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—
Chair

The Honourable Shawn Murphy

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• (1525)

[English]

The Chair (Hon. Shawn Murphy (Charlottetown, Lib.)): I'd like to call the meeting to order and welcome everyone here. *Bienvenue à tous.*

Colleagues, we have this afternoon a presentation from the Canadian Comprehensive Auditing Foundation. With us is Geoff Dubrow, the director of capacity development with that foundation. He is accompanied by Philip Chin and Greg Gertz. Geoff's presentation is entitled "Maximizing the Effectiveness of Public Accounts Committees".

Before I introduce Geoff, I want to point out that this part of the meeting will go until about 4:45. Then we're going to adjourn for two minutes and reconvene in camera to discuss future business. We're going to attempt to finalize the firearms allocation report. We have concluded it, but we want all members to have one last look at it. Too, there is one minor motion of a housekeeping nature that I want to have passed.

Before we call upon Mr. Dubrow, I believe Mr. Fitzpatrick has a point of order.

Mr. Brian Fitzpatrick (Prince Albert, CPC): I want to table certain documents and request that they be made available to all members on the committee. They are documents that I obtained through access requests, and I think they're pertinent to our study on the firearms issue.

One letter is dated January 27, 2004, and another letter is dated March 3, 2004, from Mr. Baker, addressed to the associate national defence minister and the Minister of State for Civil Preparedness. I think it makes abundantly clear that the minister was briefed on what was going on in the firearms registry by the contents of the letter and the enclosures that were sent with it.

With regard to my point in filing those things, I am of the view that the political ministers had the knowledge of what was going on. I think these two documents just support that point and make it clear.

The other document that I think may have some relevance is dated January 26, 2004. It's from the associate defence minister, and it's addressed to Commissioner Baker. It would probably be directed toward the \$15 million sum and how that should be dealt with.

I draw your attention to the third paragraph from the bottom, where the associate defence minister says: "Also the 'registry operations' line item increases notably in the next fiscal year. Are there ways to mitigate this increase available." Although it doesn't

really direct itself to one or two, it does direct itself to the \$15 million item. It seems to be sort of a suggestion from a political minister to Commissioner Baker that maybe something should be done to mitigate that item.

So I just want to table and make those available to all members of the committee so that we have those bits of information in hand when completing our report.

The Chair: Thank you very much, Mr. Fitzpatrick. If they are deemed to be relevant, we can come back to those documents. They are deemed to be tabled.

Before I turn the microphone over to Geoff, I first want to thank him and his organization for being here today. I would point out that Geoff is the director of capacity development at the Canadian Comprehensive Audit Foundation, and he's been involved in international democratic development for the past ten years at least. He's had a number of posts here in Ottawa and internationally. He has had the lead in these published articles on audit oversight and accountability.

Geoff, a Fulbright scholar, holds a master's degree from the University of Toronto and a master's in public administration from Cornell University. He is presently a PhD candidate at Carleton University.

To all three of you, again, thank you very much for being here today.

The floor is yours, Geoff.

Mr. Geoffrey Dubrow (Director, Capacity Development, Canadian Comprehensive Auditing Foundation): Thank you very much, Mr. Chairman.

I'd like to offer my greetings on behalf of Michael Eastman, our executive director, who unfortunately—unfortunately in the sense that he's missing this meeting—is at an internal audit forum in Nova Scotia today, but he sends his best regards.

I have a couple of very preliminary remarks. I remember very well, when Mr. Williams was chair, he mentioned on several occasions that witnesses would prefer to go to the dentist rather than appear before public accounts.

Mr. John Williams (Edmonton—St. Albert, CPC): I've said that, Mr. Chair, many times.

Mr. Geoffrey Dubrow: I'm appearing before the committee at your invitation, Mr. Chairman, but I'm assuming that the members will go relatively easy on me. Would that be a fair assumption?

The Chair: I can't make any assumptions.

Mr. Geoffrey Dubrow: I do want to thank you. I understand that I've been allocated about 20 minutes to speak. I'm very mindful of the members' time, so I'll try to stick to that.

I do want to say that in preparing for this presentation, I've consulted with members of all parties on this committee and with people from the Library of Parliament as well, who have always been an incredible help. I also reviewed the transcript of June 22, the meeting that took place with Ned Franks and Jonathan Malloy, for some background.

I also want to mention that I've given you a copy of a capacity survey that we have written for public accounts committees, which I'd be very happy to refer to during our meeting—the document is available both in English and French—and at the end of the meeting I'll actually give you a document that highlights the survey results from our Public Accounts Committee Capacity Survey that we did across Canada.

To turn to the purpose of our visit here today, the

CCAF has developed a draft strategy, which I'd like to share with you, on how to maximize the effectiveness of public accounts committees. This draft strategy builds upon the findings of our guide, the CCAF's *A Guide to Strengthening Public Accounts Committees*. We presented this draft strategy to the public administration committee of the National Assembly of Quebec at the end of August, then at a joint session of the Canadian Council of Public Accounts Committees (CCPAC) and the Canadian Council of Legislative Auditors (CCOLA) in September 2006. We've made several other presentations to other legislatures and are scheduled to do a few more in the fall and winter.

The purpose of making this presentation today is to engage members of the public accounts committees in a dialogue about how they can maximize the effectiveness of their public accounts committee.

We recognize the critical role played by public accounts committees in the Westminster system. Looking at the three predominant models of supreme audit institutions in the world, the Westminster system is the one that's most dependent upon Parliament to act on the reports of the Auditor General.

Ironically, as you all know, the success of a PAC in the Westminster system is highly dependent upon contingencies such as the electoral cycle, electoral landslides, politics, the type of issue being examined, the extent of turnover of committee members, and the extent to which committees follow up to ensure that the government has implemented its recommendations.

• (1530)

[Translation]

First, I'd like to say a few words about how the PAC study was organized.

A survey on various aspects of their work was sent out to the fourteen PACs in Canada — one federal, ten provincial and three territorial. We compiled the replies, but chose not to single out any particularly jurisdiction.

[English]

The Chair: Mr. Dubrow, perhaps I could interrupt you for 10 seconds. I have received word from the interpreters that they're having a tough time keeping up. Perhaps you can slow down a bit.

Mr. Geoffrey Dubrow: Sure. I'm trying to make that 20-minute limit.

[Translation]

The research study that was published contains six different sections, including the Guide, the thickest of the documents. My presentation today will focus on the findings reported on pages 19 through 33 of the guide. Basically, these pages contain our findings and suggestions for strengthening PAC powers and practices.

I will now present some of the study's key findings. However, I want to do so in the context of a draft strategy that CCAF wishes to unveil for discussion purposes. I want to use this opportunity to initiate a dialogue with members of this PAC concerning ways in which CCAF can be useful in helping to strengthen the capacity of this committee.

[English]

So without further ado, let me introduce to you briefly, on slide five, the draft strategy that we introduced at the Canadian Council of Public Accounts Committees meeting in September.

There are five phases to the strategy. It's a strategy on how to maximize the effectiveness of public accounts committees. I want to emphasize that it's just a strategy. It's a set of ideas to engage the committee in discussion. It's not the solution, it's not the model, and we're not expecting that all public accounts committees will follow it, but there are some good ideas in here and that's what we're hoping to launch a discussion on.

If we start at the very top of the strategy, on laying the foundation, I'll talk about this in more detail in a few minutes, but this is really the preconditions that need to be in place for a public accounts committee to be effective. One example is the opposition chair issue, but I'll get into more detail later.

We suggest that at the point where the preconditions are in place for an effective public accounts committee, the committee can start setting an objective for their meetings and planning. We suggest that committees operate best when they're non-partisan. I know one must take account of political environment when one says that; nonetheless, the conclusion from our study is that committees tend to operate at their best and in a most effective manner when they are non-partisan.

So that's number two, setting a non-partisan objective and planning for the meeting, and I'll get into some findings from our survey on that.

The third area is holding an effective hearing. Here you'll see the term "MPs", and I apologize for that. What we really should have said was "legislators", because this is not intended to suggest that this is in particular for members of this committee but legislators in general, asking pertinent questions, and witnesses participating as partners in the process.

The fourth phase is adding value, and this is really the reporting role of the public accounts committee, issuing their recommendations and following up to ensure that the government has actually implemented those recommendations.

And finally, the fifth area—and this is an area that got a lot of attention in Quebec City when we did this presentation there—is the issue of how committees can communicate the value of their work to the public and to the media. The question I'll put forth later is, is this something that in general you would find useful?

Let me start by talking about the preconditions for an effective public accounts committee. We propose that before embarking on a path to strengthen the effectiveness of public accounts committees, there are certain underlying conditions that must be in place for a public accounts committee to be successful. Within the scope of its powers, a PAC must be able to call meetings, meet outside the legislature's session, and initiate inquiries.

All committees, according to our research, can meet while the House is recessed, and about two-thirds can meet while the House is prorogued; three-quarters have the powers to initiate inquiries not specifically referred to them by the House or outlined in documents referred to in committee.

Finally, committees must have an opposition member chairing the committee. That's the case in all legislatures in Canada and at the federal level, and that's a Commonwealth standard practice.

PACs also need to have regular and frequent meetings and sufficient time allocated to a hearing in order to be effective. Ten jurisdictions responded that meetings were held on a regular and frequent basis, one jurisdiction answered to the negative, and three did not reply.

In terms of the capacity of a public accounts committee to exercise its powers, we looked at whether committees had adequate resources such as financing, and research and technical support. On adequate financing, eleven jurisdictions said, "Yes, we do"; and three declined to respond. I think that was a polite decline on their part.

On adequate resources—and these are the kinds of things that will flag the interest of the committee—I know this is not the case here, but we asked whether committees had in-house research staff provided. In six out of the fourteen Canadian jurisdictions, 40% do not have any in-house research staff serving the public accounts committee. Given the reliance of legislative auditors on public accounts committees, we look forward to talking to some of these jurisdictions and getting a sense of how they're coping with the workload without any research support.

Another basic precondition for the PAC to exercise its powers is that reports of the legislative auditor are permanently referred to the public accounts committee. This is the case in twelve of the thirteen jurisdictions that responded in the affirmative to this question.

● (1535)

In terms of strong committee leadership, there was a question on the working relationship between the public accounts committee and the legislative auditor. All the jurisdictions that responded said their relationship was strong and, because of the reliance of the public

accounts committee on the legislative auditor, obviously this was an important precondition for the success of the committee.

These are the minimum conditions. Once most or all of these preconditions are in place, then PAC can set its sights on maximizing the effectiveness of its work. The rest of the presentation focuses on how PAC can do so.

[*Translation*]

The PAC's role is to set an objective, namely to strengthen the public administration in a non-partisan manner.

For discussion purposes, we submit that members of a PAC must be motivated by a clear common mission. Historically, that mission has been to strengthen public administration. I submit that a PAC functions more effectively when it works in a non-partisan manner.

In terms of the framework of powers and practices, planning is an important part of an effective PAC meeting. Agendas and advance briefing notes, clear objectives and work plans for hearings, having subcommittees or steering committees examine specific issues and advance briefings with the legislative auditor are all planning activities that can increase the focus and output of PACs.

At least 10 of the jurisdictions stated that agendas and advance briefing notes were prepared and that objectives and the work plan for hearings were clear. However, — and I think you'll find this interesting — only about half of the 14 jurisdictions had steering committees designed to plan future work.

● (1540)

[*English*]

Only about half of the committees have a planning subcommittee that actually performs the planning function.

To suggest the link between planning and non-partisanship... One suggestion I've heard raised is for PAC members to "huddle" prior to a PAC meeting and discuss the strategy for pursuing different lines of questioning among parties. I'd be interested in the committee's views on whether this would increase the coherence of lines of questioning during a committee hearing.

[*Translation*]

Turning to membership of the committee, issues surrounding membership can influence the degree to which a PAC functions in a non-partisan manner. This includes whether ministers are allowed to sit as members of the committee, whether there is continuity on the committee and whether members are considered to be non-partisan in their activities.

In our survey, we asked whether members of the PACs were appointed by the legislative assembly at the beginning of the first session to serve for the life of the Parliament. We were told that this is common practice in 9 out of the 14 jurisdictions. Thus, in five jurisdictions, committee members are not appointed for the full term of the legislature.

Where members are appointed only for the duration of the new session — following which a new committee is struck — we received comments that this arrangement makes it more difficult to coordinate the work of the committee with the output of the Auditor General's office. One legislature replied that while the committee is appointed for the duration of the legislature, substitutions occur so frequently that the committee's continuity is undermined.

In terms of ministers sitting on the committee, the general consensus seems to be that this practice renders a PAC hearing highly ineffective. While some jurisdictions do not preclude ministers from sitting on PACs, it appears that by convention, ministers sit on a PAC only when the size of the government caucus so dictates.

The committee chair plays a crucial role in setting an impartial objective. Given the unique role and objectives of oversight committees in Parliament, I wish to draw to your attention the fact that only in eight of the fourteen jurisdictions are chairs appointed for the life of the Parliament, barring any unforeseen circumstances. This leads me to conclude that turnovers at the chair position during the life of a Parliament must make planning difficult.

[English]

I'll go now to slide 13. That was just talking about phase two, which was the planning and non-partisanship. If we look at phase three of our draft strategy, it's on holding an effective hearing. One of the conclusions was, again, going back to strong committee leadership, the important role of the chair in managing the process—and we took this right out of a quote of one of the people who were interviewed for the study—“out of the dynamics of shifting politics”. In other words, as public accounts committees sitting in legislatures tend to sometimes weave in and out of political issues, the role of the chair, our survey finds, is to make sure the committee stays on track and focuses on a non-partisan objective.

Similarly, the role of the chair is very important in articulating that objective. If there was a planning meeting and good planning was done in terms of preparing an issue that is non-partisan, the role of the chair in reminding the committee of that and intervening where necessary was also deemed very important.

Finally, the third issue in terms of committee leadership was making witnesses feel more comfortable answering questions, and that's an issue I'll be very happy to get into as we get to it.

In terms of the powers and practices of the committee within the context of holding an effective hearing, one of the key privileges that an effective PAC must have, of course, is to be able to call any witness necessary. All public accounts committees in Canada responded that they have this power. It goes without saying that factual and non-partisan information is key to holding the government to account. We found that out of the 14 legislatures, 12 had the power to send for papers and records, but only eight had the power to access cabinet documents.

We did ask in the survey whether PACs have adopted practices that permit productive lines of questioning to be taken to their logical conclusion. In this committee, I would assume that implies that either a member would have his or her eight minutes extended or would borrow time from someone else. I do understand that this

practice was tried recently in the committee, and I wonder if using this practice on a more regular basis, here and in other jurisdictions, might be useful for the committees. In our survey, 11 of the committees replied, yes, they do allow such a practice. However, our survey does not really allow me to conclude how often that practice is used. That would be something that I think we'd be very interested in looking into.

I have one more comment on the effective hearing issue. Looking at the June 22 transcript of this committee, where two academics engaged in a discussion with the committee about how to maximize its effectiveness, I noticed several references to witnesses “muddying the waters”, so to speak—and I think that's a direct quote out of the transcript. So clearly the relationship between government witnesses and public accounts committees is an issue of concern.

The question we put to PAC members at the CCPAC-CCOLA meeting was whether they feel that a non-partisan objective, coupled with planning and preparation of committee members, might lead to witnesses feeling more comfortable answering questions—put another way, whether a committee that was looking for solutions could engage bureaucrats in helping to find solutions in a non-partisan way, and whether a committee travelling along that path could make bureaucrats feel like part of the solution rather than part of the problem.

I note here the Auditor General's annual report in 2000, where the Auditor General states:

Accountability requires that people accept responsibility for their mistakes—that goes without saying. Excessive emphasis on laying blame, however, can be counterproductive. If we wish to empower employees and encourage them to innovate, then we must be prepared to accept the risk that, at times, mistakes and wrong decisions will be made. When that happens, we should focus on learning from the experience rather than assigning blame.

I'd be very interested in the committee's views on the idea of a confidential exit survey for witnesses. Such a survey could help the committee ascertain whether more needs to be done on the part of the committee to make witnesses feel comfortable with the hearings process, and whether that would lead to more effective answers and less confrontation and frustration on the part of members of committees. I note that the Senate has an exit survey for witnesses—and I do have a copy here—though I note that it focuses more on how witnesses were served by staff of the committee, rather than their interaction with the members.

● (1545)

[Translation]

The next phase involves issuing value-added recommendations and doing a follow up.

The PAC should have the power to prepare substantive reports for the legislature. Twelve committees report that they have the power to do that, while two acknowledge that they do not. Needless to say, the power to make recommendations and the power to require the government to follow them ensure committee effectiveness.

Follow-up meetings with witnesses and a report card on how the government is doing on implementing recommendations add value to the whole process. Only seven committees have responded that they have an effective follow-up process. Only six rely on the services of the audit office to follow-up on the committees' recommendations and the same number receive updates from the legislative auditor on the implementation status of the recommendations. Thus, this is an area in which much more can be done.

[English]

Last but not least is the fifth pillar of our strategy, and one that I hope will interest members. First, just for some background as far as the public and media are concerned, while nine committees issue press releases following public accounts committee hearings, only six have televised hearings or webcasts.

I would argue that in general there needs to be more thinking in Canada as a whole about how to engage the general public in a more comprehensive manner. One suggestion I want to put forth—and I want to say that I would make this suggestion directly to this committee, if there were interest—is that a non-partisan communications service develop a text for committee members' householders that breaks down the often highly technical work the PAC does into language that constituents can understand.

In our meetings across the country we're asking PAC members whether the incentive to strengthen planning and to engage in non-partisan lines of questioning would increase if it were easier for PAC members to share the accomplishments of their committee with their constituents. After all, an effective committee should be able to explain to constituents how they are increasing accountability in Ottawa and playing a strong role in guarding the public purse.

That concludes my written remarks, but of course I'll be delighted to answer questions.

Thank you.

•(1550)

The Chair: First of all, Geoff, I want to thank you and your two colleagues, Philip and Greg, for being here today. It's been very helpful.

Before we get to the questions, I want to clean up a housekeeping matter. I think it was back in June that this committee decided to purchase on behalf of all members the booklet prepared by the Canadian Comprehensive Auditing Foundation. It's an excellent booklet. But because of some changes in our membership, we missed two or three people, and we decided to go back and catch them. I believe Monsieur Laforest does not have a copy. And I believe Monsieur Proulx....You do have one? Mr. Nadeau should have one. Do you have one, Ms. Ratansi? Okay.

Having gotten that out of the way, I want to point out to members that we don't have time to complete two full rounds with our normal eight-minute first round and five-minute second round. We don't have time to complete two rounds, so if members don't take their eight minutes, that would be encouraged. We'll follow the list and go as far as we can.

We'll start with Ms. Ratansi for eight minutes—if you need them.

Ms. Yasmin Ratansi (Don Valley East, Lib.): Thank you for being here. It has just reinforced the conference we have been to.

I'd like to go to your presentation, but also to the public accounts committee and how it works. With the diverse jurisdictions we have and diverse competency levels we have, how do you at CCAF assist jurisdictions where there is a skills shortage? For example, you say 40% do not have in-house research and 50% do not have steering committees.

Public accounts is an important factor, and these jurisdictions that we met were having some challenges. How do you work with them to ensure that the competency levels, the stability...? Mr. Williams has been here for 13 years, and he's the most stable factor....

How do you maintain that, and how do you create an environment where people would love to be around on public accounts and not just...?

That was my first question. If you answer it, I'll give you two more to answer afterwards, and that will be mine, surely.

Mr. Geoffrey Dubrow: Thank you very much for the question; much appreciated.

On the issue of capacity and lack of research support, we just unveiled the strategy a couple of months ago. We haven't started working yet with the legislatures that are in that position. But perhaps our main strategy would be to help the legislature or the government and the auditor general in that particular jurisdiction to raise awareness about the importance of the public accounts committee.

One of the problems we're trying to make clear to jurisdictions when we go there is that the public accounts committee is not, in our view, just another committee. I was going to say not just another legislative committee, but in fact it's not a legislative committee, it's an oversight committee. It has special needs because of the fact that an auditor general, in order to take action on findings, requires a public accounts committee to issue recommendations. Because of that, I think one of the messages we have to try to get out in those jurisdictions is that public accounts committees are not the same as other parliamentary or legislative committees, and they therefore sometimes need more resources in order to be able to do their jobs.

You also asked—if I understood your question correctly—how we get members to want to be on the public accounts committee. There was an allusion to that issue, I remember, when Jonathan Malloy said that the public accounts committee was not always seen as one of the “sexy” committees.

If we go back to the draft strategy, that's really why we've added that fifth pillar. As Mr. Chairman will recall, we talked about this in Charlottetown. One of the issues that comes up is that it's much easier for a member on a legislative committee—the transport committee, say—to tell their constituents about the law passed on the building of the Trans-Canada Highway and the crucial amendment they made. It's easier to make a connection with constituents so that they understand that. To my understanding, it's much more difficult for a public accounts committee member to do that given the very technical nature of some of the issues they're looking at and the fact that those issues are changing all the time.

So when we talk about incentives, that really is one of them. Perhaps helping legislators communicate their value added to the public would increase their incentive to want to be on this committee and to be involved.

● (1555)

Ms. Yasmin Ratansi: You're right; accounting has this label that it's boring, but it's the most important aspect of control and accountability.

Can you tell me what role the auditors general of the different provinces are playing in overcoming competency issues? If the legislature does not have, say, the right skill sets in its PAC, then how does the auditor general rely on it? And what have the auditors general done? We have some classic examples of different jurisdictions that were having quite a lot of fun.

Finally, where have you come across good PACs—

Mr. Geoffrey Dubrow: I can't answer that question.

Ms. Yasmin Ratansi: —and what benchmarks have you adopted from them?

Mr. Geoffrey Dubrow: Thank you very much for your questions.

In terms of the role of the AGs, we did ask a number of questions. I'm not sure how many you'd like me to give you from the list, but I have about ten of them.

There obviously is an attempt on the part of the legislative audit community to work closely with public accounts committees. In our survey we did look at a number of issues—for example, whether the legislative auditor attends public accounts committee meetings and acts as a source of expert advice to the committee. We found that 12 did.

We looked at whether the PAC regarded the legislative auditor as an expert advisor to be consulted with when preparing its work plans and reports—so not only being a witness, but actually being involved in the process of preparing its work plan and its reports. Out of 14 jurisdictions, seven said yes.

Two jurisdictions actually hold a retreat with officials of the audit office to plan future work schedules, but only two. In 11 jurisdictions, the legislative auditor and audit office brief new committee members on the public account committee's roles and responsibilities.

We have a whole bunch of findings. I'd be happy to go on if you'd like me to; this just gives you an idea. I would just say that our survey found that there is an attempt on the part of legislative

auditors to support the work of public accounts committees by acting as resources, as experts, etc.

Ms. Yasmin Ratansi: The last question was, which is the best PAC you've come across, and what benchmarks have you taken from them? Considering that Mr. Williams was here for 13 years, you must have given him some support.

Mr. Geoffrey Dubrow: I think there's one dangerous question that I can't answer: which is the best PAC?

In terms of benchmarks, we haven't gotten there yet. If you go back to the guide, there's a fourth section related to the issue of self-evaluation and planning for excellence. In our capacity building, we want to start a round of meeting the legislatures, talking about these issues, and then we can start talking about it. It would be a little premature for us to go in and talk about planning.

I think of one PAC I met—not this one—which right now is embroiled in a political issue, in which the PAC is simply not functioning. So before we get into the issue of benchmarking, I think we want to do a round and try to establish a dialogue to talk about the roles and responsibilities of the members of the PAC. Then we can focus on that benchmarking issue.

Ms. Yasmin Ratansi: Thank you.

Mr. Geoffrey Dubrow: Thank you.

The Chair: Thank you very much, Ms. Ratansi.

Monsieur Laforest, huit minutes, s'il vous plaît.

[Translation]

Mr. Jean-Yves Laforest (Saint-Maurice—Champlain, BQ): Thank you, Mr. Chairman.

I will be splitting my time with Mr. Nadeau.

Good day, Mr. Dubrow. I'm happy you were able to make your presentation to the committee.

My question concerns the portion of your presentation where you talk about the aim of non-partisan work plans. You stated that the primary objective, or role, of public accounts committees is to strengthen public administration. I totally agree with you that when the reports submitted are excellent, there is no room for partisanship.

However, aren't we deluding ourselves if we believe that participants in this process can genuinely set aside any partisan feelings? Political parties are a fact of life in a parliamentary system. Take, for instance, some of the past scandals, be it the Gomery inquiry or some other incident. It's extremely difficult for members to remain impartial in such cases because in a parliamentary system of government, they are affiliated with a political party that defends certain beliefs.

● (1600)

Mr. Geoffrey Dubrow: Thank you for your question.

First, I'd like to say something in English before I attempt to continue in French.

[English]

There are two types of accountability: horizontal and vertical. Vertical accountability is the accountability of the politicians to the electorate, and horizontal accountability is the kind of accountability we're talking about, which is the accountability of government by oversight agencies.

The theory I would put forward for public accounts committees is that our system of horizontal accountability tends to work best when the issue being discussed is not of an issue that's going to threaten the government's vertical accountability, i.e. the government's re-election. I'm not talking about any government in particular; this is a general observation.

Similarly the public accounts committees tend to function optimally when.... What I'm trying to say is that this also affects the opposition. It's not only government's re-election, but when the opposition sees an issue that they can use politically.

[Translation]

That's a very logical question. Since we do operate in a parliamentary system, it's impossible to avoid partisanship at all times. For that reason, we emphasize the important planning and leadership role that the committee chair must assume.

For example, when a non-partisan idea is presented, or when a plan for discussing a report by the AG, a non-partisan office, is put forward, the chair's role is to ensure that questions raised are non-partisan and outside the political realm.

However, you're correct in that this will always prove to be a challenge, given our system of government.

Mr. Richard Nadeau (Gatineau, BQ): Good day, Mr. Dubrow.

Based on your observations, do PAC members behave differently, depending on whether a minority or majority government is in power? I've not experienced a majority government, but is this in fact something...

An hon. member: It's coming.

Mr. Richard Nadeau: Indeed. Thanks for your prediction, Marcel.

Do Members behave differently or take a different approach to their work in committee?

Mr. Geoffrey Dubrow: Thank you for your question.

In fact, this question came up during a CCPAC meeting in Charlottetown. I responded that this was a very interesting subject that eventually we could look into. However, our study involved 14 jurisdictions, and we did not differentiate between majority and minority governments. I think it would be very interesting to do that kind of study.

•(1605)

Mr. Richard Nadeau: My second question concerns the proportionate representation system. I realize that this is not the system of government in place in Canada.

I'm not sure if elsewhere in the world, there are systems comparable to the proportionate representation system. However,

in Commonwealth countries with multi-party systems, have you observed differences in the way in which parliamentarians approach their work?

Mr. Geoffrey Dubrow: I'm not sure I understand your question.

Mr. Richard Nadeau: For example, when you have a larger number of political parties, the truth is that more alliances must be forged. Does that lead to different outcomes in terms of the way in which parliamentarians work? Obviously, in the case of a 50% plus one majority, this isn't an issue.

Mr. Geoffrey Dubrow: Once again, that's a very interesting question.

On pages 14 through 18 of the guide I alluded to earlier, a small study was done of other countries. I believe Australia and Great Britain were the target countries. In both cases, no answer was found, but this is something we could possibly look into.

Mr. Richard Nadeau: I have a third question for our witness, Mr. Chairman.

My previous questions were about comparisons with other countries. However, I'm more interested in the minority government situation.

Once they've been adopted, are the official minutes of proceedings and reports posted or, at the very least, distributed to witnesses? By witnesses, I mean senior bureaucrats as well as groups in civil society. Do the witnesses receive these documents so that they have some idea of issues retained by PACs? That would be a good idea. I'm simply throwing this out for discussion. Furthermore, if they see that certain important questions have not been raised, they could then provide the committee with some important additional information, to shed more light on the topics discussed.

Mr. Geoffrey Dubrow: That's also a very interesting suggestion. It ties in with what we were discussing. Witnesses are part of the solution, not part of the problem.

Earlier, I mentioned the survey conducted by the Senate of witnesses who had appeared before a Senate committee. If the committee were to conduct a similar survey, it could put the same kind of questions to witnesses.

Mr. Richard Nadeau: Thank you.

[English]

The Chair: *Merci beaucoup, monsieur Nadeau.*

Thank you very much, Mr. Dubrow.

Mr. Williams, you have eight minutes.

Mr. John Williams: Thank you, Mr. Chairman, and welcome to our guest, Mr. Dubrow.

You talk a great deal about the non-partisanship of the public accounts committee, but like my colleagues, I'm not sure that non-partisanship actually describes what should be, I think, the proper relationship.

We are the accountability committee and we're here to look, retrospectively, at issues brought to our attention largely by the Auditor General. And while we cannot be non-partisan in this place, we can be less—

The Chair: Controlled partisanship.

Mr. John Williams: Controlled partnership, okay. Is that controlled by the chair, Mr. Chair?

The Chair: No, by the committee.

Mr. John Williams: Oh, I see. Self-control, self-control.

I think I've always believed that government members are sympathetic to the government agenda and the opposition members are, shall we say, less than sympathetic to the government agenda. Then it goes from there to, you know, you can support the government's agenda, you're opposed to the government's agenda, or you can support without any reservation whatsoever, totally and absolutely, right on the government side or on the opposite side. So it's a continuum, and we should be at the end where partisanship is at its most reduced, but I don't think we can actually talk about non-partisanship in a parliamentary committee, even though it is a public accounts committee.

We are the committee of oversight, we're not the committee of non-partisanship. We're the committee of accountability; we're retrospective, but we have to see it in that light. And the more the members see it in that light, the more active and the more productive the committee has been, in my experience.

Parliament has, in my opinion, four responsibilities. We do four things as parliamentarians: we approve legislation, or otherwise; we approve the budget to raise the revenues for the government to run the country, or otherwise; we approve the estimates for the government to spend money as allocated and approved by Parliament, or otherwise; and number four, government reports to Parliament. It's this government reporting to Parliament, Mr. Chair, that is our committee responsibility, because this is where government accountability comes in.

Legislative committees deal with legislation, they hear from civil society, they hear from other people who have some opinion on the legislation proposed, and therefore the government can find out whether it resonates with the public at large. This is what legislative committees do. But we are unique in the fact that we deal with this accountability. Government reports to Parliament, and Parliament has delegated that to us.

On the concept that we should be perhaps of a higher profile, in the United Kingdom, for example, PAC is perceived as the premier committee, Mr. Chair. In fact, I was over there one time and one of the parties was having a leadership race. There were two or three contenders; one had been the chair of the PAC and one of the others hadn't. The fact that the person hadn't been the chair of the PAC, running for the leadership of the party and hence, potentially, to be the prime minister of the country, was deemed to be a detriment.

We have some work to do, and I'm looking for leadership from you, Mr. Chair, so we can become the premier committee of the Parliament of Canada.

The Chair: There's hope for you and me.

Mr. John Williams: There's hope. There may be hope for us yet.

So accountability is fundamental, and I've defined accountability many times as a force beyond the control that causes you to think and act in a certain way.

Now, what kind of force should we be? We are a political body within the Parliament of Canada. We're a political institution. We have political accountability. The sponsorship situation was the best example. The Gomery inquiry was there to elicit the facts, and witnesses were in front of the Gomery inquiry until the lawyers were happy that they had elicited all the information they could squeeze out of the witness before they would move on to somebody else. Here, of course, we have our four minutes or eight minutes, and then we move onto something else. But we have political accountability.

The witnesses are here, not in any way, shape or form to make them feel good—and I am not into exit strategies to find out how good they feel when they leave, because I don't think that is our job—but we're here to hold them accountable. They may go back to their departments and have a little bit of shell shock and be afraid to take the initiative by virtue of the fact that they're held publicly accountable, but this public accountability in a democracy is fundamental. It is fundamental to the minister and the ministry and the deputy minister, and so on.

• (1610)

If they know that they're going to show up here and have to answer for failures in a report by the Auditor General that is clear, concise, and non-partisan, and just puts the facts on the table and allows us as a political accountability committee to deal with them, it can be a daunting challenge. I did hear of one deputy minister who, upon returning to her office after having been here at the public accounts committee, said to her staff, "Never let that happen to me again." Of course, the way it would never happen again is if you get a complimentary report from the Auditor General, that all is well. It's a motivator.

Our job is to inform the Canadian public on what our bureaucracy and our government are doing. If they're coming up short, our people need to know about it and we exact political accountability—not judicial accountability, because that's for the courts, and again the sponsorship inquiry actually ended up in the courts for some people. We deal with political accountability, and that's a different concept. Governments in a democratic society, where the media is open and transparent, don't like to be embarrassed. It costs them votes. We saw what happened before: when it costs you votes, you lose seats, you lose power, and that's deemed to be a detrimental thing. It's accountability, and the public accounts committee has to be that force beyond the control of government that exacts this accountability. That's why it's important that we act in a unified fashion, so we don't just break down into partisan party positions, because then the committee becomes ineffective.

Tenure, I think, is always important, not just in this committee but in every committee. Tenure, or longevity, allows people to develop not only the expertise but the reputation that they, as a member of Parliament, sit on this committee and have become a spokesperson and an expert on whichever committee they sit on. The longer they do that, the more they're recognized for their expertise and the more they develop expertise. It's a training ground for potential cabinet ministers, if the party ever wins power, and so on. So I think committee tenure is important.

Ministers as members, which we have in some jurisdictions, I find anathema. In fact, at the very first Canadian Council of Public Accounts Committees that I went to, many years ago—and I was naive in those days, Mr. Chair, but maybe not quite so naive today—in one particular jurisdiction the Minister of Finance was the vice-chair of the public accounts committee and set the agenda. If you ever saw a conflict of interest, there is a conflict of interest: the Minister of Finance setting the agenda for the public accounts committee. It cannot be.

Remember, Parliament's job is to hold the government accountable, government being the executive—the Prime Minister or the Premier, and the cabinet. That's the government, not the governing party but the government. Our job as a PAC is to hold them accountable. If a member of the executive says, “No, you're not going to take a look at that, that's where all the scandals and skeletons are hiding”, then how effective can we be as a public accounts committee? So get ministers off public accounts committees everywhere.

We're also not going to rate ourselves, but I think we are between our provincial counterparts and some of our counterparts in other countries. But at one point, there are some countries and perhaps even some provinces where actually the public accounts committee meets in private. I've actually had the privilege of attending some public accounts committees in other jurisdictions, and I remember a particular one where the auditor general was presenting a problem about their paying to rebuild a road, but the road had only been repaved, resurfaced. The committee was in private and the members said, “Oh, shucks, isn't that awful. Next subject, please.” They would never have gotten away with that if they had met in public and if they had been broadcast on television so that the public who elected us could understand and could hold us accountable for our effectiveness on the committee.

• (1615)

It's this whole concept of our being accountable to the electorate and holding the government accountable, and so on.

I can see I could wax eloquent for some time, Mr. Chair, but I see the signs that time moves on and I'll leave it there.

The Chair: We may get back to you, Mr. Williams. I want to thank you very much for those comments. I think I speak for all members in saying they are extremely helpful.

Mrs. Black, you have eight minutes.

Ms. Dawn Black (New Westminster—Coquitlam, NDP): Thank you, Mr. Chair, and—

Mr. Geoffrey Dubrow: Can I respond?

The Chair: I detect a question there.

Some hon. members: Oh, oh!

Mr. Geoffrey Dubrow: I do have some comments.

The Chair: Perhaps you can take a minute to respond to Mr. Williams' points. Then we'll go to Mrs. Black.

Mr. Geoffrey Dubrow: Thank you very much for your comments, Mr. Williams.

There are a couple of issues I want to address. You mentioned non-partisanship, and Mr. Laforest mentioned the same issue, which is that it can never be divorced from a parliamentary system. I tried to make the same point.

There's no naiveté in proposing that members of Parliament should check their coats at the door when they walk in; however, I think one of the things we're starting to see is that with public accounts committees, in a sense, there's no bubble when MPs walk in.

Mr. Murphy, when you were in Charlottetown, you mentioned this at our conference—that of course public accounts comes right after question period. One of the challenges of having the kind of system we have, where the Auditor General is entirely dependent on legislators to hold the government to account through issuing recommendations, is that it must be very hard for members of Parliament to make that switch, to come out of a question period, the most partisan hour of the day, and go into a public accounts committee meeting that is supposed to be—as you said, if you want to use that continuum example—much more non-partisan.

One of the things we've been seeing in some of the meetings we've had in other jurisdictions is that often newly appointed members of public accounts committees, in newly elected legislatures, don't realize that. There's not much of an understanding of why a public accounts committee is different from other committees.

The other thing is to go back to the observation we made, not in making a normative statement that public accounts committee should be non-partisan, but that they function better, more effectively, when they are non-partisan. I can think of one jurisdiction I visited recently and that I'm working with in which the public accounts committee is paralyzed over a partisan issue. What we're trying to do is put some larger governance issues on the table, so that we can try to get the members of that committee back together talking about an issue that they can agree on.

On the survey issue, I certainly understand your comment that it's not the role of the public accounts committee to serve tea and make witnesses feel good when they're here. But one of the things we've noticed, both in the PAC survey we've done and also in another report, one on departmental public performance reports called *Users and Uses*, that one of the major cross-cutting themes is the difficulty between bureaucrats and politicians in communicating in the same language. There tends to be frustration on both sides. On the side of the politicians, politicians get very frustrated when bureaucrats start using very technical language that it's not their job to understand. They're dealing with a great number of issues. But bureaucrats tend to also back off and shut down when they perceive that they may find themselves in the middle of a partisan trap.

To use the example of departmental performance reports, we've done a very interesting study on them and have found that in most cases the intended users of those reports—namely legislators, the media, and the public, but let's take legislators—aren't using them. Again, it's because the communication is between two different languages.

The purpose in putting out that idea about the survey was just to ask whether the committee—and I'm not suggesting necessarily this committee, but PACs in general—would be interested in getting a better sense of how to elicit more open questions and how to make witnesses feel more comfortable answering questions, rather than using jargon that makes it very difficult for them to be understood.

I thank you again for your questions, Mr. Williams. I'll stop there.

•(1620)

The Chair: Mrs. Black, please.

Ms. Dawn Black: Thanks very much, Mr. Chair.

I appreciate being at this committee today. It's my first time at a public accounts committee, and I'm finding it quite interesting. I agree that this committee is where democratic accountability really stands. It is a very important committee.

I know Justice Gomery recommended that the resources for this public accounts committee be expanded. Could you talk about how they could or should be expanded and how any additional resources could be used by this committee?

Mr. Geoffrey Dubrow: For your first time on the committee, that's a zinger of a question.

Ms. Dawn Black: I've had some help from the full-time members of the committee.

Mr. Geoffrey Dubrow: I want to make a couple of observations before I weigh in on that question. Obviously I understand that as part of the Federal Accountability Act there is a parliamentary budget office, and I think it's still under discussion as to what role that office will play in supporting the Standing Committee on Public Accounts. I think it's also going to support the Standing Committee on Government Operations and Estimates and the Standing Committee on Finance—at least that was my understanding. So there is some question as to what role this potentially could play in increasing the support for oversight committees. Also, I think Mr. Franks made some comments about that when he was here on June 22.

I'll give you my honest opinion. I think the best people to ask would be the researchers from the Library of Parliament, who have been serving the committee for a number of years and would have a really strong sense of what the individual needs of the committee would be.

When we talk about area number four, "Adding Value: reporting and follow-up", two things come to mind. One is the issue of following up on a government's recommendations. In other words, the public accounts committee issues recommendations that go to the government, and then 150 days later the government is obliged to respond. The question is, when we're talking about the value added by the committee, we're saying, is the public accounts committee actually checking afterwards to see to what extent those recommendations were implemented? That's something that requires a lot of resources. That is the kind of issue that I would imagine a committee would want to look at.

The other thing is that in some jurisdictions, committees are looking at more than the legislative auditor's reports. They're holding their own studies. In one jurisdiction I'm think of—there are actually

more—they're looking at the departments' public performance reports and rating them. Similarly, they're looking at contracts over \$25,000. These types of activities require a lot of extra research assistance, and this would probably be the area that if we look at our strategy, I imagine would probably be the most effective area.

•(1625)

Ms. Dawn Black: The Library of Parliament's research staff has already done a paper on the potential use of additional committee resources, but I thought that your opinion might be helpful to the committee as well.

You mentioned departmental performance reports already. I understand that this committee has expressed some concerns about them. I wondered if you would give us the benefit of your expertise on the idea of reviewing these reports.

Mr. Geoffrey Dubrow: I'd be delighted to. I appreciate the question because we have a project right now at CCAF. As I mentioned, we put out this report recently, called *Users and Uses*, which concluded in essence that the intended users of performance reports, namely the media, the members of Parliament or legislators, and private organizations or NGOs are not using those reports.

I think our initial focus was mostly on the legislators and why they're not using them. In my response to Mr. Williams, I sort of implied that part of the reason is the language used. The type of information provided is not something that legislators are finding useful.

At the federal level, there was a very good report done in 2003. It was a subcommittee on the estimates process. There were some very good recommendations in that report. I think they were talking more here about the role of the estimates committee, but I realize that PAC also reviewed an Auditor General's report a couple of years ago on departmental performance reports.

One of the recommendations was that it's understandable that legislative committees really should be the ones using DPRs in the estimates process. But when you're talking about rating the readability of the reports, one suggestion was that another committee might do that.

For the last five years, B.C.'s Auditor General has actually audited—if you want to use the word "audited"—or reviewed and graded departmental performance reports. In theory they're supposed to go to the PAC. In the case of that legislature, as you know, it had only two opposition members, and I don't think the PAC functioned as a result of this. It's another contingency our system relies upon. In theory there would have been a role for the PAC there to look at those reports.

I don't know if that's a helpful answer.

Ms. Dawn Black: No, I do appreciate it.

My colleague Joe Comartin, a member of Parliament, commented this week on the fact that MPs may not have all the skills, or be trained enough, to deal with annual estimates. This committee spends two meetings a year, I think, looking at the public accounts.

Do you think committee members and members of Parliament could benefit from some additional training or staff resources, or from being permitted more time to examine the public accounts?

Mr. Geoffrey Dubrow: It's interesting, because in some of the meetings I've had where we've talked about departmental performance reports and getting members to read them, often the response has been that in fact it's the staff who need the reports to be readable. They have to break down the reports and brief their members on them.

It has nothing to do, of course, with the intelligence of parliamentarians. It has to do with the fact that they're extremely busy. They're dealing with a multitude of subjects on a daily basis, and they don't have time to get in deep and technical on any one issue.

Clearly the role of staff members in that process is absolutely essential, no question about it.

Ms. Dawn Black: Thank you.

• (1630)

The Chair: Thank you very much, Mrs. Black.

Mr. Fitzpatrick.

Mr. Brian Fitzpatrick: I'll just make a few opening comments or observations on witnesses. This is the committee where, in some instances, the witnesses should be feeling pain when they come here and a lot more pain after they leave. This is not the forum for compassionate conservatism or anything else; it's an area for compassion.

I'm going to make a couple of observations contrasting the private sector with the way government delivers things. I'm sorry if this illustrates a bias, but the systems approach and the total quality management approach in the delivery of programs and services in the private sector is to get into continuous improvement, with active managers who find problems at the onset, find the root cause, and fix the problems so that they don't repeat themselves. With government, we deliver programs and services, and the train wrecks come here. It's an end inspection system.

Most of those people who are in TQM do not believe in end inspection systems. Their systems are so strong that they're not even concerned about failures at the end of the system, and the data generally proves them true. We have an end inspection system here. We deal with failures in the delivery of programs and services. We beat up on witnesses, and so on.

What I generally find is that the bureaucrats will let these things go on forever and a day unless they're discovered. And there is a bias on it. Quite literally, we're trying to do some things with government that I'm not exactly sure government can always do. For bureaucrats, if they're given the gun registry program or something and it's failing and not working, the solution is that if you just give us more manpower or more resources, more computer programs, and spend more money on it, we'll eventually get this thing fixed. I actually think there are elected politicians who figure that if you spent enough money on it, you could get pigs to fly. But there is a limit to what government can do.

I'm biased on that point. We should know what government can do and make it do a good job, but a lot of it should be evaluated to the limits of what government can be doing too, because quite often this is what's happening on these committees. I'd cite the Indian Affairs reports that have come out of this committee over and over again. The same failures are happening over and over again. It's a failure of government.

I'm not exactly sure in my own mind that the solutions we're always proposing are adopted. I'm not sure whether the solutions always get to the root cause of the problem and get the problem fixed either. It's easy, always, to say that the solution is to hire more bureaucrats and spend more money and get more resources there. The private sector people would really dispute that.

So it's our approach to dealing with things. But those are just some observations I'd have on this thing.

The Indian Affairs one really bothers me. I think some things have come back here two or three times, and I'm not exactly sure we've made one iota of progress on them. We have some high-priced people in the bureaucracy who are supposed to be making sure that these things aren't happening and that people are getting first-class service and we're getting to the root of the problems. It's rather frustrating, I think, for anybody who's on here.

I certainly don't know, Geoff, where you're coming from with making witnesses feel more comfortable in this committee, because it's not a committee that I would feel very happy about, with some of these instances, if the people responsible for these programs slept when they got home at night after being here, because they don't deserve to sleep well.

Those are some of my comments, for what they're worth. I wish we had more things in the government that were proactive. I scratch my head as to what the Comptroller General is here for. It seems to me the Comptroller General should be preventing these train wrecks from happening in the first place so that the Auditor General doesn't have reports to give us and we don't have to have these meetings. But those are a few comments I'm just getting off my chest on this matter.

• (1635)

The Chair: Do you have a response?

Mr. Geoffrey Dubrow: Thank you very much, Mr. Fitzpatrick, for your comments.

As I recollect from my university days, when it comes to a comparison between the private sector and the public sector in terms of accountability, people say that in the private sector you can make 10% mistakes but turn a profit and be okay, whereas if you try that in the public sector, getting 90% right and 10% wrong, you're in deep trouble. So I think there is sometimes a public sector context there that makes it very difficult.

In terms of the witnesses, again, I would just note the larger issue that CCAF is interested in addressing, which is how to improve the communication—again, no cozy tea parties—between the two sides so that both sides are looking at solutions, and the political side is not getting frustrated by stonewalling. That's really the spirit by which we make that proposal. But I think you're right that there's quite a challenge in that regard.

The Chair: I have a couple of questions before I go to Mr. Poilievre.

I have two questions, Mr. Dubrow. One involves government responses. That's one area this committee doesn't seem to follow up on too closely. We sometimes spend a lot of time and effort and energy doing our reports. We make, as far as I'm concerned, good recommendations. A lot of times the recommendations that come back from government are satisfactory, but in some cases they're not. Really, I don't see any mechanism for what we can do. I guess we could write another report, but that just gets back into a continuum.

Are there any best practices out there from an international perspective—I don't think you're going to see it from a provincial perspective—where this particular issue is handled better than we handle it?

I can give you an obvious example here. We filed a report with the previous government dealing with ministerial responsibility and a few issues. It arose basically from the sponsorship issue. We made four recommendations, and when they came back, basically all were unsatisfactory, as far as I'm concerned. I think the committee members agree with me on that.

We re-filed the same report with the new government. Three of the responses were satisfactory, but one recommendation, dealing with tenure of deputies, was basically the same answer, that really it was none of our business; it's a flexibility issue, and the government will do whatever it wants to do. I don't think that's very satisfactory, myself.

Do you have any comment on best practices that are out there from an international perspective?

Mr. Geoffrey Dubrow: I was just browsing through the best practices research we did. It's about four pages long, so there's not a whole lot there. I'm not seeing anything in the area of follow-up. We have something on exercising leadership, building and sustaining capacity, and achieving and demonstrating results, but I'm not seeing much in the area of follow-up.

One of the really exciting things about doing this kind of work is that one gets an idea after a while—and this came up in CCPAC too—of the importance of that issue, and how committees are concerned about it. That can then affect CCAF's work agenda. We can then go back and say this is an issue that we really should be looking at in much more depth.

So I think what you're saying is that international best practices is an issue that we need to have some information about. There's nothing in the guide, but it doesn't preclude us from getting anything in the future on that.

The Chair: I have just one final question. Do you have two or three things you could suggest to this committee, things that we should be doing but are not doing right now?

Mr. Geoffrey Dubrow: Over the course of my presentation, I tried to very subtly...although probably it would have been useful if I'd had a list of them. I mentioned the survey, which didn't go over too well; that's okay.

I'd have to go back over my notes. In my presentation I tried to drop in a few suggestions. I didn't list them, and I apologize for that. I've kind of drawn a blank now that you've asked me.

● (1640)

The Chair: Okay.

We're going to have a brief intervention from Mr. Poilievre and then Mr. Williams, very briefly.

Mr. Pierre Poilievre (Nepean—Carleton, CPC): Thank you.

You had said that the new parliamentary budget office would interact with this committee and government operations, and actually you were correct. I shook my head to the negative because I misheard you; I thought you had said the director of public prosecution.

So I just wanted to point out that you were right and I was wrong.

Thanks.

Mr. Geoffrey Dubrow: That's very kind of you.

The Chair: Mr. Williams.

Mr. John Williams: Thank you, Mr. Chair.

One issue you mentioned, Mr. Dubrow, was that only eight jurisdictions, I believe it was, have access to cabinet documents. We proved in the sponsorship inquiry by the public accounts committee that when the government reports to Parliament and Parliament asks for cabinet documents, Parliament receives cabinet documents. It's a fundamental concept of our Westminster democracy that government reports to Parliament, and if we do not have access to cabinet documents, then who does have access to them? I think the answer would be nobody, and that therefore is undemocratic.

this leads me to my point, Mr. Chair. I would like to compliment CCAF and Mr. Dubrow on one thing he has done. In my work in the Global Organization of Parliamentarians Against Corruption, one of the things we talk about is education for parliamentarians so that they can understand what the role of oversight actually is.

If some jurisdictions in Canada have allowed the erosion of their powers and authority to the point where they do not have access to cabinet documents, that just demonstrates the need for education, along the lines of what Mr. Dubrow is doing, so that we do not give up the powers we have and should have and should absolutely retain. If we don't have access to cabinet documents, then it's all for naught, it's just a show and a façade, and we go through the motions without any real capacity to hold governments politically accountable—and I underline “politically accountable”.

The Chair: Mr. Williams, we in this committee don't have access to cabinet documents. We did in that one specific instance in the sponsorship issue, but I've never seen cabinet documents.

Mr. John Williams: When I say access to cabinet documents, I mean if this committee—or any parliamentary committee, for that matter—asks for cabinet documents, we've proved at the public accounts committee that government must comply. They did comply.

The Chair: But that was the first time ever, was it not?

Mr. John Williams: It was the first time, as far as I'm aware, but it proved the point. There was no debate; the government coughed up and therefore reaffirmed—and created the precedent—that when a Parliament asks for cabinet documents, the government has to supply them.

Remember, government reports to Parliament in a democracy. That is the fundamental concept of what I call my hourglass theory, Mr. Chair, if I can indulge the members for a minute to explain why I call it my hourglass theory. It is that in a democracy the people are served at the bottom by bureaucracy, which takes its direction from cabinet, who are appointed by the Prime Minister. That's what I call the service triangle—the standard triangle of any organization.

But there's an inverted governance triangle above, where the Prime Minister and cabinet report to Parliament, and through the media we're held accountable by the people at the top in the governance triangle. The people are in command in a democracy: they hold us accountable, and we hold the executive accountable, who work through the bureaucracy to deliver services to the people.

That is the model, but we forget that, and in many cases we're not even aware of it, Mr. Chair. That's why, at the public accounts committee in the sponsorship investigation, we did three things: one, we affirmed Parliament's right to ask for and receive cabinet documents; we affirmed again something that was almost lapsing, the power of subpoena—I think 1912 was the last time it had been

used—and the third point we reaffirmed, Mr. Chair, and you were part of those discussions, was the independence of Parliament and the Bill of Rights of 1689 to assure the independence of Parliament.

The sponsorship inquiry reaffirmed these three very fundamental tenets of democracy and should be required reading for all parliamentarians. I'm sure they'd just love to take it to bed at night.

The Chair: We're pretty well out of time, members. I had one interjection myself with Mr. Williams on the cabinet confidence issue. I think that's probably something we have to debate further. I agree with everything you said, except that point.

Mr. Dubrow, you may have one last comment, very briefly, please, and then we're going to adjourn.

● (1645)

Mr. Geoffrey Dubrow: Thank you, Mr. Williams, for your kind words about the CCAF.

Mr. Chairman, just to get back to your question about some of the concrete suggestions that were enclosed, I want to draw you back to the householder idea. That was one of them, and the other was an idea—and it's not mine, but an idea that has been discussed before—about the committee, prior to a hearing, deciding which members of the committee or which parties will pursue which lines of questioning. Those were the two concrete ideas.

The Chair: Thank you very much, Mr. Dubrow, and I want to thank your colleagues and your foundation.

Right now, colleagues, we're going to suspend for two minutes to re-establish in camera.

[Proceedings continue in camera]

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