because people would be weeded out by the objective testing standards. Is that correct?

**Dr. Peter Harrison:** Madam Chair, that's drawing a conclusion that you may wish to draw. All we were indicating is that in the first step, the examination—and there are several steps in the process—there should be pass conditions, and that should be the minimum to move to the next step.

• (1625)

**Mr. Ed Komarnicki:** What we could confidently say, under the system you propose, is that when an applicant gets to the advisory board or a combined advisory and selection board, they would already be competent enough to serve on the IRB board, according to those standards, except for a further selection or de-selection process.

**Dr. Peter Harrison:** They're competent to move to the next step, which includes a personal interview and a behavioural set of activities.

**Mr. Ed Komarnicki:** So in your analysis, what you propose would be at least a significant enhancement of what we now have, and it would perhaps be more objective.

**Dr. Peter Harrison:** The mandate we were given, Madam Chair, was to come up with recommendations that would make the process more efficient and more focused on principles. Our recommendations, I think, should move in that direction, because that was the mandate we'd been given.

**Mr. Ed Komarnicki:** Those are all the questions I have.

**The Chair:** We'll go to Mr. Turner for five minutes.

**Hon. Garth Turner:** Thank you, Dr. Harrison.

You said you met on occasion with the Prime Minister's director of appointments.

**Dr. Peter Harrison:** That's correct.

**Hon. Garth Turner:** Who is that individual?

**Dr. Peter Harrison:** It's a gentleman by the name of David Penner.

**Hon. Garth Turner:** How often did you meet with him?

**Dr. Peter Harrison:** I would say a total of four times over the eight-month period.

**Hon. Garth Turner:** Where did you meet? Was it at the PMO?

**Dr. Peter Harrison:** When I first introduced myself, as a matter of courtesy, I went to the Langevin Block, which includes the Prime Minister's office. The other meetings we had were in my office, which is directly across the street.

**Hon. Garth Turner:** Did you discuss individuals with the Prime Minister's director of appointments?

**Dr. Peter Harrison:** I have never discussed individuals with anybody.

**Hon. Garth Turner:** Did he bring any individual names up?

**Dr. Peter Harrison:** No.

**Hon. Garth Turner:** What was the nature of your conversation?

**Dr. Peter Harrison:** The nature of our conversation, Madam Chair, was that the Government of Canada had decided to put into place a secretariat, by order in council, which was then confirmed in Bill C-2, and it was in his interest to know the process we'd undertaken and the progress we were making. However, my written reports, as I've indicated in my opening statements, were all made on a regular basis to the Clerk of the Privy Council.

**Hon. Garth Turner:** Did the Prime Minister's director of appointments instruct you in any way? Did he give you guidance?

**Dr. Peter Harrison:** No.

**Hon. Garth Turner:** He just listened.

**Dr. Peter Harrison:** If I may, Madam Chair, first of all, I was not given instructions or guidance. Second, had it been given, I would not have taken it.

**Hon. Garth Turner:** I thought that's who you worked for. Was not the Prime Minister your minister? You just said that.

**Dr. Peter Harrison:** The Prime Minister was my minister because the secretariat was within his portfolio. But my reporting relationship to the Prime Minister was not through political staff. My reporting relationship was through the Clerk of the Privy Council.

**Hon. Garth Turner:** So just to be clear, then, you would not have taken instruction from the Prime Minister's director of appointments.

**Dr. Peter Harrison:** I did not take instruction from the Prime Minister's director of operations.

**Hon. Garth Turner:** You're saying you would not.

**Dr. Peter Harrison:** I would not.

**Hon. Garth Turner:** That's interesting.

The secretariat, in general, do you believe in that concept? Do you think, in general, it was a very good development to have taken place?

**Dr. Peter Harrison:** Madam Chair, I seek your guidance. I'm being asked for an opinion on an approach and a policy of the Government of Canada.

**The Chair:** As you know, as a public servant, you don't have to respond in any way for one party or the other. You have to retain your independence, of course, but it's up to you at this point.

**Dr. Peter Harrison:** Maybe, Madam Chair, I can repeat a comment that I made to Mr. Rodriguez, and that is that when I was considering the request that I take on the role of being deputy head and executive director, my view was this was a noble objective.

• (1630)

**Hon. Garth Turner:** It was a noble objective, as opposed to a good idea. Okay, that's clear.

Were you surprised at the experience with Mr. Gwyn Morgan?

**Dr. Peter Harrison:** Madam Chair, I've been a public servant for well over 25 years, and at my stage in life there are not many things that surprise me.

**Hon. Garth Turner:** Okay. Do you want to answer the question now? Do you want to answer the question now, sir?

**Dr. Peter Harrison:** Yes, absolutely. Was I surprised?

**Hon. Garth Turner:** Yes, sir.

**Dr. Peter Harrison:** I read about this and heard about it, and my comment would be that the outcome was not the outcome that I think was intended by the Government of Canada. That's all that I can say.

**Hon. Garth Turner:** Were you surprised at the Prime Minister's action in withdrawing Mr. Morgan?

**Dr. Peter Harrison:** The Prime Minister did what the Prime Minister did. He is the Prime Minister. And as a public servant, I recognize that he, as being *primus inter pares*, makes decisions, and I respect them.

**Hon. Garth Turner:** Having said that the secretariat was "a noble idea", do you believe, then, that the withdrawing of Mr. Morgan and not having the Prime Minister offer anyone else was a lost opportunity?

**Dr. Peter Harrison:** I would choose not to answer that question, Madam Chair.

**Hon. Garth Turner:** I don't think you have a choice.

**Some hon. members:** Oh, oh!

**Mr. James Moore:** Of course he does.

**Dr. Peter Harrison:** Madam Chair...

**The Chair:** Perhaps I could read to you some of the rules having to do with the appearance of public servants. If you'd like that, I could.

The role of the public servant has traditionally been viewed in relation to the implementation and administration of government policy, rather than the determination of what that policy should be. Consequently, public servants have been excused from commenting on the policy decisions made by the government. In addition, committees will ordinarily accept the reasons that a public servant gives for declining to answer a specific question or series of questions which involve the giving of a legal opinion, or which may be perceived as a conflict with the witness' responsibility to the Minister, or which is outside of their own area of responsibility or which might affect business transactions.

As a public servant—he is a public servant still in another department—he is confined to answering in this way.

**Hon. Garth Turner:** Having said that the creation of the secretariat was "a noble idea", do you think the objective of the commission would have been served further by the Prime Minister having re-offered another person for this position?

**Dr. Peter Harrison:** I don't know the answer to that question. That is a question that surmises certain outcomes, and I am not in a position to speculate, Madam Chair.

**The Chair:** Thank you very much, Mr. Turner.

[Translation]

Mr. Nadeau.

**Mr. Richard Nadeau (Gatineau, BQ):** Thank you, Madam Chair.

Good afternoon, Mr. Harrison.

If I understand correctly, the work of the Public Appointments Commission Secretariat, where you worked for about nine months, involved vetting all of the names in order to provide them to the people who were responsible for filling the positions. Is that an accurate description?

[English]

**Dr. Peter Harrison:** If I may, Madam Chair, that is incorrect.

[Translation]

The role of our secretariat has nothing to do with the names, the individuals, or the appointments. We were not the ones who were responsible for vetting the names. That is always the minister's responsibility.

**Mr. Richard Nadeau:** Well then, what exactly did your secretariat do?

**Dr. Peter Harrison:** Madam Chair, we had to help people to understand a very complex system. The process could involve almost 3,000 appointments to various organizations, from advisory boards meeting three times a year—

• (1635)

**Mr. Richard Nadeau:** Okay. Therefore, you were responsible for the mechanisms surrounding all of these appointments.

**Dr. Peter Harrison:** Pursuant to the legislation, we first had to devise a code of practice for the commission. Certain principles had to be taken into account, for example, appointments were to be based on merit. The act includes the merit concept. The code of practice would then be used in all of the departments.

**Mr. Richard Nadeau:** Therefore, when a given department had to fill a vacancy, it would turn to your secretariat. Once all of the principles were established, you would suggest that they apply them.

**Dr. Peter Harrison:** Madam Chair, the objective was to establish a code of practice that would eventually be handed down to all of the departments. Then, the ministers would assess the situation within their individual department and their portfolio. It was up to the departments and to the ministers to decide on the best approach, because, as we know, what works for one department will not necessarily work for another one. Flexibility was key. It was up to the departments to set out their own process which would be based upon a code of practice established by the commission.

**Mr. Richard Nadeau:** Once the departments took over, the work of the secretariat was done. There was no need to keep an eye on what the departments were doing. Am I correct?

**Dr. Peter Harrison:** Once again, if I may, I would like to clarify something.

The role of the commission does not end there. The commission's mandate involves ensuring that the process is respected by the departments. That involves audits. It is up to the commission to decide how best to proceed.

The act also provides for an annual report by the commission to the Prime Minister, and the report must also be tabled before the House of Commons and the Senate. It is up to the commission to decide how these reports will be drafted, with the support of the secretariat.

**Mr. Richard Nadeau:** You said there were about 3,000 appointments. I assume that is the yearly figure. Are these appointments the responsibility of elected individuals, in other words, the ministers?

**Dr. Peter Harrison:** When I said 3,000, I was referring to the number of current positions. In some cases, people are appointed for a set period of time, whereas in other cases, the term is at the discretion of the governor in council. There is a yearly rotation, and, for that reason, the situation is quite variable. It depends on the length of the appointment. According to the process, the minister in charge of the portfolio, in other words, of the departments and its agencies, is responsible for providing cabinet with the names which will then be submitted to the governor in council for approval.

**Mr. Richard Nadeau:** How much time do I have left, Madam Chair?

**The Chair:** Your time is up.

**Mr. Richard Nadeau:** Thank you.

[English]

**The Chair:** Mr. Albrecht.

**Mr. Harold Albrecht (Kitchener—Conestoga, CPC):** Thank you, Madam Chair.

Thank you, Mr. Harrison, for being here today.

I want to follow up a bit with the questions relating to the IRB. I understand that in your report you made nine recommendations to the Minister of Immigration, and it's my understanding that the minister has made a statement that those recommendations are accepted.

I want to follow up on the fact that 28% of the applicants who wrote the written test failed, and yet these people were recommended to the advisory panel and then to the minister for consideration. Would this not put an undue workload on the advisory panel in terms of the eventual appointments?

• (1640)

**Dr. Peter Harrison:** I think in reality, Madame Chair, it would. The purpose of an exam, certainly in my experience, is to test certain competencies. One is either accepted, if one passes, or one fails. The extent to which those who do not meet the criteria move to the next level, I would have to say, increases the workload for that next level.

**Mr. Harold Albrecht:** It seems to me it also reduces the level of transparency and accountability in wanting to give the Canadian people good value for the money and the time invested.

**Dr. Peter Harrison:** That is clearly a conclusion from the data. As I responded earlier, we are looking at the data here and simply interpreting what we see.

**Mr. Harold Albrecht:** I think you mentioned in your report that the time between when the test is administered and the people are referred to the advisory panel is reduced from three months to one and a half months. That seems to be the way we want to move in reducing overhead and costs.

**Dr. Peter Harrison:** That was the objective of the study we undertook.

**Mr. Harold Albrecht:** You mentioned in your report that you favour the merging of the advisory panel and the chairman's panel. Can you just explain what impact that would have on expediting the process?

**Dr. Peter Harrison:** In order to get a good view of the whole process, we had contracts with Sussex Circle to look at the overall process, and in particular the exam.

The procedures that came into place in 2004 had two different groups involved in the selection process—an advisory panel, and the chair's selection board. The observation was made in the analysis by Sussex Circle that there were probably ways of streamlining a little.

The concern we had when we were doing our analysis was that they were two different groups of people, which meant that two different groups of people had to get up to speed on very complicated data for a large number candidates.

Our recommendation was not that those two should be merged, because we didn't feel we'd been able to flesh out the options enough. Our recommendation to the minister was that consideration be given to merging those two bodies, because we felt there were efficiencies to be gained.

Given the member's comments about the minister's decision to move forward, I have to conclude that consideration has been given, and it is seen to be a move in a direction of greater efficiency.

**Mr. Harold Albrecht:** Thank you.

There's one other comment you made in one of your recommendations—I'm not sure which one it was—about ongoing recruitment. You said that previous administration was batching groups of applicants, and there were long waiting periods in between those batches. You pointed out that there may be some efficiencies to be gained by having an ongoing recruitment process. Will you comment on that?

**Dr. Peter Harrison:** That is indeed correct. When one is dealing with a high volume.... We refer in the report to "stocks and flows", the stock being the number of people currently in place, and the flow being the number of people whose mandates are completed and the need to replace them.

We found that recently the IRB had undertaken a fast-track process in order to move efficiently and effectively in proposing names to the minister for consideration by the Governor in Council. We recommended that this was of sufficient importance that recruitment campaigns should be undertaken with a frequency that allows for an appropriate level of resourcing, and at times of high vacancy rates the IRB should begin a new recruitment campaign even before the completion of an ongoing recruitment campaign.

Our objective in that was to suggest that since we know there is a churn and a turnover over time, the planning of that should lead to having recruitment exercises appropriately done on an ongoing basis.

• (1645)

[Translation]

**The Chair:** You have the floor, Mr. Rodriguez.

**Mr. Pablo Rodriguez:** Thank you, Madam Chair.

Mr. Harrison, I would like to go back to a previous statement because I am not sure that I understood you, and I may not be the only one who feels that way.

I am not clear on the role of the secretariat as compared to that of the commission. A few minutes ago, you said that the secretariat had to establish a code of practice for the commission. Is that right?

**Dr. Peter Harrison:** Yes. The secretariat acted as the public service for the commission. As is the case with all of the commissions that depend upon their public servants to advise them, the objective was to have the secretariat define the options for the commission. It was not up to the secretariat to make the decisions.

**Mr. Pablo Rodriguez:** Therefore, it was the administrative arm of the commission. The commission made the decisions, and the secretariat carried them out. It's like having a board of directors working with management.

**Dr. Peter Harrison:** Absolutely.

**Mr. Pablo Rodriguez:** So it was a permanent arrangement. The secretariat worked with the commission on an ongoing basis.

**Dr. Peter Harrison:** Madam Chair, the secretariat was created and continues to exist. As I said, as of next Monday, there will no longer be any members, but the secretariat still exists.

**Mr. Pablo Rodriguez:** There will no longer be any members, but it will continue to exist?

**Dr. Peter Harrison:** It was created—

**Mr. Pablo Rodriguez:** It just doesn't sound right to me.

**The Chair:** It does exist, Mr. Rodriguez.

**Mr. Pablo Rodriguez:** Yes, I know. Only—

**Dr. Peter Harrison:** Madam Chair, I have been gone now for a number of weeks, or even months, but I was told that there was a process underway to appoint an executive director for the secretariat. As is usually the case, this type of thing does take time. That is what I was told, but I can't say for sure.

**Mr. Pablo Rodriguez:** Who recommended the names for the appointments and to whom were they recommended?

**Dr. Peter Harrison:** The system was a relatively simple one, even though it always seems complicated when I explain it.

The approach was multi-faceted, so I will try to provide a context. Some appointments to an advisory board are made by ministers, within their department, but that is not what we are talking about.

Some appointments are put forward to the governor in council by ministers, in other words, they are submitted to cabinet, and are approved by the governor in council.

Each department has a process to provide ministers with lists of qualified individuals. There is a practice among a growing number of departments to make a selection according to certain criteria and standards that are related to the qualifications of the individuals.

The word "appointment" has a different connotation in English and in French. The order is the instrument that is used to allow these people to begin serving in their position, and it is the ministers' responsibility. There are also, however, key appointments, for example, the CEOs of crown corporations, the presidents, and people who hold the higher-ranking positions. The Privy Council Office is responsible for the selection process for those individuals.

**Mr. Pablo Rodriguez:** Generally speaking, in recent months or since the new government took office, has anything changed in the appointment process?

**Dr. Peter Harrison:** I believe so, but I am no longer working there. My opinion is based on what I hear from other people. I don't want to tell any tales, but after some discussions and round tables with various agencies and corporations, we realized that many of them had devised principles and selection processes that were then suggested to their minister.

As I said, I have no direct proof of that, but that is what I have been told.

•(1650)

**The Chair:** Thank you.

Ms. Thibault, you have the floor.

**Ms. Louise Thibault:** Thank you very much, Madam Chair.

Mr. Harrison, in 2004, the committee heard from witnesses who explained that for some boards—and I don't remember which ones—the appointment process was rather loosely structured.

At the time, Mr. Poilievre and some of his colleagues sat beside me, and Madam Chair and her colleagues were across the table. The committee members found it rather disquieting to hear what some of these directors had to say. For example, one chairman told us that he had chosen one, two or three candidates. When asked how he ensured that these people were competent and able to do the job—they were business people, people with experience—if they represented a cross-section of Canadian society or if they were bilingual, he said that all of the documents used by the board of directors were translated and since most people spoke English, there was really no problem. That's the type of thing we were told, and many of us found that somewhat worrisome.

In your documents and in your presentation, you say that you want the selection process to be well advertised, and you want it to be fair, open and transparent, and based on merit. That means—and I hope you will confirm this—that criteria such as representativeness will be taken into account so that visible minorities, women, aboriginal people, etc., as well as bilingual people, anglophones and francophones will all be considered. I have no doubt about the merit, nor about the fact that both you and your successor were hoping to find qualified people.

I would like to come back to the question that I asked earlier. Do you think that in the short term, the secretariat, with the necessary staff to do the job—we know that come Monday morning, there will be nobody left to do it—will allow federal organizations to ensure that their recruiting will become a noble cause, as you said, with the criteria that I have just listed? We don't know who will be selected, but can we have the assurance that people will have the tools that

they need and the ministers will have no reason not to appoint the most worthy candidates?

**Dr. Peter Harrison:** Thank you, Ms. Thibault.

Madam Chair, diversity and representativeness were key considerations in all of our discussions on the code of practice. Certain elements must be included because of the act, but, as you said, we must also take into account the representation of the regions, etc., of Canada.

I hope that these factors will play an important role in future appointments. The fact that these appointments are made by the governor in council provides ministers with the necessary flexibility to consider a list of competent individuals and use their best judgment to meet the objectives that you have listed.

You also mentioned boards of directors. For some time now there has been an attempt to define what qualifications are required. We were studying that for the clerk. It is obvious that in the case of a crown corporation's board of directors, depending on the field of activity and its objectives, you would require experienced people such as lawyers or engineers, people from eastern or western Canada, francophones, etc. We came up with an idea that was implemented some time ago by the Privy Council Office; it involved a structure based on qualifications. Therefore, when a position becomes vacant on a board of directors, the first question is the following one. In view of the type of activity in which this organization is involved, what type of skill do we require? That helped to define the type of selection process that should apply.

Take, for example, the Canadian Nuclear Safety Commission. Sometimes, we need someone who is so specialized that there might be only two or three candidates in all of Canada, or even in the world. It is not quite the same as looking for someone who has business experience. In this case, a candidate's name would be considered by the board of directors, by taking into account those who are already there and what the shareholder had in mind.

•(1655)

**The Chair:** Thank you.

We will now move on to Ms. Nash, followed by Mr. Poilievre.

[English]

**Ms. Peggy Nash:** Thank you.

Let me try to summarize.

It seems that after a year in office, and in spite of the Conservative campaigning on accountability, we now have no greater accountability in appointments. Our party joined with others to make stronger accountability laws that are now being ignored. Worse, the government is explicitly appointing only people who agree with them, thereby politicizing appointments.

We have a secretariat that spent half a million dollars. There are reports of travel not related to the secretariat, to Tuktoyaktuk and other places. By all accounts we have a secretariat where the lights are on but no one's home.

Mr. Harrison, are Canadians being well served by the secretariat you led and by this government's appointments process in general?

**Mr. Pierre Poilievre:** Point of order, Madam Chair.

**The Chair:** Yes.

**Mr. Pierre Poilievre:** I have always understood that questions like these are permitted.

**The Chair:** The question is permitted, but how we answer it is another matter.

**Mr. Pierre Poilievre:** Just let me finish.

It was a very partisan question, but that's the member's right. I don't question that. My only concern is that when questions of that type happen on this side, there is interruption and condemnation from the chair. I'm wondering, is there a consistent rule on whether partisan questions can be allowed to be asked? Because I'm perfectly willing to—

• (1700)

**The Chair:** If there were a rule on partisan questions, I think you wouldn't get to ask them very often.

**Mr. Pierre Poilievre:** Is there a rule?

**The Chair:** No.

**Mr. Pierre Poilievre:** There's no rule?

**The Chair:** But I will tell you there is a rule when it comes to public servants. You may ask him the question—

**Mr. Pierre Poilievre:** Okay, that's all I need to know.

**The Chair:** —but it is not for him to answer those kinds of questions.

**Mr. Pierre Poilievre:** We can ask the questions we want from now on. Thanks.

**The Chair:** He is not here in a partisan fashion, and you know better.

**Ms. Peggy Nash:** Excuse me, Madame Chair.

**The Chair:** Yes.

**Ms. Peggy Nash:** That time doesn't come out of my five minutes, I assume?

**The Chair:** No.

**Ms. Peggy Nash:** Thank you.

**A voice:** Is he going to answer?

**The Chair:** It's up to him how he answers that. He doesn't have to, if he thinks it's too partisan.

It's totally up to you, sir.

**Dr. Peter Harrison:** Madame Chair, there are elements of that that I do believe fall into that category. However, the honourable member has asked a question about travel, and I would like, if you allow me, to provide you and the committee with the facts.

The honourable member mentioned Tuktoyaktuk. When I was asked to move from being senior research fellow on oceans at the National Research Council, I had an accountability agreement with the Clerk of the Privy Council, which involved representing Canada and Canada's interests in a number of venues. When I moved to take on the role of executive director of the Public Appointments Commission Secretariat, the associate clerk of the Privy Council

agreed that it would be appropriate for me to respect a number of these existing commitments.

**Ms. Peggy Nash:** Excuse me. Sorry, Mr. Harrison. Are you about to tell us that travel came out of a different budget?

**Dr. Peter Harrison:** That's correct.

**Ms. Peggy Nash:** Okay. All right. Thank you for that. I don't want to spend my time on that, if you will allow me.

I want to make the point that one of the honourable members opposite on the committee has said recently with respect to public appointments that we're going to appoint people who agree with the government's agenda. The National Parole Board has consistently made decisions to let hardened criminals back on the street before it's safe to do so, and we're frankly going to be appointing people to positions like that, who agree with the agenda of tackling crime. Is this view incorporated into the code the government is developing to guide ministries on their appointments?

**Dr. Peter Harrison:** Madame Chair, I do believe that in my opening comments I outlined the objectives of the commission, the mandate of the commission as laid out in legislation. The question the honourable member is asking is a question that should be put to the government.

Madame Chair, could I seek your leave to finish my previous answer?

**Ms. Peggy Nash:** I would prefer that not come out of my five minutes, though. If I could just...

**The Chair:** We won't take it from your five minutes, but I would like to give the gentleman a chance to justify his travel, if that's what he wishes.

**Dr. Peter Harrison:** Thank you, Madame Chair.

As I answered, this was covered by Industry Canada, to which I was attached. I would like to indicate to the chair and to the committee that my involvement in the World Maritime University and the University of Victoria was approved by the Ethics Commissioner.

Thank you, Madame Chair.

**The Chair:** Madame Nash, for another minute or so.

**Ms. Peggy Nash:** Thank you, Mr. Harrison.

Why did your appointment as executive director not fall under the Public Service Employment Act, and is that going to be the case for the next executive director?

**Dr. Peter Harrison:** Madame Chair, I do not know what will happen in terms of the next executive director. I have been at the deputy minister level since December 1985, and for the last nearly nine years at deputy minister level two. Deputy ministers are appointed by the Governor in Council, and this position to which I was appointed was deemed to be a Governor in Council and order in council position. Since it is not mentioned in specific legislation other than now in terms of Bill C-2, the Public Service Commission of Canada provided an exclusion order that I remain a full-time public servant.

**The Chair:** Thank you very much, Madame Nash.

We'll go to Monsieur Poilievre.

**Mr. Pierre Poilievre:** I think it's important to understand the culture of entitlement to which the Accountability Act was a response. The previous government appointed the then justice minister's chief of staff to a federal bench; appointed a defeated Liberal candidate to head up the environment round table; appointed Alfonso Gagliano to become our ambassador to Denmark; appointed a Liberal MP, John Harvard, to be a lieutenant governor; and appointed Yvon Charbonneau, a Liberal MP, to UNESCO in order to make way for another candidate to seek elected office. We also have André Ouellet and other examples like this. That is where this comes from.

The difference here is we are seeking to appoint qualified people to necessary positions. I want to focus on one recommendation that you made that we have accepted as a government with respect to the Immigration Refugee Board advisory panel, and that is that those candidates who are considered for appointment must pass the necessary test in order to demonstrate their merit for the position. In the past, 28% of those who passed through the system had failed the test.

• (1705)

**The Chair:** No, I don't think that's what he said. I think 28% failed the test, but it doesn't mean they went on.

**Mr. Pierre Poilievre:** Did they go on?

I'll ask the witness.

**Dr. Peter Harrison:** If I may, Madame Chair, what we looked at was the current list of names available for ministerial selection that we had to define a particular group. That list amounted to 71 names. We did not know the names; we looked only at the cases. Twenty individuals did not meet the pass conditions that have been set out, and that's 28% of that 71.

**Mr. Pierre Poilievre:** That's exactly the point I'm making. The 28% of those people made eligible for appointment had not passed the examination. Is that correct?

**Dr. Peter Harrison:** If I may, Madame Chair, I would make one slight change. Those were names that were made available for the minister to consider.

**Mr. Pierre Poilievre:** That's exactly my point.

We have agreed with your recommendation that success on the examination ought to be an unequivocal prerequisite to consideration for those jobs. I'd like to thank you for that recommendation. I think it's a very good recommendation. I think it changes the approach of the previous government, which was not as merit based, and it moves towards an objective system that guarantees that candidates for positions on these boards will be qualified. I think, on behalf of Canadians, you're owed some thanks for your work on this report.

Mr. Warkentin, did you want to ask a few questions?

**Mr. Chris Warkentin (Peace River, CPC):** If there's a little bit of time, yes.

I think Mr. Poilievre did cover a number of things, and I did want to thank you. I don't want you to leave here believing that your work on what you call a noble cause—I would call it an essential cause—has gone without thanks. We do appreciate it.

As was pointed out, of this \$500,000 that's been spent to reinforce our ideological perspective that accountability and transparency and better government can be provided to Canadians, there's no doubt that \$500,000 is a small price to pay for the momentous work you are undertaking and beginning. I absolutely thank you, and I know that it's going to go a great distance in ensuring that Canadians will get good government moving forward and a good bureaucracy to follow.

Thank you very much. We do appreciate your efforts.

**The Chair:** Before I go on to Mr. Turner, I'd just say, by the way, I know a lot of people who wrote the exams for the Immigration Refugee Board and were turned down because they didn't pass. I don't know for what reasons these were included. Maybe there were other reasons; we don't know for sure. We just know that they were.

Mr. Turner.

**Hon. Garth Turner:** I'm a little intrigued about the 71 people. We've brought this up so many times during this meeting. What actually happened to the 20 who did not pass and went on? How many of them actually ended up being appointed and going through the whole process?

• (1710)

**Dr. Peter Harrison:** Madame Chair, I don't have an answer to that question, because these were names that are currently in for ministerial consideration that we looked at. I am not privy to what happened since that point in time.

**Hon. Garth Turner:** It's been brought up so many times as the pre-eminent example of why the system didn't work. I think it would be great for us to know how many of those people actually ended up in any kind of position. Were there any negative results that happened?

Is there any way of finding out what happened to those 20 people? Did they all fall by the wayside, or were they all appointed?

**Mr. Chris Warkentin:** We can investigate it further.

**Hon. Garth Turner:** That would be fun, but you have no knowledge.

**Dr. Peter Harrison:** I have no knowledge, sir.

**The Chair:** He didn't know the names of the people.

You didn't see the names. Is that right?

**Dr. Peter Harrison:** That's correct. We were provided with data that did not indicate who these individuals were.

**The Chair:** It would be hard to know who they were.

Yes, Mr. Turner, continue.

**Hon. Garth Turner:** Finally, on the praise you received in terms of the work you've done for accountability and transparency in the system that Mr. Warkentin heaped on you, I'd like to go back for a moment.



Do you think accountability and transparency have actually been accomplished since the Prime Minister chose to withdraw his only suggested appointee and not bring anyone else in?

**Dr. Peter Harrison:** Madame Chair, I can reply as I have that the role of the secretariat was to move forward the staff work in order to put in place what had been determined first by the government through order in council and secondly by Parliament through Bill C-2.

**Hon. Garth Turner:** All right. We spent this money, and we set up the secretariat. The secretariat's work has ceased, and the expenditures have been made. The secretariat is basically shut down, and no one else is going to be working. Why is that?

**Dr. Peter Harrison:** Madame Chair, I do not know the answer to the question.

**Hon. Garth Turner:** It's not a subjective question at all. Mechanically, why has the secretariat ceased to function? Why has it effectively been shut down? Why did it happen?

**Dr. Peter Harrison:** Madame Chair, if I may, the secretariat has not been shut down. The secretariat exists.

**Hon. Garth Turner:** It exists, but it has no employees, so it's not doing any work. Without employees, it doesn't do any work.

**Dr. Peter Harrison:** If I may, Madame Chair, the few individuals are very dedicated individuals who were involved in the secretariat and have received other options in terms of their careers and career development.

**Hon. Garth Turner:** Having received other options in terms of their careers means they don't work there. Is that right?

**Dr. Peter Harrison:** That is correct.

**Hon. Garth Turner:** Thank you.

If you don't work there, and nobody works there, the work has stopped. Why did the work stop? There must be some reason.

If we had to tell Canadians why they spent this money setting up the secretariat, but it's not doing anything today, then someone might ask why. What would you respond?

**Dr. Peter Harrison:** The secretariat is in place. At the moment, employees have been asked to do other things.

In my case, I was approached by the Clerk of the Privy Council.

**Hon. Garth Turner:** We've heard all that. What would be the answer to the question on why the secretariat is not now doing any work? Why does it not now have any employees?

**Dr. Peter Harrison:** If I may, Madame Chair, it's because individuals have moved to other positions.

**Hon. Garth Turner:** Why has the work stopped? There must be some cause. Someone or something must be responsible for the secretariat not functioning. What would you answer to that question?

**Dr. Peter Harrison:** Madame Chair, as I've indicated earlier, and I only know this from personal conversations, the process is under way to replace the executive director, namely myself. I assume she or he would proceed to complete the staffing of the people who have moved on.

I indicate again that the individuals in question, public servants of the Public Service of Canada, have had the opportunity to move on in their careers. I'm pleased to say they've found things.

• (1715)

**Hon. Garth Turner:** Why did the work of the secretariat stop?

**Dr. Peter Harrison:** The individuals in the secretariat have moved on to other positions.

**Hon. Garth Turner:** I heard that, but why—

**The Chair:** Thank you very much, Mr. Turner.

Thank you very much, Mr. Harrison. I know this was difficult for you, and you came as an individual. Sometimes the questions were a little tough, and I think you handled yourself very well. Thank you very much.

I would like to remind the committee that next Thursday we are dealing with the human resources challenge for the federal government, and we will be hearing as witnesses representatives of the two public service unions.

Yes, Madame Nash.

**Ms. Peggy Nash:** Madame Chair, I also want to thank Mr. Harrison, because it was very difficult for him, since many of the questions we posed were in fact political questions. The reason for that is that we're trying to get at some of the political decisions that were made around this situation.

I just want to raise with the committee again that if it's possible to bring someone else here who can also talk with us about the political background, that might answer some of the unanswered questions we're left with.

**The Chair:** Thank you very much.

We'll see you on Thursday.

The meeting is adjourned.





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