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## Standing Committee on Public Accounts

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**Monday, May 14, 2007**

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**Chair**

**The Honourable Shawn Murphy**

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Monday, May 14, 2007

• (1530)

[English]

**The Chair (Hon. Shawn Murphy (Charlottetown, Lib.)):** I would like to call the meeting to order, welcome everyone here, and ask all those with cameras to leave the room.

On behalf of the committee I want to extend to everyone here a very warm welcome. This is a continuation of the committee's hearings into chapter 9, "Pension and Insurance Administration, Royal Canadian Mounted Police", of the November 2006 report of the Auditor General of Canada.

We have with us today, from the Royal Canadian Mounted Police, Paul Gauvin, deputy commissioner, corporate management and comptrollership; and André Girard, staff sergeant, criminal intelligence and analysis section.

As individuals we have Keith Estabrooks; John Spice, assistant commissioner (retired), Royal Canadian Mounted Police; and Pierre Lavoie, superintendent (retired), Royal Canadian Mounted Police. There are others, too, who may be called up, depending on circumstances.

Before we ask for opening comments, I understand, Mr. Christopherson, you have a point you want to make.

**Mr. David Christopherson (Hamilton Centre, NDP):** Thank you, Mr. Chairman.

On a point of privilege, I don't feel right about letting this go by. In light of the fact that we're either in the final process of or we've just concluded a report on leaks, and given that the government has decided that leakers need to be handcuffed and marched out of their workplace, I don't think it can be left untouched that somebody on this committee decided that it was more important for them to get some media. As a result, in the Friday paper after our in camera meeting, the reporter says in part of this.... And I don't fault the reporter; he's doing his job. But ours is also to respect the confidentiality of matters we enter into. That's what we tell bureaucrats they have to do. It's much of the ethics we're talking about when we're dealing with our RCMP officers.

It says right here, "However, sources said the panel has decided to call back..." and it listed names. And if anybody wants to suggest that was public and available from the minutes that were posted, to the best of my knowledge they were posted on Friday at 3:50 p.m., which would be the afternoon of the morning of the day that the report was published.

Mr. Chair, people don't have to respond if they don't wish. I was very strong about this in subcommittee. I've calmed down a bit, but I'm not going to just let it go without commenting that at the end of the day, it makes members of this committee—some members—hypocrites. You cannot say to people who work for the people of Canada, through the Government of Canada, that you cannot release confidential information when that's part of your job. We're not talking about whistle-blowers identifying things that are wrong and protecting them and getting that out. We're talking about people whose job it is to maintain confidentiality, and if we don't stand by those standards respecting each other's rights and privileges, then what right do we have to stand on Parliament Hill and pontificate that everybody else has to meet that standard?

Mr. Chair, we can do better. We have to do better, or this committee will not have the moral ground to do the work we do. I'm asking colleagues to please show a little more respect when we give confidence and give our word, particularly to each other, if making your word publicly isn't enough.

Thank you, Mr. Chair.

**The Chair:** Thank you, Mr. Christopherson.

Mr. Williams.

**Mr. John Williams (Edmonton—St. Albert, CPC):** Thank you, Mr. Chairman.

I just want to say that I support everything my colleague Mr. Christopherson says. I was astounded to read this article in the *Globe and Mail* and the amount of confidential information it divulged.

I am quoted in the article because Mr. Leblanc asked me to give him some background and context for an article he was writing. At the end, he told me what he knew, and I was astounded to know what he already knew. It seems, if I read this article properly, Mr. Chairman, it says, "The Library of Parliament report said...", and it would appear that he actually had a copy of the report from the Library of Parliament that we had given to us confidentially.

The rules are that deliberations and matter within an in camera meeting are in camera. The results of that can be made public, a motion passed and so on. But we all talked about the need for confidentiality on this particular file at the same time we're discussing a report on leaks—at the very same time, Mr. Chairman, which adds insult. The irony of it is just incredible.

I think, Mr. Chairman, that you should poll all the members of the committee to see who released the report and who talked to media. Yes, I talked to Daniel Leblanc, strictly on a background contextual situation. I say that, but somebody else was quite specific, giving names, quotations, and, I suspect, the report. I think, Mr. Chairman, that we should poll everybody and ask, "Was it you?"

And I just said it wasn't me.

•(1535)

**The Chair:** Well, Mr. Williams, I'm not sure we have time to deal with it today. But I want to reiterate some of the comments Mr. Christopherson has made and some of the comments you have made.

This is something we take very seriously. Anything that's said in an in camera meeting is not to be disclosed outside the meeting, to the media or anyone else for that matter. The person who moves a motion, discusses a motion, votes on a motion.... These are items that are the very reason we went in camera. If we didn't do that we wouldn't be bothered with going in camera.

Obviously somebody did provide the reporter in question with a copy of the report we had produced by the analyst. That was to be discussed in camera, as we all know.

This committee, I should point out, has dealt with this previously. We had a very similar incident three or four years ago. The previous member for Toronto—Danforth disclosed items that were in camera and we reported that to the House.

Again, this is very serious. I'm disappointed it happened.

Ms. Sgro.

**Hon. Judy Sgro (York West, Lib.):** Just to follow up with my colleagues, I was appalled to get a call on Friday asking for comment on a confidential meeting that we had. I refused to even entertain to pick up the phone.

If this committee can't lead by having respect for each other and the important issues we're dealing with, then I don't know what committee has.... I'm not sure what actions you can take to follow up on this, but it's not acceptable. Frankly, I think it jeopardizes our ability to get the job that we are expected, as Canadians, to do.

**The Chair:** Mr. Wrzesnewskyj.

**Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.):** I want to concur with Mr. Christopherson. I was quite surprised when I realized what the questioning was about and the amount of detail the journalist had. By including who voted and how, obviously someone had provided a great amount of detail to the journalist.

Obviously this needs to be addressed, as he said, but perhaps at a different time.

**The Chair:** Monsieur Laforest.

[Translation]

**Mr. Jean-Yves Laforest (Saint-Maurice—Champlain, BQ):** Mr. Chairman, it was fairly surprising to read about that situation in the newspaper, especially since we discussed the matter at length and debated the motion. I know, since I replaced another member on the Procedure Committee last week, that all four parties are discussing this situation. It not only happened here, at this committee, but also at several other committees. It really is something all members of

Parliament who sit on committees are concerned about. I think we will have to look at the situation very carefully.

Thank you.

[English]

**The Chair:** I propose to put it on the agenda for the steering committee at the next meeting.

I'm now going to go to the agenda, and I'm going to call for the opening comments.

Mr. Gauvin.

Excuse me. Before we do, it has been the practice of this committee to swear in the witnesses. I'm going to instruct the clerk to do so now.

**Deputy Commissioner Paul Gauvin (Deputy Commissioner, Corporate Management and Comptrollership, Royal Canadian Mounted Police):** I, Paul Gauvin, do swear that the evidence I shall give on this examination shall be the truth, the whole truth, and nothing but the trust, so help me God.

**Assistant Commissioner John Spice (Assistant Commissioner (Retired), Royal Canadian Mounted Police, As an Individual):** I, John Spice, do swear that the evidence I shall give on this examination shall be the truth, the whole truth, and nothing but the truth, so help me God.

**Mr. Keith Estabrooks (As an Individual):** I, Keith Estabrooks, do swear that the evidence I shall give on this examination shall be the truth, the whole truth, and nothing but the truth, so help me God.

•(1540)

[Translation]

**Staff Sergeant André Girard (Staff sergeant, Criminal Intelligence & Analysis Section, Royal Canadian Mounted Police):** I, André Girard, do swear that the evidence I shall give on this examination shall be the truth, the whole truth and nothing but the truth. So help me God.

**Superintendent Pierre Lavoie (Superintendent (Retired), Royal Canadian Mounted Police, As an Individual):** I, Pierre Lavoie, do swear that the evidence I shall give on this examination shall be the truth, the whole truth and nothing but the truth. So help me God.

[English]

**The Chair:** Thank you, gentlemen.

Mr. Gauvin.

**Mr. John Williams:** Mr. Chairman, I have a copy of Mr. Gauvin's opening statement. It seems to be ten pages long, plus attachments. We normally limit it to about five minutes. It's going to take half an hour to read and digest this.

**The Chair:** Yes, you're correct, Mr. Williams, although on instructions from the committee, we have been giving some of the witnesses leeway.

Mr. Gauvin, we'll allow you to continue, if you can try to conclude it in six or seven or eight minutes. I know it is a very lengthy statement. Don't forget, it is part of the record, and we'll all read it.

**D/Commr Paul Gauvin:** Thank you, Mr. Chairman.

I wish to take this moment to address the supreme efforts that have been made and continue to be made during these committee meetings that can only be perceived as attempts to discredit me and put into question my integrity by way of misleading testimony, allegations, and assertions that are seemingly being accepted without any efforts to ensure their veracity.

In the interest of fairness to me, I wish to address certain comments and allegations that have been made during the course of the recent committee meetings, namely, April 16, 18, and 30.

At the committee meeting on April 16, Mr. Wrzesnewskyj questioned Commissioner Zaccardelli whether a former chief financial officer for the RCMP, Mr. Gordon Clark, had advised him I had a book with the record of all requests he had made to me that were improper and illegal. This second-hand allegation by Mr. Clark is unfounded and completely without merit. I have been privileged to serve deputy ministers in some of the largest and most complex departments of our government, such as Employment and Immigration Canada and Transport Canada. As well, I've equally had the privilege of serving three RCMP commissioners: Mr. Murray, Mr. Zaccardelli, and Ms. Busson. All these individuals exemplified dedication and professionalism and at all times our working relationship was based on mutual respect and trust.

I wish to state without any ambiguity that at no time did I keep a book or any type of record containing requests I considered to be improper or illegal. Further, I want to make it equally clear that at no time did I receive either illegal or improper requests from any of these persons. I should add that Mr. Clark retired from the RCMP in the mid-1990s. I was appointed chief financial officer in November 1999. I have only met Mr. Clark at RCMP functions on a very limited basis over the past seven years. Since Mr. Clark and I never worked together, it is unclear how he would be sufficiently informed to allege anything about my conduct and why this allegation should be given any weight.

Suppression of ATIP request: At the committee meeting on April 18, a motion was passed to the effect that retired RCMP Sergeant Keith Estabrooks was to appear before the public accounts committee and that he should bring along all relevant documents and files that indicate the suppression of access to information requests by Mr. Gauvin. The committee member who proposed the motion, Mr. Wrzesnewskyj, referenced seven numbers that purported to involve the pension fund investigation. As chief financial officer, I have no line authority for access to information and privacy. That branch reports directly to the assistant commissioner, public affairs and communications, not to the chief financial officer.

Further, RCMP policy states that only the access to information and privacy branch has the authority to exempt information in RCMP records and that exemptions are applied on a case-by-case basis by the OIC access to information branch.

I should also add that although I did request of the committee's chair that I be allowed to view the documents that are said to support this allegation, no access was granted. Regardless, I am confident that whatever records might exist contain no evidence to support this allegation, since it is without foundation.

On file number 3951-3-02914/05: I confirm that a request for that file was sent to my office from the access to information and privacy branch on March 14, 2006. I also confirm a response to that request on March 21, 2006. I should emphasize that the initiative to send this file originated within the ATIP branch and not me, as implied by Mr. Estabrooks. In my March 21, 2006 response, I provided my opinion for the consideration of the ATIP officials regarding the potential impact of releasing specific personal information relating to the OPS investigation. My opinion was, and it remains today, that the release of information that I perceived to be personal information pursuant to the Privacy Act could result in a breach of the act.

It was equally my concern that such a breach could result in civil litigation against the RCMP. As the process as to whether internal discipline should be applied to the individuals concerned was ongoing, disclosure of personal information could have highly prejudiced these individuals. To be clear, I was not one of the persons who was subject to discipline.

● (1545)

Legal opinions from RCMP legal services pertaining to the release of personal information: As it turned out, the RCMP legal services had conducted a preliminary review of this particular file as well as a more detailed review resulting in their opinion, and there would be privacy concerns regarding the release of the information that was being requested.

Although I did provide my opinion when asked for it, it was the OIC ATIP branch who ultimately determined what information should or should not be vetted. I have no additional knowledge of the decision-making process within the ATIP branch associated with this file.

I'll skip the next part in the interest of time, and I would like to go to page 7 of 18. The only information that I sought were the titles for seven individual file numbers in order to determine what, if anything, I could recall about these files, including whether my opinion had been sought on them.

I was advised by Inspector Cowan that when he arrived at the access to information and privacy branch, he was escorted into the office by Corporal Kent Swim, who introduced him to Corporal Lee Duchesne. Inspector Cowan spoke to Corporal Duchesne in person, then to Sergeant Jeff Hurry by phone. However, neither of them was able to provide the information that Inspector Cowan was seeking on my behalf.

These officers did, however, offer to try to reach an authorized official who might be able to respond to Inspector Cowan's request, and he returned to my office to report on these developments.

In total, he was in the ATIP branch for approximately ten minutes. All I was looking for from the ATIP branch was the titles of the files. All I had at the time were numbers, which had been provided to me late in the day.

I will not talk about Inspector Cowan's presence in the ATIP branch unless you have questions on it, and I'll be pleased to reply.

In terms of missing documents, Mr. Estabrooks stated:

When I went back to work part-time, as a casual employee, I was asked to look at the pension file again by Corporal Luc Poulin, and he suggested that I take a look because I was familiar with all these files. When I was going through the files, I noticed there were documents missing that I had written, with no rhyme or reason as to why they would be missing. The typed memos I had put on were there, but there was a particular one I had handwritten, which I have brought with me. It's not in the file that we can find.

I kept a copy of it when I left. When I retired I kept my notes. I've gone through them. I have a photocopy of the A5, which has been translated for the House.

It appears that a conspiracy theory is being promoted and fuelled by rumour and innuendo, and that Mr. Estabrooks has been feeding the member from Etobicoke false information regarding my alleged suppression of access to information requests.

Any such allegation is totally false, as is any allegation of inappropriate behaviour by Inspector Cowan.

It is unclear whose interest Mr. Estabrooks is serving in addition to his own. His unwarranted and vindictive attacks on my character and integrity appear to be accepted by the committee without any attempt to require him to adequately prove or substantiate what he is saying.

• (1550)

**Mr. John Williams:** Point of order.

**The Chair:** Mr. Williams.

**Mr. John Williams:** I'm getting more than a little concerned and upset about the innuendoes and accusations and character assassinations that go on. First they were by the members of the committee, and now they are by the witnesses.

We're here to gather the facts. I'm reading this statement by Mr. Gauvin. It is a rebuttal of previous testimony. We're into the old "he said, she said" stuff. We're here to find the facts and hold people accountable. That's our responsibility.

To listen to these accusations and character assassinations of other people who are not even at the table, under parliamentary privilege I take serious objection, Mr. Chairman, and you should just shut it down when you hear it.

**The Chair:** Mr. Gauvin is almost out of time anyway.

Mr. Gauvin, I'll give you another thirty seconds. Before you continue, I want to mention that in your last paragraph you just made a statement that certain items appear to be accepted by the committee. That's not true. The committee has not accepted anything. We're just hearing testimony here.

Perhaps I'll give you another thirty seconds to conclude, and then we'll move on to questioning.

**D/Commr Paul Gauvin:** I'll go to the end.

Sergeant Frizzell.... At the committee meeting on April 7, Sergeant Frizzell stated: "What I found Mrs. George referenced in her letter was that \$540,000 had been paid back, plus interest, though Great West Life sent the cheque for \$578,000...there's a little thing of a missing \$36,000...".

I think this is the important part, and I particularly want to table this with the committee. What I would like to do is present this, and I have attached it at the end of my statement. I think this is very important for the committee, and I'll stop there.

First of all, we got a cheque for \$579,942.48. That amount, when we received the cheque, we credited the pension plan for \$540,327.36, which is where it should have been. In addition to that, there was interest: \$1,792.21. We also credited the pension account. The other \$37,000—it was \$37,822.91—that was for GST, and we credited the GST account where it should have been credited.

So I particularly want to emphasize that there is no money missing. It was a transaction that should have been done as we received the cash, and it was done. I think it's an important point, because members of the committee and others outside—not members of the committee, but people—have called about the missing \$37,000, and I particularly want to lay on the table that there is no money missing. The \$37,000 was always there, and it was credited to the proper account, which was GST.

Thank you very much.

**The Chair:** Thank you, Mr. Gauvin.

We'll now go to Mr. André Girard, staff sergeant, criminal intelligence and analysis section, for his opening comments.

[Translation]

**S/Sgt André Girard:** Thank you, Mr. Chairman.

Before making my presentation, I would, if possible, like to know what kind of protection I can expect from the committee, since I am still an active member of the RCMP. I might be asked to say things which may lead to reprisals against me. I want to be sure that I have the benefit of the committee's protection.

Mr. Chairman, I ask this because certain people, including some who are sitting at the back of the room, were involved in certain actions which affected me, actions which I will share with the committee this afternoon.

[English]

**The Chair:** Are you looking for an answer from me right now, Monsieur Girard?

[Translation]

**S/Sgt André Girard:** I am talking strictly about protection for myself as an active member of the RCMP. Some RCMP members here today are retired, and others hold a much higher rank. But I still have several years of service ahead of me as a member of the RCMP, at least I hope so. I want to make sure that I will be protected by Parliament.

[English]

**The Chair:** Do you want to address that?

I'll start and then I want to turn it over to the legal counsel, Mr. Steven Chaplin, the parliamentary counsel.

You're protected by the law of Parliament and it's called "parliamentary privilege", which basically states that anything you say cannot be used against you in any other proceedings. I should further point out that this committee has in the past protected its privileges, and will in the future protect its privileges, if that is going on in any proceeding outside of Parliament.

For a more definitive legal explanation, I'll turn the matter over to Mr. Chaplin for his explanation.

Sir.

**Mr. Steven Chaplin (Principal Parliamentary Counsel (Legal), Office of the Law Clerk and Parliamentary Counsel, House of Commons):** Under the privileges of this committee, you have the full protections of parliamentary privilege. For active members of the RCMP, that would include any disciplinary proceedings that were taken against you, the same for any civil servant. For example, if a public servant were before this committee and were to provide testimony and it was determined that any punishments or whatever would follow that, the House could summons whoever was responsible for that and have them answer to the committee and ultimately to the House for their actions.

In other words, the privilege itself basically states that no testimony that's given in a parliamentary proceeding may be questioned in a court or any other place out of Parliament. That would include government departments. It would include the RCMP. It would include the police. So that's the one side of the coin.

For everyone on the other side of the coin, of course, it is that witnesses before parliamentary committees who are sworn.... Of course it is in fact an offence of perjury that could ultimately be followed up if one were to basically perjure themselves before a parliamentary committee. So there is a flip side. The expectation is you'll tell the truth. The committee and the House will protect witnesses against repercussions. At the same time, there are the same sanctions that could occur for anyone who in fact was found to have perjured themselves before a parliamentary committee.

•(1555)

**The Chair:** Thank you, Mr. Chaplin.

You can continue, Mr. Girard.

[Translation]

**S/Sgt André Girard:** I am satisfied with that, Mr. Chairman. Thank you very much.

I will now make my opening statement. To begin, I would like to thank committee members for inviting me to testify today, in particular with regard to requests I made under the Access to Information Act.

I have been with the RCMP for 31 years. My rank is that of staff sergeant. For the last 16 years, I was the Division C Staff Relations representative, and I represented regular and civilian members of the Royal Canadian Mounted Police in Quebec, including at the

Cornwall detachment in Ontario. I held the same position as Staff Sergeant Ron Lewis before he retired.

Divisional representatives are elected for two or three-year mandates, and since 1990, I was re-elected to this position by either a huge majority or unanimously. The last time the position was opened, I was prevented from putting my name forward because I had sent letters to the Minister of Public Safety, the Honourable Stockwell Day. I tabled with the clerk, in both official languages, the letters I sent to the Minister of Public Safety, the letters of reprisals I received afterwards, as well as the letter ordering me not to put my name forward for the position which I had held for 16 years.

I have also included copies of untranslated letters. I would appreciate it if the clerk could get these letters translated so all committee members can read them.

The irony in all of this is that my problems started, amongst other reasons, when I made an access to information request for the Ottawa police report about the criminal investigation which allegedly had been carried out by the Ottawa police into the actions of certain senior RCMP managers, some of whom have apparently already testified before your committee. I filed other access to information requests on the hiring, by the RCMP, of retired RCMP members as temporary civilian employees immediately after or shortly after they had left the Force.

There is no doubt in my mind that the fact that I made access to information requests and sent letters to the Minister of Public Safety to discuss the problems this committee is examining led to reprisals against me by RCMP members. I was transferred elsewhere as a punishment, and I was not allowed to run for an eighth consecutive term to represent Division C members who, incidentally, have no way of contesting the actions taken against me. Unfortunately for RCMP members, the recent decision of the Supreme Court of Canada not to hear the appeal of Mr. Robert Reed gives even more powers to senior managers and makes rank and file RCMP members even more vulnerable to reprisals when they denounce alleged wrongdoing by senior managers.

•(1600)

[English]

Before closing my opening statement, I would also like to share with the honourable committee members that actions taken against me also coincide with the outcome of a complaint I had lodged with the Office of the Commissioner of Official Languages concerning the fact that no simultaneous translation was requested by the head of the labour relations system in the RCMP, known as the DIVREP system, during an official meeting involving all representatives across Canada, the ex-commissioner of the RCMP, Mr. Giuliano Zaccardelli, and Madame Barbara George.

I could provide the supporting documentation, complaint, and result to the committee relating to the above subject upon request. I understand that my divisional representative, Staff Sergeant Gaétan Delisle, met with Mrs. Barbara George to intervene in my favour, without results. Furthermore, the present commissioner, who could have rectified this unjust treatment, refused, up to now, to meet with him or me.

[Translation]

Once again, I would like to thank the committee for giving me the opportunity to assist it in its deliberations. I would now be happy to answer any questions you may have.

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

[English]

Mr. John Spice, I understand you have an opening statement.

**A/Commr John Spice:** I have a brief one.

Good afternoon, Mr. Chair. I would like to thank the committee for this opportunity.

In order to provide some insight about me, I was formerly the ethics and integrity adviser for the Royal Canadian Mounted Police. I retired from the RCMP in November 2003 after serving 35 years. I held the rank of assistant commissioner, and occupied the position of ethics and integrity adviser from February 2002 until my retirement in November 2003. I began my career with the RCMP in Manitoba, and also served in command positions in Ottawa headquarters, Alberta, and the Yukon.

I was approached by former commissioner Zaccardelli to take on the role of ethics adviser and reported directly to him. I was an adviser to the senior executive committee of the RCMP, as well as being the senior officer for internal disclosure on wrongdoing in the workplace in accordance with Treasury Board policy. I viewed my role as a quasi-ombudsperson and routinely dealt with behavioural issues internal to the force. Many of these included issues of harassment, abuse of power and authority, and unethical conduct.

I've been looking forward to appearing before this committee, and will answer to the best of my ability any and all questions you may have. I have some additional comments that I'll save for later, if that's okay.

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

Now we'll hear from Mr. Pierre Lavoie, a retired superintendent with the Royal Canadian Mounted Police.

[Translation]

**Supt Pierre Lavoie:** I would like to thank committee members for inviting me to appear. Allow me to introduce myself. I was with the RCMP for over 28 years. I worked mostly in various operational and administrative areas. In 2001, I was promoted to the rank of inspector and transferred to Ottawa. After volunteering for the position in May 2005, I was appointed as the coordinator for access to information and privacy. I remained in that position until I left in February 2007.

As indicated in the backgrounder I gave the clerk, during my time as coordinator, I was faced with a very difficult task because there was far too much work and too few resources. Because of a severe shortage of staff, we simply could not keep up. Every month the backlog of access to information and privacy requests increased. This was due solely to the lack of human resources. It caused me enormous frustration because I could not fulfil my mandate under the two acts.

Since I was the only one who had the authority and delegated powers to carry out my mandate, I was the only person responsible for deciding what information would be released in response to information requests, including the one for the Ottawa Police Service's report, which is of interest to your committee. I would emphasize that as coordinator I was always did my work with conviction, in accordance with the law, and with a strong sense of ethics which I acquired and exercised throughout my long career with the RCMP.

I am aware of the fact that Mr. Estabrooks, who worked for me while I was coordinator, made certain statements when he appeared before your committee on April 30. I strongly object to several things my former colleague insinuated, including two in particular.

First, I do not agree with Mr. Estabrooks when he says that he was removed from the file. As described in my backgrounder, when I took over the file on March 21, 2007, I was only doing my duty as coordinator, which was to do personally what was necessary to ensure that the report would be released, especially after I made a commitment to the Director General of Investigations and Reviews at the Office of the Information Commissioner who had been asking for regular updates for some time.

Since I was the only officer working for the Access to Information and Privacy Directorate, and the person with delegated authority, it was my duty, and mine alone, to work with RCMP managers to deal with the file, to document every decision in case I would have to justify any actions taken, to respond to the pressing questions of Mr. Dupuis, the Director General of Investigations and Revisions at the Office of the Information Commissioner, to make the necessary commitments on behalf of the RCMP and then to finally release the report. That is exactly what I did.

Second, I also object to the fact that Mr. Estabrooks said that Deputy Commissioner Gauvin's involvement in the process represented a breach of ethics. In my opinion, even though it does not happen often, there is nothing to prevent a manager from taking part in the processing of an access to information request involving the RCMP and making recommendations.

RCMP managers have the right, if not the legitimate duty, to speak out in defence of the interest of the public and of the organization when any final decision is being taken by the coordinator to deny access or to release information in full or in part. So there is nothing illegal or unethical about this type of consultation.

However, it is up to the coordinator to take all these considerations into account before deciding to release or withhold information. That is what I did.

Thus I found the insinuations about my professional integrity and sense of ethics to be hurtful and malicious.

Having clarified these points, I would now be pleased to answer any questions you may have.



•(1605)

[*English*]

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

That concludes the opening statements.

I should point out to the members that we're not going to ask for opening statements, but we do have in the audience, and they might be called up—the steering committee discussed it this morning and has agreed to allow it—Mr. Bernard Corrigan, assistant commissioner, public affairs and communications, Royal Canadian Mounted Police; Kevin Mole, acting deputy commissioner of human resources; and Ian Cowan, executive assistant to Mr. Paul Gauvin.

**Mr. John Williams:** Sorry that I keep having to interject this way, but we have a full lineup of witnesses. And now you're saying that there's a second tier sitting in the back who may or may not be called. I know nothing about these people. I don't know under what circumstances they are to be called, who's going to call them, or what the line of questioning is.

I thought the steering committee straightened these things out, Mr. Chairman. Can you give me an explanation as to why we have a front line and a second line, and what's going on here?

**The Chair:** Mr. Christopherson has his hand up. I'll let him speak to it. But I want to point out that we did have a lengthy discussion, Mr. Williams, at the steering committee meeting this morning. We got a request from the Commissioner of the Royal Canadian Mounted Police on this particular issue. We wanted to have the meeting dealing specifically with the ATIP requests, and there was a suggestion that we should have these other two available. We decided at the steering committee, after lengthy discussion, that we would allow that particular request.

Go ahead, Mr. Christopherson.

**Mr. David Christopherson:** Just to support that, I appreciate the concerns Mr. Williams has raised, and that's why we had a lengthy discussion. To be fair, we had a written request from the Commissioner of the RCMP, who just suggested to us in very polite, respectful language that she felt that these two additional witnesses would be useful and would provide valuable information.

Mr. Wrzesnewskyj had at least three or four others. He had given us a heads-up on that earlier and we deferred it to the steering committee. We didn't want to just outright deny him an opportunity, given that we're trying to go subject by subject.

So there we were with the dilemma, and rather than split it into two or three meetings, we said that we'd let the original witness list invitees come forward, be sworn in, and take their places. Those other witnesses will be there, will be recognized, and are available to members to call.

The chair and the steering committee are trying to respect that so we don't have what we had last time, which was all those people crowded around. That didn't work. Really, all we were left with was to say to the commissioner and to Mr. Wrzesnewskyj, "Absolutely no, too bad, artificial deadline, we can't do it", or have two meetings, or go the way we've gone.

What we decided, to be fair to the commissioner and to be fair to our committee colleague, was that we would allow them to be in the audience and come up as necessary for committee members.

That's how it came about.

**Mr. John Williams:** Mr. Chairman, I don't know who's in the audience. I don't know how to call them. Somebody obviously knows what to call them and what questions to ask. I have no idea.

On the other issue about the commissioner, Mr. Chairman, have we received a letter from the commissioner? Remember, she made a commitment to give us the full details regarding the removal of Staff Sergeant Frizzell from the case. I'm not aware that we've received that letter so far. Have we?

•(1610)

**The Chair:** All we got, Mr. Williams, was that one-page or one-and-a-half-page letter with the attached order. I take it that it is the commissioner's interpretation of responding to our undertaking.

**Mr. John Williams:** Mr. Chairman, you asked her the first time she was here and she made an undertaking to provide it. All we got was a quick covering letter, together with the order of removal of Staff Sergeant Frizzell. When the commissioner was back here a couple or three weeks ago, I asked her, and she made a complete and unqualified undertaking to provide all the circumstances surrounding the removal of Staff Sergeant Frizzell.

My question to the clerk, if I could get his attention, is whether we have gotten that letter from the commissioner yet.

**The Chair:** Mr. Williams, I understand that the first letter was her response. However, let me point out, and this is the trouble, that we're getting documents that aren't translated. We have—and I'll pull them up to show you what I'm dealing with—two volumes of many, many documents dealing with this whole issue and a report.

Has it been translated? It has not been translated.

**Mr. John Williams:** I can't believe that the Commissioner of the RCMP would send a copy down in one official language, Mr. Chairman. All I thought we were going to get was a letter, maybe two, three, or four pages long. I don't need the whole file.

**The Chair:** This letter is 96 pages in length, and it is accompanied by two volumes of material that weigh about eight pounds.

**Mr. John Williams:** What are the titles of these documents?

**The Chair:** The titled one is "A Report to the Chair of the Standing Parliamentary Committee on Public Accounts on the Circumstances Surrounding Staff Sergeant Mike Frizzell".

In the documents, there are no titles. There's appendix A, e-mails, appendix B, and appendix C, which is statements and a forensic analysis report, very comprehensive and very lengthy. And again, they're not translated.

**Mr. John Williams:** I retract my statement, Mr. Chairman. I guess she has given us the full report on the removal on Staff Sergeant Frizzell.

My disappointment is that it's only in one official language. We'll get it in due course, I guess.

**The Chair:** I should point out, Mr. Williams, we got this only an hour ago.

We'll start the first round, seven minutes.

Mr. Wrzesnewskyj.

**Mr. Borys Wrzesnewskyj:** Mr. Gauvin, in your opening statement you addressed the allegation that we'd heard here previously from former assistant commissioner Gordon Clark that there had been a meeting he'd had with Mr. Zaccardelli where he raised the issue of a file that listed inappropriate things that perhaps the former commissioner had done. I'm glad you addressed your relationship, or lack thereof, with the former assistant commissioner, but in your opening statement you've also made it quite clear that at no point in time did you interfere with ATIP, the access to information process.

Did you at any time try to suppress, through ATIP, any expense claims by Mr. Zaccardelli that would have been inappropriate?

**Mr. John Williams:** Mr. Chairman, I do apologize for these interruptions, but Mr. Wrzesnewskyj has information that nobody else is privy to. I'm not aware, and this line of questioning all of a sudden pops up.

If Mr. Wrzesnewskyj is a member of this committee.... This is a committee that's doing the investigation, not Mr. Wrzesnewskyj supported by the rest of us.

We have to take control of this, Mr. Chairman. The question is quite appropriate, but why is it always this issue of one person being privy to information, privy to all these people coming from the back, and so on? We have to get a handle on this.

**The Chair:** Mr. Williams, I don't find anything improper at all with the question.

I'll allow Mr. Wrzesnewskyj to proceed.

**D/Commr Paul Gauvin:** First, I never received any request for any illegal transactions from anybody.

• (1615)

**Mr. Borys Wrzesnewskyj:** Or inappropriate?

**D/Commr Paul Gauvin:** Or inappropriate.

In terms of your second question on, I believe you said, travel claims, one day, across my desk came a pile about two feet high of all the travel of Mr. Zaccardelli. I believe it was travel and hospitality. I was asked to look through it to see if I had any problems with releasing this. I looked at it and said, "Before we release it, we'd better go through the financial system and make sure that it agrees with the financial system, that all the transactions here are in the financial system. Otherwise, somebody will come along and say, well, there's another entry here with no claim." That was my only concern.

We did verify them, and then, as I understand, it went back to ATIP and was released.

**Mr. Borys Wrzesnewskyj:** Did you ever demand of any of the officers working in ATIP, or for instance Sergeant Michel Joyal, to

not release information on, for instance, an \$80 shot of cognac in those expense claims that you just referenced?

**D/Commr Paul Gauvin:** I never heard of Sergeant Joyal, and I certainly would never suppress any of that information.

**Mr. Borys Wrzesnewskyj:** We heard some allegations that a couple of weeks ago your executive assistant, Mr. Cowan, came into the RCMP's ATIP offices late on a Friday, just before close, requesting documents. Did you instruct your executive assistant to do this?

**D/Commr Paul Gauvin:** Mr. Chairman, it was late on a Friday, and I received from my lawyer some numbers—strictly file numbers—that had been discussed in the committee. I couldn't make any sense of the numbers, so I asked my executive assistant to go down to ATIP to see if we could get the titles against the file numbers—that's all, just the titles. He came back and said he had discussed it with the people there—and there were very few, as it was late on a Friday afternoon. They replied that they had to make some phone calls, because the people there could not make the decision. The reply was no, that the information was not releasable—and that was the end of that.

Then I talked to the 2IC in charge of public affairs, and asked him if such a list were available. He told me there had been a meeting of a number of people that afternoon, including the legal people. I or my staff were not invited, but yes, such a list was available; in fact, it was around the department. So they gave me the list, and basically all it was—and I have it here—was just the file numbers on one side and the titles in the middle, and that was it. So I never received any material other than just the file numbers and what they meant—otherwise, the numbers alone don't mean anything.

So this was late on a Friday, and I was coming back here on a Monday. Basically, I just wanted to get prepared over the weekend to make sure that whatever was being talked about, I would have an idea and be able to answer.

**Mr. Borys Wrzesnewskyj:** So, Mr. Gauvin, at the end of the day on a Friday, you sent your executive assistant, not to get the actual files, but just the titles on the files?

**D/Commr Paul Gauvin:** That is absolutely right, sir.

**Mr. Borys Wrzesnewskyj:** You couldn't have called earlier in the day, just to ask?

**D/Commr Paul Gauvin:** I only received it close to five o'clock, it must have been; that's why I couldn't go earlier in the day. By that time on a Friday afternoon, there are not very many people around. But I wasn't looking for files; all I was looking for was what these numbers meant. That's all.

**Mr. Borys Wrzesnewskyj:** Did you in any way attempt to suppress the release of documents concerning you, contained in the Ottawa Police Service's summary of the criminal investigation?

**D/Commr Paul Gauvin:** Never, sir.

Mr. Chairman, when I received this request for advice, there were two documents. There was that Ottawa Police report—which I was surprised was there—and there was also the internal audit. The internal audit made sense to me, because at the time the internal audit was called, I was actually in charge of audit. I'm not now. The two documents were together, which I assumed was the reason they had been sent to me. They were in my office for four days, and actually in my executive assistant's office for three days, as he was on holiday. On the last day, they came to me. I looked at them, and it seemed to me that the discipline process was still in play; it was not decided. I thought this was probably privacy information; therefore, my recommendation was that this be looked at by the legal people.

• (1620)

**Mr. Borys Wrzesnewskij:** Okay.

**D/Commr Paul Gauvin:** I returned them, and I haven't heard anything since.

**Mr. Borys Wrzesnewskij:** Mr. Lavoie, I'm looking at a memorandum sent in March of last year by Mr. Estabrooks to you. It states:

It is my opinion that Mr. Gauvin is in a direct conflict of interest by having anything to do with the release of our proposed package as he is a key player in the pension matter. Just the fact that he has access to the documents is a conflict and unethical. Therefore, I leave it in your hands to report this to the Ethics Commissioner ASAP.

Did you report this to any of your superiors? What did you do with this?

[Translation]

**Supt Pierre Lavoie:** First, I want to point out that this document has a preface. On March 21, 2006, as Mr. Gauvin mentioned a few moments ago, I received a memo indicating that personal information and certain people were under investigation, and that the Ottawa Police Service's report should not be released.

I immediately advised Mr. Gauvin's assistant that this would simply not happen and that if he had any concerns, he could raise them with me, that we would discuss them, but that the report would not be released. Furthermore, I had given my word to the Director General of the Office of the Information Commissioner that the report would be released. For several months, the report had been stuck in legal services and there no end in sight.

A few moments after Mr. McConnell, Mr. Gauvin's assistant, left, I received a voice mail message telling me that the report should not be released, period, and that they would not do as I had suggested.

About an hour later, I received the memo from Mr. Estabrooks which is at issue here. I basically told him that I disagreed with him, that Mr. Gauvin's recommendations were just that, recommendations, and that I intended to do my job. That is what I told Mr. Gauvin. I immediately put the report in the file to be processed because, as coordinator, I was accountable to Mr. Dupuis from the Office of the Information Commissioner. In addition, he had been on my case every week for six months. It was not in my interest not to include the document in the file, because I wanted to do my job to the best of my abilities despite the obstacles which stood in my way.

**The Chair:** Mr. Laforest, you have seven minutes.

**Mr. Jean-Yves Laforest:** Thank you, Mr. Chairman.

I have a few questions for Mr. Girard. You said that you had major problems with the RCMP and that you think they started when you filed access to information requests on the Ottawa Police Services report and on the immediate rehiring of retired members.

Were access to information requests made on a regular basis?

**S/Sgt André Girard:** For many years, that was not the case, but over time, more and more were made. I realized that it was hard to obtain information from within the organization and that it took a long time. I therefore chose to file access to information requests to get information as quickly as possible.

**Mr. Jean-Yves Laforest:** Since you could not get information from within the organization, you had no choice but to file requests under the Access to Information Act.

**S/Sgt André Girard:** I can't say that I was not getting any information from the organization. Sometimes it was limited to certain subjects and it took a long time to get the information. I realized that it was becoming increasingly difficult to receive the information directly. So I decided to file access to information requests to protect myself. If I got the information from the organization, I would have to decide what I would do with it, whether I could distribute it to the members I represented and how I would do that. But if I got the information under the Access to Information Act, it was clear that members had the right to see it.

• (1625)

**Mr. Jean-Yves Laforest:** Why did you want information about the Ottawa Police Services report?

**S/Sgt André Girard:** As the representative for 1,000 civilian and regular members of the RCMP in Quebec, I thought it was important for them to know how their pension fund was being managed.

**Mr. Jean-Yves Laforest:** You talked about the process. You were basically not allowed to put your name forward again for the position of divisional representative. It is clear that certain people prevented you from running, because you had been re-elected almost unanimously every two or three years.

What explains this process? Should it not be up to the 1,000 members you represent to decide who will represent them?

**S/Sgt André Girard:** That's what I believe, Mr. Laforest. You are absolutely right. I have always held that it is the right of the members, or in my case, the members of the Quebec and Cornwall divisions, which now make up Division C, to decide who will or will not represent them, to agree or disagree with their representative's opinions or ideas.

But that did not happen in this case. One person made a decision; I saw that person at the back of the room a few moments ago. I believe he is sitting at the very back. Yes, it is Mr. Rod Keeping, who is sitting at the back of the room. He took the decision to deprive me of my right to put my name forward for an eighth consecutive mandate as the Quebec members' representative.

**Mr. Jean-Yves Laforest:** And this happened after you filed an access to information request on the Ottawa Police Service's report.

**S/Sgt André Girard:** Yes, it happened afterwards, but that was not necessarily the only issue involved. What happened is that Ms. Barbara George, who appeared before the committee, established a policy, that is, she approved an RCMP policy dealing with potential conflict of interest situations involving staff relations representatives.

At the time, I was the treasurer of the Association des membres de la Police Montée du Québec, which is an independent association of members from Quebec; it is a bit like an accredited professional association or one which is seeking accreditation.

Following the implementation of this policy, which dealt specifically with persons occupying the position of chair, vice-chair, outgoing chair, treasurer, secretary, director or sergeant-at-arms of an association outside of the internal system of divisional representatives, this person, who is sitting at the back of the room, had the right to reject the candidacy of any person under the policy established or approved by Ms. George.

**Mr. Jean-Yves Laforest:** Would it be fair to say that you were prevented from getting the position you wanted? Would it also be fair to say that the 1,000 members you represented will not be represented by the person they want?

**S/Sgt André Girard:** That's correct, yes.

**Mr. Jean-Yves Laforest:** I have another question. Do you have the impression or do you know whether a similar situation occurred elsewhere within the RCMP?

**S/Sgt André Girard:** I know that other people within the RCMP tried to run for the positions of either staff relations representative or assistant representative, which is more or less like being a delegate for a particular sector, and to my knowledge they were all prevented from doing so because, under the policy, they held positions which were either that of chair, outgoing chair, vice-chair, secretary, treasurer or sergeant at arms.

**Mr. Jean-Yves Laforest:** If you were unionized, do you believe that there would be more transparency?

**S/Sgt André Girard:** Based on my experience of the last few years, I believe that this would lead to much more transparency. In fact, I believe it would bring about something I have been advocating forcefully for years, namely accountability at all levels: within the rank and file, within the staff relations representatives and, of course, within RCMP management.

**Mr. Jean-Yves Laforest:** I have a question for Mr. Spice.

You held your position until 2003. But something happened in 2006. In the memo to Mr. Pierre Lavoie, Mr. Estabrooks said he believed that Mr. Gauvin was in a conflict of interest because he had been involved in preparing the documents requested, and he is a key player in the file.

This letter was sent after you were gone, when you no longer held the position, but you were still an assistant commissioner and ethics advisor. Mr. Estabrooks believes that the mere fact that Mr. Gauvin had access to these documents represented a conflict of interest and was unethical.

You were still an ethics expert. What do you think of this situation?

• (1630)

[English]

**A/Commr John Spice:** You're asking me about something that happened in 2006, three years after I retired.

[Translation]

**Mr. Jean-Yves Laforest:** I am asking for your opinion as an expert.

[English]

**Mr. John Williams:** Mr. Chairman, we get facts on the table here; we don't ask for the opinions of somebody else. He just said he was retired for three years before this happened, so why are we letting this line of questioning go forward?

**The Chair:** Well, he could rephrase it and ask him what he would do in a similar circumstance.

There really isn't any relevance to what your opinion is. Have you dealt with a similar situation before, Mr. Spice?

**A/Commr John Spice:** Not within the privacy context, no.

**The Chair:** Perhaps we'll move on.

Mr. Williams, seven minutes.

**Mr. John Williams:** I'm deferring to Mr. Poilievre.

**Mr. Pierre Poilievre (Nepean—Carleton, CPC):** Can I call Ron Lewis to the witness panel?

**Mr. Ron Lewis (Staff Sergeant (Retired), Royal Canadian Mounted Police, As an Individual):** I, Ron Lewis, do swear that the evidence I shall give on this examination shall be the truth, the whole truth, and nothing but the truth, so help me God.

**Mr. Pierre Poilievre:** Mr. Lewis, you occupy the same position for which Mr. Girard was saying he wanted to present himself as a candidate. Is that correct?

**Mr. Ron Lewis:** That's correct.

**Mr. Pierre Poilievre:** Why is it that Mr. Girard was forbidden from seeking that position?

**Mr. Ron Lewis:** I shared caucus with Mr. Girard for ten years. I was also elected in four terms. It was quite well known that Mr. Girard and others were trying to force unionization, against the members' will. Being a member of the staff relations program means you have obligations to the program. There is policy that says you can't be in a conflict. You can't be an elected staff relations representative and also try to disband it through letters to politicians, amendments or bills in the House and the Senate, and asking for funding to be stopped. That is a clear.... He has done this over the years. My understanding was that you cannot run if you are in a conflict of interest.

I've asked for access to information and never suffered any consequences. I've made complaints, as you can see, and never had any consequences. So I dispute his reason for his not being allowed to run as a staff relations representative.

**Mr. Pierre Poilievre:** Would efforts to override the members and unionize the organization be in contradiction with the constitution of your organization?

**Mr. Ron Lewis:** There is a policy in the administration—I think it's 37(d)—that says you can't be in conflict of interest and be a staff relations representative. That would be part of being a staff relations representative.

**Mr. Pierre Poilievre:** Who would have made the decision to disallow him?

**Mr. Ron Lewis:** There is an office known as the staff relations program office. They are the go-between for the management and the staff relations representative. They would have made that decision. It was not management; it was the program itself.

**Mr. Pierre Poilievre:** So this would not have been management that made the decision to disallow him from being a candidate.

**Mr. Ron Lewis:** That's correct.

**Mr. Pierre Poilievre:** As for his claim that he was forbidden from running because he had asked toughed questions and filed access to information requests, you have asked the same tough questions and filed the same kinds of access to information queries and you were never disallowed as a result.

•(1635)

**Mr. Ron Lewis:** That's correct. In fact that is our role, to uncover problems in the RCMP and to bring them forward. That's the normal process.

**Mr. Pierre Poilievre:** It does sound like this is more of a dispute over whether or not RCMP officers have to be unionized. That makes for a very interesting debate, but it really has absolutely no pertinence to the discussion we're having here today. I'm just hoping that we can keep focused on the pension and insurance scandal, which is what we're discussing here, instead of having a theatrical debate about unionizing RCMP members. I'm sure that debate could be had at some point, but that has nothing to do with what we're discussing. Clearly Mr. Girard's problems with his organization have nothing to do with this scandal.

Moving back to the problems that we've been discussing here, I would like to ask Mr. Lewis one last question. It has been said that Mr. Gauvin had a tremendous amount of authority and power within the organization when Mr. Zaccardelli was the commissioner. In your view, Mr. Lewis, why was it that Mr. Gauvin had such sweeping powers?

**Mr. Ron Lewis:** I'm not really sure I understand or can give an opinion on that, if you want to base it more on facts.

I know the commissioner responded to a question after I briefed caucus in September of last year concerning Mr. Gauvin and his behaviour, and instead of answering about his behaviour he commented that since Mr. Gauvin has been our chief financial officer, he's been able to double our budget, and when he goes downtown to ask for money, he receives it before he even begins to speak...something to that effect. So I think he was quite impressed with his ability to increase our budget, as opposed to his behaviour.

That's based on the facts I know.

**Mr. Pierre Poilievre:** Mr. Gauvin, one of the reasons perhaps you were able to be so successful in extracting money from the previous government is because you had built such strong relationships, having been a Liberal political staffer in the office of the then

Solicitor General Andy Scott. Were you in fact his chief of staff in his political office as minister?

**D/Commr Paul Gauvin:** Yes. At the time it wasn't called chief of staff, it was called executive assistant, but in effect it was the same position.

**Mr. Pierre Poilievre:** You were his senior political assistant in his office?

**D/Commr Paul Gauvin:** Yes.

**Mr. Pierre Poilievre:** That's not a public service role. It's an important distinction. It's a role in the exempt staff.

**D/Commr Paul Gauvin:** That's right.

**Mr. Pierre Poilievre:** Now, how were you actually appointed to your existing position? Who made the appointment?

**D/Commr Paul Gauvin:** As you know, Mr. Scott resigned after 18 months, I believe it was.

**Mr. Pierre Poilievre:** Yes.

**D/Commr Paul Gauvin:** And I did some consulting for a year, more or less. Then one day—

**Mr. Pierre Poilievre:** I don't need to know the life story in between. I just need to know who made the appointment.

**D/Commr Paul Gauvin:** Commissioner Murray.

**Mr. Pierre Poilievre:** Commissioner Murray, okay.

Was Morneau Sobeco involved in putting together cost estimates that were later used for the RFP that it won to become the administrator of the pension program?

**D/Commr Paul Gauvin:** I wasn't responsible for HR, and when this was put together—

**Mr. Pierre Poilievre:** Do you know the answer to the question?

**D/Commr Paul Gauvin:** The answer is no.

**Mr. Pierre Poilievre:** They were not involved in putting together

**D/Commr Paul Gauvin:** I don't know if they were involved.

**Mr. Pierre Poilievre:** So you don't know, or the answer is no?

**D/Commr Paul Gauvin:** I don't know.

**Mr. Pierre Poilievre:** Who invited Morneau Sobeco to make a presentation before the board committee on the pension advisory program? You were on the pension advisory committee.

**D/Commr Paul Gauvin:** I was on that committee, and it was discussed together, and the person who would have made the decision would have been the chairman of the committee.

**Mr. Pierre Poilievre:** And who was that?

**D/Commr Paul Gauvin:** It was Gary Loepky at the time.

**Mr. Pierre Poilievre:** Mr. Loepky. Okay.

Thank you.

**The Chair:** Okay.

Mr. Christopherson, seven minutes.

**Mr. David Christopherson:** Thank you very much, Chair, and notwithstanding Mr. Poilievre's belief that things are over, they may not necessarily be.

Staff Sergeant Girard, at the beginning you took the unusual step of asking for some measure of how well you're protected here. Your point was that many of the witnesses are either retirees or have senior rank, which gives them some protection. You feel, given your circumstance, that you were vulnerable.

I'd just like to hear what there is about your experience in the RCMP or this particular case that had you make that kind of a request. I took that as pretty significant.

• (1640)

**S/Sgt André Girard:** Yes, sir. Even though I was a divisional representative for 16 years, there is always a certain fear, if I can say so, in stepping forward to express yourself freely, even in this democracy, especially in a paramilitary organization such as the RCMP. There are repercussions, and we see them every day happening to our members.

We have a lot of members who have unfortunately been hurt on the field. My fellow DSRRP members, who represent all those members on a day-to-day basis, know about this. They know about the harassment going on. They know about the sexual harassment and all those anomalies going on in the field. They know about the cover-ups going on in the field, and they're afraid to come forward.

I wanted to assure myself of this degree of protection because I'm exposing myself by coming here to express myself freely to this committee. I have the same feeling as the members in the field. The only thing is, I have 31 years of background behind me. But I still have a way to go in the organization, and I want to do it with pride. I want this organization to have the same motto and really live up to its motto, *Maintiens le droit*, which is indicated on each and every member's badge. That's what I want for the future of this organization.

I was listening to Mr. Lewis's comments earlier. He mentioned not having any difficulties. I'll leave it to the transcripts, but I understand that he testified previously before this committee and expressed a lot of frustration about obtaining information and documentation, and about actions by upper management personnel. I was sitting at the back and heard Mr. Lewis mention that.

He talks about the DSRRP being independent, but I'm sorry, it isn't independent. It is a program of the RCMP under the responsibility of the Commissioner of the RCMP, who has the sole responsibility under section 5 of the act for all the programs and their application, including DSRRP.

**Mr. David Christopherson:** You made quite a statement just a moment ago. I can't just leave it, although I don't want to launch into a whole other direction. You talked about sexual harassment and cover-ups. Are you suggesting there is a myriad of issues of wrongdoing out there—unacceptable behaviour that is not yet known but is still out there and happening? You leave the impression that it's rampant. I want to give you a chance to clarify that if it needs it.

**S/Sgt André Girard:** I think one member at this table knows even more than I do on this issue. That is Mr. John Spice. I know he's aware of a lot of anomalies that went on during his term.

I know of cases. One of the big problems I faced as a division representative in the RCMP was institutional protectionism—

anything to protect the image of the organization, sometimes at all costs. If there are some casualties they become...I think there's an expression for that.

**Mr. David Christopherson:** We won't go there.

Was Mr. Estabrook's behaviour an example of that—where he had reason to believe it was in his best interest to take photocopies of certain documents? Are you suggesting there are a lot of people in the RCMP who spend a lot of time at what is also known as CYA? We'll leave it at that; we all know what that is.

**S/Sgt André Girard:** That is one thing you are taught in the training—CYA. I learned in training to cover myself always. As you advance in the organization and become aware of a lot of situations going on, you can see members protecting themselves more.

**Mr. David Christopherson:** My time is tight. Thank you.

I will ask you one very direct question, and then I'll go to Mr. Spice. We can't just leave that, so I'm going to deal with it. If we have to go somewhere later we can.

You said you sent letters of correspondence to ministers of both governments, Liberal and Conservative. Did you get any response to those letters you submitted about some of these issues?

• (1645)

**S/Sgt André Girard:** No, I haven't, from the minister's office. I had the opportunity though to meet the minister.

**Mr. David Christopherson:** Which minister?

**S/Sgt André Girard:** Mr. Stockwell Day.

I had the opportunity to meet the minister, I think, on April 18, to the best of my recollection. I had the opportunity of presenting him with the documentation hand to hand—the documentation that I supplied to the clerk of the committee.

**Mr. David Christopherson:** Okay, thank you.

Mr. Spice, I'm going to give you a moment to respond to what you just heard. Your name was mentioned.

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

We've heard repeated references to this documentation. I've been asking the clerk now for about 20 minutes to provide us with this documentation. It's very difficult for us to question Mr. Girard on letters he said he has submitted to ministers, both Liberal and Conservative, if we've not seen those letters. They haven't been given to me yet.

**Mr. David Christopherson:** Why is he getting my time to do this?

**Mr. Pierre Poilievre:** The second thing, Mr. Chair, is regarding the point that we're not debating whether the RCMP ought to be unionized.

I guess we're just getting them now. Thank you very much.

**Mr. David Christopherson:** Mr. Chair, he's wasting my time. Let him waste his own time.

**The Chair:** The documents that are being referred to have been translated, but we just got them. They have been circulated to all members.

Mr. Christopherson.

**Mr. David Christopherson:** Mr. Spice, if you would.

**A/Commr John Spice:** The question is what exactly?

**Mr. David Christopherson:** The answer is that you just heard what Mr. Girard had to say and he mentioned your name. I just want to give you a chance, in that your name was mentioned, to say you agree with him or disagree.

**A/Commr John Spice:** I would agree. During my tenure as the ethics adviser I dealt primarily with bad behaviour. I was working probably 12 and 14 hours a day and sometimes on weekends. Is that problematic? I would venture to say yes, it was.

**Mr. David Christopherson:** Holy smokes.

**A/Commr John Spice:** I should also qualify this comment by saying that the number of people I dealt with was small in comparison to the number of people in the organization.

**Mr. David Christopherson:** That's what I was going to ask. You can have a lot of numbers and be back-logged because you don't have staff, or you can have a lot of numbers because it's way above what we should expect to see, given that we're dealing with human beings in an organization.

**A/Commr John Spice:** We should have had zero tolerance for any sort of unethical behaviour. Quite frankly, as much as I would like to say that we tried, we failed miserably. It was unfortunate for a good number of staff across the country, everyone from municipal employees, public servants, civilian members, and regular members of all ranks and categories. We didn't do as well as we ought to have done.

**Mr. David Christopherson:** Thank you.

**The Chair:** Mr. Wrzesnewskyj, for seven minutes.

**Mr. Borys Wrzesnewskyj:** Thank you, Chair.

Mr. Lavoie, do you have any prior experience working in access to information, in the ATIP branch, prior to being promoted and transferred there as a superintendent?

**Supt Pierre Lavoie:** Experience in what sense?

**Mr. Borys Wrzesnewskyj:** Did you have any experience in access to information or the ATIP branch prior to being promoted to superintendent and heading up the ATIP branch there?

**Supt Pierre Lavoie:** I did not have any experience per se, but I had been involved in personal information protection and exchange of information when I was at the Canadian Police Information Centre.

**Mr. Borys Wrzesnewskyj:** Mr. Gauvin, did you have any input in the transfer of Mr. Lavoie from your department into access to information, the ATIP branch?

**D/Commr Paul Gauvin:** The only input I had is that in the RCMP there is a succession planning, and we have a unit that does this. When the individual who was in charge in ATIP left, they asked me about Mr. Lavoie. I didn't know Mr. Lavoie when he came to work for me. He worked for me, I think, for a couple of years in a very difficult section that deals with travel and removal of members.

**Mr. Borys Wrzesnewskyj:** So yes or no—

**D/Commr Paul Gauvin:** The answer is that I highly recommended him, yes.

**Mr. Borys Wrzesnewskyj:** I see.

Mr. Lavoie, I read a problematic quote from a memo from Mr. Estabrooks. That was from March of last year. In April from last year there was this A5 in which Mr. Estabrooks says, and it's to you once again: "I can see no reason why it has taken months for Louis Alberti to give us a legal opinion. Are we assisting in some sort of cover-up...?"

You had mentioned earlier, when I asked you about the previous memo to you, that just prior to receiving it you had spoken with Mr. McConnell, I believe you said, and you were told the report should not be released. But then you got Mr. Estabrooks' memorandum, and now a month later you receive this A5. What exactly did you do? Did it go up the ranks? Did you talk to your supervisors about these two memos?

• (1650)

**Supt Pierre Lavoie:** First off, the memo of March 21 was the first of a number of pieces of correspondence that were generated as a result. As you can imagine, I was dealing with a huge backlog in access to information requests and privacy requests. I was dealing with human resource issues. We were in the process of moving to new quarters on the fourth floor.

To be frank, I was quite frustrated—

**Mr. Borys Wrzesnewskyj:** Okay. We've heard before that you were overworked, that there was a big backlog. There's an assistant commissioner who we should perhaps call forward at a certain point to find out what the procedures on this would be. These are serious allegations.

Did you actually talk with your superiors? Did you talk with the assistant commissioner about these allegations?

**Supt Pierre Lavoie:** I'm getting to that.

On March 21, when this was happening, at that point I thought that this was going to be something that down the road I was going to have to be able to explain, in terms of what happened. From that point on, I made copious notes as to what transpired.

I cannot say that I have not seen the memo you're talking about, of April 13. I don't recall seeing it. April 13 was the day the report was finally released, and at that point I was moving on to the next crisis, so I don't—

**Mr. Borys Wrzesnewskyj:** Thank you.

Well, it's interesting you don't recall that particular memo. I would assume you would, but I guess it's also quite coincidental that the particular memo went missing out of the file, which leads me to the next question.

On March 21, 2006, why did you order Keith Estabrooks to have the scanned Ottawa Police Service report deleted from the system?

**Supt Pierre Lavoie:** It wasn't April 21; it was around April 13, after the package was mailed out. It was simply because it was a secret document and we had been told some months before that we could not have secret documents on that particular system.

**Mr. Borys Wrzesnewskyj:** Mr. Estabrooks, would this have been a regular procedure, to delete scanned documents from the system?

**Mr. Keith Estabrooks:** If it was actually a secret document, yes, I think it would be deleted. But I didn't think this one was a secret document. Former superintendent Lavoie is correct, if it's a secret document, but I didn't think this one was classed as a secret document. It's probably protected B or protected A.

**Mr. Borys Wrzesnewskyj:** So was it classed as a secret document or as a protected...?

**Supt Pierre Lavoie:** It was a secret document and it was kept... We had many hard copies, and it was removed for that purpose only.

**Mr. Borys Wrzesnewskyj:** Mr. Lavoie, you've also stated that you had very little experience prior to coming into ATIP. You were running it. You had two experienced employees working there, and I understand you rejected the advice of both of them. And notwithstanding all your comments about how back-logged, how hard the work was, you decided to personally process this particular ATIP response.

So on the one hand you're saying you weren't dealing with things and saying there were some serious allegations here in talking with your superiors, and on the other hand you were taking files away from your experienced officers. You had just arrived recently, with not a lot of experience, and you took those files over personally.

**Supt Pierre Lavoie:** That's incorrect, sir.

**Mr. Borys Wrzesnewskyj:** Mr. Estabrooks, I understand from what we've heard here previously that Mr. Lavoie took over this file personally.

**Mr. Keith Estabrooks:** That's what I understood.

We didn't work on it after that, after it was taken.

**Mr. Borys Wrzesnewskyj:** Oh.

**Mr. Keith Estabrooks:** Now, probably a lot of this... Superintendent Lavoie is quite correct about the number of people. He came into a shop that was really understaffed, but it's probably not his direct fault that any of this happened in terms of being understaffed.

It's the delay that we're concerned about here as well, I believe, the time that it took for a legal opinion. That would not be the OIC. That's not Superintendent Lavoie. That would be, why did it sit? He sent it forward for a legal opinion, and that's where it seemed to sit forever, not with Superintendent Lavoie. It did move, but I don't know where it went. It sat upstairs for months.

• (1655)

**Mr. Borys Wrzesnewskyj:** Mr. Lavoie, who instructed you to get a legal opinion on the proposed release of the Ottawa Police report?

**Supt Pierre Lavoie:** Sir, you're asking me to answer questions, and basically with the questions you're asking me you're taking things here and there to try to get the answers that you probably want to hear.

What I'm going to tell you is that on March 21, when the report came back from Mr. Gauvin's office.... And I have not in any way intimated that Sergeant Estabrooks' or Sergeant Black's work was in question at all. In fact, I didn't even have a chance to look at it. It came back on the 21st with the recommendation that it be released. I told Mr. McConnell right away that with this report we'll vet whatever needs to be vetted, but there's no way it's not going out. So as I stated before, I got a phone call saying that, no, we're not going to participate in that exercise.

I immediately typed a memo, which I took to Mr. McConnell personally, telling him, "Here's the conversation we've had, here's the choice you're making, and there's no way this report is not going out. I have to do my job." The following day, I approached my assistant commissioner, Mr. Corrigan, to tell him what had happened. I told him there was no way this report was not going out, that I was going to do my work and that was that.

On the 22nd, at some time later during the day, I was advised that Assistant Commissioner Corrigan had come to get the reports and send them back to legal services. But we had made a commitment. I had made a commitment to the Information Commissioner's office on March 24 that this report was going out. Now this report was being taken away and sent back to legal services for a second time. So I asked legal services when the report was coming back. I was told on the 29th. The 24th was a Friday, and the 29th was the following Wednesday. I thought, well, a few more days is not going to do much.

On the 29th of March until April 4, we moved the entire section, unplugged computers, unplugged phones, etc., so basically for five days or better, there was really no follow-up on my part. There basically was no work done by anybody in the section.

On April 5, which was the following Wednesday, I got a call from Mr. Dan Dupuis from the Information Commissioner's office, basically not very pleased that this report was not being released and asking me who he had to subpoena to come to his office to testify as to what was happening with the report. I told Mr. Dupuis that I would find out who he should send the subpoenas to, their availability, and I would get back to him. Mr. Dupuis was quite adamant that he wanted somebody to appear before him downtown by the following day, which was Thursday.

So this went back and forth. Mr. Dupuis followed up with an e-mail basically giving me a piece of his mind, so to speak. I turned around and sent an e-mail to Mr. Corrigan, to the lawyer who was handling the file in legal services, to Mr. Gauvin, and I copied also Mr. McConnell to be sure that Mr. Gauvin was receiving the message telling them that they were being asked to come downtown to explain what was happening with the report.



It wasn't ten minutes later that Mr. Gauvin's assistant was at my door and waving his finger at me, saying what's this, that Mr. Gauvin had nothing to do with this decision and it was my decision all along to make. I told Mr. McConnell about the memo of the 21st and said that it certainly was not the impression I was under. And secondly, I noted that I had asked them to participate in the vetting of the report to indicate any concerns they may have had, and they had refused to do that. So now he was telling me that it was my decision to make all along. I said, "Fine, but just keep that in mind in the future, it's my decision", and that was that.

I called Mr. Dupuis back, and Mr. Dupuis agreed that if I could provide the report to him or to the requester by Monday, he would forgo calling us to the Office of the Information Commissioner.

As a result, I called the lawyer from legal services who was handling the file and I basically told him what was happening and that the report had to go out on Monday or else. I advised my assistant commissioner what was happening. He was entirely behind me. He said, "Whatever you need to do, you go ahead and so it." As a result, on Friday afternoon I sat down with the lawyer from legal services and we went through the report and compared what we had done on each other. By that time, I had been at ATIP quite a few months. I had a very good idea of what I was doing. I had seen dozens of reports go across my desk, so I was not....

• (1700)

This was a 51-page report, nothing too complex. We sat together and we went through the report. On Monday we finalized the final release of the report. I was supposed to give it to Mr. Dupuis on Tuesday morning. On the 11th, he cancelled the appointment we had and he asked me to show up on the 12th, which I did. I gave him the report. On the 13th I came back to the office. I met with Mr. Estabrooks and the analyst who was working for him. I said, "Here's the release package. Can you ensure that it's mailed out to the requester?" That's exactly what I did.

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

Mr. Williams, seven minutes.

**Mr. John Williams:** Thank you, Mr. Chairman.

I have to say, I'm confused. Here we have a report by the Ottawa city police, assisted by the RCMP, into the pension plan, which is the money belonging to all the members. This thing has gone from legal opinion to legal opinion up to the commissioner or assistant commissioner. It has gone to the Information Commissioner. It has gone everywhere. It has been classified as secret. It has been removed from the files. It has been wiped off the computer. And this is just the report about the pension plan of the RCMP. Now, this boggles my mind. I just can't even follow how this thing is moving around.

Anyway, the thing I wanted to clear up, Mr. Chairman, is that Mr. Gauvin, in his opening statement, said: "As Chief Financial Officer, I have no line authority for the RCMP's Access to Information and Privacy Branch." Then he goes on a couple of paragraphs later and says that he confirms that a request to review the file was sent to his office, and so on, and he started to review these files.

Mr. Gauvin, first of all, are you clear that you had no line authority on access to information?

**D/Commr Paul Gauvin:** Thank you for the question, because I'm confused as much as you are.

**Mr. John Williams:** You're going to be brief. I just asked if you had line authority for access to information.

**D/Commr Paul Gauvin:** The answer is no.

**Mr. John Williams:** Thank you.

But you did get a copy of this report before it was released?

**D/Commr Paul Gauvin:** A copy was sent to my office for an opinion. I gave an opinion the same day, and that's all I had to do with this report.

**Mr. John Williams:** Why were you asked for an opinion if you had no line authority on this?

**D/Commr Paul Gauvin:** It's just an opinion, sir.

**Mr. John Williams:** Okay.

Now, I understand that you were mentioned in the report.

**D/Commr Paul Gauvin:** Yes, I was.

**Mr. John Williams:** If I recall, Mr. Estabrooks, the last time he was here, said that it was highly unusual for someone who was mentioned in the report to be given the opportunity to critique the release before it went out.

Is that correct, Mr. Estabrooks?

**Mr. Keith Estabrooks:** That's correct.

**Mr. John Williams:** Was this report critical of your work at the RCMP, Mr. Gauvin?

**D/Commr Paul Gauvin:** Was it critical? I think the—

**Mr. John Williams:** Or have a negative impact on your reputation, or it was less than positive, shall we say?

**D/Commr Paul Gauvin:** Yes.

**Mr. John Williams:** Did you ask for these items to be removed?

**D/Commr Paul Gauvin:** No. I didn't ask for anything to be removed. I just said that not only my name but others...that there could have been some concern regarding the Privacy Commissioner. There could also have been repercussions for the RCMP in terms of civil actions. That's it. But I had no authority to do anything more than that. It was strictly an opinion, and I had zero authority over what's released or what's not released.

**Mr. John Williams:** I'm still confused why they even would ask.

Mr. Lavoie, do you have any idea why Mr. Gauvin was asked for an opinion on something where he has no line authority, where he's mentioned in the report, shouldn't be seeing it, and so on? Why was he asked for an opinion?

**Supt Pierre Lavoie:** Sir, it wasn't unusual. We were just a processing centre, so whenever we had a request we would either, up front, go to the policy centre to request the materials and ask them to provide any concerns that they had to assist us in processing the file

**Mr. John Williams:** Mr. Estabrooks is your employee within your department. Am I correct in saying that?

**Supt Pierre Lavoie:** We have a processing unit that orders the materials before they get to—

**Mr. John Williams:** Yes, I know, but my question was did Mr. Estabrooks report to you?

**Supt Pierre Lavoie:** Yes.

**Mr. John Williams:** He said that it was unusual to send it up to someone who is named in a report.

Are you right, or is he right?

**Supt Pierre Lavoie:** There was nothing that would prevent me from doing that, to consult before releasing the report, if it assisted me in processing the information request. Additionally, we can't lose sight of the fact that under the Privacy Act, Mr. Gauvin or anybody else named in any document in the RCMP—

• (1705)

**Mr. John Williams:** My question was, are you right or is he right?

He said it was unusual to send the report to somebody who was named in the document. You're saying it was fairly common practice.

**Supt Pierre Lavoie:** No, I didn't say it was fairly common practice. I agree it was unusual.

**Mr. John Williams:** It was unusual.

**Supt Pierre Lavoie:** It was unusual, yes.

**Mr. John Williams:** To send it to somebody whose name was in the document to be released.

**Supt Pierre Lavoie:** No, I didn't say that. I said it was unusual to send a report of that nature before it was released.

**Mr. John Williams:** Send it to whom?

**Supt Pierre Lavoie:** Period.

**Mr. John Williams:** Anybody?

**Supt Pierre Lavoie:** To anybody.

**Mr. John Williams:** Even if your name was in it, or your name was not in it.

**Supt Pierre Lavoie:** Regardless.

**Mr. John Williams:** When did this document get classified as secret?

**Supt Pierre Lavoie:** It came from the Ottawa Police. It was classified as secret on the document itself.

**Mr. John Williams:** So the Ottawa Police say it's secret and that's the same as the federal government saying it's secret.

**Supt Pierre Lavoie:** In my position I have to err on the side of caution.

**Mr. John Williams:** Well, we're not getting too far, Mr. Chairman. We're going around here in circles.

Let's go back to the contracting. I think that was where we actually started off weeks ago.

Mr. Gauvin, you said, one time that you were here, that you removed Mr. Crupi's contracting authority.

**D/Commr Paul Gauvin:** That is true.

**Mr. John Williams:** What was the limit of Mr. Crupi's contracting authority?

**D/Commr Paul Gauvin:** I don't know right off hand. I can send that to you.

**Mr. John Williams:** Do you have any idea? Was it \$500,000, \$1 million, \$100,000, \$50,000, \$45,000?

**D/Commr Paul Gauvin:** I think he probably had full authority. I don't know, maybe \$50,000.

**Mr. John Williams:** He could maybe do contracts up to \$50,000. Okay.

You were on the advisory and management committee looking after the pension of the NCPC. Am I correct?

**D/Commr Paul Gauvin:** No. I was a member of the pension advisory committee.

**Mr. John Williams:** And you were the CFO of the RCMP.

**D/Commr Paul Gauvin:** Yes.

**Mr. John Williams:** With the KPMG audit, he was handing out contracts for a total of several million dollars, which according to the audit were questionable or worse. Did none of this come to your attention before it happened?

**D/Commr Paul Gauvin:** We had regular meetings. The project was going very well. We had no idea that the contracting was going as it was.

We heard last week that there was a lot of collusion between the RCMP and Consulting and Audit Canada. That's where the control broke down.

**Mr. John Williams:** And you were the CFO of the RCMP.

**D/Commr Paul Gauvin:** Yes. But I think, sir, if you read some of the other comments given here, including what was given by Shahid Minto last week, when there is collusion, it is very difficult to find.

**Mr. John Williams:** Okay.

Why are we just finding out about this \$37,000 being the GST component?

**D/Commr Paul Gauvin:** Why are you finding out? It was always there, sir. I was as surprised as anybody was last week or the week before, when Mr. Frizzell said something about the missing \$36,000. It amazed me. It really is accounting 101, lesson one. When you receive cash you have to decide where you're going to credit it. We credit it in the appropriate accounts—pension and a return of GST. You're an accountant, and you would know that.

**Mr. John Williams:** That's a simple transaction. We'll agree on that one.

**D/Commr Paul Gauvin:** And last week or the week before, when you told me it was easy and I disagreed, you were right. It was an easy transaction, sir.

**Mr. John Williams:** I'm still confused with all this money floating around—this half a million, \$570,000, cheques from Great-West Life to cover off... I think it first went into the insurance and then it went to the pension. Why was this money floating around?

It seems to me, if I'm right, that there was money paid out to begin with and then it was reimbursed by Great-West Life. Were you aware that this money was coming back from Great-West Life? You were the CFO, remember.

**D/Commr Paul Gauvin:** I explained that before, I think.

There was an agreement made between the insurance committee, which was chaired by a deputy and the CHRO, I believe, at the time—or maybe he was just a member of it.... It was chaired by the deputy commissioner for centre region. They agreed that because the insurance recipients—40% of them were pensioners.... They made an agreement between the two of them that 40% of those costs would be charged to pension. They actually charged it there.

Now, we didn't know about that until we actually got an invoice that was required to be paid. They didn't tell anybody of this arrangement. All of a sudden we got an invoice. We looked at it and said, "What do we pay this against? This doesn't make sense." So we looked for a contract or an MOU or something. Finally we found a letter that had been agreed to by the CHRO and the chairman of the insurance committee. Then we found an agreement with Great-West Life that had been signed by Great-West and Morneau Sobeco and signed off by Dominic Crupi. Then we looked at and said we can't charge it.... It doesn't make sense to leave this in pension, because insurance has nothing to do with pension. So immediately we took action to take it out of pension, because it shouldn't have been charged there.

We were left with two alternatives. Where do we charge it? We can charge it to appropriations or we can charge it to the insurance premiums. The first option for the commissioner and myself was to charge it to appropriations.

• (1710)

**Mr. John Williams:** I'm a little confused here. You talked about charging something. I thought you received a cheque. Weren't you crediting something here?

**D/Commr Paul Gauvin:** No; initially it was charged to pension.

So then we got a cheque back from Morneau to take it out of pension because it shouldn't have been charged there in the first place. So we credited the pension, as it should be, and then we had no place to charge it except for life insurance premiums, because in the meantime we also got a legal opinion—in fact, we got two legal opinions, one from Treasury Board and one from our own legal adviser—that said we cannot charge it to appropriations because the RCMP does not have authority to operate a life insurance plan.

Just to finalize—and I know it's taking a few minutes—now HR is doing a whole lot of work with the Treasury Board to determine what we're going to do with this in the future. Obviously, RCMP members have to have insurance. They're in a dangerous profession. So we have to decide now where we go in the future, and get authority, first of all, to operate this, and secondly, where we charge it.

**Mr. John Williams:** I was trying to get just a simple answer, Mr. Chairman, on the application of the cheque, and now we're into whether the RCMP should have insurance or not. We keep meandering and wandering all over the place. I still really don't have a clear answer to my simple question. We went from cheques

being received to invoices being issued to the RCMP that they couldn't understand, and they go back and dig through some contract and they find, well, maybe there's a 40% share. It seems just a real dog's breakfast to me.

**The Chair:** Thank you, Mr. Williams.

Maybe, Mr. Gauvin, you'd want to take time and come back with a little more in a written response to that question.

Mr. Williams' time is up.

That, colleagues—

**Mr. Pierre Poilievre:** On a point of order, Mr. Chair, I have to make a point on the record here, because some of our viewers might be misled by the proceedings today—

**The Chair:** The viewers might be confused.

**Mr. Pierre Poilievre:** —if this point is not made.

That is, we have these documents. I understand the clerk got them only at the last minute, so I don't blame him at all for getting them to us a few minutes later. But the testimony that Mr. Girard made earlier on would lead a lot of people listening to it, without access to these documents, to believe that his inability to present as a candidate for the staff relations association was in some way linked to this pension and insurance issue.

These letters, just for the record, indicate that it has nothing to do with the pension and insurance issue. There seems to be some considerable controversy over whether RCMP members should unionize. His organization or his lobby group seems to express the view that they should. I'm not really of a strong opinion either way; it's not my role. I just want to make it clear that this individual was not forbidden, according to this information, from running because of anything related to the pension or insurance scandal that we're debating and discussing here, but rather over some other entirely extraneous dispute over whether or not RCMP members should unionize and whether or not he should be allowed to advocate for their unionization.

I think it's an important distinction, and I just wanted to put that on the record.

Thank you.

**The Chair:** Yes, and as you know, Mr. Poilievre, those documents will form part of the committee's deliberations.

**Mr. David Christopherson:** Mr. Chair, he's the only one who said the word "union" here all day.

**The Chair:** Mr. Lewis had explained that too.

I have a couple of questions before we go to round two.

Mr. Spice, your name has been mentioned before, and no doubt you're following the committee's proceedings. There have been a number of members who certainly feel, and I think it's supported, that their career has suffered as a result of them coming forward: Fraser Macaulay, Mike Frizzell, and Denise Revine. I understand some of those people went to you initially with some of their concerns.

•(1715)

**A/Commr John Spice:** Ron Lewis, Fraser Macaulay, and Denise Revine did have conversations with me, met with me regarding their concerns. In fact, we met with the director of audit to outline their concerns to him and to indicate to him my concerns vis-à-vis the internal audit and the fact that, in my view, the behavioural issues, the abuse of power and authority, the poison work environment, and so forth had to comprise part of his audit in order for it to be meaningful. It couldn't just be about the money.

**The Chair:** Mr. Spice, I don't have the exact transcript, but my recollection of the testimony was that you told them basically there was very little you could do for them, that they were on an island and they weren't going to get much institutional support from the force. Is that your recollection?

**A/Commr John Spice:** Mr. Chair, I think you're misquoting me. I think the island comment was related to Deputy Commissioner Barb George and her conversation with Fraser Macaulay.

I did, however, have several conversations, over time, with the commissioner regarding both Mr. Lewis's concerns and Fraser Macaulay's issues. Indeed, I believe, if memory serves, that I forwarded a copy of an e-mail to the commissioner that I received from Denise Revine.

It became clear to me that things weren't progressing well, but as soon as the audit was called, I felt that we'd gone to the extent we could and that we should allow that audit to continue. The audit would then follow....

The process, for example, is that if you call for an internal audit—and I worked in audit many years ago, but I believe the principles still apply—you do the audit, and as soon as you determine that any criminality is involved or that there are code of conduct violations, you suspend the audit and proceed with the criminal investigation.

So the audit was ongoing. I had satisfied myself, certainly, that the auditors were going to be doing everything they possibly could to get to the bottom of this. I know that both Fraser and Denise had reservations regarding that, and we met with the auditors to spell out what those concerns would be. I reiterated to the auditors at that point in time that if I were dissatisfied with the results, I would then go outside to the Public Service Integrity Office, because as a senior officer for internal disclosure on wrongdoing, it was my obligation to do so.

Now, I didn't see the audit report when it was completed, and I was gone from the organization by the time the Ottawa Police Service investigation was completed.

**The Chair:** Mr. Spice, the point I'm making—and I want to get your comment—is that it's my view that the institution failed certain of these people.

Take, for example, Ms. Revine. She was there for 33 years. She came forward with certain allegations, and her job was sacked. We want people in the public service to act and behave ethically, and that was your job, sort of, as the ethics adviser. Certainly from everything I've heard and seen at this hearing, she did act ethically, and she lost her job.

Was there anything your office or the institution could have done, in hindsight, to protect this lady?

**A/Commr John Spice:** Absolutely.

May I read something to this committee that I wrote? It's salient to that issue. It's brief.

**The Chair:** Is it a document?

**A/Commr John Spice:** I've given it to the clerk, so everybody should have it. It's not translated, of course, and I apologize for that.

**The Chair:** Okay. Read it to the....

**A/Commr John Spice:** “What the Public Accounts Committee is presently dealing with is a result of RCMP culture and behaviour. The unethical behaviour of certain individuals created this situation, in my view, because of the phenomenon of Noble Cause Corruption.” Noble cause corruption is simply the belief that the end justifies the means. “When employees do not see people held accountable for unethical behaviour, or they witness unethical behaviour that goes unchecked, they then sometimes begin to model the behaviour. Of note to this Committee is that in August of 2005, I returned on a personal services contract to examine RCMP Corruption.”

At that point in time, the file, Project Probity, as the Ottawa city police investigation was named—I made reference to it in that short 42-day contract I had.... I suggested to the deputy commissioner in charge of human resources, the chief human resources officer, Barb George—as well, I had discussions with the officer in charge of the criminal intelligence directorate about my project—that they look at that file as it related to corruption.

To move on, “I want to point out to this Committee that the actions of Ms. Revine are to be commended. She had the ethical courage to bring this matter to the attention of C/Supt. Fraser Macaulay despite the fact that she knew that she was opening a Pandora's box. She is not a 'Whistleblower'.”

I know that she's been referred to as a whistle-blower in this committee and certainly in the media. She is not a whistle-blower, in my view. She's a dedicated public servant who did her job.

“The RCMP should be extremely proud of her dedication in this matter. The actions of Fraser Macaulay, Ron Lewis and Mike Frizzell should also be commended. Both C/Supt. Macaulay and S/Sgt. Mike Frizzell have weathered criticism and even disdain for their tenacity. That, Mr. Chair, is just fundamentally wrong. I find the behaviour of some senior managers, from whom you've heard testimony, very disturbing. Had this matter been dealt with appropriately, at the outset, in accordance with the RCMP's values of Honesty, Integrity—and professionalism—“Compassion, Accountability, and Respect none of us would be sitting here today.”

•(1720)

**The Chair:** Thank you, Mr. Spice.

In hindsight, was the failure one of civilian oversight? What's the number one failure that you can point to that caused this problem—which you've identified, by the way?

**A/Commr John Spice:** I think it's the culture. It's culture and behaviour. Unless the culture and behaviour change.... And it's not something that's unique to the RCMP; it's prevalent in government as well, ladies and gentlemen. I think it's something that exists, whether in private industry or public offices, and it's something we have to be in tune to.

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

We're going to go to the second round, of five minutes.

Mr. Wrzesnewskyj.

**Mr. Borys Wrzesnewskyj:** Could I ask that Assistant Commissioner Corrigan be brought to the front?

**The Chair:** We will swear in Assistant Commissioner Corrigan.

**Mr. Bernie Corrigan (As an Individual):** I, Mr. Bernie Corrigan, do swear that the evidence I shall give on this examination shall be the truth, the whole truth, and nothing but the truth, so help me God.

**Mr. Borys Wrzesnewskyj:** Mr. Lavoie, we'd heard previously from Mr. Gauvin that he had no line authority and did not interfere. Yet in your testimony during the last round, towards the end, you'd said that Mr. McConnell, the same assistant of Mr. Gauvin who previously had told you the report should not be released, when you were intending to release it, arrived at your door and you said was wagging his finger and telling you not to release it.

Did I mishear you or misunderstand you?

**Supt Pierre Lavoie:** Yes, you did.

As I indicated before, on the 21st I was told that this report should not be released, for the reasons we heard. My comment to Mr. McConnell was that there was no way this report was not going to be released; that we were taking into account the concerns they had, but that the report had to go.

I described the subsequent steps. On the fifth, when push came to shove, so to speak, when subpoenas were being issued or there was talk about their being issued from the Information Commissioner's office, I sent an e-mail to Mr. Gauvin with a copy to Mr. McConnell to be sure Mr. Gauvin got it, and that's when Mr. McConnell came up wondering what this was all about.

This was my decision all along. Theirs were only recommendations, and it was my decision to make, after all. I'm sorry, I had not felt at that time that it was my decision to make. I was intent on making it, but I had to take proper steps to be—

**Mr. Borys Wrzesnewskyj:** Mr. Gauvin, I'm having a hard time matching those circumstances with your previous statements that at no point did you interfere. Did you instruct Mr. McConnell to head over to Mr. Lavoie's office to try to prevent the release of this report?

• (1725)

**D/Commr Paul Gauvin:** I'm as confused as you are. Basically, my only role was that I was asked for an opinion. I gave that opinion, and that was it.

**Mr. Borys Wrzesnewskyj:** So who would have instructed your assistant, Mr. McConnell? We now know that you had one assistant going to the ATIP section just to get the names of the documents. You have another assistant going to Mr. Lavoie's office, shaking his

finger. Who would be giving all these assistants instructions? Who gave Mr. McConnell the instruction?

**D/Commr Paul Gauvin:** I didn't even know that Mr. McConnell went to ATIP.

Basically, we had no role to play. I don't know why he would have gone. It was up to ATIP to decide what they wanted to do. We had written our memo, we had done what we had to, and we had no other role in that situation.

**Mr. Borys Wrzesnewskyj:** Thank you.

Assistant Commissioner Corrigan, we heard quotes from a couple of memos, a memo in an A5 from Mr. Estabrooks making incredibly serious allegations, wouldn't you agree?

**Mr. Bernie Corrigan:** As far as the reference to the memos is concerned, I didn't become aware of that particular information until preparing for this committee appearance. I had some discussions with Superintendent Lavoie shortly after the Gauvin memo, I believe on the 21st. I asked Mr. Estabrooks to send the file back to legal service for a final review.

It certainly was my position that this document was going to go out, and going to go out forthwith. I met, as I mentioned, with Superintendent Lavoie and I fully supported him in his decision to release this information. We discussed the concerns around the personal information that was within that particular document itself, as well as any potential impact the release might have upon the internal investigation that was ongoing. This particular document dealt with the criminal investigation, not the internal investigation.

**Mr. Borys Wrzesnewskyj:** Now, looking at these particular quotes, I would have expected that it would have been much earlier, and not only after the parliamentary committee made these documents public, that you would have been aware of such concerns.

Does it concern you that when the officer who was preparing the access to information documents would have made allegations of this sort—these are serious allegations—that the information would not have gotten to you?

**Mr. Bernie Corrigan:** Well, again, the conversations that I had with Superintendent Lavoie were around the frustration with getting this thing moved forward. As I stated, I was fully supportive of his position on this. What we did discuss, as a final step, was identifying those individuals who were part of the criminal investigation, those individuals who were named in the internal investigation, so that the reviewers could have some reference.

**Mr. Borys Wrzesnewskyj:** How long did Mr. Alberti of legal services sit on these access to information files?

**Mr. Bernie Corrigan:** It is my understanding now, after reviewing material, that it was about three and a half or four months.

**Mr. Keith Estabrooks:** Five months.

**Mr. Borys Wrzesnewskyj:** How long would that have been, and would that have been normal for something like this—a document of 50-odd pages?

**Mr. Bernie Corrigan:** Well, again, I can't speak to legal services.

**Mr. Keith Estabrooks:** I'm sorry, was the question directed to me or to...?

**Mr. Borys Wrzesnewskyj:** Yes, it was a question to establish how long the documents were sat on and whether that would be a normal set of circumstances.

**Mr. Keith Estabrooks:** It went to Alberti's office for the first round on October 13, 2005. It was returned mid-March 2006, and it went back on March 21, I believe, and then it was actually mailed out on April 26 of 2006. So for five months or close to five months, it sat there.

**The Chair:** Thank you, Mr. Estabrooks.

Mr. Sweet, you have five minutes.

**Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC):** Thank you, Mr. Chairman.

Mr. Spice, it's good to see you. You've been mentioned so much, I'm glad to finally see you in the flesh here.

You mentioned a poison environment that people had to work in. How much of this circumstance that we're investigating right now—the nepotism, the contracting, the pension insurance outsourcing—played into that poison atmosphere?

• (1730)

**A/Commr John Spice:** Do you mean for the purpose of this audit that was conducted? All of it would.

**Mr. David Sweet:** All of it would. So this was a substantial amount of the poison atmosphere that was in the RCMP at that time. Is that correct?

**A/Commr John Spice:** Well, it was not unique, but it was certainly relative to NCPC under Dominic Crupi. So as a consequence of that, the audit would have taken those issues and dealt with them.

I wasn't speaking, though, about the poison work environment as it relates to outside of the force. We do have issues. I'm not suggesting that there's a poison work environment—

**Mr. David Sweet:** No, I'm suggesting a poison work environment inside the force.

**A/Commr John Spice:** You mean inside of NCPC. I dealt with issues for the entire force—coast to coast to coast.

**Mr. David Sweet:** Correct.

You had mentioned that you were concerned about some of the senior executives' testimony before this committee. Could you tell me which of those you were most concerned about?

**A/Commr John Spice:** Well, I believe it was Mr. Williams who continued to ask for fulsome answers to the questions, and as I sat and listened, quite frankly, I shared your frustration, because the answers were not particularly fulsome and in some cases were evasive. So I don't know that I have to go into who the individuals were. You sat here and listened to the testimony. Certainly I shared the same frustration and was saddened by the lack of direct response by people in senior management positions in the RCMP giving evidence at this committee.

**Mr. David Sweet:** Mr. Gauvin, you mentioned on several occasions where you did and where you didn't have authority, and yet I see that you were exercising authority, in some cases, where you didn't have it. Who gave you the authority to actually take the

money? If you weren't allowed to take the money from your A-base, who gave you the authority to take the money from the actual premiums?

**D/Commr Paul Gauvin:** Well, sir, we were between a rock and a hard place. We certainly couldn't charge it to pension; it had no relationship with pension. We couldn't charge it to appropriations because we have two legal opinions. There's only one place left, and that's the agreements.

**Mr. David Sweet:** Did you go to the membership and find out if they were okay with that?

**D/Commr Paul Gauvin:** Well, where else would we have charged it?

**Mr. David Sweet:** I'm not asking you that, sir. You're saying in one case you couldn't charge to the A-base, you didn't have authority. But you're telling me that you charged it to some place where you didn't have authority as well.

**D/Commr Paul Gauvin:** Well, I think we had authority, because we didn't have authority to administer insurance; therefore the premiums had to handle the administration.

**Mr. David Sweet:** You were on the pension advisory committee, you've mentioned that. You were there when Morneau Sobeco did their presentation, is that correct?

**D/Commr Paul Gauvin:** I really don't remember that meeting. I think I was probably there, but I don't remember that meeting.

**Mr. David Sweet:** You don't remember that meeting. You don't remember who requested that Morneau Sobeco actually make their presentation.

**D/Commr Paul Gauvin:** It would have been discussed with the pension advisory committee and the chairman would have made that decision, yes.

**Mr. David Sweet:** Can you table the minutes of that meeting for us, please?

**D/Commr Paul Gauvin:** Yes.

**Mr. David Sweet:** The other question I wanted to ask you is where was the \$200,000 from Great-West Life charged to, the money that really didn't get any kind of product from them at all? What was that charged to?

**D/Commr Paul Gauvin:** It would have also been charged, I believe, to the insurance plan.

**Mr. David Sweet:** That was charged to the insurance premiums as well.

• (1735)

**D/Commr Paul Gauvin:** Yes.

**Mr. David Sweet:** Do you not find it disturbing that a contract was given to Morneau Sobeco that had to go through Great-West Life in order to manage?

**D/Commr Paul Gauvin:** Yes, very disturbing.

**Mr. David Sweet:** In all these things that were taking place, the escalation of the costs, Dominic Crupi continuing with contract after contract after contract after you apparently cancelled his contracting ability, did you not follow up after you took away that contracting capacity?

**D/Commr Paul Gauvin:** No. I explained last week, sir, that going to Public Works we thought was a good thing, because Public Works is usually pretty tough on contracts. They are the experts in the government. What happened in this case is that he happened to find an individual within Public Works who colluded with him.

**Mr. David Sweet:** I understand that, but you're the chief financial officer. You were the one with the financial *gravitas* on the pension advisory committee, and all of this went by you absolutely unnoticed. All of these activities we're talking about, where we actually had a deputy minister here saying that many of those processes were rigged, were you not aware of any of this?

**D/Commr Paul Gauvin:** We were unaware. He wasn't aware either. This was a collusion between two individuals.

**Mr. David Sweet:** Yes, but you were active in operations there, sir, a chief financial officer.

**D/Commr Paul Gauvin:** How would we have known that these contracts were not being given out as they should have been given out?

**Mr. David Sweet:** Well, one of the things would have been the escalating costs. Wouldn't that have alerted you at the time?

**D/Commr Paul Gauvin:** The escalating costs—we looked at that many times. The problem with the escalating costs is that we also had to implement Bill C-78, which was a new pension act, and as a result of that, we had to produce financial statements. As a result of that, we had to get rate information, and all of this was audited both by your internal auditors and the Auditor General every year since the year 2000.

**The Chair:** Thank you, Mr. Sweet. Thank you, Mr. Gauvin.

Colleagues, it's adjournment time. I'm in the hands of the committee.

Mr. Christopherson.

**Mr. David Christopherson:** At the risk of possible repercussions down the road, I move that the committee sit until 6:30.

**The Chair:** Does anybody have any difficulty with that?

Mr. Laforest.

[*Translation*]

**Mr. Jean-Yves Laforest:** Mr. Chairman, could we extend the meeting until 6:30 or until the end of the next five-minute round?

[*English*]

**The Chair:** The round we're in has five people left at five minutes each. That will take about half an hour.

Okay, I sense direction from the committee to do that.

Mr. Roy, *cinq minutes, sil vous plaît*.

[*Translation*]

**Mr. Jean-Yves Roy (Haute-Gaspésie—La Mitis—Matane—Matapédia, BQ):** Thank you, Mr. Chairman.

I would like to come back to Mr. Girard.

I would first like to say that the expression you were looking for a little earlier was "collateral damage". I wanted to come back to the subject because Mr. Spice referred to it.

I would like to know—even though you already partly answered—why you asked for documents relating to the RCMP pension fund. You said a few moments ago that you wanted to inform your members. Do you remember when you asked for these documents?

**S/Sgt André Girard:** As I remember it, I would say that I asked for them while the investigation was under way. There was a time when I was told that the documents would eventually be available, would be released. When the investigation was over, obviously I must have thought that we needed access to the information, to the documents. The time had come to produce those documents. That was it.

But I did complain about the undue length of time it took to provide me with the documents. At one point, I had agreed to postpone their production, since we did need to allow time for things to be done. But at the end of that period, the time had come to produce them.

After that, I submitted another request for access to the access to information work file. When you submit an access to information request, the access to information section, headed by Mr. Lavoie, opens a file which is then used to process the request. People go look for the information requested, wherever it may be. That's when we ended up with some very interesting information, which is now being followed up right to the Office of the Information Commissioner.

**Mr. Jean-Yves Roy:** When you submitted your request, were you making any assumptions about what the document contained, or did you have information?

**S/Sgt André Girard:** I would have some difficulty answering that. Someone at the access to information office... Unfortunately, I'll have to get back to you on this, because I'm speaking from memory.

**Mr. Jean-Yves Roy:** Yes.

**S/Sgt André Girard:** The person in question indicated that it might be useful to submit a request for the work file. I had no idea what this was about, or what there could be in the work file. That wasn't indicated to me at the time. I did as the person recommended and submitted the request. It was only when I received the document that I realized there were really specific things in that file which showed where it was going, either to legal services or to the Privy Council Office.

• (1740)

**Mr. Jean-Yves Roy:** I have a question for Mr. Lavoie. Earlier, in answer to a question, you said that the document was classified as secret because you had received it from the Ottawa police and it was marked "secret".

Can't the RCMP classify its own documents?

**Supt Pierre Lavoie:** That's right. The document came from outside. We at access to information are not responsible for classifying documents. We take them as they are when they arrive.

**Mr. Jean-Yves Roy:** I agree. However, if I receive a document from outside and I want to keep it secret, then I keep it secret. It's my decision. It was a secret document for the Ottawa police, when it was with them and for as long as the Ottawa police was conducting the investigation, but once the document came to you, it didn't have to stay secret just because it had the word "secret" stamped on it.

**Supt Pierre Lavoie:** I have absolutely no authority to declassify documents. I take them as I receive them.

**Mr. Jean-Yves Roy:** This was a document from the Ottawa police, not an RCMP document. I am having some trouble with your interpretation.

**Supt Pierre Lavoie:** If you are referring to—

**Mr. Jean-Yves Roy:** I understand that the Ottawa police service classified the document as "secret", for as long as it was in their offices, but on the day the Ottawa police sent you the document, it became yours, in my view.

**Supt Pierre Lavoie:** It was certainly an RCMP document, but when it arrived in my office, it was classified "secret".

**Mr. Jean-Yves Roy:** But that's the problem. It's not because the document had the word "secret" stamped on it... It was classified "secret" for the Ottawa police, but not for the RCMP. Even if it was marked "secret", it had become an RCMP document, and thus it was up to the RCMP to decide how it should be classified. The Ottawa police is not responsible for making that decision on behalf of the RCMP. That is what I am trying to explain.

**Supt Pierre Lavoie:** But—

**Mr. Jean-Yves Roy:** I'm really having trouble understanding what you're saying.

Do I still have some time, Mr. Chairman?

[English]

**The Chair:** You may ask one more question.

[Translation]

**Mr. Jean-Yves Roy:** I would like to come back to Mr. Spice. I would like you to confirm what you were saying. You said that this is how things are done in some organizations. I would like to say—and this is a personal remark—that what you are saying is wrong. Things are done that way at the RCMP and in some military-type organizations. When there is abuse, that means there is abuse in the system. But things are not done that way in all organizations; that is not true. Things are not done that way throughout the public service. They are done that way at the RCMP because the RCMP is a military-type organization, and the RCMP's image must be protected in every circumstance. That is the problem.

[English]

**A/Commr John Spice:** Well, you're entitled to disagree.

What I'm saying is that every organization is subject to the same frailties, I suppose, of human behaviour. The RCMP has had issues around abuse of power and authority. It's had issues around harassment. I've dealt with many of those in my 21 months as ethics adviser, but I was also a commanding officer of a division and an officer commanding a subdivision and an officer in charge of several branches. I can tell you, you can resolve issues very informally if you have good communication skills and a willingness to do that. I'm not convinced, in this particular instance, that the issues brought forward by Ms. Revine were dealt with in that fashion. In regard to the individual she was reporting—that being Mr. Crupi—and the irregularities, and so forth, she felt she was out there on her own, with the exception of Mr. Macaulay.

We shouldn't feel that way. If you feel that way in the environment you're working in, then, damn it, there's something the matter with the environment, there's something the matter with the individuals who are placed in positions of power, like Mr. Crupi. How did that come to pass? Why didn't anyone ever recognize the fact that the man was a tyrant? It came down to the fact he was marching to the drum of Mr. Ewanovich, who wanted to advance HR programs, and as a consequence of that they used whatever moneys were available. In this case, they took fence money from the pension fund and 2020, and used it to move forward certain programs. You can't tell me that Mr. Ewanovich was unaware of that. He had conversations with Mr. Crupi on a regular basis. Did the commissioner know? I'm not sure, but I know that I had conversations with the commissioner relative to that particular issue, the issue of behaviour as it related to both Crupi and Ewanovich. I can go into great detail, if you would like, on some of those conversations.

Did I answer your question?

• (1745)

[Translation]

**Mr. Jean-Yves Roy:** Yes, you answered it very well.

[English]

**The Chair:** Merci, Monsieur Roy.

Thank you, Mr. Spice.

Mr. Fitzpatrick, for five minutes.

**Mr. Brian Fitzpatrick (Prince Albert, CPC):** I think I'll just take up that point and maybe pursue some questions with the person who was the chief financial officer for the RCMP while this was all going on, the dealings between Mr. Ewanovich and Mr. Crupi, and so on.

Mr. Gauvin, these are yes or no questions. I don't want speeches.

The decision to apply that to the premiums—the \$570,000, and so on, on which you had legal opinions and other things, so that you couldn't put it here and you couldn't put there—did you have any legal opinions advising you about the legality of charging against premiums?

**D/Commr Paul Gauvin:** We had a legal opinion that said we couldn't charge it to appropriations—

**Mr. Brian Fitzpatrick:** Yes or no?

**D/Commr Paul Gauvin:** —or pensions.

**Mr. Brian Fitzpatrick:** Okay, that's what I was looking for.

The Great-West one, as well, did you have a legal opinion saying it was okay?

**D/Commr Paul Gauvin:** Well, the legal opinion applied to all of them.

**Mr. Brian Fitzpatrick:** Pardon?

**D/Commr Paul Gauvin:** The legal opinion would have applied to all of those expenses.

**Mr. Brian Fitzpatrick:** Okay.

Now, I'm in a real mushy area with some of your answers in a certain area here, and I'd like some clarity, so I'm going to give you some room to clarify this.



In one breath, you told me that you'd told this committee that Crupi was into Public Works, and I didn't really have to worry about that because Public Works would take care of it. At another hearing, you told us you had cancelled Dominic Crupi's ability to contract, and you really didn't know he was doing these things.

Now, which is it? Is it that you were confident that Public Works would have the checks and balances to control Mr. Crupi, or was it the answer you gave before, that you had cancelled his contract and privileges and you just didn't know that he was doing this? It was only \$6 million. You knew all about the \$580,000 and all the charging and re-entries, and so on, but \$6 million could flow right through Mr. Crupi in contracts to this network he had created, and you didn't....

What's your answer to that?

**D/Commr Paul Gauvin:** Well, first of all, we did take his authority away. But going to another government department is not the same authority. Basically, going to Public Works is the way to go when you want to have contracts, because they are the experts. They have a large number of people who are specialists in that.

**Mr. Brian Fitzpatrick:** I just want to be clear on that. It's again a bit of a mushy answer. It seemed to me you told me that you had found out that Crupi was doing things that you weren't happy about, so you took away his contracting powers.

**D/Commr Paul Gauvin:** Yes.

**Mr. Brian Fitzpatrick:** Was that for everything, or just some things?

**D/Commr Paul Gauvin:** That was for all the contracting authority within the RCMP.

**Mr. Brian Fitzpatrick:** Okay, well, let's quit dancing around that one, then, sir.

**D/Commr Paul Gauvin:** If I can continue for one second, sir, the authority for contracting in Public Works is not the RCMP's authority, it's Public Works' authority. When we go over there for a contract, we expect them to do their work.

**Mr. Brian Fitzpatrick:** The \$6 million was coming out of the RCMP. There's no disagreement on that.

**D/Commr Paul Gauvin:** Yes, but they contract on behalf of the RCMP; there's no question about that.

**Mr. Brian Fitzpatrick:** But you must watch the outflows that go out of the RCMP to other agencies, or...you had to make a bunch of readjustments on the \$570,000 that went out wrong, and so on. You're the chief financial officer; the buck stops with you, sir, on those kinds of transactions.

**D/Commr Paul Gauvin:** That's right.

**Mr. Brian Fitzpatrick:** Don't tell me somebody else is to blame on it.

•(1750)

**D/Commr Paul Gauvin:** I'm not saying that. What I'm saying is that when we got an invoice for \$570,000, we didn't have any place to charge it, so we immediately investigated it—

**Mr. Brian Fitzpatrick:** I have a question for Mr. Lavoie. I've heard your answer, sir. You keep on bringing up this privacy issue,

and this fellow here has said that, well, he can't release stuff because there are privacy issues here.

I'm a member of Parliament, and there are taxpayers and RCMP members who are wondering what in the heck has been going on with the money here. For some people to say they can't inform these people because there are privacy issues involved here....

There are people who may have their finger in the cookie jar or may have carried out acts of misconduct, but their privacy rights are more compelling than the public interest and the right of RCMP members to know what in the world is going on with their money. How do we rationalize this? If your argument is correct and Mr. Gauvin's right, this privacy thing is almost an absolute shield against people finding the truth to wrongdoing.

**Supt Pierre Lavoie:** What was the question, sir?

**Mr. Brian Fitzpatrick:** How do we balance these interests? I want to know what's going on here. I'm a member of Parliament. If money has been misspent, I think I have a right to know it, and I don't like privacy people telling me they can't tell me because they think it's private.

**Supt Pierre Lavoie:** Unfortunately, it's a reality of my life. When I process a file, I have to take into account two acts: the Access to Information Act and the Privacy Act. I can't do anything about that.

**The Chair:** Thank you, Mr. Fitzpatrick.

**Mr. David Sweet:** In the last testimony, Mr. Gauvin referred to a legal opinion he received regarding the application of funds to different accounting lines. I would ask for that legal opinion also to be tabled forthwith to the committee, along with the minutes of the PAC meeting that I had referred to as well.

**The Chair:** Mr. Gauvin, I would ask you to table those documents.

**D/Commr Paul Gauvin:** We will send that in, sir.

**The Chair:** Thank you.

Before we go to Mr. Christopherson, I have one question for you, Mr. Gauvin. I want your full answer on this.

You're the chief financial officer of this institution. The committee has heard a lot of testimony. You were successful in getting budget increases, according to testimony earlier today.

I want to question you on the dismissal of Denise Revine. She was there for 33 years. She had an impeccable record. The evidence that the committee has heard is that one day someone went into her office; she wasn't to touch any more files, and she was being laid off or declared excess to establishment. The reason that has been advanced before this committee is that the RCMP had no money to pay her; it was a budgetary issue. As the chief financial officer of this institution, do you think it's reasonable that the committee should buy that explanation?

**D/Commr Paul Gauvin:** No, I don't, sir.

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

**D/Commr Paul Gauvin:** Can I expand on that for one second?

Mr. Poilievre gave me way too much credit. I didn't really double the budget of the organization. I was certainly at the centre of the transactions, but there were a whole lot of other people involved. The fact that certain events happened, such as 9/11, obviously helped. It was not a good event, but it certainly increased the budget of the organization, as well as contracting police, and we got a lot of money. Anyway, no, I don't agree that it was the right thing to do.

If I can say one other thing, HR had a pretty big budget. On top of that, we also gave them additional funding every year because they had lots of issues. How they used that money was up to them, but I don't think it would have been fair just to say a position is cancelled versus another.

**The Chair:** You're saying that the committee should not buy that explanation at all.

**D/Commr Paul Gauvin:** No, they should not.

**The Chair:** Mr. Christopherson is next, for five minutes.

**Mr. David Christopherson:** Thank you, Mr. Chair.

It's tough to do in five minutes. I don't know if Mr. Spice is coming back. I almost wish we had him in here earlier.

You mentioned the poisoned work environment you found around this issue and you had a chance to comment on broader issues. How much further does that poisoned work environment go, in your opinion?

**A/Commr John Spice:** Do you mean outside of Ottawa?

**Mr. David Christopherson:** No, outside the instant case we're dealing with, and the people who were affected. Is it something you see culturally as a problem, or was it a relatively isolated issue, where you found this poisoned work environment?

**A/Commr John Spice:** I believe this particular situation was the worst-case scenario.

I had a meeting with a lady—and I'm not going to mention her name here—but she worked in that environment with Mr. Crupi, and she was frightened of that man.

You have to understand my position as the ethics adviser. I was on the main floor of headquarters building and you would actually see people walk back and forth in front of the office until there was nobody in the hall, and then they would duck into my office. So there was a stigma attached to going to see the ethics adviser.

This poor woman agonized over coming to see me, but she did not want me to intervene, because if I was unsuccessful her life was going to continue to be miserable. The helplessness that you see in employees.... And believe me, I had a box of Kleenex in my office and I used to tell people that it was there to get rid of my Nicorette gum, so that I didn't put it through the wash at home, but it was there for the individuals who came in to see me. More often than not I had people break down in tears over issues that were occurring in their work environments.

I reported that. I spoke to the commissioner. I spoke to the deputy commissioners. God, I spoke to everybody I could speak to regarding the behaviour, and no one was held accountable. I was not in the position to hold people accountable. I was there to report

upon wrongdoing. And in so reporting that wrongdoing, people ought to have been held accountable.

It went to a point that the commissioner spoke to me one day and said: "John, some of the COs and the deputies think you're being involved in too much, and they really don't understand this role of the senior officer for internal wrongdoing in the workplace." I said: "Commissioner, it's not from a lack of communicating, because I've spoken at every new officers' course that comes out. I've spoken at SMT. I've spoken at SEC. I've sent out communiqués on the role of senior officers. So if they're not understanding it, there's something wrong."

At any rate, I go on.

● (1755)

**Mr. David Christopherson:** Okay. Thank you for that. And I was allowing you to go on.

I'm going to mention a couple of things. I know I'm going to run out of time before I'm finished, so I'm just going to run like hell.

I want to just say this to Mr. Estabrooks—and he may get a chance to comment. This potential delay, if the delay was purposeful in terms of the legal things and everything, if it's ultimately proven by the public inquiry, which I believe still will happen, that this was a delay, it could play into the statute of limitations issue we ran into, where people who were found to be held accountable couldn't be because the time limitations had expired. So it might be interesting to see whether or not there is a linkage to some deliberate ragging the puck, and then something that was key in all of this that just happened to turn on a statute of limitations issue.

Mr. Lavoie, what is your understanding, sir, of what happened on the day Mr. Estabrooks is talking about, when Mr. Gauvin's assistant went in? What is your understanding of what took place?

**Supt Pierre Lavoie:** My understanding of what took place is that Mr. McConnell came directly to me with a memo indicating what I stated several times before, that they did not want the report to be released because of personal information and so on and so forth.

**Mr. David Christopherson:** Now, that was Mr. Gauvin's office that didn't want that released?

**Supt Pierre Lavoie:** That was a memo signed by Mr. Gauvin, telling me that their position was that there was personal information in the investigation and the report should not be released.

**Mr. David Christopherson:** I'm noting that in one of the memos from Mr. Estabrooks to you, Mr. Estabrooks makes the point: "I find it most interesting that the only response generated from all the heads-up that were forwarded to your requested locations has come from Mr. Gauvin." Is that correct? Is he the only one who gave that kind of feedback?

**Supt Pierre Lavoie:** That's correct, yes.

**Mr. David Christopherson:** Thank you. Go ahead.

**Supt Pierre Lavoie:** So anyway, Mr. Estabrooks gave me the memo that was referred to. At that point, he was complaining to me about the fact that the report was not going out, and that's the way I took it. And I took it to mean that some action had to be taken in terms of that report being released. So that's exactly what I did.

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

Ms. Sgro is next, for five minutes.

**Hon. Judy Sgro:** Mr. Gauvin, I have the auditor's report that started all of this, dated November 2006. It goes on about what she found and what was done by the RCMP to deal with the pension issue, and so on.

We are now in May 2007, and I think this is important for anyone who's watching. Can you give me the current status of the pension fund? How is it being administered? Is it being paid for out of appropriations? Exactly what's happening on that?

**D/Commr Paul Gauvin:** I'm glad you asked the question, because the auditor's report said that a certain amount had been charged to the pension fund and should not have been charged. I can announce today that everything that was charged to the pension fund that should not have been charged has now been cleared out. I had a meeting on Friday with the Deputy Minister of Public Works, who agreed to reimburse half of the remaining balance of the CAC charges. We've had discussions with Treasury Board to reimburse the other half. So now the pension fund is exactly where it should be.

In addition to other things that were done, we now have an oversight committee that watches everything that's charged to the pension fund. Every three months, all transactions over \$50,000 are checked again. So the checkers are checking the checkers to make sure this doesn't happen. An accounting unit that was part of the pension unit in NCPC now reports directly to finance, so we make sure there's no interference there.

So a lot has been done.

• (1800)

**Hon. Judy Sgro:** What about the administration costs for the insurance fund?

**D/Commr Paul Gauvin:** The administration costs for the insurance fund are now under review by HR with the Treasury Board Secretariat. They are looking at a number of options—whether we should take the public service plan or keep the present plan. There has to be discussion with the members. Then a number of options will be proposed. One is to go back to look at everything that was charged to the insurance and see if it can be paid back retroactively. But that would require Treasury Board approval.

**Hon. Judy Sgro:** At one point in this process you had to go for some ethics training.

**D/Commr Paul Gauvin:** Yes.

**Hon. Judy Sgro:** Could you tell me a bit about that and what you learned? I think you had a day of ethics training.

**D/Commr Paul Gauvin:** Yes. I went for a day and it was an excellent course. It was so good that I have asked every one of my employees to take that course. As new people come into our branch they immediately go into the ethics course.

**Hon. Judy Sgro:** Mr. Spice, on the comments by Mr. Gauvin, you're no longer there; you're retired now.

**A/Commr John Spice:** That's correct.

**Hon. Judy Sgro:** Who has replaced you, and when did that happen?

**A/Commr John Spice:** There have been three individuals in that position since I left. I believe that Sandra Conlin is presently in that position.

**Hon. Judy Sgro:** Why has there been such a turnover?

**A/Commr John Spice:** I can only speculate. I might still be there if the frustration level hadn't become so high, but I had 35 years and, quite frankly, was ready to go. It's a high-stress job, because you're dealing with negativity all day long. The first fellow who replaced me was moved to London, Ontario; the second one retired; and we're now on the third one.

**Hon. Judy Sgro:** I would think your role was a really important one in order to have continuity for employees. They could have honest conversations as needed if they felt threatened and were working in an uncomfortable environment. How can that happen if people are continuously being moved?

Can I go back to people being moved, which is all part of this? Maybe this wouldn't have happened had there been better communication from day one, once some of these issues were discovered. It seems that as soon as anybody got into an issue and was asking about things being questionable, they were moved. Do you have any options when it comes to being moved when you're in the service?

**A/Commr John Spice:** Certainly you can refuse transfers, and people have. I don't know if it's fair to say that as soon as somebody starts asking questions they get moved. I don't believe that to be the case; nor do I believe—as I heard in these hearings—there is no such thing as a punitive move in the RCMP. We certainly don't have a policy about calling them punitive moves, but I know that people have been moved because they had issues within their work environment. They were seen to be problems, and as a consequence they were moved.

**Hon. Judy Sgro:** If Ms. Ravine hadn't come forward with the information that she did, would any of these issues have been found out about?

**A/Commr John Spice:** I suppose from the perspective of behaviour... Denise was doing an A-based review, as I understand it, and came upon the irregularities. But the fact of the matter is that the behavioural issues, the abuse of power and authority and the lack of leadership and positive interaction with employees within NCPC, ultimately would have come to my attention, I think. I had an open-door policy, and I believe, quite frankly, that I had the trust of the membership, of the employees. So ultimately it would have come to my attention. I don't know if we would have gotten to where we are right now, because she was the one who raised the issue of irregularities around the pension fund, and thank God she did.

**The Chair:** Thank you, Mr. Spice.

Mr. Sweet, five minutes, and that will be it.

**Mr. David Sweet:** Thank you, Mr. Chairman. I'll share my time with Mr. Williams.

Mr. Gauvin, the two funds, the insurance fund and the pension fund—since 1995 the previous government removed the capability of you being able to charge the administration to the A-base funding. Is that correct?

•(1805)

**D/Commr Paul Gauvin:** I wasn't there in 1995, but that could have very well happened, yes.

**Mr. David Sweet:** I've asked you about issues of the \$200,000 entry, a \$400,000 entry. You had very good memory around that. The advisory committee role that you played, was that one you did with disdain—you didn't want to be involved with that?

**D/Commr Paul Gauvin:** I don't believe that's right. I served on that committee and worked as hard as I could, as well as other members.

**Mr. David Sweet:** I'm curious because as soon as I ask questions around those meetings, your memory isn't quite as good.

**D/Commr Paul Gauvin:** What part of my memory?

**Mr. David Sweet:** Specifically, around a significant contract, Morneau Sobeco, a supplier you have that now operates both funds. You didn't recall a meeting that you sat in, which is substantial, because we're talking about a big contract where the parameters of the RFP were actually introduced at a meeting—

**D/Commr Paul Gauvin:** Are we talking about the pension or the insurance?

**Mr. David Sweet:** The pension.

**D/Commr Paul Gauvin:** Oh, I was definitely involved in the pension advisory committee and that contract, yes. That proposal would have come to that committee. I have no problem with memory on that.

**Mr. David Sweet:** Right. But I asked you earlier if you sat in on that meeting and you said you didn't remember.

**D/Commr Paul Gauvin:** Oh, no. You asked me if I was in on the meeting when Morneau Sobeco did a data presentation on what it would be like to have an outsourced—

**Mr. David Sweet:** That's correct.

**D/Commr Paul Gauvin:** That's not when the contract was awarded to Morneau Sobeco. I'm sorry, I didn't understand the question.

**Mr. David Sweet:** What was the nature of the contract for Morneau Sobeco then for the pension fund?

**D/Commr Paul Gauvin:** It was an RFP to outsource the pension fund.

**Mr. David Sweet:** I'm sorry, you're confusing me now. You just said it wasn't, then it was.

**D/Commr Paul Gauvin:** The meeting I believe you were talking about was a meeting where the chairman of the committee invited Morneau Sobeco to come in and do a presentation on what it would be like to have an outsourced pension fund, pension administration, because that had never been done in the government before.

**Mr. David Sweet:** Okay, so now we're on the right track.

Were you aware that the presentation they did, the information they gave, was what was used for the RFP afterwards?

**D/Commr Paul Gauvin:** No, I'm not aware of that. I don't think that would have been the same information. No.

**Mr. David Sweet:** You don't think it's the same information?

**D/Commr Paul Gauvin:** No. The RFP was a fairly detailed document with a lot of detailed information and detailed figures.

**Mr. David Sweet:** Then could you tell me, as a member of the pension advisory committee, what other people who you had in to share additional information, other than Morneau Sobeco, on the outsourcing of that?

**D/Commr Paul Gauvin:** They definitely would have had a lot of information from Public Works, because they operated the pension before—

**Mr. David Sweet:** So you remember that?

**D/Commr Paul Gauvin:** I remember all of it, yes.

**Mr. David Sweet:** So you had people come in from Public Works to the committee?

**D/Commr Paul Gauvin:** No, they didn't come to the committee, but they certainly would have been working with NCPC at the time.

**Mr. David Sweet:** All right. But you sat in with this with Morneau Sobeco, but you don't remember anybody else giving any information.

**D/Commr Paul Gauvin:** No, not—

**Mr. David Sweet:** What I'm trying to get at, sir, is that the Ottawa Police Service specifically pointed out that your committee was a review committee but actually gave authorization to act when it came to contracts. I have a big concern around that.

**D/Commr Paul Gauvin:** That's not accurate, sir.

NCPC, as a responsibility centre and responsible for pension administration, had the authority to do this work. In fact, it was their responsibility to do this work. It was this proposal to outsource the pension fund. The pension administration, did it come to the executive committee? Yes. Did it come to the pension advisory committee? Yes. There was no reason not to.

**Mr. John Williams:** Mr. Gauvin, you said you got a legal opinion that you couldn't charge the money to the pension fund and you couldn't charge it to appropriations, so there was nowhere else, it had to be charged to the insurance. Did you agree that was a legitimate charge to the insurance?

**D/Commr Paul Gauvin:** It was to administer insurance, and we—

**Mr. John Williams:** No, I said do you, as the CFO, believe that was a legitimate charge?

**D/Commr Paul Gauvin:** Without any other option, yes.

**Mr. John Williams:** No, I didn't say any other option. I know you say you had no choice, but did you agree that it was a legitimate charge for the insurance?

**D/Commr Paul Gauvin:** Yes.

**Mr. John Williams:** Okay. Now, I think you've just said that since then the Treasury Board has refunded the money. Am I correct in saying that?

**D/Commr Paul Gauvin:** No. I was talking about the pension. On the pension, as I mentioned to Ms. Sgro, we now are even in that account. Any charges that were made there have either been reimbursed or reversed.

**Mr. John Williams:** And the money came from the Treasury Board?

**D/Commr Paul Gauvin:** Some of the money came from appropriations, some from Public Works.

• (1810)

**Mr. John Williams:** As the CFO of the RCMP, Mr. Chairman, Mr. Gauvin has pointed out that he didn't know about this, didn't know about that, didn't know about the next thing, but now we have these checks and balances in place, so now the committee, these senior officers, are fully informed about contracting policies being followed through and so on.

It seems a little like the audit committee at Hollinger, Mr. Chairman, where they really weren't paying too much attention.

Now, as the CFO, Mr. Gauvin, why were you not ensuring that the checks and balances were there so you could assure yourself they were done properly? I presume you were signing off on the financial statements.

**The Chair:** Thank you, Mr. Williams.

We'll allow you an explanation, Mr. Gauvin. Go ahead.

**D/Commr Paul Gauvin:** That is a totally unfair question, sir. If you read the Auditor General's report closely, the Auditor General says there is nothing wrong with the control framework, that things were there. The problem is that people deliberately went around the controls, and when they do that, you can't find it at the same time.

**Mr. John Williams:** From one auditor to another, there's a disagreement here.

**The Chair:** Thank you, Mr. Williams, and thank you, Mr. Gauvin.

Point of order, Mr. Wrzesnewskyj.

**Mr. Borys Wrzesnewskyj:** Chair, approximately a month ago, when he appeared here, I'd requested that Mr. Crupi provide his reference letters that allowed him to gain employment at that time at the Communications Security Establishment. Last week he wrote a couple of names by hand, but do we finally have the actual reference letters he was obligated to provide us?

**The Chair:** No, we don't, Mr. Wrzesnewskyj. We followed up with Mr. Crupi, and his explanation is he misunderstood your question. He gave us three names that he used as references in his application, and there were no letters per se. That's his evidence and....

**Mr. Borys Wrzesnewskyj:** Are we still pursuing to receive those reference letters, so we may see who they were?

**The Chair:** He said there were no letters, just references on his application. These were names as references on his application.

**Mr. Borys Wrzesnewskyj:** So he will provide us with the document that....

**The Chair:** There's no document. There's his application.

**Mr. Borys Wrzesnewskyj:** Would the Department of National Defence...? I assume if he's being hired and there's a document, they might perhaps have a copy of that particular document.

**The Chair:** We can follow up and see if we have that.

Mr. Williams, you have a point of order or a comment?

**Mr. John Williams:** Yes, just on this issue, Mr. Chairman. I've lost track of this, but perhaps Mr. Wrzesnewskyj can tell me how this deals with chapter 9 of the pension insurance administration of the Royal Canadian Mounted Police. I'm at a loss.

**The Chair:** Mr. Williams, if you wanted an explanation from Mr. Wrzesnewskyj on this issue, we've got a lot of issues that come forward on this particular issue that were tangents down roads and—

**Mr. John Williams:** This is a good example for you, Mr. Chairman. Maybe you should find the rationale before you accede to the request.

**The Chair:** Well, Mr. Williams, if you want an example, I'll give you an example. There was the KPMG contract—what does that have—

**Mr. John Williams:** I don't know; you're the chair.

**The Chair:** But we allowed that, and that was part of the thing.

Mr. Williams, there are a number of tangents in the RCMP investigation in which we've allowed a certain amount of latitude.

**Mr. Pierre Poilievre:** Point of order, Mr. Chair. I'm not sure why you feel uncomfortable going to the KPMG audit. It's perfectly germane.

**The Chair:** Oh, no, I supported it 100%. What I'm saying, Mr. Poilievre, is that it was not.... Don't accuse me of being uncomfortable, please.

Go ahead.

**Mr. Pierre Poilievre:** Yes, the KPMG audit is very pertinent, especially considering the fact that contracting is germane to the overall pension insurance issue that came up in the Auditor General's report, which we're supposed to be studying. So I make no apologies for having raised the KPMG audit.

To that end, I'm asking to confirm if Anthony Koziol, Kim Casey, Jeff Molson, Suzanne Beaudin, and Pierre Laplante are included on our future witness list at this time. If not, I'd like to add them.

**The Chair:** We can add them, and perhaps you can speak with your member on the steering committee too and bring that to his attention. He's never brought that up, so you may want to speak with Mr. Fitzpatrick.

Mr. Christopherson.

**Mr. David Christopherson:** Chair, I seek a little guidance from you.

Given the discussion that we got talking about with Mr. Spice—which was very important, and we didn't know whether we were going to get him back, but I feel we spent some time there—we really didn't, in my opinion, deal with all the issues that have to do with what the focus of this particular hearing was going to be. And that was what happened inside the secure area and the allegations that documents are missing as a result of an executive assistant to a deputy commissioner appearing somewhere where it's questionable whether or not he ought to have been there, etc., etc. We don't have that particular EA here, and I think that was part of the issue Mr. Wrzesnewskyj raised about who got invited and who didn't. I don't have the name at my fingertips; I apologize. Mr. Estabrooks was away that day, but the staff person who was there when the EA went through—we should hear from that person.

That whole issue is really what this was about, and our serious concern is that the allegations, if true, mean that actions were being taken, even as we meet now, in an attempt to cover up. And if that's not what happened, then we need to dispel those allegations and take that pressure off and not just leave that cloud there.

So I'm in your hands, Chair. I know that time is a priceless commodity, but we really did not get to the essence of what we meant to today, through no fault of the committee. What do we do? Where does that leave us, Chair? I don't want to leave these questions unanswered.

● (1815)

**The Chair:** I think the best thing to do, Mr. Christopherson, is bring that up at the steering committee at the next meeting. We're not going to resolve that today, and we are very close to 6:30.

**Mr. David Christopherson:** I guess what I was wondering was whether or not I might get some feel from the committee whether they feel the same way. If I'm the only one, then it's not a problem. If there are others who feel this way, then we know how seriously to treat it at the steering committee.

[Translation]

**Mr. Jean-Yves Roy:** Mr. Chairman, I would like to reassure him. He is not alone in feeling this way.

[English]

**Mr. Borys Wrzesnewskyj:** Chair, obviously I'd like to hear from witnesses who I'd requested to appear at this meeting. They're not here, so I concur with Mr. Christopherson.

**The Chair:** Okay.

I'm going to adjourn, but before I do that, Mr. Corrigan, you had a comment.

**Mr. Bernie Corrigan:** Mr. Chair, on that particular issue I did ask, after Mr. Estabrooks' testimony, the current officer in charge of ATIP to provide a written summary from the folks who were in the office at that time when Deputy Commissioner Gauvin's executive assistant came out; that was on the 20th. I do have a copy of those summary reports with me in both official languages, if you would like those tabled.

**The Chair:** Thank you for tabling. If you could table them now, we'll circulate them to the committee.

Mr. Spice.

**A/Commr John Spice:** May I just have one moment, please?

I'd like to talk to this committee just very briefly about the whole issue of this investigation that took place by the Ottawa city police and the response by the crown attorney.

It was indicated that the phrase “no reasonable prospective conviction”, as I understand it, was the reason that nothing was done. And I hope—and I'm sure that there are lawyers around this table who are far more knowledgeable than I—that does not mean that a criminal offence did not occur, merely that the evidence does not support a charge. So further investigation might well have brought the level of the evidence up to a point where a charge could be laid. And I don't know, I'm speculating, but I would suggest that's something this committee ought to think about.

I want to offer you a definition of police corruption, and this is in the documentation that I provided to you. It's important to hear this. When we looked at the RCMP internal corruption, the project that I was brought back to work on, we developed or through consensus came up with this definition of corruption: “Police corruption is any illegal activity or misconduct involving the use of occupational power for personal, group, or organizational gain.” That's a widely accepted definition, and it was by Sayed and Bruce in 1998. But I think it's important, if you're looking at corruption, that you keep in mind that definition and that you also look at the whole notion of “noble cause corruption”—the end justifying the means—in your deliberations.

I've come a long way for this, and I don't know that I'm coming back, so lastly, Mr. Chair, in my humble opinion, the RCMP requires oversight as it relates to complaints about senior managers, EX levels to the commissioner. There is a need for an ombuds role specific to the RCMP to ensure a level of accountability. And additionally, I believe that the RCMP Act has to be amended to increase the limitation of action on misconduct. If we don't do that.... That's been a problem for many, many years; it's not new. But those two things, whether it's an ombudsperson or some form of oversight committee, it has to follow through.

Thank you very much, and I apologize for taking too much time.

● (1820)

**The Chair:** No apology is needed at all. Thank you very much for your excellent comments, sir.

I want to take this opportunity on behalf of the committee to thank all the witnesses for your attendance today. It was a little longer than we had originally expected, but we certainly want to thank you.

We're back Wednesday at 3:30, colleagues.

The meeting is adjourned.









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