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## Standing Committee on Public Accounts

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EVIDENCE

**Monday, June 11, 2007**

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**Chair**

**The Honourable Shawn Murphy**

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Monday, June 11, 2007

• (1530)

[English]

**The Vice-Chair (Mr. Brian Fitzpatrick (Prince Albert, CPC)):** We're going to call our meeting to order.

Before we get into our official business today, perhaps we can deal with the minutes of the steering committee.

You haven't seen it yet? You want to wait for the end? Okay. We can do that. There's no fine print or anything in there, and we're all in agreement with it, but okay.

Yes, Mr. Poilievre.

**Mr. Pierre Poilievre (Nepean—Carleton, CPC):** Mr. Chair, I have some business emanating from last week's meeting during our interviewing of Mr. Pelletier. I'm wondering if we should pursue that business now or leave it for the end of the meeting.

**The Vice-Chair (Mr. Brian Fitzpatrick):** Maybe we could handle it at the end of the day's business as well.

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

**The Vice-Chair (Mr. Brian Fitzpatrick):** Pursuant to Standing Order 108(3)(g), we are pursuing our hearings on the *Report of the Auditor General of Canada*, chapter 9, "Pension and Insurance Administration—Royal Canadian Mounted Police", of November 2006. Basically the thrust of what we're looking at today involves the issues surrounding access to information questions. I think the witnesses are people who are all privy to that file.

I welcome all the witnesses here today. Some of you have been here before. Normally we allow witnesses to make statements to start the proceedings....

Oh, we have to swear you in first. We'll let the clerk do that.

And if anyone has an opening statement to make, maybe you could just put up your hand so that I'm aware of who you are.

**Mr. Michel Joyal (As an Individual):** My name is Michel Joyal.  
[Translation]

I 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]

**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.

**Inspector Ian Cowan (Inspector, Royal Canadian Mounted Police):** I, Ian Cowan, 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.

[Translation]

**Mr. Louis Alberti (Legal Services, Department of Justice, Royal Canadian Mounted Police):** I, Louis Alberti, 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.

**D/Commr 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 truth, so help me God.

**Supt Christian Picard (Superintendent, former Officer in charge of the Access to information and Privacy, Royal Canadian Mounted Police):** I, Christian Picard, 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.

**Supt Pierre Lavoie (Superintendent (Retired), Royal Canadian Mounted Police):** 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]

**Inspector Paul McConnell (Inspector, Royal Canadian Mounted Police):** I, Paul McConnell, 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.

**The Vice-Chair (Mr. Brian Fitzpatrick):** Superintendent Picard, go ahead with your opening statement. We generally try to limit the statements to no more than five minutes.

• (1535)

[Translation]

**Supt Christian Picard:** My name is Christian Picard. I have been a member of the Royal Canadian Mounted Police since 1972. I have nearly 34 years of service. From April 2000 to May 2005, I was the RCMP access to information coordinator. From May 2005 to May 2006, I was the Chief of Staff in the Ivory Coast. I represented Canada and the RCMP in the Ivory Coast. From August 2006 to October 2006, I replaced the officer in charge for the central region. Since October 2006, I have been on detachment to the Information Commissioner.

I wish to point out that the position of access to information coordinator is one of the most difficult positions to have, whether it is with the Royal Canadian Mounted Police, with the Department of National Defence, or with the Department of Foreign Affairs. We must often deal with very sensitive issues. Often, management does not necessarily understand the legislation, or does not want to understand it. Managers often want information to be exempted. Unfortunately, in cases involving embarrassing information, no provision in the Access to Information Act makes an exception for that.

When I joined the RCMP, as with any member of the RCMP, I swore to uphold the law and to respect it. I ask myself this question every day: if the RCMP does not respect the Access to Information Act, who will? For five years, I made sure I respected the spirit of the act. Of course, this meant that I fought epic battles with senior managers. That was not always easy within a paramilitary organization like the RCMP. You try to protect the organization against itself, but that is often perceived as being disloyal to the organization.

When I ultimately signed the letter and sent it to the applicants, I was ready to defend the arguments it contained and the exemptions which had been applied up to the Supreme Court. At the time, I represented the commissioner.

I am ready to answer your questions.

[English]

**The Vice-Chair (Mr. Brian Fitzpatrick):** Thank you, Mr. Picard.

Deputy Commissioner Gauvin.

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

I'm not going to take much time. I wanted to correct—or not correct, but I wanted to give my impression with regard to the meeting of June 4, 2007.

You, Mr. Chairman, asked Mr. Crupi a question regarding contracts. His testimony was that his officers—and he was referring to me—signed every procurement contract.

You will recall that I told you we removed Mr. Crupi's signing authorities as a result of some of the things he wanted to do. As a result of that, he went to Public Works. Once he took that step, Public Works signed the contracts, not the RCMP. So when he actually went to Public Works, Public Works was signing the contracts.

Therefore, the answer that Mr. Crupi gave is misleading and incorrect. These contracts are Public Works contracts, and therefore were not signed by my officers.

That's it, sir.

**The Vice-Chair (Mr. Brian Fitzpatrick):** Michel Joyal.

[Translation]

**Mr. Michel Joyal:** Mr. Chairman, allow me to introduce myself. My name is Michel Joyal. I am a retired member of the Royal Canadian Mounted Police. I retired last March. I was the deputy officer responsible for programs and policy with the Access to

Information Branch. When Superintendent Picard, as the coordinator, was away, I normally took on his roles and responsibilities.

I am ready to answer your questions.

• (1540)

[English]

**The Vice-Chair (Mr. Brian Fitzpatrick):** Georges, who's first on the list here?

Okay, go at it, Borys.

**Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.):** Thank you, Chair.

Monsieur Joyal, a couple of years ago, while Mr. Picard was away on a training course, you were in charge of the ATIP branch. There was an ATIP request, from February 4, 2004, for former Commissioner Zaccardelli's expense claims.

Did Mr. Gauvin intervene and call you in to a meeting regarding this matter?

**Mr. Michel Joyal:** On the request in question—February 17, 2004, is the postdate on the document—it had to do with the expense accounts for Commissioner Zaccardelli for 2001, 2002, and 2003, including a detailed breakdown and the receipts therein.

At the request of Mr. Gauvin's office, yes, I attended the commissioner's boardroom, 1200 Vanier Parkway, to discuss the disclosure. And basically—it was on May 2, 2005—Superintendent Picard had already told me that basically everything was fine, and I didn't need to review. The letter was signed by him. It was all set to be disclosed. Basically we were just giving a couple of days to the minister's office so that they could go through it. It was a document of about a thousand pages.

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

Mr. Gauvin had made the request to meet. You met in the commissioner's boardroom. Was anyone else present?

**Mr. Michel Joyal:** Yes. There were, I believe, three other individuals. Sitting on my right was Inspector Tim Cogan. There were also two other individuals. The names are on the e-mail. I could not recall their names today without referring to the e-mail. My main focus was on Mr. Gauvin.

**Mr. Borys Wrzesnewskyj:** Okay.

Did Mr. Gauvin request that a general synopsis be sent out, as opposed to the specific claims?

**Mr. Michel Joyal:** At the opening, I introduced myself to Mr. Gauvin, and Mr. Gauvin introduced himself to me. I was the first one in the room. We sat down, and he handed over a synopsis. He basically...those are the documents that will be going out. I said of course, and I put them on top of the pile. I said they would be going out with the thousand pages.

**Mr. Borys Wrzesnewskyj:** Just for the sake of clarity, you're saying that Mr. Gauvin provided an alternate report or synopsis that was to go out, instead of the one that had been prepared in ATIP?

**Mr. Michel Joyal:** That's correct. When I put it on the file, basically he said that the decision had been made, that it was the synopsis that was going to go out.

I asked him who had made the decision, and he told me that SEC had made the decision. I inquired as to who in SEC. I wanted to have the names, because I wanted to see if one of these individuals was on the delegation order from the minister. None were on the delegation order, so I said of course the decision has been made, and it's been made by Superintendent Picard; the letter is signed and it's all set to go.

**Mr. Borys Wrzesnewskyj:** Just for clarity, SEC is the senior executive committee—the commissioner, deputy commissioners, and assistant commissioners.

**Mr. Michel Joyal:** I believe so.

At the time, he did not mention Commissioner Zaccardelli, as he was out of town. I believe he was in Regina at the time.

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

Mr. Picard, you signed off on this ATIP request of about a thousand pages. We've heard this referenced before in committee, the \$80 expense for a shot of cognac, for instance. Were there expenses of that sort there that would have raised the average Canadian's eyebrows?

**Supt Christian Picard:** Well, I had reviewed all of the document. It had been sent to the commissioner's office as well. I went through the document, and only one issue could have had some concern: that shot of cognac for \$80. But at the time, the commissioner's office seemed comfortable with it. Maybe he had an explanation for it. Obviously I was prepared to release that information to the public.

• (1545)

**Mr. Borys Wrzesnewskyj:** So what we're being told is that there was an ATIP request for the commissioner's expenses. It was processed. A fulsome document was put together. And then, Mr. Gauvin, you instructed someone who wasn't under your chain of command that it was going to be the synopsis that was going to go out as opposed to the report that had been provided.

As comptroller of the RCMP, isn't it your job to make sure there are no inappropriate expenses and not to cover them up afterwards?

**D/Commr Paul Gauvin:** Thank you.

Well, first of all, I'm sure we had that meeting, but I don't remember it. And I have a pretty good memory. But anyway—

**Mr. Borys Wrzesnewskyj:** Just one second. You don't remember? We've just heard a date, that it was in the commissioner's office, that there were other people present.

And Mr. Joyal, you said there were e-mails that referenced a couple of other people who were present as well.

**Mr. Michel Joyal:** Yes, sir. The e-mail was from Gisèle Presland. It was sent to Claude Caron, Tim Cogan, Paul Gauvin, Michel Joyal, and Mike MacDonald. It basically arranged a meeting time change from 10:15 to 1:30 at the request of Deputy Commissioner Gauvin.

**Mr. Borys Wrzesnewskyj:** So we've established that it actually took place. There's a document. Even though you don't remember it,

there is a document there. I'd like to request that the synopsis document be tabled for the committee.

Has hearing that e-mail brought your memory back, Mr. Gauvin?

**D/Commr Paul Gauvin:** Well, if it came from my office—Mrs. Presland is my secretary, so I'm sure it came from my office. There had to be a meeting, but I go to a lot of meetings. I usually remember the people, but I don't remember this meeting. But anyway—

**Mr. Borys Wrzesnewskyj:** That's pretty fascinating. Well in that case, we're not getting an answer from you. Your memory is blank on that particular meeting. These are pretty serious allegations.

Mr. Joyal, did one of Mr. Gauvin's executives call you soon after that meeting and suggest that, where he worked previously in DFAIT, a good ATIP office will do what the boss wants?

**Mr. Michel Joyal:** You have to recall that at the end of the meeting I told Mr. Gauvin that I was the ATIP coordinator, that if there were sensitive information in the document, I was ready to take a second look. However, he would have to put all of his recommendations in writing or otherwise they'd be ignored. I guess I gave them two days to make these submissions in writing; otherwise the package would be mailed as is.

Then I received a call from his assistant, and I met with Mr. Claude Caron. The individual said he was brand new to the RCMP. He made reference to a good ATIP shop, that he had a good ATIP shop where he was from, which meant that the people did exactly what they were told to do.

I said, "Welcome to the RCMP. This is not how it goes here." I said, "I have full delegation, and that's it. So unless you have documents that are very sensitive and you're ready to prove that to me and demonstrate it in writing, they're going to go out."

**The Vice-Chair (Mr. Brian Fitzpatrick):** Thank you very much.

We'll turn it over to Mr. Laforest for eight minutes, and not a second over.

[Translation]

**Mr. Jean-Yves Laforest (Saint-Maurice—Champlain, BQ):** Thank you, Mr. Chairman. I may take 10 minutes.

Good afternoon.

Mr. Estabrooks, you already appeared before the Public Accounts Committee. We also have a copy of an e-mail you sent on April 13, 2006 to Mr. Lavoie concerning the RCMP pension file. In that e-mail, you said that following a meeting you had, everything had been done to delay giving the Ottawa Police Services report to Mr. Girard.

Were you referring to Mr. André Girard, who was a divisional representative?

• (1550)

[English]

**Mr. Keith Estabrooks:** Yes. He was the division representative for C Division in Montreal.

[Translation]

**Mr. Jean-Yves Laforest:** Mr. Girard is one of the people who asked for two pieces of information concerning access to information delays. The RCMP had been asked to supply information on two files in particular. So Mr. Girard, who was a divisional representative, was one of the two applicants. At that time, you believed that there was a deliberate intent to delay handing over the information Mr. Girard had requested. Mr. Girard has appeared before the committee in his capacity as a former divisional representative.

Do you feel that the delay in handing over the information he had requested was due to the fact that he was a divisional representative and that he was working on eventually unionizing RCMP members? In your opinion, are these two facts connected?

[English]

**Mr. Keith Estabrooks:** I don't think the connection with the association or unionizing would have anything to do with the delay, if that's what you're asking. If you're asking if in particular they would keep it away from Monsieur Girard because he was a proponent of having a union, I don't think that would have had anything to do with it.

We had an unwritten rule in the ATIP shop for members of the RCMP; we tried to move their files forward before other people's, usually. I know that this one seemed to take extensive time to process. I think it just piqued my curiosity because he was a division representative. It never crossed my mind that he was unionizing or had anything to do with a union. I just looked at it as more that he was the equivalent of Mr. Lewis in Ottawa.

[Translation]

**Mr. Jean-Yves Laforest:** In your opinion, did divisional representatives, who represent various members across the country, often make access to information requests to the RCMP with regard to investigations because they could not obtain the information internally?

[English]

**Mr. Keith Estabrooks:** Over the number of years that I was with the access to information shop, we did receive requests from DSRs in the field. They could not receive the information through the other process, so they came through that way.

It wasn't unusual for Monsieur Girard to come in, the same as Mr. Lewis.

[Translation]

**Mr. Jean-Yves Laforest:** Mr. Alberti, you were asked to provide a legal opinion on the access to information requests that were made. I believe that it took five months for the information to be released the first time. Does it normally take five months to analyze an access to information request? I believe the normal time frame is 60 days.

How do you explain the five-month delay?

**Mr. Louis Alberti:** Sir, before addressing the issue as to whether that was a normal time frame, I have to say that Mr. Girard's application—I can name him, since his identity has now been revealed—was made on July 20. When we started working on the file on July 13, it was already late and there was already a

presumption of refusal. I had not been informed of that. The Access to Information Office did not process the file until October 8, I believe, when it was informed by the Office of the Information Commissioner that Mr. Girard had filed a complaint.

On October 8, Mr. Girard's access to information request still had not been processed by the Access to Information Office. That's when the office quickly numbered it, and gave it to the two reviewers. Mr. Estabrooks was one of them. I know this for a fact since I asked to see the activity page. On October 13, when I was consulted, I was not told that there was already a delay and a notice of prorogation had not been sent, as it should have been under the process and under the act, since an institution was involved.

I know that allegations were made on this committee that legal services had engaged in stalling tactics, to use Mr. Estabrooks' expression. I can categorically state that legal services did not engage in stalling tactics or that they tried to obstruct the file.

Don't forget that legal services did not know the identity of the applicant or the applicant's motives. It is not unusual, in the course of our work, to process several files. The Access to Information Office is not my only client; I am responsible for managing RCMP litigation, which involves nearly 1,100 cases and nearly \$1 billion. I am responsible for risk management and legal opinions for all of our cases. This file was not inappropriately delayed.

• (1555)

**Mr. Jean-Yves Laforest:** How much time did it take you, once you received—

**Mr. Louis Alberti:** I quickly read the file, I looked at it in detail and I consulted with my office colleagues during that period. As I advanced in my work—not the work of an analyst, such as Mr. Estabrooks—I identified the facts and the legal principles involved and transmitted them to the coordinator of general principles. I never worked as an analyst, that was not my job. However, as the request was being processed, new facts which were very important and very relevant came to light, which ended up changing the very nature of the documents I was working on.

It is not unusual, in cases involving litigation, to receive access to information requests. At the time, the Access to Information Office was processing between 60 and 80 cases which exclusively concerned access requests. So we had to set priorities. For example, in cases involving a judicial review, certain deadlines must be met, and in cases involving litigation, we have to produce factums.

I find it rather unfortunate that a former member of the RCMP took advantage of his parliamentary immunity to make this kind of allegation which causes prejudice, which affects my reputation and that of the Department of Justice.

[English]

**The Vice-Chair (Mr. Brian Fitzpatrick):** We have to move to Mr. Williams. We have a tight schedule.

Thank you very much, Mr. Laforest.

Mr. Williams, you can start. The clock is ticking.

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

Mr. Gauvin, when you were here before, you were telling us about Mr. Crupi and how you found he wasn't doing things within the rules and, in fact, he was breaking the rules of contracting. Rather than firing him, you sent somebody over to keep an eye on him. You were asked how much contracting authority Mr. Crupi had and you said \$50,000 or \$100,000, you weren't exactly sure.

Do you still stand by the \$50,000 or \$100,000 limit?

**D/Commr Paul Gauvin:** No, after I checked, it was a lot less than that.

**Mr. John Williams:** How much was it?

**D/Commr Paul Gauvin:** I think it was around—I forget—around \$5,000 or \$10,000.

**Mr. John Williams:** You still don't know?

**D/Commr Paul Gauvin:** Anything else had to go through the contracting shop.

**Mr. John Williams:** I'm very concerned about this, Mr. Gauvin. Have you ever fired anybody else for fraud or corruption, in your career?

**D/Commr Paul Gauvin:** My whole career? Yes.

**Mr. John Williams:** You have, okay.

Mr. Crupi was messing around with the contracting. You were aware of that and you were the CFO. Why didn't you fire him?

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

**Mr. John Williams:** No, you didn't explain it. You just said you sent somebody over to keep an eye on him. How did you send this guy over to keep an eye on him?

**D/Commr Paul Gauvin:** First of all, I mentioned before that Mr. Crupi didn't work for me. He worked for HR.

**Mr. John Williams:** We know that, but you sent somebody over. You didn't fire him. You didn't send a report to somebody to say they should fire the guy because he's corrupt. You said you were going to put somebody to watch over him. What kind of idea is this, to put somebody to watch over somebody for breaking the rules?

• (1600)

**D/Commr Paul Gauvin:** Okay, there are two points.

First of all, he was breaking the rules, yes, and we wanted to stop him so we put somebody in there. But he still insisted on doing what he wanted to do, so then we took his authority away. By doing that, his manager should have then taken the action that he should have taken. But I want to tell you that to fire somebody in the government is not that simple. You just don't say, "I want to fire you."

**Mr. John Williams:** So how many other people have you sent down to supervise those who were breaking the rules?

**D/Commr Paul Gauvin:** Not very many.

**Mr. John Williams:** Any?

**D/Commr Paul Gauvin:** No, not that I recall.

**Mr. John Williams:** So this is the first one.

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

**Mr. John Williams:** You knew the guy was breaking the rules. You didn't even know how much contracting authority he had, according to your statement. You seem to have done no investigation

whatsoever on this guy. He's spending RCMP money, which you're responsible for, and you seem to take it rather blithely and nonchalantly to send a guy to supervise.

How many reports did you get on Mr. Crupi?

**D/Commr Paul Gauvin:** I think they did one report. But the issue there was—

**Mr. John Williams:** Was the report good, bad, or indifferent?

**D/Commr Paul Gauvin:** The report was that he just wasn't getting any better.

**Mr. John Williams:** What did you do then?

**D/Commr Paul Gauvin:** Then we took his authority away.

**Mr. John Williams:** You took his authority away. Did you report him to the union, to human resources, to get rid of the guy?

**D/Commr Paul Gauvin:** Human resources, that's where he worked. By taking his authority away, obviously they should have taken whatever actions—

**Mr. John Williams:** Do you mean that because he was in human resources he was unremovable?

**D/Commr Paul Gauvin:** No, that was up to them to decide. But I can tell you that when we send people to Public Works, or when people go to Public Works, we expect Public Works to do their job.

**Mr. John Williams:** I'm not talking about Public Works; I'm talking about the RCMP and Mr. Crupi, on the payroll of the RCMP, who spent \$6 million and he only had a \$5,000 contracting limit. You were the CFO. You were in charge of the RCMP money and you were not prepared to protect that money. You sent somebody down to keep an eye on him, to watch over him. The report was that he was still doing it, and you didn't take any further action.

What was your motivation, Mr. Gauvin?

**D/Commr Paul Gauvin:** The motivation was that by going to Public Works—Public Works is where we usually do a lot of contracting, and they're tough to work with. So we would have expected Public Works to do their job. In this case they did not.

**Mr. John Williams:** Did you write a letter to Public Works?

**D/Commr Paul Gauvin:** No, we had no reason to write a letter to Public Works.

**Mr. John Williams:** Oh. This is the guy who's breaking the rules, you send a guy down to supervise him, he's still breaking the rules, and you say because he's now dealing with Public Works it's no longer your responsibility and you don't write a letter to Public Works.

**D/Commr Paul Gauvin:** Because Public Works is very tough, and usually they do their due diligence and they follow the rules. In this case, they did not, and the problem there was that.... You've only talked to one person in Public Works. Maybe you want to talk to some of the other people in CAC on why this did happen.

**Mr. John Williams:** I looked at the audit of Public Works, Mr. Gauvin, and it was just a rat's nest of corruption between CAC and NCPC and the people involved there. You were in charge of the financial resources at the RCMP and you knew it was going on and did nothing.

**D/Commr Paul Gauvin:** We did not know it was going on.

**Mr. John Williams:** You did know.

**D/Commr Paul Gauvin:** When he went to Public Works, we expected Public Works to do their due diligence, as they usually do. In this case, there was something wrong in CAC.

**Mr. John Williams:** Yes, and you did nothing.

**D/Commr Paul Gauvin:** We didn't know. We only found out afterwards, the same way everybody else did.

**Mr. John Williams:** I just can't understand this, Mr. Gauvin. You said you knew he was breaking the rules. You obviously didn't even know what rules he was breaking, because you didn't even know how much contracting authority he had. It seemed to not bother you to even find out. And you don't report the guy to have him removed from this office; you send somebody down to look after him.

The report comes back, and the guy is still at it. Now you're saying he's involved with Public Works. You don't involve Public Works, write to them and say, "Watch this guy. He's doing some things that are not kosher." And you accept this; this is perfectly acceptable.

I'm trying to find the motivations here, Mr. Gauvin, because this is not normal for a CFO. It is not normal.

Now we have Mr. Joyal telling us about these ATIPs. Now, you seem to be involved as a go-between here between the executive committee and the ATIPs people. Why did you get interjected in there and now you can't even remember?

**D/Commr Paul Gauvin:** Are you talking about ATIP?

**Mr. John Williams:** I'm talking about this particular situation that Mr. Joyal was talking about.

**D/Commr Paul Gauvin:** I'd like to answer that. I didn't get a chance to before.

In ATIP, what happened there is that, as I told you, we got this two feet of paper, which included claims plus a whole lot of receipts. It came from the commissioner's office, and he asked me, "Is this what we do?" I said, "Well, is it complete? I would like to check them and make sure that we don't leave any out."

**Mr. John Williams:** But it was not your responsibility, Mr. Gauvin. These people work independently of the RCMP. They have their own delegated responsibilities, and you should not have been involved, trying to massage this information.

• (1605)

**D/Commr Paul Gauvin:** First of all, I wasn't massaging information. Secondly, I was asked by the commissioner's office, so do you want me to tell him, "No, we don't want to have anything to do with this"?

All we wanted to do was verify that there weren't any missing. If we had not done that, and he had found any—

**Mr. John Williams:** I'm quite sure you would have added them in, too, Mr. Gauvin.

Anyway, I wanted to ask—

**D/Commr Paul Gauvin:** Yes, we wanted to make sure the report was complete, and that they were all there.

**Mr. John Williams:** Yes, yes, I'm sure.

**D/Commr Paul Gauvin:** There was never any intent of not—

**Mr. John Williams:** I want to ask Mr. Picard a question.

Mr. Picard, before you were in charge of ATIPs, were you doing any investigations into gifts from contractors and so on with the OPP investigation?

**Supt Christian Picard:** Yes, sir.

**Mr. John Williams:** Was there a complete exoneration, or did you find things were going wrong in that investigation?

**Supt Christian Picard:** The situation was similar to this situation here. It was following cases where management refused to act on complaints of fraud and gifts and that type of thing. The OPP did the investigation. I did the internal investigation. At the end of the internal investigation, members of the RCMP had breached the code of conduct—

**Mr. John Williams:** Who?

**Supt Christian Picard:** I would say Mr. Gauvin.

**Mr. John Williams:** He had breached the code of conduct?

**Supt Christian Picard:** Yes, he had received gifts from three different companies. One was SAP, the other one was 3M, and the third one I can't remember. He also had lied during the investigation.

**Mr. John Williams:** He had lied during the investigation?

**Supt Christian Picard:** It was reported in my report.

**Mr. John Williams:** Okay. Now, there's a rumour that it was recommended that Mr. Gauvin be terminated. Is that correct? Do you have any awareness of that?

**Supt Christian Picard:** Could you repeat your question, please?

**Mr. John Williams:** There was a rumour that following that report, there was a recommendation that Mr. Gauvin be terminated. Are you familiar with that?

**Supt Christian Picard:** No, sir.

**The Vice-Chair (Mr. Brian Fitzpatrick):** Just a point of clarification before we leave this point. I think Mr. Crupi, in his testimony, said that before these things went off to Public Works and so on, there was a group within the RCMP of five or six signatures that had to go on this proposal or contract, or whatever it may be, before it went off to Public Works.

Mr. Gauvin, is that correct?

**D/Commr Paul Gauvin:** Yes, there were a number of signatures that we required within NCPC.

**The Vice-Chair (Mr. Brian Fitzpatrick):** Would your signature be one of them?



**D/Commr Paul Gauvin:** No, sir.

**The Vice-Chair (Mr. Brian Fitzpatrick):** Would there be anybody who reports to you who would have signed off on that?

**D/Commr Paul Gauvin:** No, sir.

Can I come back and make a point on the testimony just given? There was a really strong accusation here that I lied during those interviews. That's not true, sir. We had a disagreement, but it wasn't a lie. I mean, he has his version, and I have mine. This is not fair for somebody to come here and just say that I lied during that investigation. There was never anything proven on that. I had my point of view, and he had his.

**The Vice-Chair (Mr. Brian Fitzpatrick):** I caution witnesses to refrain from making those types of accusations.

**Mr. John Williams:** On a point of order, Mr. Chair, Mr. Picard is here in RCMP uniform. He made that statement presumably in his position as an RCMP officer. I think he should be given the right to respond. Those were his words, and therefore, if he said he felt that Mr. Gauvin lied, then let him give us some justification.

**The Vice-Chair (Mr. Brian Fitzpatrick):** You're getting more time, but we'll let Mr. Picard respond to that.

**Supt Christian Picard:** The answer is, basically, I asked Mr. Gauvin if one of the reasons he didn't act on the report that he received from *Surintendent* Lincourt at the time was that he was new to the RCMP and that he was too busy to act on the report. He said no, under no consideration, that it had nothing to do with that. And he didn't act.

I went and asked him twice the same question on two different occasions. He didn't want to take any responsibility for what had happened, what had brought the criminal investigation onto the RCMP. The reason was basically that he didn't act. What he should have done at that point was to call for an internal investigation, call for a criminal investigation. He didn't act on it until such time as Mr. Rogerson came into a meeting and confronted him with this issue.

**The Vice-Chair (Mr. Brian Fitzpatrick):** Thank you, sir. I'm sure that members will have an opportunity to pursue these areas further, if they wish.

Mr. Christopherson.

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

Thank you all for your attendance here today.

There was a memorandum written by Mr. Estabrooks to Mr. Lavoie that reads, and I'm quoting:

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.

My intent is to come back to that, Chair. I wanted to make sure it hit the floor so I could reference it later.

I want to start by going to Mr. Estabrooks and reviewing the day in question again, when Mr. Gauvin's assistant came down—We've been through it once or twice, but I'd like you to quickly go through

what happened when they came down and you looked in the file and the file was missing.

Could you review that again for us, please?

• (1610)

**Mr. Keith Estabrooks:** Just to make things clear, I think you're saying things were missing that day. Nothing went missing that day, that I know of.

**Mr. David Christopherson:** Okay.

**Mr. Keith Estabrooks:** But what I was told... I was off that day. I was back on contract. I was told by the senior NCO who had replaced me that Inspector Cowan had arrived at approximately five o'clock—before five o'clock, I think. I have it written down; I'm sure it's in the notes from before. Apparently he had a piece of paper in his hand—this is what I was told—

**Mr. David Christopherson:** Who told you this?

**Mr. Keith Estabrooks:** Acting Sergeant Duchesne.

**Mr. David Christopherson:** I'm sorry, who?

**Mr. Keith Estabrooks:** Lee Duchesne, who is an acting sergeant in my position.

He was asking for information for Mr. Gauvin. Mr. Gauvin needed information for his lawyer, I believe. I'd have to go back to my notes and make sure that it's correct, but I believe there was reference that they were looking for file numbers, and they were also looking for anything that I had written about it—any allegations.

I wasn't there at the time, so this is—

**Mr. David Christopherson:** Yes, and I'm going to go to someone who was, but help me here. When, then, did you come to believe that something was missing in these files—the report that you had written?

**Mr. Keith Estabrooks:** That was before that.

Corporal Luc Poulin had asked me to take a look at the documents. It was when I came back, in—I'm trying to think. I can look them up and give you the exact dates, but it was prior to this. The documents were missing prior to that.

I should clarify while we're all here that through the Information Commissioner's investigation the other documents that were supposedly missing, that we couldn't locate, have now been located and are on another file. So there is only one document missing now, and that's the hand-written A5s. I think that should be clarified.

**Mr. David Christopherson:** On the documents that have been found, are they the ones we've already seen, or are they new to us?

**Mr. Keith Estabrooks:** This is the information they were looking for. There was an A5 that was the same date but a different month. The day was the 13th. This was looked at by the ATI commissioner.

You wouldn't have those here. I don't have a copy either. I'm aware from being at a hearing with the ATI commissioner that they did find that document. It was misfiled. There were numerous requests, as we know, on this.

So there's only one missing. This is not like a truckload of files that have gone—

**Mr. David Christopherson:** Maybe we can get our analyst to see exactly what has been found and whether it is something we've already seen, and if not, whether it is pertinent to matters we've been discussing here.

**Mr. Keith Estabrooks:** I think you should be aware that the investigator's name is Robert Plante. I think there has been a change in management there, so if you go to ATI, ask for that investigator. He would have a copy.

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

Inspector Cowan, you were the staff person who went down that day, on the Friday?

**Insp Ian Cowan:** Yes, I was.

**Mr. David Christopherson:** Can you just tell me what happened that day?

**Insp Ian Cowan:** At 4:30 I was asked by Mr. Gauvin to go down to try to find a series of captions, ATIP request captions, for seven files that he was alleged to have suppressed, according to a motion in this public accounts committee. The motion by Borys Wrzesnews-kyj, agreed to, was as follows:

That retired RCMP Sergeant Keith Estabrooks appear before the Public accounts Committee and that he should bring along all relevant documents and files which indicate the suppression of access to information requested by Mr. Gauvin, and that retired Sergeant Keith Estabrooks bring along with him the files with the following ATIP number involving pension fund investigation:

About those same seven files, I first called the Inspector OIC, now the Superintendent OIC, of the access to information branch. I got an answering machine. Having never been to ATIP, since I was new to headquarters, I walked over to the location and I started dialing the wall phone list. Five minutes later, a member, who I knew, was there, from another committee. I explained to him what I was looking for. He said that shouldn't be a problem. He introduced me to Corporal Lee Duchesne. I walked in. She was aware that the matter, that exact same request, had been processed that day for our strategic branch and for others. She put me on the phone with Sergeant Hurry, who was her supervisor, I guess. I spoke to him. He said he had actually processed that exact same request and that he did not have the authority to release it to me.

So I left. I was there for ten minutes. I had no other intentions at that location. It was very cordial at the time.

•(1615)

**Mr. David Christopherson:** Any particular reason why you wouldn't just wait until the Monday?

**Insp Ian Cowan:** Mr. Gauvin was appearing that same Monday before public accounts to potentially answer to those same allegations of suppression. To me, it was the proper thing to do to expedite that request.

**Mr. David Christopherson:** Okay.

Mr. Picard, I realize you're not an ethics officer, but you deal with a lot of the issues of ethics around access to information. In your opinion, is there any problem with Mr. Gauvin—and I don't have an answer, I am actually seeking an answer—trying to access those documents direct, prior to a hearing on Monday, or does that make perfect sense to you, from where you sit?

**Supt Christian Picard:** Well, there's nothing wrong with asking for it. The officer in charge has to make a decision if he wants to process the file before giving it to him. But there's nothing wrong with asking for it.

**Mr. David Christopherson:** Right. Okay.

**Insp Ian Cowan:** Just to clarify around that, I wasn't asking for the files. I was asking for the captions of the files, which are released weekly at headquarters to the deputy level.

In other words, you have a file number, and a request would leave—leaving it out to contents of X, Y, Z, file number 018585, regarding the incident that occurred on such-and-such a date.

That's what I was looking for, the captions, so that Mr. Gauvin could at least understand or have some recollection of these files if it ever came up.

**Mr. David Christopherson:** Why wouldn't they give it to you, then?

**Insp Ian Cowan:** They didn't give me an explanation. However —

**Mr. David Christopherson:** Wouldn't you be a little ticked off? Normally it's information that's available, you want to make your boss happy, it's late on a Friday, so why are they being so difficult over something that, in your opinion, they should just give to you?

**Insp Ian Cowan:** I don't know why. I can't answer that question.

**Mr. David Christopherson:** Okay. So what did you do about it?

**Insp Ian Cowan:** I returned. I spoke to Mr. Gauvin. I made a phone call for Mr. Gauvin for someone higher up in the chain of command.

**Mr. David Christopherson:** Who, please?

**Insp Ian Cowan:** That was Superintendent Tim Cogan, who was the acting director at the time. Mr. Cogan arrived at the office and spoke with Mr. Gauvin. I was not privy to that conversation.

**Mr. David Christopherson:** And all this happened Friday afternoon.

**The Vice-Chair (Mr. Brian Fitzpatrick):** We're out of time here, Mr. Christopherson.

**Mr. David Christopherson:** Aren't we always?

**The Vice-Chair (Mr. Brian Fitzpatrick):** Mr. Wrzesnewskyj, eight minutes.

**Mr. Borys Wrzesnewskyj:** Mr. Joyal, is that the same Mr. Cogan who attended the meeting that was an attempt to suppress the ATIP?

**Mr. Michel Joyal:** Yes. At the time, Mr. Cogan was, I guess, the director of PAID. He was acting in the absence of the director, Bernie Corrigan. So he was there as my boss.

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

So Mr. Gauvin requested to have this meeting, which took place in the commissioner's boardroom. They had a synopsis document that they wanted you to replace the ATIP documents, the thousand-page documents, with. You spoke with him—mind you, Mr. Gauvin has no recollection of this meeting—and afterwards, someone from Mr. Gauvin's office called you and chastised you for not helping the boss on this.

I assume that, as a police officer, you take notes during meetings. Did you take notes during that particular meeting?

**Mr. Michel Joyal:** Yes, basically on the e-mail.

**Mr. Borys Wrzesnewskyj:** Due to the time limitations here, perhaps you would table that along with the e-mails I asked you to table earlier. Thank you.

Monsieur Picard, you were in charge of ATIP. You were away at that time. Were you fully aware, and did you support Mr. Joyal?

**Supt Christian Picard:** Yes, sir.

As a matter of fact, I was on a training process before going to Africa, the Ivory Coast. I came back to my office, and Sergeant Joyal advised me that Mr. Gauvin had been involved in the file. So I decided to write an e-mail to the commissioner, because it was his expense account. I had never written to the commissioner before on a release per se for this kind of situation. But because it was his expense account, he had to know what was going on.

I explained to him that obviously it was not appropriate, and that if we didn't release the document it would probably be more damaging to him by trying to hide the information. At some point we would have to release it anyway.

• (1620)

**Mr. Borys Wrzesnewskyj:** Do you know if the document was ever released?

**Supt Christian Picard:** If the document was released, I was gone by that point.

**Mr. Borys Wrzesnewskyj:** Mr. Lavoie.

**Supt Pierre Lavoie:** Yes, it was. I had just come in at the time, and Mr. Joyal had dealt with the actual release, and I signed off on it.

**Mr. Borys Wrzesnewskyj:** Okay.

When you returned from your secondment to the Ivory Coast—Now, you'd sent correspondence to the commissioner; you just mentioned it—and I'll ask you to table that e-mail. You were very concerned, I guess, about the attempt to interfere with the ATIP process by someone with the rank of deputy commissioner. You'd investigated Mr. Gauvin, from what we've heard, previously. You wrote in a report that he had lied. You reported that he had received benefits from several companies: 3M—I can't remember the other ones you mentioned.

When you came back from your secondment from the Ivory Coast, I believe Assistant Commissioner Rogerson had a position open for you. Did you assume that position?

**Supt Christian Picard:** No, I did not. As a matter of fact, Mr. Rogerson told me that he had offered officer staffing at the RCMP to take me on board, but they had turned him down. They said that they had something else for me. When I came back, they didn't have a job for me. I stayed home.

My understanding is that obviously it's either officer staffing, Mr. McDonell, or Mrs. George who made the decision.

**Mr. Borys Wrzesnewskyj:** Mrs. Barb George?

**Supt Christian Picard:** Yes, sir.

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

Mr. Lavoie, earlier when you testified before us you said that the ATIP request for the Ottawa police investigation, the second one, that Mr. McConnell, from Mr. Gauvin's office, showed up and was waving his finger at you. Can you just refresh us a little bit on what transpired there?

**Supt Pierre Lavoie:** It was on April 5. I had received a call from the Information Commissioner's office, Mr. Dan Dupuis, to be more exact. He wanted to know who he was going to subpoena before them for Friday. I told him that I would check and get back to him.

So right away I sent an e-mail to Mr. Corrigan, who was my boss. I sent a copy to Mr. Louis Alberti. I sent a copy to Mr. Gauvin, and I copied Mr. McConnell, because I knew he monitored Mr. Gauvin's e-mails, so if I didn't get one I would get the other.

It wasn't 10 minutes later when Mr. McConnell came up and asked me, "Well, what's this?" Well, I told him, "I have a memo here signed by Mr. Gauvin saying that the report is not to be released." Further, I said, "If you have concerns, we will address your concerns, but just tell me what they are." He responded to me that they had no concerns and that they would not participate in that, and their position was that the report should not be released. So things were... he got a little excited.

I told him, "Well, if it's my authority all alone, remember that for the future, and I'll do my work from now on."

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

So we now hear about another attempt to interfere with the ATIP process, one with the expenses of the former commissioner and another one with the Ottawa police investigation.

Mr. McConnell, we just heard reference to a memo from Mr. Gauvin, instructing you. Is that in fact who you received your instructions from to interfere with the ATIP process?

**Insp Paul McConnell:** I did not interfere with the ATIP process, sir.

**Mr. Borys Wrzesnewskyj:** It appears that it's a clear attempt to interfere with the release of ATIP documents.

**Insp Paul McConnell:** The purpose of my visit down to Mr. Lavoie's office was to make sure there was clarity of understanding between Mr. Lavoie and me as to our roles within the ATIP process.

**Mr. Borys Wrzesnewskyj:** And what is your role in the ATIP process as a staffer to Mr. Gauvin?

**Insp Paul McConnell:** Mr. Gauvin was consulted. The process was that ATIP gathered the information, they did a consultation, they asked for Deputy Gauvin's opinion on the release, that opinion was provided, then it was back to ATIP as the final decision-maker to determine what was released and what was not released.

**Mr. Borys Wrzesnewskyj:** Just because of the time limitations, I'd like to move on.

Mr. Lavoie, we previously heard that you removed the Ottawa Police Service report from the computer system, and you said you removed it because it was your understanding it was secret. I have a copy of it here; we've all received copies of this.

Perhaps I'll put it to Mr. Picard: how would we know whether or not this document is secret? I would assume you get it stamped or—I've seen documents where every page gets stamped. What is the process? How do you know that something is secret?

• (1625)

**Supt Christian Picard:** Usually they're stamped with the classification on it, unless you're advised—I don't know, but usually there is a stamp on the document.

**Mr. Borys Wrzesnewskij:** So normal procedure would be that it would be stamped that it's secret.

Mr. Lavoie, this document doesn't have any of that sort of notation on it. Mr. Estabrooks was surprised when you mentioned that it was secret. Who instructed you that it was secret, and consequently it got removed from the computer system?

**Supt Pierre Lavoie:** I was quite convinced that it was secret. I had seen that somewhere. I wouldn't have done something unless I was quite sure. In fact, the only reason that thing would have been removed was to keep it in hard copy instead of keeping it on a computerized system.

**The Vice-Chair (Mr. Brian Fitzpatrick):** Thank you very much.

I have a point of clarification on this secret, with documents too. Maybe Mr. Picard could refresh us. Somebody in this bureaucracy has a stamp that can stamp a document secret and then it doesn't get out on access to information. Who would have this power?

**Supt Christian Picard:** Usually the author of the document classifies the documents. The person who writes the document usually gives it its classification until such time as somebody reviews it and questions it. Initially, it's the writer.

**The Vice-Chair (Mr. Brian Fitzpatrick):** That would be a pretty big loophole, wouldn't it, if the author could just classify his own document as secret, and then you couldn't release it?

**Supt Christian Picard:** The classification doesn't mean it won't be released. Even if it's classified secret, the classification doesn't necessarily have an impact on the fact that you're going to release a document. Even if it's secret, we have to analyze the information in it to see if we can release it, not the classification.

**The Vice-Chair (Mr. Brian Fitzpatrick):** Okay. Thank you very much.

Mr. Sweet. You're up for eight minutes.

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

Mr. Alberti, Mr. Laforest asked you a pretty direct question earlier, and I don't think I heard an answer. How long did it take you to examine this 51-page document?

[*Translation*]

**Mr. Louis Alberti:** The consultations lasted just under five months, which would come down to a bit less than 20 weeks in terms of business days. But I was not only working on this file. I should also point out that the file was processed with due regard to the Department of Justice's processes and procedures. I held the necessary consultations. I also had to collect facts for other cases. I am somewhat limited as to what I can tell you at this time because of

client-solicitor privilege. However, I should also tell you that, as far as process was concerned—

[*English*]

**Mr. David Sweet:** But you knew this was an access to information request. You had already testified here that you knew it had already been delayed, so time was of the essence.

[*Translation*]

**Mr. Louis Alberti:** No. I was not aware of the delay, sir.

[*English*]

**Mr. David Sweet:** I haven't finished my question, Mr. Alberti.

Is there not a standing rule, a maximum amount of time you have to be able to respond when you're asked for a legal opinion?

[*Translation*]

**Mr. Louis Alberti:** Sir, I only found out about the delay here, a short while ago, when I saw the file following an access to information request. When I was first asked to work on the case, I was not even told that it had already been delayed. The deadline for processing a file applies to the client, and not to legal services.

[*English*]

**The Vice-Chair (Mr. Brian Fitzpatrick):** A point of order.

**Mr. David Sweet:** I've simply asked Mr. Alberti if there is a standard in the justice department for when they're to respond to requests. That was my question.

**The Vice-Chair (Mr. Brian Fitzpatrick):** Mr. Alberti, that seems to be a pretty straightforward question. Is there a standard rule or isn't there, and what is it?

[*Translation*]

**Mr. Louis Alberti:** No, it depends on our workload. We have to prioritize the cases we are working on.

[*English*]

**Mr. John Williams:** It is 30 days, under legislation.

**Mr. David Sweet:** I'm under the impression that there's a—

[*Translation*]

**Mr. Louis Alberti:** Mr. Estabrooks just said something. When he gave me the file, he told me he couldn't care less about it, because he was on the point of retiring.

• (1630)

[*English*]

**Mr. David Sweet:** So is there no standard, under legislation, of 30 days?

[*Translation*]

**Mr. Louis Alberti:** The deadline you are referring to is the one which applies to the Access to Information Office under the act. If the file had been processed the way it should have been by the Access to Information Office, we would have been told that a notice of prorogation had been sent to the applicant and we probably would have taken a closer look at the delays. At no time was there any attempt to stall or block the release of a document. This file was just one of many I was working on.

[English]

**Mr. David Sweet:** Mr. Lavoie, could you tell me who specifically was responsible for sending this document to Mr. Gauvin prior to the release of it?

**Supt Pierre Lavoie:** I would think it was.... In my case, a request would be sent to them and to the CHRO to see if they had any last-minute comments. It was not for them to do the report or do our work; it was to identify any concerns they may have had before we actually went out with it.

**Mr. David Sweet:** That was your responsibility, though.

**Supt Pierre Lavoie:** Yes.

**Mr. David Sweet:** The last time my colleague Mr. Williams was questioning you on that, at first you said that was normal, and then you mentioned that it was unusual. Is that usual practice?

**Supt Pierre Lavoie:** As I recall, I didn't say it was normal. I did say it was unusual. But this particular case was very unusual also.

When we had a sensitive case, it wasn't out of the ordinary to send it to the policy centre for last-minute comments to be sure nothing was being released that shouldn't be released.

**Mr. David Sweet:** Mr. Estabrooks, there seem to be a lot of unusual things here, and I want to get your comment on them. Mr. Alberti was saying that it was delayed—if I go by the math of months—by about four months. Then he handled it for another five months. You mentioned earlier that this one took an extensive amount of time. That's why it drew your attention to it. What else was atypical in the process of this ATIP request ?

**Mr. Keith Estabrooks:** What was atypical?

**Mr. David Sweet:** Yes, what was not the norm?

**Mr. Keith Estabrooks:** Well, it was delayed by 69 days before I received it, which is not usually that normal. It took 69 days before I looked at it. I looked at it, I believe, on October 8, or something like that. I can give you the dates exactly. I looked at it. It took me a day and a half to review it. And I think it was hand-delivered to Mr. Alberti on the 13th. It was delivered on the 13th, because I have an e-mail.

It says, "I hand-delivered the proposed release package to Louis Alberti at 11 o'clock". This is the on the 13th. "He advised me that he will not be able to look at the package for at least two weeks because of his case load. Probably the first week of November he will contact you directly."

And I had addressed that to Superintendent Roy. It was delayed, to start with.

**Mr. David Sweet:** Did you get a communication back within two weeks from Mr. Alberti's office?

**Mr. Keith Estabrooks:** I don't believe so. I talked to Louis in the hall a couple of times over the space of months. I don't know.

**Mr. David Sweet:** Thank you.

**Mr. Keith Estabrooks:** But I don't think there was a formal—I had nothing formal back. There are some notations on the ATIP flow screen, different dates it was requested—when would it be down? And I believe there was a conversation from an ATI investigator. A lady had phoned Mr. Alberti to question him on when the date was.

**Mr. David Sweet:** Okay.

Mr. Gauvin, in July 2002 Shawn Duford worked in your department. He submitted a report describing the contracting irregularities in the NCPC. Do you remember that?

**D/Commr Paul Gauvin:** He didn't submit a report. He wrote a memo for his own information. What happened is that when I was interviewed by Mr. Frizzell, he misled me by telling me that I had received this memo. I went back to my office and checked, and there was no such memo that had been received. So I checked it out. It was a memo that had been written for himself. It hadn't been filed. It was not dated.

So it was never sent. I wrote back to Sergeant Frizzell and I told him that he had inadvertently misled me. And he wrote—

**Mr. David Sweet:** Are you in possession of that memo now?

**D/Commr Paul Gauvin:** I'll find it and send it, yes.

**Mr. David Sweet:** Could you give me roughly the nature of the memo? Did you take any action on this memo around these contracting irregularities?

**D/Commr Paul Gauvin:** No. I sent him the memo after he interviewed me during the investigations, so this was long after. He misled me by telling me I had received his memo. This was not a memo that had been sent.

**Mr. David Sweet:** You mentioned that, but did you take any action on that memo?

**D/Commr Paul Gauvin:** It was too late. The work had been done. This was during the OPS investigation.

I also want to say then he came before the committee and misled the committee the same way he misled me by inferring that I had received that memo, when I had never received it.

● (1635)

**Mr. David Sweet:** Regardless of Mr. Frizzell's testimony, we just had Mr. Picard testify regarding incidents with the OPP report and we need to have that tabled as well.

But now we get back to your knowledge of Mr. Crupi. You said to my colleague that you did not warn Public Works and Government Services about his behaviour, which I find extraordinary, that you knew these practices were going on and you didn't. You also knew CAC was an organization Mr. Crupi could go to in order to be able to accomplish this. I would just like to know why you did not give any kind of advance notice that there were some concerns around Mr. Crupi.

**D/Commr Paul Gauvin:** First of all, we didn't know that CAC was doing what they were doing. CAC is an organization that had been there for a long time and they were operating within the rules. I also said a number of times that when you go to Public Works you expect them to do their due diligence and do the contracts accordingly, and they usually do.

**The Vice-Chair (Mr. Brian Fitzpatrick):** Dave, what's your point of order?

**Mr. David Sweet:** I just want to make sure we get this document. Up until now, it hasn't been referenced.

**The Vice-Chair (Mr. Brian Fitzpatrick):** Have we got your undertaking, Mr. Gauvin, to produce that document to this committee as soon as possible?

**D/Commr Paul Gauvin:** Yes, I will produce that document.

**Mr. David Sweet:** The memo as well, Mr. Chairman, the OPP investigation that was referred to by Mr. Picard. Perhaps we could have that tabled as well.

**The Vice-Chair (Mr. Brian Fitzpatrick):** Would you be in possession of that document as well, Mr. Gauvin? Is there anybody here who would be in possession of it?

**D/Commr Paul Gauvin:** We had a number of memos going back and forth.

**The Vice-Chair (Mr. Brian Fitzpatrick):** We'll have to put in a request to the commissioner to produce that document. I'm not sure anybody here has it. I see Mr. Alberti has been very anxious to try to intervene here and I'm sure it's germane to something that cropped up in the testimony here.

[Translation]

**Mr. Louis Alberti:** I would like to come back to the issue of the delays. First, I think it is rather unfair to ask me questions about the delays, since I have to respect the client-solicitor rule. Some of the information on the discussions I had with my client is protected by solicitor-client privilege.

However, when I look at the activity page which was written up by access to information staff, I realize that what was on it did not reflect any facts or actions I would have been consulted on before they wrote "package hand-delivered to Louis Alberti" on it. That's fine. But if it had said "sit in Legal Services", Mr. Estabrooks would not have come to see me; he would have written that on the file without consulting me.

Second, I did not necessarily have to negotiate deadlines with Mr. Estabrooks, he was not my client.

[English]

**The Vice-Chair (Mr. Brian Fitzpatrick):** Before we leave that point you mentioned, you're in a solicitor-client matter on that. Who was the client?

**Mr. Louis Alberti:** The client is the institution in this case.

**The Vice-Chair (Mr. Brian Fitzpatrick):** Which institution?

**Mr. Louis Alberti:** It's the RCMP. The client would have been the person who had been delegated authority by the minister—the minister being

[Translation]

the Minister of Public Safety, who delegated authority to the commissioner, who in turn sub-delegated it. Therefore, in this case, Mr. Pierre Lavoie had the power to delegate.

[English]

**The Vice-Chair (Mr. Brian Fitzpatrick):** So Mr. Lavoie delegated that to you?

[Translation]

**Mr. Louis Alberti:** No. Mr. Lavoie—

[English]

**The Vice-Chair (Mr. Brian Fitzpatrick):** If you have a client, who is the person you're speaking to?

[Translation]

**Mr. Louis Alberti:** In this case, the person I was dealing with was Mr. Lavoie.

[English]

**The Vice-Chair (Mr. Brian Fitzpatrick):** Thank you very much.

On a point of order, Mr. Christopherson.

**Mr. David Christopherson:** This is new territory, and I don't know if we have legal counsel here, but I would like to get a clearer sense of how this works. We all respect solicitor-client, and I don't think anybody wants to impinge on that. But when the client in question is the organization that's in front of this committee and the delegation is to an individual and we're talking about their role as a representative of that individual, I'm wondering and asking if, like the Privacy Act and other acts, they don't get set aside in many cases when you're here.

What I'm trying to get at is, given the nature of that relationship—that it's the RCMP and it's about what we're doing—does that still hold?

**The Vice-Chair (Mr. Brian Fitzpatrick):** Is there a member—

**Mr. David Christopherson:** Here's my concern. You could hypothetically generate a conversation with somebody in your own legal department, and it could suddenly be declared client-solicitor privilege. You could then have whatever conversation you want to have and you could put together whatever you want.

I hope you understand that I'm not saying it happened here. In terms of our business, we could never get at that. If every one of these folks had a discussion with the legal department about some aspect of this, it could be captured.

I for one would like a little assistance on separating how it all works in terms of the priority of rights, Chair.

• (1640)

**The Vice-Chair (Mr. Brian Fitzpatrick):** I might call on the assistance of some of my advisers here.

Because they're the client, if that's the case, the proper representative from the RCMP could waive the privilege. You could find out what the nature of the opinion was, and so on. We've done it before on this committee. I think we did it on the firearms issue.

Mr. Lavoie, do you have the authority to waive the solicitor-client privilege?

**Supt Pierre Lavoie:** I'm a retired member, sir.

**Mr. David Christopherson:** The acting commissioner has sent out a memo in writing asking everyone to cooperate with these investigations, if they're not of a personal nature. If it's not somebody's personal or private business, then we need to find a way to cut through it or it should be waived.

**The Vice-Chair (Mr. Brian Fitzpatrick):** Yes, I understand your point.

Mr. Williams.

**Mr. John Williams:** I take solicitor-client privilege very seriously. The Supreme Court has spoken on this at great length over the years. It is not something on which I'm prepared to jump in and say we should use our big hammer to get it waived.

I take Mr. Christopherson's point very seriously. This is an incestuous circle that is becoming a smaller and smaller circle all the time, between the RCMP investigating themselves and solicitors at the Department of Justice being involved and processing information.

I understand the complexity, but I don't think I would like to support anything at this time without fully understanding it.

**Mr. David Christopherson:** On a matter of personal privilege, given what we're talking about, I was not suggesting that we use the hammer. I was asking for a little explanation on how this relationship worked vis à vis this committee and its rights, and that's all.

**Mr. John Williams:** Perhaps I could help on this point.

**The Vice-Chair (Mr. Brian Fitzpatrick):** Is this a point of order, Mr. Williams?

**Mr. John Williams:** I hope so, Mr. Chairman.

**The Vice-Chair (Mr. Brian Fitzpatrick):** We'll hear what the point of order is.

**Mr. John Williams:** Okay. I found Mr. Gauvin's answer quite implausible when he was trying to tell us that because it was Consulting and Audit Canada—

**The Vice-Chair (Mr. Brian Fitzpatrick):** It sounds like a point of debate, Mr. Williams. We have to move on. I'm going to rule that it's a point of debate.

**Mr. John Williams:** We are here to try to get the facts. We have been led around the mulberry bush by answers time and time again. This investigation is going on and on.

I said Mr. Gauvin's answer was quite implausible. As the CFO of the RCMP when RCMP money was being spent by Mr. Crupi, who he knew was exercising his authority illegally and improperly and was signing contracts with CAC that he didn't feel were within his responsibility, he just sloughed it off. It wasn't within his responsibility to advise Public Works that something funny was going on.

Mr. Gauvin, why didn't you do it?

**The Vice-Chair (Mr. Brian Fitzpatrick):** Mr. Williams, I'm going to rule that question out of order. It's a matter of debate and opinion. It's a good question, but it's not a procedural rule.

We're going to move to the next person on the agenda.

**Mr. John Williams:** Mr. Chairman, I thought we were here to get the facts.

**The Vice-Chair (Mr. Brian Fitzpatrick):** I have made my ruling.

**Mr. John Williams:** We're here to get the facts.

**The Vice-Chair (Mr. Brian Fitzpatrick):** Madam Sgro.

**Hon. Judy Sgro (York West, Lib.):** Mr. Williams and I must have ESP, because I'm so tired of Mr. Crupi seeming to be able to get away with everything and be paid for 18 months to stay at home.

I'll go back to Mr. Gauvin.

With all due respect, you're a career person. You've been around a long time. Did you not care what Mr. Crupi was doing, as long as you didn't have to sign off? Did you not care about it?

**D/Commr Paul Gauvin:** Saying I didn't care is not exactly an analysis of the situation. We had this project to do. We had a lot of projects in the RCMP. He was particularly doing this project under the auspices of HR.

There were four levels of supervision between Mr. Crupi and Mr. Ewanovich. On top of that, we were basically relying on Public Works to do their job. They were here and fully explained that the job was not done.

**Hon. Judy Sgro:** With all due respect, Commissioner Gauvin, you weren't doing your job either. Why would you have to rely on them to do their job when you were the chief financial officer of corporate management and comptrollership?

**D/Commr Paul Gauvin:** It was because we stopped them on the contracting side. We expected Public Works would do their due diligence, as they usually do. In this case, something broke down. There was collusion between two departments. When there is collusion, it is very difficult to police.

•(1645)

**Hon. Judy Sgro:** Going back to the issue of the criminal investigation, how many conversations did you have with Commissioner Zaccardelli on the whole issue of what was going on within the pension concerns?

**D/Commr Paul Gauvin:** When there is a criminal investigation, we have no discussions whatsoever. We're told not to participate and we're told just to wait for the results of the investigation. We were interviewed. In this investigation, over 200 people were interviewed. And then you wait for the report. So we can't discuss it.

**Hon. Judy Sgro:** I'm going to go back, then, to Mr. Picard. You indicated earlier that Mr. Gauvin had two opportunities to set the record straight and didn't on either occasion—

**Supt Christian Picard:** Yes.

**Hon. Judy Sgro:** —do things he could have done. Would you elaborate a bit more on that, please?

**Supt Christian Picard:** Well, at this point, I would suggest the report was done five years ago, and I would like to look at the report to be more precise on this issue, because it was an issue of.... He was made aware of the incident. They didn't act on it and didn't do what was supposed to be done. This created the OPP investigation.

And he didn't want to take any responsibility for it. The question was about that, the fact that when he was aware, he didn't do anything about it—and why. He denied this issue, basically, saying he did not delay it.

But I would have to review the report.

**Hon. Judy Sgro:** Okay, that's fine, sir.

I will go back to Mr. Gauvin. There are time limits, and the reason it ended up with no criminal investigation seems to be that the time period had lapsed.

Were you aware of the fact that there was a time limit to that investigation going on? And why didn't you take some further action?

**D/Commr Paul Gauvin:** This is a different issue. This is the OPP investigation.

When I went to work for the RCMP, before I got there—this had happened before I got there—there was an allegation that an individual had taken a trip with an automotive company. I asked him twice and he told me he hadn't.

Now, Mr. Picard has maintained all the time that I should have taken action. I really didn't know what action to take; I had just joined the RCMP. Nobody sat down with me and said, this is how the thing works. I asked the individual twice, and he told me no.

So there was a criminal investigation. During that investigation, which took a long time, they found that the individual had indeed taken the trip. After that, it was given to a deputy commissioner as the appropriate officer as to what would happen with discipline. The appropriate officer was retiring at the time, and Mr. Picard and some other colleagues were deciding what to do with the discipline. And they did, and we took our medicine, and that was it. There were 19 people who were actually disciplined with what is called informal discipline.

But Mr. Picard has maintained all the time, and he is still doing it today, that I should have taken action on that individual, because I should have known. But I didn't know. I asked that individual twice, and he told me he hadn't taken any trip. In fact, he showed me a memo, signed by Commissioner Murray, that basically said that the matter had been investigated and was complete.

**Hon. Judy Sgro:** And you didn't—

**The Vice-Chair (Mr. Brian Fitzpatrick):** Thank you very much.

Mr. Gauvin, with the prerogative of the chair, can I just pick up on a point that Mr. Williams raised.

On this whole outsourcing thing, from day one, it would seem to me that everyone on the committee would be of the view that the costs of this got out of hand, whether insurance or pension costs, and escalated quite dramatically all the way through Morneau Sobeco and Great-West Life, and then we got into contracts with the other department.

The question I'd like to ask you is that as the chief financial officer responsible for the control of the finances of the RCMP, why in the world wouldn't you have become wired into this problem of escalating costs and being over budget, and so on? Wouldn't you be the natural person to whom these things would come?

**D/Commr Paul Gauvin:** Well, I was one person, but as I explained before—

**The Vice-Chair (Mr. Brian Fitzpatrick):** But you're the chief financial officer.

**D/Commr Paul Gauvin:** Yes, and I've heard you say that many times. I've said before this committee that this was a project being done under HR. It wasn't my project. Second, we watched this and knew that the costs were going up, but they were all approved by Treasury Board Secretariat.

And there were two things we were trying to do at the same time. One of them was to implement Bill C-78, the new pension bill, and we had to produce financial statements, and the information had to be correct. So there was a lot of correction of information. At the same time, we wanted to do the outsourcing.

• (1650)

**The Vice-Chair (Mr. Brian Fitzpatrick):** I still have to ask you one question. If the money is being spent, and there are problems in HR with spending the money, and it's getting out of control, and you're the chief financial officer of the RCMP, do you not have some responsibility to find out what's going on in that department and to bring about some accountability?

**D/Commr Paul Gauvin:** We asked many questions. If you look at the other two pension plans, their costs were also going up. In fact, the public service pension plan went up 100% at the same time, and the DND pension plan went up 143%. So a lot of that was really due to implementing Bill C-78, as opposed to outsourcing.

**The Vice-Chair (Mr. Brian Fitzpatrick):** Right, okay. Thank you very much.

Mr. Lake, you're up for five minutes.

**Mr. Mike Lake (Edmonton—Mill Woods—Beaumont, CPC):** Thank you, Mr. Chair. It's a complex web.

Mr. Lavoie, you came highly recommended by Mr. Gauvin into your position, I believe, in the privacy office. Right?

**Supt Pierre Lavoie:** Yes.

**Mr. Mike Lake:** How did you know him beforehand?

**Supt Pierre Lavoie:** I was director of financial policy in corporate management and comptrollership, and I was there for a year.

**Mr. Mike Lake:** So you knew him for one year.?

**Supt Pierre Lavoie:** I knew him, but I was not reporting to him. I worked for somebody else.

**Mr. Mike Lake:** But you knew him well enough that he highly recommended you for the position.

**Supt Pierre Lavoie:** I would say yes.

**Mr. Mike Lake:** On March 21, you wrote this memo to Mr. Gauvin, basically asking for his opinion or input or whatever you were asking, knowing that he would be fairly negatively impacted by the release of this information. Do you feel that you might have been in a conflict of interest at all?

**Supt Pierre Lavoie:** No.

**Mr. Mike Lake:** You said it was unusual to do this.



**Supt Pierre Lavoie:** It was unusual. We didn't have members at that level being mentioned in reports every day. But there was nothing in that report that Mr. Gauvin couldn't have seen on what had occurred. There would have to have been some special circumstances for us to withhold that report from him. I wasn't made aware of any problem with respect to Mr. Gauvin having seen the report.

**Mr. Mike Lake:** Okay.

Mr. Picard, in your internal investigation, you recommended sanctions against senior members. Can you tell me specifically what sanctions you recommended for Mr. Gauvin?

**Supt Christian Picard:** Mr. Gauvin got it wrong. My job, my responsibility at the time, was to investigate and report the facts. I had nothing to do with the sanctions. Deputy Commissioner Charbonneau was the appropriate officer at the time, and he's the one who decided on the sanctions for the members and public servants.

**Mr. Mike Lake:** What were the sanctions?

**Supt Christian Picard:** Some members received.... I can't recall. I know that some members were sanctioned with ethics courses, and I know that some members retired before being sanctioned or before facing the disciplinary process. I'm not sure about the rest.

**Mr. Mike Lake:** Can you describe what happened to your career after you made the recommendation? You touched on it a little bit as sort of what happened in the timeline. But is there a direct negative relationship between the investigation and what happened to you afterwards? We've heard that this doesn't exist in the RCMP.

**Supt Christian Picard:** There's no hard evidence on that. I guess it would be difficult for me to comment, but obviously I didn't go anywhere.

**Mr. Mike Lake:** Right.

Mr. Gauvin, you were the CFO of the organization, and if I heard you correctly, your quote directly was that "we did not know what was going on in regards to what was happening with Mr. Crupi". And you were the CFO. How can you explain, as the CFO, that you wouldn't know what was going on? You're supposed to be tracking the money being spent in the organization. This man had \$5,000 spending authority and spent \$6 million. How could you possibly not know?

**D/Commr Paul Gauvin:** I don't personally track every transaction. Second, this was a project being done under HR. There were many other projects being done. We had the big CPIC project under CIO, as an example. I don't track every one of those.

On this one, as it turned out, there was collusion with Public Works, and this is what happened.

**Mr. Mike Lake:** But you were so busy going on that you kind of missed \$6 million?

• (1655)

**D/Commr Paul Gauvin:** I was pretty busy, but I would still track money. We did ask a lot of questions, and we watched the other plans, and the other plans were going up because we were doing this cleanup.

Also, all of this was approved by the Treasury Board Secretariat pension sector. They knew a lot about pensions. They knew about Bill C-78, and they knew about the work that had to be done. I can tell you that in the RCMP, there was a lot of work that had to be done, because under program review those areas were decimated. Their records were bad. The people were not trained to do what they should be doing. It wasn't a pretty picture.

**Mr. Mike Lake:** Is it fair to say, in retrospect, that you dropped the ball?

**D/Commr Paul Gauvin:** I wouldn't say that I dropped the ball, no.

**Mr. Mike Lake:** It was just a \$6 million mistake.

**D/Commr Paul Gauvin:** Well, just a minute. The project was completed. There was a program evaluation on that project. It was quite positive; it was very positive.

The members are very happy with the outsourcing. About 95% are saying that the service is great. Public Works is now starting to do its own modernization, and they're talking about a \$200 million bill. So I'd say, within all of that, it was reasonable.

**Mr. Mike Lake:** Going back to Mr. Alberti, I think it was, who, in response to David Sweet's question on whether there is a maximum amount of time for ATIP requests, said no. I'm curious to hear someone else's feedback. I'm not an ATIP expert.

Mr. Estabrooks, what is the maximum amount of time under the legislation?

**Mr. Keith Estabrooks:** Do you mean for access to information?

**Mr. Mike Lake:** Yes, for an access to information request.

**Mr. Keith Estabrooks:** I don't think there is a maximum, as long as you—There is in that you have to notify. You have 30 days, and you can extend it to 60. On an access to information request, you can extend it to 120 days, 300 days, or whatever, as long as you notify the individual. That's under the Access to Information Act. That has nothing to do with legal, though. That has absolutely nothing to do with—

**The Vice-Chair (Mr. Brian Fitzpatrick):** Thank you, Mr. Estabrooks.

Mr. Roy.

[Translation]

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

Mr. Estabrooks, it is not quite accurate to say that we met with the Access to Information Commissioner. In fact, he intervened several times to have the file released. I hope you got that.

[English]

**Mr. Keith Estabrooks:** Could you repeat that? I'm sorry. I was looking for the voice.

[Translation]

**Mr. Jean-Yves Roy:** The Access to Information Commissioner told us, at a committee other than the Committee on Access to Information, that he did indeed intervene several times—his office, not necessarily himself—to finally release the documents.

My question concerns the delays. Mr. Alberti, I do not want to make a judgment and I do not want an answer from you, but rather from Mr. Lavoie. You did say, however, that you preferred not to discuss the delays, because you are bound by client-solicitor privilege, and your client was the RCMP, which was represented by Mr. Lavoie.

Is that really what you said?

**Mr. Louis Alberti:** Your interpretation is incorrect. I said that cases are processed on two levels within legal services. You have to distinguish between the process and what I would call the substance. The processing of a file, its content and the legal opinions I give are protected by solicitor-client privilege.

**Mr. Jean-Yves Roy:** I'm sorry, but let me stop you there. You answered my question. What is protected is the legal opinion you give your client.

**Mr. Louis Alberti:** Normally, the issues involved in a legal opinion are also protected. I wanted to draw the attention of the committee to the fact that I have no control over the annotations made by a client on the activity report. That's not part of my work. The client can make any type of annotation on the document. Further, it may have been the analyst, and perhaps ultimately the client himself. The client did not ask for me the opinion.

**Mr. Jean-Yves Roy:** Thank you.

Mr. Lavoie, I would like to ask you a question. It is a question you can answer. Did you ask your legal advisor to delay his legal opinion in any way possible?

**Supt Pierre Lavoie:** No.

**Mr. Jean-Yves Roy:** Then tell me why you asked for a second opinion.

**Supt Pierre Lavoie:** I did not ask for a second opinion. The report came in on March 21, and on March 22, by boss, Mr. Corrigan, got the report and sent it back for a second legal opinion.

• (1700)

**Mr. Jean-Yves Roy:** So your boss picked up the report only to send it back a second time for a legal opinion, knowing full well that it could take another four or five months. Did you think this was normal?

**Supt Pierre Lavoie:** You cannot presume that it would have taken another four or five months, because I released the report three weeks later.

**Mr. Jean-Yves Roy:** Fine. But why did your boss ask for a second legal opinion? Was he not satisfied with the first one? What was the problem?

**Supt Pierre Lavoie:** You are all aware of the note Mr. Gauvin sent us, which indicated that the file contained personal information which should not be disclosed. I do not want to put words into my boss' mouth, but I presume he wanted an opinion on these new facts.

**Mr. Jean-Yves Roy:** Would you like to add something, Mr. Alberti?

**Mr. Louis Alberti:** Yes. I don't agree with your premise, which is that in asking for a second opinion, there would be another five-month delay. When a second opinion was requested, I believe that it

was clear to the client that efforts were being made to get the information out.

I had to put a lot of other work aside, and I had to work on the file over the weekend, and I basically ended up doing the work of an analyst, going over every word and every line, which is not the work I usually do. But it was done.

**Mr. Jean-Yves Roy:** I still have doubts. It surprises me. You are familiar with the Access to Information Act.

**Mr. Louis Alberti:** Yes.

**Mr. Jean-Yves Roy:** You know that the act sets out deadlines. You know that four or five months is a very long time. Did you tell your client that the process was taking a long time? You work with the act, you must respect it. Of course, the act is not binding. I understand that. Nevertheless, it sets out deadlines.

Did you warn your client that the deadlines had already been exceeded, and that after four months, the Information Commissioner might start to ask questions? It was your responsibility to tell your client that it was taking too much time.

[English]

**The Vice-Chair (Mr. Brian Fitzpatrick):** Mr. Roy, that's your last question.

We'll hear from Mr. Alberti.

[Translation]

**Mr. Jean-Yves Roy:** I would like you to answer, Mr. Alberti.

**Mr. Louis Alberti:** I think that you are trying to find out what the nature of my relationship with my client was, especially as far as this case is concerned. I know that you find it a little strange that I am not disclosing our conversations, our discussions, but I can tell you, generally speaking, that there were exchanges with the client on this file, that the client expressed his concerns and that I said I wanted to move the file forward.

[English]

**The Vice-Chair (Mr. Brian Fitzpatrick):** Mr. Lavoie.

**Supt Pierre Lavoie:** Yes, sir, when I first testified last week, I gave an information sheet showing that 80% of all access to information requests were provided out of time. In fact, we were getting so many requests that we could not even request extensions beyond the 30 days. So we have to keep all of that in perspective. This file was no different from the hundreds of files that were also in the "deemed refusal" position.

**The Vice-Chair (Mr. Brian Fitzpatrick):** Thank you, Mr. Lavoie, for that clarification.

We have five minutes for Mr. Sweet.

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

I just have a question for Mr. Gauvin, and I won't mention your position again.

Is there any position in the RCMP that would not respond to a memo from you if you requested—in fact, demanded—financial information from a department?

**D/Commr Paul Gauvin:** I'm sorry...?

**Mr. David Sweet:** Is there any department that would not be obligated to give you an answer to any question you would give?

**D/Commr Paul Gauvin:** I don't believe so, no.

**Mr. David Sweet:** What my colleagues and I are having a hard time with is that you testified that you knew Mr. Crupi was doing things that were wrong, inappropriate, with contracting. You were aware of that. Then you sent him to PWGSC with absolutely no heads-up. I would like you to think about somebody doing that directly to your department.

You left him in charge of a very sophisticated project, the outsourcing of the pension fund, which we've also heard plenty of testimony describing as very difficult to handle. That escalated to 250% higher than what was originally given as a number for this transition. I am finding it very difficult to believe you would send someone, first, and expect Public Works and Government Services to whip him into shape. They didn't do their job; however, you have no responsibility if you just ship him off. You don't even send a memo to say maybe you had just better keep an eye on that department where you left this staff person—although he's now under the guise of PWGSC with contracting—just to make sure that it is going okay.

Can you give me an answer to that?

• (1705)

**D/Commr Paul Gauvin:** In hindsight, maybe we should have done that. However, I still maintain that there were four levels of supervision. Crupi was not working by himself. He had other people he was reporting to.

**Mr. David Sweet:** You were the one who was aware of it.

**D/Commr Paul Gauvin:** They were aware too. There are 2,732 responsibility centres in the organization, and when he went—we didn't send him; he went to Public Works—we expected them to do the job. We didn't expect that they would collude and do what they did, because CAC is also an organization. There are other people in that organization who should also have been managing the organization, so somewhere something went awry, and basically we ended up with a collusion case.

**Mr. David Sweet:** Mr. Williams.

**Mr. John Williams:** It boggles my mind, Mr. Gauvin, that you can sit here as the deputy commissioner of the RCMP and admit that whatever you ask they will deliver to you. As a CFO you are responsible for all the financing and all the money in the RCMP budget. You knew that Crupi was messing up and you didn't do anything about it other than supervise him.

Mr. Chairman, the last time I saw this was in the sponsorship scandal, where a middle-level manager could walk into a minister's office, walk into the chief of staff of the Prime Minister's Office, and conduct all kinds of business. Now we have in the RCMP a middle-level manager by the name of Mr. Crupi, who is in essence being protected by the CFO, who doesn't fire him, who doesn't alert Public Works to the fact that this guy is off the rails and in collusion with the CSE.

You do nothing, Mr. Gauvin, to uphold the responsibilities that you have. I think there was a serious dereliction of duty here on your part. What do you say?

**D/Commr Paul Gauvin:** I totally disagree with you. We have an audit department that did an audit. When we found out what happened, we went back and we corrected it. This individual—

**Mr. John Williams:** You knew before the audit, Mr. Gauvin, that this guy was off the rails and you didn't report him to human resources. You didn't do a thing other than supervise him. Why were you protecting him?

**D/Commr Paul Gauvin:** Absolutely we reported him to human resources. We took his authority away, and that was a sign right there that something should have been done.

**Mr. John Williams:** You said earlier on, in response to a comment by Superintendent Picard about this guy who took a trip in the car, or whatever the score may be, that as the new deputy commissioner, you didn't know what to do.

I would have thought that anybody who walks in to being the deputy commissioner of the RCMP has some financial knowledge, and if somebody was messing around and taking some cash, that you would do something. My God, we expect you to do something about it. Why didn't you do something about it?

**D/Commr Paul Gauvin:** There wasn't an official complaint that this individual had done what he did. There were some rumours, innuendoes, and a memo from a Mr. Lincour, who was the internal auditor. As you—

**Mr. John Williams:** You knew Mr. Crupi was messing up, you knew that was official, and still you did nothing about it.

**D/Commr Paul Gauvin:** Just hold on for a minute. This guy was the internal auditor. He had total access to the commissioner. He didn't do anything. He had been in the RCMP for a long time. He should have known a lot more about it than I did.

**The Vice-Chair (Mr. Brian Fitzpatrick):** Thank you, Mr. Gauvin.

I have a couple of points for clarification before we move on to the next one.

It seems to me there are a couple of committees here that have some responsibility for the outsourcing and some reporting: the pension advisory group and the NCPC. Were you a member of the pension advisory group?

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

**The Vice-Chair (Mr. Brian Fitzpatrick):** Were you a member of the national compensation group?

**D/Commr Paul Gauvin:** No, I wasn't. That's an organization within the RCMP. That's not a committee. That's a responsibility centre within the RCMP.

**The Vice-Chair (Mr. Brian Fitzpatrick):** But the pension advisory group would report to this group and give them advice, I assume.

**D/Commr Paul Gauvin:** They gave advice on benefits, but we did discuss outsourcing. There were 12 members on that group, including three staff relations officers, who were excellent, at the time. I suggested that maybe you would want to talk them, and you didn't. On top of that, there was legal—there was somebody from OSFI. It was a very—

**The Vice-Chair (Mr. Brian Fitzpatrick):** I'm not really interested in the point about who's all on there, but you were a member of that group.

• (1710)

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

**The Vice-Chair (Mr. Brian Fitzpatrick):** You would have been aware of the financial overruns and the problems that were developing, because you were on the advisory group that was dealing with this issue.

**D/Commr Paul Gauvin:** We knew it was costing more, and I explained that. We were also implementing Bill C-78. The records were in very poor shape. We had 40,000 files that had to be corrected. That's where a lot of the money went.

**The Vice-Chair (Mr. Brian Fitzpatrick):** On a related issue, there were moneys moved out of the pension fund to help shore up the insurance thing at different stages. Being a member of the pension advisory group, you would have been aware of those issues as well.

**D/Commr Paul Gauvin:** Absolutely not, sir. That was done in a totally deceitful way. We had to have an internal audit to bring that out. As soon as we did, we took action on that part. If you look at the last meeting you had, I think you'll come to the conclusion that there was a lot of deceit among people in that organization, including collusion.

**The Vice-Chair (Mr. Brian Fitzpatrick):** Okay, thank you very much.

Mr. Christopherson.

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

I want to move back to where I was. It's not that this isn't an excellent line of questioning, but I want to finish off.

We've already had testimony—This would be Mr. Estabrooks saying in an A5:

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...?

Later that day, which was May 14, Superintendent Lavoie said:

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 don't think there can be any doubt that something was going on. Something was not right. Early on, you had two key players identifying in writing that they quite frankly needed to cover their asses.

That's my ramp-up to the quote I read earlier.

I'm going to read it again. It's brief. This is from Mr. Estabrooks:

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.

Mr. Estabrooks, do you want to add anything at all, or explain anything about that? Clearly it was not your decision to make, but in your opinion, it was not appropriate that Mr. Gauvin was having

involvement—That's basically the essence of your statement to this committee. Actually, that was a memo you sent to Mr. Lavoie. Is that correct?

**Mr. Keith Estabrooks:** That was in a memo that was sent to Superintendent Lavoie. That's not the other A5 about the cover-up question.

**Mr. David Christopherson:** Right.

**Mr. Keith Estabrooks:** It's the way the words are being sort of changed—I said, "are we"; I didn't say, "we are". You have to be careful how you word that.

**Mr. David Christopherson:** Okay. I wasn't trying to—

**Mr. Keith Estabrooks:** No, no. When I wrote the A5—the handwritten one to Superintendent Lavoie—I thought I was doing the proper thing, because Superintendent Lavoie was my boss; my job as a senior NCO was to protect Superintendent Lavoie. I was hoping that when he read this, it would give him an idea of what could happen and that something would be done. This was by no means to go after Superintendent Lavoie. It was my idea to assist. But maybe some people are taking it the wrong way.

**Mr. David Christopherson:** The relationship got a lot warmer over the—

**Mr. Keith Estabrooks:** No. The relationship didn't get warmer—

**The Vice-Chair (Mr. Brian Fitzpatrick):** Order.

I think Louis Alberti wanted to add something to this conversation. Did you, sir?

[Translation]

**Mr. Louis Alberti:** I just wanted to add—

[English]

**Mr. David Christopherson:** This is my time.

**The Vice-Chair (Mr. Brian Fitzpatrick):** We'll keep your time separate. But maybe it's pertinent.

[Translation]

**Mr. Louis Alberti:** You made a fairly serious allegation that there was a cover-up. As far as that is concerned, legal services had nothing to do with what has been called stalling tactics. Legal Services were in no way involved—directly or indirectly—in stalling tactics or in a cover-up. I don't know why—

[English]

**The Vice-Chair (Mr. Brian Fitzpatrick):** You made that point before, Mr. Alberti.

We'll get back to Mr. Christopherson's line of questioning.

**Mr. David Christopherson:** It's not an allegation, sir. I was reading from the testimony that has already been given here at the committee.

[Translation]

**Mr. Louis Alberti:** I just wanted to clarify the matter, since the RCMP Legal Services have been implicated.

You quoted from a document. Consequently, I at least want to—

[English]

**Mr. David Christopherson:** Believe me, there are a lot of people who want access here to clear their name. I appreciate that, sir.

Mr. Lavoie, when you received that, what did you do with it?

**Supt Pierre Lavoie:** Which one?

**Mr. David Christopherson:** Sorry, the memo from Mr. Estabrooks where he was raising a concern that Mr. Gauvin was in a direct conflict of interest. What did you do with it?

**Supt Pierre Lavoie:** I've already testified that I told him I disagreed with him. The issue was about the release of the report. I was basing my judgment that this was not an ethical issue on my policing and training background. It was an access to information and release of the report issue. I told him I would take care of it.

As a result, I went to see Mr. Estabrooks. I asked him to give me the file folder, to keep track of the stuff that was going to follow to see that the report was released.

• (1715)

**Mr. David Christopherson:** So you disagreed with him. You didn't need to check with anybody as to whether this was appropriate? Everything here was in order?

**Supt Pierre Lavoie:** I advised my immediate supervisor, Mr. Corrigan, that I was having difficulty with this report and there was no way I could justify not releasing the report. In my mind, this was an issue of the report being released. Period.

**Mr. David Christopherson:** Okay. I just want a clear answer, though. Do you believe that Mr. Estabrooks' concerns about Mr. Gauvin being in a conflict of interest had any merit?

**Supt Pierre Lavoie:** At the time I didn't think so.

**Mr. David Christopherson:** Did you check with anybody?

**Supt Pierre Lavoie:** No.

**Mr. David Christopherson:** Is there any particular reason why you wouldn't check or—

**Supt Pierre Lavoie:** Simply because based on my experience and the knowledge I had of some investigative. I didn't think it was required.

**Mr. David Christopherson:** Fair enough.

Tell me about what happened in your office shortly after Mr. McConnell came into the office—Sorry. You received a phone message from Mr. McConnell, and there was a point where he came in the office, and there were fingers waving, and—This is your testimony, sir: "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."

What's going on there?

**Supt Pierre Lavoie:** Sir, we're not talking about the same day here.

**Mr. David Christopherson:** But it's in reference to the same issue.

**Supt Pierre Lavoie:** The memo was on the 21st, the discussion I had with Mr. McConnell was on April 5. That was the result of Mr.

Dupuis, from the information commissioner, saying, okay, who needs a subpoena to come and explain what's happening with the report? I told Mr. Dupuis, hang on, I'll get back to you.

That's when I sent an e-mail to Mr. Corrigan, to Mr. Gauvin, to Mr. Alberti, with a copy to Mr. McConnell. It wasn't ten minutes later that Mr. McConnell came up and had the discussion that you referenced.

**Mr. David Christopherson:** Finish the story. What did you tell him, ultimately?

**Supt Pierre Lavoie:** Ultimately I told him that if it was my decision to make, I would make my decision, and to remember that in the future.

**The Vice-Chair (Mr. Brian Fitzpatrick):** Mr. Christopherson, I gave you about 40 seconds more, just out of generosity.

Now we have to move to Borys.

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

Mr. Gauvin, who is the employee that you referenced you asked twice about a benefit from a car company? What's the name of the employee? Who was the employee that you referenced had received a benefit from a car company?

**D/Commr Paul Gauvin:** His name is Fred Dupuis.

**Mr. Borys Wrzesnewskyj:** Did you ever instruct Mr. Fred Dupuis to hire your son, and did he end up working for Mr. Fred Dupuis?

**D/Commr Paul Gauvin:** No, I never instructed him to hire my son. My son was hired through the Public Service Commission, as any other employee would be hired.

**Mr. Borys Wrzesnewskyj:** Was he hired below Mr. Dupuis or under his authority?

**D/Commr Paul Gauvin:** He was hired within that area, but he was working in the central region at the time.

**Mr. Borys Wrzesnewskyj:** Were you worried about these allegations about Mr. Fred Dupuis?

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

**Mr. Borys Wrzesnewskyj:** So you were worried about allegations that he was receiving benefits from an outside company the RCMP was contracting with. Were you worried that you were receiving benefits as well?

**D/Commr Paul Gauvin:** I wasn't receiving any benefits.

**Mr. Borys Wrzesnewskyj:** We've heard that the investigation found that there were three companies you received benefits from, 3M and a couple of other companies. That didn't worry you? It worried you that perhaps someone else but not yourself...?

**D/Commr Paul Gauvin:** First of all, at that time, this was a habit in the early 1970s—

**Mr. Borys Wrzesnewskyj:** Just a yes or no. Did it worry you that you'd received—

**D/Commr Paul Gauvin:** Well, I don't think you—

**Mr. Borys Wrzesnewskyj:** Yes or no, did it worry you—

**D/Commr Paul Gauvin:** I don't think you can say a yes or no answer. For one of those occasions, actually I was asked to represent the RCMP and go and donate a cheque for \$6,000 and give a speech to the Canadian Cancer Society. At that time, they asked me to play with the president of the Canadian Cancer Society for the Ottawa region. I thought it was a social thing to do.

After that, I got reprimanded for it.

**Mr. Borys Wrzesnewskyj:** Well, I assume the 3M was a different set of circumstances.

We talked about golf. Now that you've mentioned golf, Mr. Gauvin, back to St. Andrew's-by-the-Sea and your chummy golf games with Mr. Crupi and Mr. Ewanovich—Mr. Crupi who just keeps on going there, doing his contracting under your watch—you had committed to repaying the money that was inappropriately taken from the pension fund to pay for your golf games with Mr. Crupi. Has that been done, finally?

**D/Commr Paul Gauvin:** First of all, I didn't have anything to do with 3M. I never had anything to do with 3M.

In terms of Algonquin, yes. What I've done is written every member who was there and asked them to remit.

• (1720)

**Mr. Borys Wrzesnewskyj:** Have you remitted?

**D/Commr Paul Gauvin:** Yes, I have remitted, and I've got at least six other people who have, and there are other letters still outstanding that they're remitting. That money is being credited to the pension fund.

**Mr. Borys Wrzesnewskyj:** Now, you had instructed Mr. Joyal to use a summary that I guess your employees had created to replace an ATIP request. That summary was generated out of your office?

**D/Commr Paul Gauvin:** I'm glad you gave me the opportunity.

First of all, that request was outstanding for a long time. There is really nothing that we can do to stop the release of the commissioner's—

**Mr. Borys Wrzesnewskyj:** No, but you tried to stop it and you tried to replace it.

**D/Commr Paul Gauvin:** No, I did not try to stop it. You said that, and other people have said that.

**Mr. Borys Wrzesnewskyj:** I know Mr. Joyal said it.

**D/Commr Paul Gauvin:** I've written to Mr. Picard, and that was not truthful. What we tried to do—

**Mr. Borys Wrzesnewskyj:** Okay. Hold on. You've written to Mr. Picard.

Mr. Picard, you wrote to the former commissioner. Is that correct?

**Supt Christian Picard:** Yes, sir.

**Mr. Borys Wrzesnewskyj:** But you got a response from Mr. Gauvin as a result of a letter to the former commissioner? Is that correct?

**Supt Christian Picard:** As the result of an e-mail, yes, sir. That is correct.

**D/Commr Paul Gauvin:** And what happened—

**Mr. Borys Wrzesnewskyj:** So you had a concern that a report was being covered up. You sent those concerns through to former commissioner Zaccardelli, and the very person who's attempting to generate a report to cover up an expense report contacts you. Is that what happened? And Mr. Gauvin—

**D/Commr Paul Gauvin:** Could I reply to that?

**Mr. Borys Wrzesnewskyj:** Well, I'm asking Mr. Picard.

**Supt Christian Picard:** Yes, he responded because I did a cc; I gave him a copy of the e-mail I sent to Commissioner Zaccardelli.

**D/Commr Paul Gauvin:** May I say something?

What I saw is a memo Mr. Picard had written to the commissioner saying that I didn't want this released. That was not true, and I wrote him back right away and I said that if he was using my name in there, at least he could have given me a copy. But he didn't.

But all we were trying to do was get something out quickly, which was a summary, until we could check this pile of claims to make sure we hadn't left any out. So even here, when we do something—

**Mr. Borys Wrzesnewskyj:** We'll check Mr. Joyal's records and his notes from that and, I guess, the correspondence that took place—

**The Vice-Chair (Mr. Brian Fitzpatrick):** Final question, Mr. Wrzesnewskyj.

**Mr. Borys Wrzesnewskyj:** Mr. Lavoie replaces Mr. Picard, comes highly recommended from Mr. Gauvin's office. He himself says it was quite unusual for him to send the ATIP through to Mr. Gauvin for a heads-up.

Mr. Estabrooks, did you or Mr. Black feel that any of the portions removed from the Ottawa Police investigation regarding Mr. Gauvin were valid removals?

**Mr. Keith Estabrooks:** This is after it had been looked at? Is this the final report you're talking about?

**Mr. Borys Wrzesnewskyj:** Yes.

**Mr. Keith Estabrooks:** This is the final request?

**Mr. Borys Wrzesnewskyj:** We know it's unusual that a person of interest in a criminal investigation would get to see it, and I'm not quite sure what Finance has to do with ATIP, but so be it. What about the actual removals of the information from the report? Did you or Mr. Black feel those were valid removals?

**Mr. Keith Estabrooks:** We discussed it, and we had—now, these were our opinions—concerns about Mr. Gauvin's name being removed for no obvious reason on the final report that went out. In two or three places we felt it could have stayed in, that it wasn't personal information, but it had been removed.

**The Vice-Chair (Mr. Brian Fitzpatrick):** Mr. Williams.

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

Mr. Gauvin, you said you did tell human resources about Mr. Crupi. I presume that was by a letter or by e-mail?

**D/Commr Paul Gauvin:** When we took his authority away, it probably was verbal.

**Mr. John Williams:** Oh. Is this the rule of the RCMP, that when somebody takes somebody's authority away from them, they're breaking all the rules, you just phone up HR and say "By the way...?"

**D/Commr Paul Gauvin:** He couldn't contract anymore.

**Mr. John Williams:** Did you do that in writing?

**D/Commr Paul Gauvin:** I'm not sure. I'd have to check with my people.

**Mr. John Williams:** Okay. You check and you table in this committee, one, the removal of his contracting authority...and two, you told us you advised human resources. You are the deputy commissioner of the RCMP. You're the CFO. The guy's ripping you off, and you just pop over to the HR department and say, "By the way...". Did you tell the commissioner you had a corrupt guy in the organization?

**D/Commr Paul Gauvin:** I didn't know we had a corrupt guy in the organization at that time.

**Mr. John Williams:** When you took Mr. Crupi's authority away from him because he wasn't doing the—

**D/Commr Paul Gauvin:** "Corrupt" is a pretty strong word. He's not the only individual I found in—

**Mr. John Williams:** Did you tell the commissioner?

**D/Commr Paul Gauvin:** At that time, probably not.

• (1725)

**Mr. John Williams:** Okay.

**D/Commr Paul Gauvin:** Just hold it for a minute, if you'll let me. We have a number of other people who break their contract authorities.

**Mr. John Williams:** Oh yes, why don't you tell us all about them too.

**D/Commr Paul Gauvin:** Just hold it for a minute. We have 26,000—

**Mr. John Williams:** Are they all under supervision too?

**D/Commr Paul Gauvin:** Hold it. We have 26,000 people in this organization. On any one day—

**Mr. John Williams:** Mr. Gauvin, you are—I'm sorry, Mr. Gauvin, but you're the deputy commissioner. I don't care if you have 126,000 people. You are the deputy in charge and you carry the can.

**D/Commr Paul Gauvin:** And if you will permit me, I will continue.

**Mr. John Williams:** My question to you is, if you have 20 people breaking the rules, are they under supervision? Are they being investigated? Are they being fired?

**D/Commr Paul Gauvin:** First of all, we do a report for the executive committee every month, and what we do is this. The first time we tell them that if they do this again, they're going to have the authority taken away. If they do it a second time, they're given training.

**Mr. John Williams:** Okay. That's fine. But you knew that Mr. Crupi continued on, and my question is, where's the letter?

**D/Commr Paul Gauvin:** No, we didn't know he was continuing on.

**Mr. John Williams:** You said the supervisor gave you a report that he was still doing it.

**D/Commr Paul Gauvin:** No, the supervisor didn't give me the report. I said that. I explained that.

**Mr. John Williams:** I'm sorry, Mr. Gauvin, but I don't think you should be in the job as a deputy commissioner of the RCMP in charge of finances.

Now, let me ask you this question. You were on the pension advisory committee.

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

**Mr. John Williams:** Mr. Crupi was the manager of the pension department.

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

**Mr. John Williams:** You must have dealt with him directly.

**D/Commr Paul Gauvin:** We would see him at the pension advisory committee, but I didn't deal with him directly, no.

**Mr. John Williams:** You've tried to lead us through the fact that there were four levels of supervision between you and him, but you saw him directly. He reported directly to your committee.

**D/Commr Paul Gauvin:** No, he didn't report to our committee. He reported through HR.

**Mr. John Williams:** He's the manager of the pension department, you're on the pension advisory committee, and he doesn't report to you?

**D/Commr Paul Gauvin:** He didn't report to the committee, no. He reported through the organization, which is HR.

**Mr. John Williams:** Okay, I have a couple more questions.

One, you actually went golfing with Mr. Crupi too, so you actually did know the guy.

**D/Commr Paul Gauvin:** No, that's false. I never did golf with Mr. Crupi. That's Mr. Wrzesnewskyj's allegation.

**Mr. John Williams:** Okay, then, that's fine.

You also gave a cheque for \$6,000 to charity. Was that RCMP money?

**D/Commr Paul Gauvin:** It was RCMP money that they had raised through a charity tournament. They asked me to go out and present the cheque and do a speech for the Cancer Society at the same time.

**Mr. John Williams:** So it wasn't RCMP money.

**D/Commr Paul Gauvin:** No, it was not.

**Mr. John Williams:** This wasn't to do with the sponsorship scandal and the RCMP involvement in that, was it?

**D/Commr Paul Gauvin:** No, it had nothing to do with sponsorship. It was money that had been used, through various means, for charity purposes.

**Mr. John Williams:** Now, tell me, as the deputy commissioner of the RCMP and chief financial officer, if you find out that somebody's breaking the rules, would you write a letter to the deputy commissioner of human resources, Barbara George? Wouldn't you write to somebody in Public Works, maybe the minister or the deputy minister, saying this guy is working with Consulting and Audit Canada, and make sure he's not a problem because there was a problem with us?

He's spending our money through CAC and we're not going to do anything about it? Don't you think that you have a dereliction of duty here, Mr. Gauvin?

**D/Commr Paul Gauvin:** Well, hindsight is 20/20.

**Mr. John Williams:** No, I'm asking you today—you've got all the 20/20—don't you think there's a dereliction of duty here?

**D/Commr Paul Gauvin:** No, I don't think so. I think I did my job and I did it well.

**Mr. John Williams:** I'm sorry, but I do, Mr. Chairman. I still wonder why the commissioner, who started an investigation on the other deputy commissioner, hasn't started one on this one too. There seems to be some serious questions with no answers as to why a middle-level bureaucrat, by Mr. Crupi, can spend \$6 million of RCMP money and nobody has checked it out, through the checks and balances, to keep everybody honest, and he gets away with it.

I can't believe, Mr. Gauvin, that you don't accept the responsibility.

**D/Commr Paul Gauvin:** I've explained it to you.

**Mr. John Williams:** I can't believe you won't accept the responsibility.

**D/Commr Paul Gauvin:** It was an HR issue, he reported through HR, and there were four levels of supervision.

**Mr. John Williams:** No, no, it was a money issue, and that's your responsibility.

**D/Commr Paul Gauvin:** So basically what you're saying is that you want me, as the CFO, to manage everybody in the organization. If I—

**Mr. John Williams:** You have checks and balances. Mr. Lavoie was one of the guys—

**The Vice-Chair (Mr. Brian Fitzpatrick):** Mr. Williams, we're very interested in your questions, but you're out of time. Thank you very much for your good questions.

Thank you very much, witnesses, for your attendance today. We have some other committee business. If you want to hang around to listen to it, you're welcome to it. If you want to leave, you're free to leave.

As our first order of business here, we have the minutes from our steering committee. To give a little bit of background, last week we had minutes that were approved, basically to send a message to the House of Commons, to the Speaker, that we want to defend our parliamentary privilege.

It looks like some things have crossed in the mail. The RCMP had written the Speaker, and the Speaker had sent it back to us for our thoughts. Basically, the motion we have, or the thing that was agreed

to in our steering committee, was a reaffirmation of what we said last week.

That's about the gist of it all.

Yes.

• (1730)

**Mr. John Williams:** Mr. Chairman, I think this has to be dealt with as a formal motion. I agree with your assessment, and will support—

**The Vice-Chair (Mr. Brian Fitzpatrick):** It's on the agenda, Mr. Williams, for Wednesday, for a more thorough discussion in camera on how we proceed with it. But the members on the steering committee felt quite strongly on the point. We just thought it would be reflected in the minutes as our basic recommendation or position on the matter.

It will be on the agenda on Wednesday for a full discussion, so save your powder for that day, Mr. Williams.

Mr. Poilievre.

**Mr. Pierre Poilievre:** Yes, I have something very curious—

**The Vice-Chair (Mr. Brian Fitzpatrick):** Oh, I need somebody to move that.

Borys, you were going to move the motion, weren't you?

**Mr. Borys Wrzesnewskyj:** I think Judy wants to. She had her hand up first.

**The Vice-Chair (Mr. Brian Fitzpatrick):** Okay.

All in agreement...?

**Mr. John Williams:** With what?

**The Vice-Chair (Mr. Brian Fitzpatrick):** With this—for now.

**Mr. John Williams:** Mr. Chairman, I'm sorry, but I can't agree with this. You say this is coming up on Wednesday for discussion. It says right here we “do present a Report to the House in which it reaffirms its privileges and immunities.” You're deciding now and discussing it on Wednesday?

**The Vice-Chair (Mr. Brian Fitzpatrick):** We're going to have the report on Wednesday.

**Mr. John Williams:** Okay, so let's just have the discussion on whether or not we are going to support this.

**The Vice-Chair (Mr. Brian Fitzpatrick):** That's the way I understand it. But we already sent that to the House at last week's committee.

**Mr. John Williams:** I'm confused here. A letter was received by the Speaker from the RCMP. The Speaker forwarded it to the committee, and the committee dealt with it in the steering committee. It says right here that we “do present a Report in the House in which it reaffirms its privileges and immunities”, and if we concur with the report the decision is made. So let's have the discussion before we make the decision.

**The Vice-Chair (Mr. Brian Fitzpatrick):** Are you prepared to have this tabled for Wednesday so we can hash it out then?

**Mr. John Williams:** Do you mean the fifteenth report? Okay, I'll table it for Wednesday.



**The Vice-Chair (Mr. Brian Fitzpatrick):** Okay, the tabling motion is there so we'll deal with it on Wednesday.

Mr. Poilievre.

**Mr. Pierre Poilievre:** Something strange happened at the last meeting when we invited Mr. Pelletier to explain contradictory testimony between his appearance here and his appearance at Gomery. He spoke of a Privy Council request that he look into a donation to the Liberal Party of Canada. This raised some serious alarm bells for me about why the Privy Council would be involved in monitoring donations to the Liberal Party. In particular, he indicated that the Privy Council asked about a donation to the Liberal Party and actually knew the account number whence that donation came. That's clearly in the testimony.

I'm just requesting the chair write a letter to the current Clerk of the Privy Council to inquire why in that instance the Privy Council would have been cognizant—

**An hon. member:** Privy.

**Mr. Pierre Poilievre:**—privy—no pun intended—to donations to a political party and account numbers whence donations came. That is not information that's typically in the hands of a non-partisan public service department.

So I think there should be a very simple letter from the chair—there should be no problem getting unanimous consent for this—to the Clerk of the Privy Council asking what records there are of this information. It would simply ask for an explanation from the bureaucrats at that department why it was involved in such partisan activity.

I'll just call for unanimous consent. I suspect you won't have any problem—

**The Vice-Chair (Mr. Brian Fitzpatrick):** This is in the nature of a motion. Do we have unanimous consent?

**Hon. Judy Sgro:** I want to speak to that.

**Mr. Pierre Poilievre:** But is there unanimous consent?

**Hon. Judy Sgro:** Let me speak to it first.

**The Vice-Chair (Mr. Brian Fitzpatrick):** I'll let the Honourable Judy Sgro speak to it.

**Hon. Judy Sgro:** In the document the clerk prepared for us, that was one of the issues up for discussion. We did discuss it. Someone specifically asked Mr. Pelletier how that happened. It was pretty irregular for someone in his position to end up knowing about that donation and redirecting it.

I think his answer at the time satisfied everybody, but I don't remember precisely what the answer was. Maybe we should get the blues of that meeting.

• (1735)

**Mr. Pierre Poilievre:** The answer was, “ask the PCO”.

**Hon. Judy Sgro:** I think he elaborated a bit more on it, but I don't recall exactly what he said.

**The Vice-Chair (Mr. Brian Fitzpatrick):** Mr. Laforest.

[*Translation*]

**Mr. Jean-Yves Laforest:** Mr. Chairman, I do not necessarily want to judge Mr. Poilievre's request, but I think it would be better to wait until Wednesday. It's already on the agenda. That would give us enough time to review the testimony he referred to. I do not necessarily object to his request, but I think we should take a little more time to think about.

[*English*]

**The Vice-Chair (Mr. Brian Fitzpatrick):** Would that be okay, Mr. Poilievre? We have this matter on the agenda. On Wednesday we can insert that as an item. It's in camera and we could sort it out at that meeting.

Mr. Christopherson.

**Mr. David Christopherson:** On another matter, Chair—

**The Vice-Chair (Mr. Brian Fitzpatrick):** If we're in agreement on this to bring it up on Wednesday, good.

**Mr. Pierre Poilievre:** Notice is considered to have been given.

**The Vice-Chair (Mr. Brian Fitzpatrick):** Yes.

Mr. Christopherson.

**Hon. Judy Sgro:** Can I have just one second to finish this up? I don't understand why notice needed to be given; it's already on this proposed schedule that we follow up discrepancies with Gomery.

**The Vice-Chair (Mr. Brian Fitzpatrick):** But Mr. Poilievre has a very specific request that we inquire into that matter.

**Hon. Judy Sgro:** I assume this is referring to that anyway.

**The Vice-Chair (Mr. Brian Fitzpatrick):** I've interpreted the committee as accepting it as an agenda item and that we deal with it when we're on that topic.

Mr. Christopherson, it's your kick at the cat.

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

Very briefly, I just wanted to ask if you and the staff would arrange, either at the steering committee or at the broader committee—if it is interested in a report—a very short briefing on that issue of the client–solicitor relationship. We may run into that again here, where we're dealing with institutions that have large legal departments. When they use that, I'd like to know where the legal lines are, so we don't make mistakes. But if you would have that followed up, I'd appreciate it.

**The Vice-Chair (Mr. Brian Fitzpatrick):** The legal counsel will be at our in camera session on Wednesday, and I think you could probably get an update on that.

**Mr. David Christopherson:** If the clerk would be good enough to give him a heads-up on that, so he could do a little prep work on that, I would appreciate it. Thank you.

**The Vice-Chair (Mr. Brian Fitzpatrick):** Yes.

Borys.

**Mr. Borys Wrzesnewskyj:** Yes, I'm just trying to tie up a few loose ends.

Mr. Crupi said a number of times that he'd provide us with the reference letters he received, as a consequence of which he was hired by the Communications Security Establishment. Since he hasn't been providing them, I'd ask that we request DND to pull those out of their file to see who provided him with the references and why he was able to maintain his security status. He gave us a handwritten note, but that wasn't adequate.

I haven't seen anything come through, unless something has arrived.

**The Vice-Chair (Mr. Brian Fitzpatrick):** He's going to be here tomorrow, so you can certainly pursue that. But my understanding is that he said he gave references, as in the names of people.

**Mr. Borys Wrzesnewskyj:** No, no, it would have been a document with references.

**The Vice-Chair (Mr. Brian Fitzpatrick):** Well, he'll be here tomorrow.

**Mr. Borys Wrzesnewskyj:** Also, I had also at the time, when he provided a handwritten note with three names on it, asked that if Mr. Crupi no longer had the document, to request that letter from DND.

**The Vice-Chair (Mr. Brian Fitzpatrick):** We can deal with those tomorrow, and then we can order him to do that.

**Mr. Borys Wrzesnewskyj:** Okay.

The other question is this. Deputy Minister Guimont had undertaken at the last meeting to provide timelines, in a table, of the various actions that were taken, and my understanding was that he'd be able to do that quite expeditiously. I haven't seen anything come through on that.

**The Vice-Chair (Mr. Brian Fitzpatrick):** It hasn't happened; it's not complete yet.

**Mr. Borys Wrzesnewskyj:** And my final question—again, just tying up these loose ends—is this. Mrs. Casey said that within 10 days she would provide the names of the 20 RCMP officials who were receiving hockey tickets from her company. The 10 days aren't up, but they will be pretty soon. So could we follow up to make sure the 10 days don't become 20, etc.?

**The Vice-Chair (Mr. Brian Fitzpatrick):** We'll make sure that Georges gets right after them, if they haven't given us that information after the 10 days.

Right, Georges? Okay.

We have Mr. Williams.

● (1740)

**Mr. John Williams:** I'm going back to this issue of the letter from the RCMP, Mr. Chairman, which I have now had a chance to read. I'm aghast—and to say that I am aghast is an understatement.

In the letter, Chief Superintendent Bob Paulson says:

I understand parliamentary privilege. I recognize the absolute nature of the privilege and the crucial role it plays in the effective functioning of Parliament.

Carrying on, Mr. Chairman, he goes on to say:

My investigation into the—

**The Vice-Chair (Mr. Brian Fitzpatrick):** Save that for the in camera meeting on Wednesday. I don't think—

**Mr. John Williams:** Mr. Chairman, let me just finish. He goes on to say:

My investigation into the matter is nearing its conclusion. Subject to the availability of Deputy Commissioner George's testimony as evidence, I have a belief that her testimony before the Committee was deliberately false—

Now Mr. Chairman—

**The Vice-Chair (Mr. Brian Fitzpatrick):** That's out of order.

**Mr. John Williams:** My point, Mr. Chairman—and you must listen, as this is a point of order—

**The Vice-Chair (Mr. Brian Fitzpatrick):** I don't see it as a point of order; it's a point of debate.

**Mr. John Williams:** My point is quite clear. This guy, this chief superintendent, is completing a perhaps illegal investigation. He must be stopped now.

**The Vice-Chair (Mr. Brian Fitzpatrick):** Can I deal with your point of order, Mr. Williams?

**Mr. John Williams:** Okay, I'm asking you—

**The Vice-Chair (Mr. Brian Fitzpatrick):** Just let me rule on it.

**Mr. John Williams:** Okay.

**The Vice-Chair (Mr. Brian Fitzpatrick):** The decision by this committee was that we were going to deal with this issue you're talking about on Wednesday. It was agreed unanimously in camera. And now you're dealing with something that the committee unanimously decided to table until Wednesday.

So I'm ruling your point out of order and adjourning the meeting.







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