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Monday, June 18, 2007

—
Chair

The Honourable Shawn Murphy

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•(1530)

[English]

The Vice-Chair (Mr. Brian Fitzpatrick (Prince Albert, CPC)): Order, please.

We have a quorum, so we'll start the meeting.

If there are any TV cameras in the room, would you kindly leave the scene?

A point of order?

Mr. David Christopherson (Hamilton Centre, NDP): No. As soon as you call for approval of the agenda, I wish to have the floor.

The Vice-Chair (Mr. Brian Fitzpatrick): Pardon?

Mr. David Christopherson: I assume you're going to ask for approval of the agenda, and I would like the floor at that time.

The Vice-Chair (Mr. Brian Fitzpatrick): Okay, so...?

Mr. David Christopherson: Do I have the floor?

Then I move that item number 2 be moved up to item number 1.

Hon. Judy Sgro (York West, Lib.): We don't have any members of the government here.

Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.): I would second that motion.

The Vice-Chair (Mr. Brian Fitzpatrick): Discussion?

Mr. Borys Wrzesnewskyj: Call the question.

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

(Motion agreed to)

The Vice-Chair (Mr. Brian Fitzpatrick): Now, we had the notice of motion from Borys at the last meeting.

For the members just arriving, we've changed the agenda. We're dealing with item 2 first.

Mr. John Williams (Edmonton—St. Albert, CPC): I have a point of order, Mr. Chairman.

The Vice-Chair (Mr. Brian Fitzpatrick): What's your point of order?

Mr. John Williams: The clock says it's one minute after 3:30. I don't think a committee can start until all parties are represented, especially the government.

The Vice-Chair (Mr. Brian Fitzpatrick): We had a quorum.

Mr. John Williams: Are you sure?

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

Borys, on the motion you made last week, we have two of them that are very similar. The second one is very much the same as yours, except there's one change in a witness. I see you endorse the second one, so are you with withdrawing your first motion and we'll deal with the new one?

Mr. Borys Wrzesnewskyj: With the second? Yes.

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

Mr. David Christopherson: I don't think we have the copies of all that, Chair.

Oh, they're being circulated now. Thank you.

Mr. Borys Wrzesnewskyj: The only difference of significance is the name Diane Urquhart is removed.

The Vice-Chair (Mr. Brian Fitzpatrick): Right. We'll just take a minute so that members have the copies of the motions. It's pretty tough to deal with motions without anybody having them.

Mr. John Williams: I have a point or order on the motion, Mr. Chairman.

The Vice-Chair (Mr. Brian Fitzpatrick): What's your point of order, Mr. Williams?

Mr. John Williams: The motion is dated June 14, and it says, "Given the likelihood that Mr. David Brown will present his findings, as scheduled, on June 15...". It's a hypothetical motion, and therefore I don't think it's actually in order, Mr. Chairman.

The Vice-Chair (Mr. Brian Fitzpatrick): That motion has been withdrawn, Mr. Williams.

Mr. Borys Wrzesnewskyj: The clerk just circulated the wrong motion, Mr. Williams.

The Vice-Chair (Mr. Brian Fitzpatrick): The one we're dealing with is the one that has all the signatures on it. They're very much the same kind of motion, but there's a difference in witnesses. I don't think the wording that you're raising.... Well, I guess it is in there, but I don't really think it's a point of order.

Mr. John Williams: I disagree, Mr. Chairman. It's a hypothetical motion that on June 14, when it was submitted.... As far as I'm aware, we have a 48-hour rule. When did the clerk circulate this motion?

•(1535)

The Vice-Chair (Mr. Brian Fitzpatrick): This is a request.

Mr. Borys Wrzesnewskyj: It's Standing Order 106(4).

Mr. John Williams: It's still hypothetical in the way it's written, Mr. Chairman.

The Vice-Chair (Mr. Brian Fitzpatrick): It wasn't hypothetical on June 14, because they didn't know whether the report was being made on June 15 or not.

Mr. John Williams: My point precisely.

The Vice-Chair (Mr. Brian Fitzpatrick): It said "the likelihood". It did happen, so I don't see where it's out of order.

If you're going to make a point of order, I'd like you to refer to the Standing Orders or the rules that it violates.

Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC): Mr. Chairman, if you'd have the clerk check—

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

Mr. David Sweet: Yes, please. I'm led to believe that under Standing Order 106(4), which is referred to here, it's appropriate to call the meeting in order to consider business, but not call a meeting to call witnesses.

The Vice-Chair (Mr. Brian Fitzpatrick): My understanding is that the purpose of this motion would be to call—

Mr. David Sweet: A future meeting, to consider these witnesses.

The Vice-Chair (Mr. Brian Fitzpatrick): —a future meeting, right.

Mr. John Williams: When would that be?

The Vice-Chair (Mr. Brian Fitzpatrick): That's what we're here to discuss.

If I understand the rule correctly, what we're discussing here is whether we're going to have a meeting to deal with this matter. That's really what we're dealing with. The other questions about witness lists and the dates for that would all have to be dealt with as separate motions or through the steering committee process.

Mr. John Williams: So what does Standing Order 106(4) say?

The Vice-Chair (Mr. Brian Fitzpatrick): I thought you'd have that memorized by now, Mr. Williams.

Mr. John Williams: I was away for the weekend and I kind of forgot.

Mr. Chairman, from Marleau and Montpetit, page 843, a meeting is convened at the request of four members, and "The matter under consideration at such a meeting is whether or not the committee wishes to take up the requested subject, rather than deliberations on the subject itself."

So we are not going to be talking about the issue; we're only going to be talking about how we're going to talk about the issue.

Mr. David Christopherson: You saved us one step. Thanks, John.

The Vice-Chair (Mr. Brian Fitzpatrick): I think the motion is in order, and basically what we're deciding is whether we're going to have a meeting on this issue or not.

Mr. Pierre Poilievre (Nepean—Carleton, CPC): Chair, I'd like to speak to that.

The Vice-Chair (Mr. Brian Fitzpatrick): I think Mr. Lake was ahead.

Mr. Mike Lake (Edmonton—Mill Woods—Beaumont, CPC): He was up first. He had his hand up first.

The Vice-Chair (Mr. Brian Fitzpatrick): We'll concede to Pierre and then go back Mr. Lake.

Mr. Pierre Poilievre: I would like to make a friendly amendment that we have two meetings, if it's possible. Is that okay?

I think that the minister should come before the committee himself and that Mr. Brown would present his report, perhaps Mr. Day and Mr. Brown together. I don't see the need to mix all of these people together. It's a strange mixture of witnesses. The minister is certainly happy to defend his conduct in cleaning up the mess he inherited, and Mr. Brown was an appointee of Mr. Day, so I don't see why the two of them can't come together.

Mr. Zaccardelli, as the Liberal-appointed head of the RCMP, is no longer with us; he deals with the past. If we want to discuss the past any more, I suppose we can do that, but it's not congruent with having Mr. Day and Mr. Brown, who of course are responding to a mess they inherited.

I'm not sure what Mr. Spice's role is in this. Sure, he's a part of it. He was one of the ethics advisors or whatever. But there are lots of people who are equally or even more germane to the discussion than Mr. Spice.

So I would propose that it be two meetings. They can both happen on the same day, if necessary, one being with—

The Vice-Chair (Mr. Brian Fitzpatrick): I have a point of order from Borys.

Mr. Borys Wrzesnewskyj: Chair, we had called the question and Mr. Williams strolled in and made a point of order. We're now getting into debates over witnesses and the relevance or irrelevance of different witnesses. So unless there are additional points of order, we should call the vote.

● (1540)

The Vice-Chair (Mr. Brian Fitzpatrick): I'm going to be clear on this. I'm reading the rule, and the rule really isn't pertaining to the witnesses, the calling of the meeting. It seems to me what we're really doing is getting into a debate about the witness list for this meeting, and the rule doesn't really pertain to the witnesses. Normally that's something that people suggest and it works its way through the steering committee and you line up your witnesses once you decide you're going to have a meeting. So we're kind of putting the cart before the horse, if I could use that terminology.

Mr. Pierre Poilievre: Mr. Chair, I'm still speaking.

An hon. member: I have a point of order too.

The Vice-Chair (Mr. Brian Fitzpatrick): Okay, but I'm inclined to think the matter is getting into debate here.

Mr. Pierre Poilievre: No, it's not—

The Vice-Chair (Mr. Brian Fitzpatrick): Well, I can make that determination.

Mr. Pierre Poilievre: It's actually not, because I'm talking exclusively about whether there should be a meeting. In fact, I'm proposing that there should be two.

I was asked specifically by Mr. Christopherson to deliver a rationale, and that's exactly what I'm doing. I'm simply proposing that the single group be divided into two; I'm proposing that the motion be amended to call for two meetings on the matter.

I suppose Mr. Wrzesnewskyj would accept that as a friendly amendment.

Mr. Borys Wrzesnewskyj: Call the question unless there's a real point of order.

The Vice-Chair (Mr. Brian Fitzpatrick): Okay, we have a point of order from Mr. Williams. Is yours a point of order, Mr. Williams?

Mr. John Williams: Absolutely, Mr. Chairman.

First, the concept of our having a vote on this is out of order. We have a letter signed by four or more members of Parliament. That means the meeting will happen. The meeting will be to discuss how we're going to handle the issue. We do not need to vote on the letter. The letter by itself guarantees the meeting will happen.

I think the letter, by the way, certainly should be ruled out of order itself, but that's another matter.

The Vice-Chair (Mr. Brian Fitzpatrick): It reads "shall convene a meeting". That's what we're doing. Basically, the thrust of the motion is.... I think we're all arguing about the same thing, from what I can gather—

Mr. John Williams: We do not vote, Mr. Chairman, is what I'm saying. There is no need to call the question. There's no need to vote. The letter by itself will cause the meeting to happen.

The Vice-Chair (Mr. Brian Fitzpatrick): Well, the rulings in the past—and I'll just quote from the good book here—"The matter under consideration at such a meeting is whether or not the committee wishes to take up the requested subject...". So that's exactly what we're doing here.

I've heard your point, but I think it's fairly clear—

Mr. John Williams: No, but you haven't understood my point, Mr. Chairman. Standing Order 106(4) says that a letter signed by four or more MPs will cause a meeting to happen, period. It will cause a meeting to be called by the chair within ten days.

Mr. David Christopherson: So we'll have another meeting.

Mr. John Williams: And when that meeting is called, then we will decide how we're going to handle the issue.

An hon. member: Then I was perfectly in order.

Mr. David Christopherson: In fact, you were. We are on the time. We're deciding now what date and who's going to be here. That's where we are and that's what's in order. And John can dance all he wants; it doesn't make it true.

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

As chair, I'm confused on the matter, because I'm hearing both sides really saying the same thing. We're agreed that we're going to have a meeting, and to me, we're counting how many angels are dancing on the end of a pin right now, from what I can gather.

It's simply a matter of the committee proceeding with the motion. We're arguing among—

Mr. John Williams: No, no. I have before me, Mr. Chairman, the orders of the day. I don't see it on the orders of the day.

The Vice-Chair (Mr. Brian Fitzpatrick): Do we have unanimous agreement on the committee that there will be a meeting?

Some hon. members: Agreed.

The Vice-Chair (Mr. Brian Fitzpatrick): Okay, well, that seems to resolve the matter. So we've agreed there will be a meeting.

Yes, Mr. Lake.

Mr. Mike Lake: On a point of order, there are other things in this letter having to do with witnesses who will be there and everything else. That is not part of what we're agreeing to.

• (1545)

The Vice-Chair (Mr. Brian Fitzpatrick): I've made it abundantly clear, and I wish the members would listen to it, because under the rule it does not give this committee the power to decide who the witnesses will be and when the meeting will be held. All that's there is to decide whether there's a meeting.

We have a steering committee process and a process with the committee to deal with—

Mr. Borys Wrzesnewskyj: No, no, if I could clarify—

The Vice-Chair (Mr. Brian Fitzpatrick): Well, that's the clear reading of the rule as I see it, Borys.

Mr. Borys Wrzesnewskyj: No, you're quite correct, but let's take it to the next step. The letter compels the chair—and I believe it's within five days—

Mr. John Williams: It is ten days.

Mr. Borys Wrzesnewskyj: —and it is on today's orders of the day. It's on today's order, so part of today's meeting is to deal with this particular motion, including when it will take place and the witnesses.

The Vice-Chair (Mr. Brian Fitzpatrick): I don't see it that way. I interpret the rule as saying you have to.... What you've done is brought the matter before the committee to decide whether we're going to have the meeting. Within the five-day period you have to get on with the rest of the stuff.

Mr. Borys Wrzesnewskyj: Within five calendar days this has to be discussed at a meeting. It's not having a meeting with all of the witnesses, but the actual discussion that we should have right now about the witness list and the exact date for bringing those witnesses forward.

Mr. Pierre Poilievre: You said the exact opposite before. Make up your mind.

Mr. Borys Wrzesnewskyj: No, I didn't.

Mr. Pierre Poilievre: Make up your mind. A moment ago you said we couldn't discuss any of that.

Mr. Borys Wrzesnewskyj: No, you're just trying to obstruct and confuse.

Mr. Pierre Poilievre: Yes, your scandal.

The Vice-Chair (Mr. Brian Fitzpatrick): The clerk is telling me that the subject matter of the meeting is proper at this stage.

Mr. David Christopherson: We need to move it to make it official; we need a motion.

The Vice-Chair (Mr. Brian Fitzpatrick): Just a minute here.

I have Mr. Lake. Did you already speak on your point, Mr. Lake?

Mr. Mike Lake: Sure.

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

Mr. Laforest was next on the list, and then the Honourable Madame Sgro is after that.

Go ahead.

[*Translation*]

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

I think committee members were fairly clear when they tabled a motion on an issue which, in my opinion, had already been addressed by the letter signed by six or seven members. As far as that issue is concerned, it can be said that committee members covered all the bases.

From the moment the chairman received the letter, the steering committee should have decided on the date of the meeting. Indeed, under the standing orders, the meeting must be held. It seems very straightforward. Mr. Chairman, I have the impression that this discussion is going nowhere and that no one is really listening to what I am saying. In short, we should have the meeting, and it will be up to the steering committee to decide when. We have already identified the witnesses.

[*English*]

The Vice-Chair (Mr. Brian Fitzpatrick): That is the normal procedure for dealing with matters. I would be much more comfortable following the process than turning this into a big steering committee. With the availability of witnesses, there are lots of matters like that that crop up. You can dictate what you want out of here, but there's a certain reality that I think people should be cognizant of. To try to micromanage that from this committee doesn't seem to make a whole lot of sense to me.

Who's next on the list?

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

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

Mr. Pierre Poilievre: I just want to get unanimous consent to add Anne McLellan to the list of witnesses, given that she was the minister at the time this happened and given that she said that none of the conduct of Mr. Zaccardelli needed to be investigated. We've now found that to be the opposite of the truth, given Mr. Brown's report.

We've already had Mr. Zaccardelli here, so there's no reason why we can't have another person back—

The Vice-Chair (Mr. Brian Fitzpatrick): This is a matter of debate, folks. I do not interpret the rule such that we can get into a debate of the witnesses.

Mr. Pierre Poilievre: Is there unanimous consent? Are the Liberals denying unanimous consent to have their minister be accountable?

The Vice-Chair (Mr. Brian Fitzpatrick): There is no consent.

I don't think we're going to get very far here debating the witness list. This is a job for the steering committee.

A voice: You cancelled the steering committee meeting today.

Hon. Judy Sgro: Mr. Chair, I am next on the list, please.

The Vice-Chair (Mr. Brian Fitzpatrick): Go ahead.

Hon. Judy Sgro: Mr. Laforest laid it out. This letter was signed by six of our members, saying we want to have a meeting and these are the members we want to have. There wasn't any discussion about a steering committee and our normal process because six members signed it. They said we want a meeting and we want to meet with these members. So it's not up to the steering committee to change it.

When we meet with them, from a scheduling perspective, will be up the chair to coordinate. But it's clear. Six members of our committee have signed a letter asking for the meeting and asking for these witnesses. There is no option for the steering committee to change it at all. It's the way it is exactly.

This isn't normal form. We don't normally do this, but it was done.

• (1550)

The Vice-Chair (Mr. Brian Fitzpatrick): Madam Sgro, if you actually read the rule, the rule is for the purpose of a meeting. It's not to get into the merits or the substance. Because the motion happens to have some of that in it, it doesn't do an end run around the rule. The rule is quite clear.

Once the group has decided on a meeting, it's up to the committee, through the steering committee or other things, to determine when they're going to schedule the meeting and who the witnesses will be.

Now, people have offered up names, and that's normally what the steering committee does; it lines up the—

Hon. Judy Sgro: Mr. Chair, with all due respect, six members signed for a meeting, and specifically said these are the people we want at the meeting.

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

Six members do not have the power to amend the rules. I'm just following the rules the way they're written. They can put whatever they want in their motions, but they still have to come within the rules. Rules are rules. We work under a system of the rule of law here. We can't make an end around just through that kind of wordsmithing.

I think Pierre was next.

Mr. Pierre Poilievre: Given that we have witnesses on this list who have already testified, I'm very surprised that we would not be inviting the minister who was responsible at the time this scandal occurred. She stood up in the House of Commons and said that Mr. Zaccardelli had no conduct that needed to be investigated whatsoever. Those were her words.

We now learn that those words were wrong. We know that during the time this scandal occurred, Treasury Board approved all of the increases in costs associated with pension and insurance outsourcing. I don't know why the Liberal members would not want the Treasury Board president to be invited to participate in this meeting.

I'm not on a point of order. I'm on the speaking list and I'm going to speak. You've had your chance to speak. You can't shut me down and try to shut down discussion of what happened under your government.

Mr. Chair, the reality is that if we're going to have Mr. Zaccardelli, it's—

Mr. John Williams: Let me just go through Standing Order 106 (4) with you and the clerk so we can all understand why we're getting ourselves into this mess.

The Chair of the said committee shall convene a meeting

That means the chair, not the steering committee. And I just found out about the meeting a few minutes ago.

provided that forty-eight hours' notice is given of the meeting. For the purposes of this section, the reasons for convening such a meeting shall be stated in the request.

All these things are fine. We should not be voting on this. Mr. Chairman, you should be setting the date for the meeting. If I go to Marleau and Montpetit, on page 843 it says:

The Chair may agree to consider the matter at a meeting that has already been scheduled, rather than calling a meeting for that purpose alone.

So what's wrong with meeting on Wednesday?

Mr. Borys Wrzesnewskyj: What about today?

Mr. John Williams: I haven't had 48 hours' notice.

I'm calling for a meeting based on the letter that was signed by six MPs.

Mr. David Christopherson: Is it a public meeting you're calling? Is that what you're talking about? I just want to be clear what you're saying. Are you saying we should set a date to actually have them come in, or are you saying we set a date for making the plan?

Mr. John Williams: That's right.

Mr. David Christopherson: No. We're already there now.

Mr. John Williams: Mr. Chairman, I have not had 48 hours' notice of this meeting.

The Vice-Chair (Mr. Brian Fitzpatrick): I'm inclined to accept your point, Mr. Williams. As I read this rule, it's on the agenda, the substance is there, and it has been properly brought before us. We've agreed that we're going to have a meeting, and if I read this correctly, the chair has 48 hours to decide when we're going to have this meeting, or to put it forward to decide whether we're going to have it.

Mr. John Williams: You have five days to call the meeting, and you have to give me 48 hours' notice of the subject.

•(1555)

The Vice-Chair (Mr. Brian Fitzpatrick): That's to kick in the first step of the process. The second part of the process is the 48 hours. The way I see it, it's up to the chair to decide within 48 hours, now that we've agreed to have a meeting, to have a meeting to decide when we'll have it, which would be Wednesday.

Mr. John Williams: That's provided you give me 48 hours' notice of the meeting. You can't sit on it for two days and then say we're going to discuss this. You have to give me 48 hours' notice.

The Vice-Chair (Mr. Brian Fitzpatrick): I'm getting a lot of conflicting opinions on this. My interpretation is that the chair has 48 hours after the decision to hold the meeting to decide when we will get into the substance of this, which would be Wednesday.

Mr. John Williams: Mr. Chairman, let's read Standing Order 106 (4) again.

The Vice-Chair (Mr. Brian Fitzpatrick): Let's have order here, and we'll just try to work our way through it.

Mr. John Williams: Let's go through this quite simply.

Within five days of the receipt, by the clerk of a standing committee, of a request signed by any four members of the said committee, the Chair of the said committee shall convene such a meeting provided that forty-eight hours' notice is given of the meeting.

When did I get notice of this, Mr. Chairman?

The Vice-Chair (Mr. Brian Fitzpatrick): George, when did they get that?

The Clerk of the Committee (Mr. Georges Etoka): I got this on Thursday.

Mr. Mike Lake: We got it today.

The Clerk: The 48 hours does not apply to that. It's a request. It does not.

Mr. Mike Lake: A point of order.

The notice says clearly, "Forty-eight hours' notice of such a meeting must be given to the members." Now, we got notice this afternoon.

[Translation]

Mr. Jean-Yves Laforest: Mr. Chairman, I have a point of order. I would like to be heard.

[English]

The Vice-Chair (Mr. Brian Fitzpatrick): Get to your point of order.

Mark down his point of order, because we're on a point of order already.

[Translation]

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

It seems very clear that the standing orders, if you turn to chapter 20 of Marleau-Montpetit, which deals with committees—

[English]

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

Marleau and Montpetit.... Just let me read the ruling on this section. It reads:

The Chair may agree to consider the matter at a meeting that has already been scheduled, rather than calling a meeting for that purpose alone.

As far as I've seen, we have a meeting scheduled on Wednesday. We can deal with it on Wednesday. That's the ruling I'm going to make.

Mr. Pierre Poilievre: Let's debate the motion then.

The Vice-Chair (Mr. Brian Fitzpatrick): No, we don't need a motion. This committee has already agreed that we're going to have a meeting.

Mr. David Christopherson: No, no. This is the meeting.

The Vice-Chair (Mr. Brian Fitzpatrick): Under the ruling there, I have the discretion to set this for another meeting. I've decided to have it on Wednesday.

Mr. David Christopherson: I would ask you this respectfully. What will you do if we just put a motion forward that says we're going to do this this Thursday?

Mr. Borys Wrzesnewskyj: Chair, for clarification, during our emergency meeting on Thursday I tabled a motion that did not receive unanimous consent, but would have provided the adequate 48 hours' notice. The motion read—

The Vice-Chair (Mr. Brian Fitzpatrick): That's been withdrawn.

Mr. Borys Wrzesnewskyj: By whom?

The Vice-Chair (Mr. Brian Fitzpatrick): I thought at the very onset of the meeting I raised that with you and you withdrew it. That motion is off the agenda.

An hon. member: But he didn't withdraw it.

The Vice-Chair (Mr. Brian Fitzpatrick): He did.

Mr. David Christopherson: Hold the meeting on Thursday.

The Vice-Chair (Mr. Brian Fitzpatrick): A “yea” is a “yea” as far as I'm interpreting. We're not going to get into the fine print of somebody withdrawing a motion.

Is it on this point?

Mr. David Christopherson: Chair, I'm asking you hypothetically. I can place the motion if you wish, but I'm trying to save time to get a sense of where you're at. I was asking—notwithstanding all of this about the four members signing and all that other—if there's a motion duly put and passed by the majority of the committee to hold this hearing on Thursday of this week, will you accept that motion and respect the will of the majority of the committee?

Mr. Pierre Poilievre: With unanimous consent, he has to.

Mr. David Christopherson: Yes, if there's consent of everybody on the committee....

Mr. Pierre Poilievre: So yes, there's unanimous consent.

Mr. David Christopherson: Are you going to give us unanimous consent?

Mr. Pierre Poilievre: Yes, there's unanimous consent, if we can discuss the people who will be on the witness list.

Mr. David Christopherson: Fair enough.

I seek unanimous consent to place a motion regarding this meeting we're talking about.

• (1600)

Mr. Pierre Poilievre: Absolutely, this meeting needs to happen.

Mr. David Christopherson: Okay, I'm hearing unanimous consent, so I would move—

The Vice-Chair (Mr. Brian Fitzpatrick): Is there any objection? Are people in unanimous agreement with the motion that Mr. Christopherson—

Mr. Pierre Poilievre: Chair, I just want to make it clear, this is on the condition that we discuss who will be present at the meeting.

Mr. David Christopherson: It's a motion and it's amendable anyway.

The point is, unanimous consent makes it clear for all of us that we're deciding today when the meeting will be, who will be there, and I suspect Thursday is the earliest date that's available to us. So it's just a straight-up motion, and at that point if any member wants to amend the motion in any way, including who's coming, it's certainly in order. The majority decides.

Mr. Pierre Poilievre: Can we amend it right now?

Mr. David Christopherson: Yes.

The Vice-Chair (Mr. Brian Fitzpatrick): So we have a motion on the floor.

Mr. David Christopherson: I have a motion on the floor that we hold the meeting on Thursday, with the witnesses as outlined in Mr. Wrzesnewskyj's—

Mr. Pierre Poilievre: You said we were going to be discussing the witnesses.

Mr. David Christopherson: I said we're going to have the meeting on Thursday, but my motion has to include—

The Vice-Chair (Mr. Brian Fitzpatrick): Hold on here.

Mr. David Christopherson: My motion will include these people. You can amend it. You have the right to amend it, but it has to have it in the main motion.

So the main motion would be for these witnesses, as circulated in Mr. Wrzesnewskyj's letter—on Thursday we would hold the said public meeting.

The Vice-Chair (Mr. Brian Fitzpatrick): Are all the members in agreement with Mr. Christopherson's motion?

(Motion agreed to)

The Vice-Chair (Mr. Brian Fitzpatrick): We did really well there, folks. We got to the second hurdle here. We have a meeting. Now we've decided when we're going to hold the meeting.

Now we're going to get to the cart. We've dealt with the horse, and now we're going to get to the cart: What are we going to do at the meeting? So let's get on with that.

Pierre.

Mr. Pierre Poilievre: That's right, and I think Mr. Christopherson has found a solution to get on with it. We all want this meeting to happen. This meeting has to happen; obviously there needs to be some follow-up on the report that's gone out, but there are two parts to this whole sordid affair: one is what happened, and two is what we're going to do about it.

We've had numerous witnesses appear repeatedly. That's nothing new. When I look at the list of witnesses we have here, we have Mr. Zaccardelli, who has already been before the committee. I don't have any problem bringing him back, but what he is here to discuss is what occurred, what happened—in the past tense—because he is condemned in the report by Mr. Brown.

If we are going to have him, then we should have the minister who was responsible for that portfolio when the wrongdoing occurred, and that minister, of course, was Anne McLellan.

We've learned in the report that Mr. Zaccardelli conducted himself in an unacceptable manner. We also know that the minister of that time, when asked about it at the beginning of the criminal investigation, stood up and prejudged that criminal investigation by declaring that Mr. Zaccardelli had no conduct whatsoever that needed to be investigated. That's in the parliamentary records. It's been read into the records of this committee.

I think it's only fair that she be asked to come back and explain why she absolved Mr. Zaccardelli before the investigation was even allowed to go ahead and before any findings were allowed to be reached. That is especially important now because we have the findings of Mr. Brown, which suggest there was plenty of conduct on the part of Mr. Zaccardelli that would have needed to be investigated.

Second, what we have learned throughout these proceedings is that the Treasury Board approved increase after increase in allotments to cover the pension and insurance outsourcing. All of that had to go to Treasury Board, and it was approved by Treasury Board members.

The person who is responsible for the Treasury Board is the president. That's the minister who is responsible for explaining the conduct of that board. When we last had him and Ms. McLellan, we did not have all this information. We did not have Mr. Brown's report explaining that there was conduct on the part of Mr. Zaccardelli that needed to be investigated. We did not have all of the information on the Treasury Board submissions that were ultimately approved by the members of that board.

Now that we do, I think it's only appropriate that we bring back Mr. Alcock and Ms. McLellan, who presided over this affair and were the political actors responsible during the time that it occurred. None of this occurred after they left; all of it happened when they were there. At the same time, we have a former Liberal staffer as the CFO under whom all of this occurred and a Liberal MP who was actively involved in the contracting, so I suspect there should be no opposition whatsoever—if the Liberals are willing to be accountable—to support the addition of Ms. McLellan and Mr. Alcock.

These hearings have to happen. Do we have unanimous consent for Ms. McLellan and Mr. Alcock to be added to the list, or do we just add it?

•(1605)

The Vice-Chair (Mr. Brian Fitzpatrick): Do we have unanimous consent?

Mr. Pierre Poilievre: Apparently we don't need unanimous consent, Mr. Chair. I apologize.

The Vice-Chair (Mr. Brian Fitzpatrick): Yes, but if you do, it makes it easier.

Mr. Pierre Poilievre: I so move.

Mr. David Christopherson: I second that Anne McLellan be included in the list.

Mr. Pierre Poilievre: And Reg Alcock.

Mr. David Christopherson: Sure.

The Vice-Chair (Mr. Brian Fitzpatrick): We have an amendment here. Do you want to speak to the amendment?

Go ahead, Ms. Sgro.

Hon. Judy Sgro: Mr. Chair, I'm sure if you want to spend a few more hours, we can dig up a whole lot more people to have here.

This continues to put us as a dysfunctional committee, Mr. Chairman, and I have to say it. The work we are supposed to be doing on behalf of Canadians is looking at how money was spent. We've done a lot of work. Every time we turn around.... We've had Mr. Alcock; we've had Ms. McLellan here. They gave us the testimony with what they've had. Mr. Zaccardelli was the head of the RCMP until a very short time ago.

The question is whether we are going to continue the witch hunt or whether we are going to try to get some work done. You guys want to go.... You can get another list and we'll bring some more people and we can go all summer, but I don't think Canadians expect us to continue to go around and bring people back a second and third time—to accomplish what?

The Vice-Chair (Mr. Brian Fitzpatrick): Go ahead, Borys.

Mr. Borys Wrzesnewskyj: Mr. Poilievre had previously made an amendment to a witness request that I had made, and I had accepted it. I even said I would take it on as a friendly amendment because I thought it important to hear from the previous president of the Treasury Board and the minister. They testified. They were asked these questions.

The purpose of this particular motion that I tabled last Thursday, and of the letter that was circulated and signed, was to deal with Mr. Brown's report. If you read Mr. Brown's report, you'll find a number of things within that report. Some inaccuracies that we need to deal with have been noted in the report, and there are names mentioned, but neither of those ministers is mentioned by name in that report.

Mr. Pierre Poilievre: On a point of order, Mr. Chair, I just want to clarify that the motion that has gone forward and has been seconded by Mr. Christopherson is just for Anne McLellan. That was the motion he had seconded. I note that Mr. Wrzesnewskyj was speaking about both ministers. It is just Anne McLellan in this motion that he seconded.

Mr. David Christopherson: If I may, Chair, just quickly, the reason is that we have brought in the one minister. I'm not comfortable with the President of the Treasury Board, because we're not bringing in the current one, so there's no match-up.

But I think it's fair. The government members have made a good argument that the previous minister has a piece of this. This is about the accountability piece. In fairness, I think it's right that we would bring in at least Minister McLellan, but I would draw the line there. Anything else really is over the top.

The Vice-Chair (Mr. Brian Fitzpatrick): Mr. Wrzesnewskyj.

Mr. Borys Wrzesnewskyj: Just to conclude on what I was saying, we've heard this evidence. There's nothing in Mr. Brown's report that seems to indicate anything of interest. The numbers are here that potentially you can vote to have her appear or not have her appear and it will be the will of the committee, but we'd potentially be wasting our time.

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

Hon. Judy Sgro: To clarify, is this just one more person added to the list?

A voice: Yes.

Hon. Judy Sgro: Okay.

The Vice-Chair (Mr. Brian Fitzpatrick): Is that a yea, then? If we have unanimous agreement on it, should we debate this matter any more?

There would be one more witness.

Mr. Pierre Poilievre: Call the vote.

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

Mr. John Williams: Finish this point first.

The Vice-Chair (Mr. Brian Fitzpatrick): It seems that we have agreement here, so—

Mr. Pierre Poilievre: Brian, finish it off.

The Vice-Chair (Mr. Brian Fitzpatrick): On the motion as amended—

A voice: It is just on the amendment.

The Vice-Chair (Mr. Brian Fitzpatrick): Okay. The amendment was to bring Anne McLellan to the meeting, to add her to this.

(Amendment agreed to)

Mr. John Williams: Now that we've agreed on that, Mr. Chairman, based on what Mr. Wrzesnewskyj has been saying to deal with the Brown report, I have no idea why Mr. John Spice is on here. Therefore, I suggest that his name be deleted.

Mr. Borys Wrzesnewskyj: He's mentioned in the report. Mr. John Spice was an assistant commissioner at that time, in charge of ethics. My understanding is that all these witnesses we've heard from had discussions with Mr. Spice. He pushed really hard to have Deputy Commissioner Loepky begin a criminal investigation. He is mentioned, as I said, a number of times in the report. There are many questions of relevance.

•(1610)

The Vice-Chair (Mr. Brian Fitzpatrick): Mr. Williams is satisfied with that, Borys, so we can move on to the next person.

Mr. Lake.

Mr. Mike Lake: I just want to clarify a couple of things.

On Ms. Sgro's point that this is a witch hunt, I do want to point out that, clearly, the letter as written is out of order according to the rules, and in good faith we've agreed to meet on Thursday about this. We are moving forward on that, so I don't think accusing us of a witch hunt is appropriate.

Secondly, now that we have this list and we're discussing the motion, are we actually going to have the current Minister of Public Safety sitting beside the former Minister of Public Safety, at the same meeting? Is that what we're talking about here? Maybe we could put Dave Brown in between them. Of course, Dave Brown was a famous enforcer for the Edmonton Oilers—

Mr. Borys Wrzesnewskyj: On a point of order, it's the chair's prerogative to decide where people get to sit. It's not the silly hour.

The Vice-Chair (Mr. Brian Fitzpatrick): The way I understand it, if this committee agrees that these people are going to be here, they're going to be here.

Mr. Mike Lake: But we're discussing the motion right now. So in terms of the discussion, is this what we're talking about, having these six witnesses all here at the same time?

Mr. Borys Wrzesnewskyj: On a point of order, Chair, seating arrangements are your prerogative.

Mr. Mike Lake: I'm not talking about seating arrangements. I'm asking, are we having them all here at the same time?

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

We're talking about the witnesses who will be at the meeting. That's what we're talking about.

Mr. Mike Lake: I just want to clarify, is this what we're agreeing to? I just want to make sure everybody understands that we're actually, right now, as this motion stands, agreeing to have all six of these witnesses at the same time. I would suggest that's probably not the proper way to go about this. It seems to me that in committees I've been to where ministers have been involved, they've been involved on their own. So I would suggest that possibly having the current Minister of Public Safety here as a witness on his own might be the proper way to go about it, whether it's two different meetings, one before the other.

The Vice-Chair (Mr. Brian Fitzpatrick): We have agreed to one meeting, on Thursday. The committee can agree to other meetings at later times to deal with things. We've been doing that all along, if I recall things quite correctly. So it's up to the committee to decide future meetings and future witnesses. But we're dealing with the one on Thursday, this week, and in the way I read it, we have the names that are already on the list with the amendment that has been put forward by Pierre, which has been accepted. So the way I would interpret things, unless I'm missing something, this is the witness list that we have at this stage.

In committees, sometimes it's not always so clear, but that's the way I interpret things at this point.

Mr. Poilievre, go ahead.

Hon. Judy Sgro: Are we on another issue now?

Mr. Pierre Poilievre: No, we're still on this motion. We haven't agreed to the motion and I'm speaking to the motion.

Simply for administrative purposes, I think we can do this all in one day. What we've done before in these committees is have the witnesses appear in clusters—an hour and a half with one cluster and an hour and a half with a second. We have two parts that we need to discuss at this meeting; one is the scandal that happened, so I think it's appropriate to have the people who were around when that scandal happened. That would be Mr. Zaccardelli, Mr. Spice, and Ms. McLellan, who were there when this matter occurred. Then have the people who are here discussing where we go to clean it up, and that includes Mr. Brown, Mr. Day, and Ms. Busson, who are the forward-looking ones. I think that would be a good way to break down the discussion into parts that could be managed.

I do agree with Mr. Lake. I don't know the precedence, but I personally haven't seen former and existing ministers testify side by side or on the same panel, but I think it would be more procedurally and administratively eloquent if we broke into two parts on the same day, giving us the ability to zero in on the players. Again, Mr. Day, Mr. Brown, Ms. Busson, to deal with the future; Mr. Zaccardelli and Ms. McLellan, along with Mr. Spice, to discuss what happened when they were involved.

I put that forward as an amendment.

The Vice-Chair (Mr. Brian Fitzpatrick): All those in favour of the amendment.

An hon. member: Can you read the amendment?

The Vice-Chair (Mr. Brian Fitzpatrick): I interpret his motion....

Order. Do you want to know what the gist of the motions are? He's basically proposing two clusters, two separate meetings—

An hon. member: No, the same meeting with two parts.

The Vice-Chair (Mr. Brian Fitzpatrick): The same meeting with two separate clusters. The first one would be former commissioner Mr. Zaccardelli, former minister Ms. McLellan, and Mr. Spice, who would deal, as I understood it, with what happened when things took place and so on. The second one would be Mr. Brown, Minister Day, and Commissioner Busson talking about what's being done going forward.

Mr. Laforest.

• (1615)

[*Translation*]

Mr. Jean-Yves Laforest: Mr. Chairman, about two minutes ago, you gave a good summary of the situation; all you had to do was strike the gavel and the matter would have been settled. I wonder why you did not do so. It seems that everyone has agreed that there should only be one meeting. After all these discussions, we agreed on removing some names and adding others. So let's move forward and hold that one meeting with all the witnesses. Mr. Chairman, I think that is more than justified.

[*English*]

The Vice-Chair (Mr. Brian Fitzpatrick): Okay, but I do have an amendment on the floor and we have to deal with the amendment.

Did you want to speak to this motion, Ms. Sgro?

Hon. Judy Sgro: I only want to make sure we're clear here, because it wasn't.... I heard Pierre talk about the clusters, but I didn't hear him move it as a motion. I don't want us to mix it up with the amended motion.

The Vice-Chair (Mr. Brian Fitzpatrick): I am sorry, he did refer to it as an amendment. We have an amendment to a motion before this committee. We've had a discussion on it and now we'd like to have a vote. I don't have anybody else on the list.

Who's in favour of this amendment?

Hon. Judy Sgro: Can you say exactly what we're voting on? Are we voting on the clusters, or—

The Vice-Chair (Mr. Brian Fitzpatrick): Yes, the two clusters, that's the amendment.

Mr. Anthony Rota (Nipissing—Timiskaming, Lib.): I'm sorry, but asking for clarification is not obstructing.

Hon. Judy Sgro: Yes, yes.

Mr. Anthony Rota: What you do is obstructing.

Hon. Judy Sgro: No, it isn't. I'm taking lessons from you anyway.

The Vice-Chair (Mr. Brian Fitzpatrick): Order, please, order.

The amendment was to have the two clusters and I went over the two clusters, so I hope everybody understands what the two clusters are all about. Those people in favour of the amendment, would they—

An hon. member: Could we get a recorded vote?

The Vice-Chair (Mr. Brian Fitzpatrick): Okay, a recorded vote.

(Amendment negatived: nays 7; yeas 4) *See Minutes of Proceedings*

The Vice-Chair (Mr. Brian Fitzpatrick): The question now is on the main motion.

Hon. Judy Sgro: As amended.

Mr. Mike Lake: Regarding the motion, does it actually say how long this meeting is going to be? Can we just clarify that?

The Vice-Chair (Mr. Brian Fitzpatrick): They're normally two hours.

Mr. Mike Lake: It's going to be a two-hour meeting, so we're going to have six key witnesses at a critical—

The Vice-Chair (Mr. Brian Fitzpatrick): If we had agreement, we could extend it, but it's usually two hours for our scheduled meetings.

We're on the main motion, and I don't have any people on the speaking list on the main motion, so let's have the vote regarding people who are in favour of the main motion as amended.

Hon. Judy Sgro: Including the amendment?

The Vice-Chair (Mr. Brian Fitzpatrick): Yes, including the amendment.

(Motion as amended agreed to) [*See Minutes of Proceedings*]

The Vice-Chair (Mr. Brian Fitzpatrick): I would like to move on to a couple of motions that I think are housecleaning. The Auditor General has certain items every year that she asks us not to detail in the public accounts for privacy reasons. Mr. Williams is quite familiar with those items, I think, and this committee generally goes along with that recommendation and approves it.

Mr. Williams.

Mr. John Williams: I'm in favour of approving the motion, Mr. Chairman, to give them the extension for one more year. It just seems rather strange, however, that we are approving the payment of heating fuel rebates, not because gasoline is expensive today, but because heating fuel was expensive in 2000. In the winter of 2000 and 2001, the government introduced a program to help people with their heating fuel rebates, and the political motivations of that one were certainly questionable at best.

The Auditor General, who happens to be here, pointed out in the report on that program that it cost \$1.4 billion, of which \$1 billion went to people who didn't qualify, while 90,000 Canadians who should have received some money from the program didn't see a dime. Here we are, and we're still paying millions of dollars every year for heating bills from six years ago. This is asinine, really. I support the context of maintaining the privacy, but I have to point out how asinine the program was and continues to be, and how expensive it is for the Canadian taxpayer.

• (1620)

The Vice-Chair (Mr. Brian Fitzpatrick): Okay. Thank you for that.

All those people in agreement with the motion as presented? Could I see some support on the matter, please?

Some hon. members: Agreed.

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

Mr. Stilborn, at our request, was doing some work for our committee to try to organize things and get some chronology and some order to what we've been doing, and basically the gist of the motion here is to give him....

Yes, go ahead.

Mr. David Christopherson: A point of order.

Would you consider a motion to begin the hearing? Would you accept such a motion as being in order? I think the reason we had to move it up is we've dealt with all of that, and now we're all in a position to engage in the work, and the people were brought in. If there are matters left over, we can do those things at the end. I'm asking if you would entertain, and if you will, I would make such a motion.

The Vice-Chair (Mr. Brian Fitzpatrick): I see a head shaking.

[*Translation*]

Mr. Jean-Yves Laforest: You need unanimous consent, Mr. Chairman, but you will not get it.

A voice: No.

[*English*]

The Vice-Chair (Mr. Brian Fitzpatrick): We're on to that. We agreed to that change.

Mr. David Christopherson: That's fine. I'll withdraw.

The Vice-Chair (Mr. Brian Fitzpatrick): This one is basically to give this individual the leeway to, during the summer months, do the work he has to do, communicate with the chair, and keep everybody abreast. I would assume that all of us would be in support of that direction. Do we have agreement to go along with that motion?

Mr. John Williams: Is that where we're going?

The Vice-Chair (Mr. Brian Fitzpatrick): No.

I was just talking about that motion. I'll read it to you. Can everybody pay attention? We'll read the motion, and then you'll know what we're talking about.

The motion is that the committee chairperson and staff be authorized to review government responses to recommendations made by the committee during the 39th Parliament, on the committee's behalf, acknowledge receipt of the responses where they respond clearly and completely to recommendations, or request by letter further information or clarification, as required.

This is just giving Mr. Stilborn and the committee chairperson a much clearer mandate and terms of reference for doing work over the summer.

Mr. David Christopherson: And they will report back to the committee, obviously, in the fall?

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

Mr. Williams, are you moving that motion? Could you do that?

Mr. John Williams: Fine.

(Motion agreed to)

The Vice-Chair (Mr. Brian Fitzpatrick): Now we're back to Mr. Laforest's motion, which we dealt with last Thursday.

I think as it was left last Thursday, Mr. Laforest—and I'd like to leave it where it was that day—that we take this thing under advisement. I really think that because of the issues raised, we do need to get some legal advice about the constitutionality of calling a lieutenant governor before our committee.

We're certainly not going to have this meeting, if we proceed with it, until the fall. Mr. Walsh and the other legal people could certainly give us some guidance on this matter well before we schedule such a meeting. That, I think, would be a lot more suitable.

Go ahead, Mr. Laforest.

[*Translation*]

Mr. Jean-Yves Laforest: Mr. Chairman, in fact, I asked a question this afternoon to find out whether the government would support the motion asking the former lieutenant-governor to appear before the committee. The Minister of Heritage replied that it was up to each committee to decide whom it would like to hear. So I don't see what why we should refer to the Constitution, nor do I see any danger in doing so, especially since two days after the facts were revealed by the Auditor General of Canada and the Auditor General of Quebec, the Government of Quebec decided to call the former lieutenant-governor to hold her accountable for her annual expenses.

So I don't see why there would be any constitutional implications, especially since Ms. Thibault is no longer the lieutenant-governor. Quebec now has a new lieutenant-governor. I cannot get over the fact that this issue has been raised. I really do not understand what is happening, except that perhaps people are engaging in obstruction. As for the constitutional aspect, how can the government of Quebec have gotten to the bottom of the matter in two days, when there are still unanswered questions with regard to the person who does not hold that position anymore.

• (1625)

[*English*]

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

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

The way the motion was left was that the chair reserved a decision on whether or not the motion was in order until he had consulted with the Speaker, the Clerk of the House of Commons, and the law clerk. If you have not done that, you're in no position to report back to this committee, and therefore it should remain in abeyance.

The Vice-Chair (Mr. Brian Fitzpatrick): Again, on that point, Mr. Williams, before we leave it, I'm just going to point this out:

A point of order calling attention to a departure from the Standing Orders or from the customary manner in which a committee has conducted its proceedings may be raised at any time, by any member of the committee. In doubtful or unprovided cases, the Chair may reserve his or her decision.

That's my interpretation of what we did last Thursday.

Mr. Laforest, I've no doubt it's an important issue, but there's no urgency on the matter. The earliest we're going to be able to deal with this matter is in the fall. I think we have good legal advice. Maybe the Quebec legislature knows something we don't know. I think there were enough good points raised last Thursday that a person should proceed with some caution on the matter.

So I think that would be my decision, to go ahead with what was decided last Thursday. We'll be consulting with the legal officials. Come the fall, when we get this thing clarified, we can proceed with it.

That would be my ruling. If we're going to deviate from the Standing Orders and use the discretion that is given to the chair under the rules, this is a good area to do it in.

Yes, Mr. Roy.

[Translation]

Mr. Jean-Yves Roy (Haute-Gaspésie—La Mitis—Matane—Matapédia, BQ): Mr. Chairman, I do not agree with your interpretation at all, because last Thursday, when the discussion ended, there was no unanimous consent and no decision had been taken, because the meeting ended abruptly. You ended it because the bells were ringing and we had to vote. There was no consensus. So last Thursday, at the meeting, there was no vote. With all due respect, Mr. Chairman, no decision with regard to this matter was taken on Thursday. I insist on the discussion being held now, today, and on concluding the discussion so we can reach a true consensus or come to a final decision.

[English]

The Vice-Chair (Mr. Brian Fitzpatrick): I'm just reading the rules; I didn't make them. It says that in these uncharted areas, the chair has the right to do that. So I'm going ahead with what the chair has as a discretion in these areas.

If there were urgency involved with this, Mr. Roy, maybe we'd have to move very expeditiously to deal with it. But we're going to have three months for Mr. Walsh and the legal people to get back and advise us on the legalities of calling this person before this committee.

Not only is it the rule, but it seems to me to be common sense that we'd follow that practice, and I'm making that ruling.

We have another matter on the agenda today, and we should get on to this business. We have some good witnesses here who want to inform us on an issue of fairly major importance.

We will be back in the fall, and there will be steering committees. If we can bring the Lieutenant Governor before the committee, and it's legal and so on, we'll do it.

• (1630)

[Translation]

Mr. Jean-Yves Laforest: Mr. Chairman, I have a point of order. There is a motion by Jean-Yves Laforest, which is the one I presented last time, on the agenda. If you want to withdraw the motion or not vote on it, you need unanimous consent from all committee members. It's on the agenda, it's there. As Mr. Roy said, at the last meeting no decision was taken because it was 5:30 p.m. and the bells were ringing because there was a vote. Therefore, Mr. Chairman, I ask that we vote on the motion. If members do not agree with the motion, they can vote against it; it's as simple as that. It's on the agenda, sir. It's not right to say that we don't have to vote on it immediately. When I table a motion, as when another member tables a motion, I want to discuss it and vote on it.

[English]

The Vice-Chair (Mr. Brian Fitzpatrick): I'm going to refresh your memory on the matter. A point of order calls attention to "a departure from the Standing Orders", and then it says that in "doubtful or unprovided cases, the Chair may reserve his or her decision".

That's exactly what happened on Thursday, and that's what I did. I followed the rulings of this House on that matter—

[Translation]

Mr. Jean-Yves Laforest: Mr. Chairman, I had asked that we vote on the motion, and you replied that it was 5:30 p.m. and that the meeting would end—

A voice: That's exactly what you said.

Mr. Jean-Yves Laforest: —because we needed unanimous consent from all members to continue the meeting. But there was no unanimous consent: Conservative members rose from their seats.

[English]

The Vice-Chair (Mr. Brian Fitzpatrick): In my recollection, the ruling I made was what I just referred to in this book, which has the case history of the Standing Orders. So I'm quite within my rights to stick by my decision, and that's what I'm going to do.

Mr. Borys Wrzesnewskyj: Point of order, Chair.

You referenced that your decision was based on a departure from the Standing Orders. Could you explain to us what precise departure from the Standing Orders you referred to in making this particular ruling?

The Vice-Chair (Mr. Brian Fitzpatrick): Normally we have a pretty unfettered discretion to call witnesses before the committee. We had quite a discussion about the role of the Crown and calling representatives of the Crown—

Mr. Borys Wrzesnewskyj: But, Chair, maybe you misunderstood. My point of order is for you to tell us precisely what Standing Orders we departed from.

You're basing your decision on a statement that we departed from the Standing Orders. It's a very serious decision that you're making. I would assume that in making a serious decision of this sort, you would be able to tell us what departure from the Standing Orders took place that allowed you to make this decision.

Mr. John Williams: May I please help you, Mr. Chairman?

The Vice-Chair (Mr. Brian Fitzpatrick): Go ahead, Mr. Williams.

Mr. John Williams: First of all, as I said just before you adjourned the meeting—and I'm sure it's in the blues from the meeting—rather than making a decision now, because it is controversial, you should check with the Speaker, the Clerk of the House, and the law clerk and bring their opinions to bear on the issue before you rule whether or not the motion is in order. It seems to me that you haven't had time to consult with these people. Therefore, until you can, you are not in a position to make a ruling.

Number two, Mr. Chairman—and it was brought up the other day, Mr. Wrzesnewskyj—is Standing Order 18. The whole reason, of course, is because of asking the former Lieutenant Governor to explain her expenses while she was in office. Standing Order 18 says:

No Member shall speak disrespectfully of the Sovereign, nor of any of the Royal Family, nor of the Governor General or the person administering the Government of Canada....

That includes Madame Lise Thibault when she was Lieutenant Governor.

I would think that when somebody comes before this committee, quite often it's a fairly testy situation. It has been on the odd occasion, and it may be with her. I don't know, but we're certainly not going to have her treated disrespectfully.

Also, Mr. Wrzesnewskyj—and I raised this last week—the issue of a representative of the Crown appearing in the House of Commons is constitutionally barred. That issue has to be addressed, and it's been in since 1642 or 1644. My memory is a little vague, going back that far, but it's one of these two dates.

So it's a constitutional question that needs to be resolved, Mr. Chairman, and I would suggest that you rule that the matter cannot go forward until you have consulted these people.

• (1635)

The Vice-Chair (Mr. Brian Fitzpatrick): That's the decision I've made. But just—

Mr. Borys Wrzesnewskyj: On a point of order, is this Standing Order 18 the one you are referencing and on which you are making your decision to defer this vote?

The Vice-Chair (Mr. Brian Fitzpatrick): I believe it's Marleau and Montpetit, page 857, and it's the authority of the chair.

Mr. Borys Wrzesnewskyj: And no one is questioning that.

The Vice-Chair (Mr. Brian Fitzpatrick): Hear me out on this, Borys. It's not really overruling the Standing Orders. The ruling just says, "In doubtful or unprovided cases, the Chair may reserve his or her decision".

As the chair, I quite honestly don't have the jurisprudence behind this whole issue. And the law clerk, who is a very knowledgeable

person, came before this committee and my recollection was that he was looking through his research and he wasn't prepared to answer that, and I don't think the law clerk even at this time is.... This is an uncharted area for our committee. It seems to me this thing is precisely on point. That was the decision we made last Thursday, and nothing has really changed.

By September, when we come back to the House, we'll have an answer to that question. And if the answer is yes, we can, then we'll have the person here.

That's my ruling.

Mr. Borys Wrzesnewskyj: Chair, but is it Standing Order 18?

The Vice-Chair (Mr. Brian Fitzpatrick): And I'm going to rule that it's in order and we're going to get on with the business. This matter is—

[*Translation*]

Mr. Jean-Yves Laforest: Mr. Chairman, I have a point of order.

I completely disagree with what you have just said. You said you cannot make that decision, which is completely wrong. You quoted Marleau and Montpetit and the standing orders. I can quote the same references in the French version. The paragraph in chapter 20 which deals with witnesses says: "It is the responsibility of the Committee to determine which witnesses it will hear." It is not the responsibility of the chairman to decide which witnesses the committee will hear.

If committee members disagree with the motion, they can vote against it, but it must be discussed and voted on.

[*English*]

The Vice-Chair (Mr. Brian Fitzpatrick): Mr. Laforest, we're into debate. I've heard that argument before that the committee has the right to do it but there is this caveat, this qualification. That was raised last Thursday.

I've made my decision. I reserve the matter until I have guidance. As far as I'm concerned, that brings closure to this issue and we—

Mr. Borys Wrzesnewskyj: Chair, on a point of order.

[*Translation*]

Mr. Jean-Yves Laforest: No decision was taken last Thursday, Mr. Chairman. The meeting ended before any decision was taken. It ended at 5:30 p.m. and we did not have time to vote on the motion and reach a decision. It is the responsibility of committee members to make the decision and not the chairman. You cannot put off deciding in this manner.

[*English*]

The Vice-Chair (Mr. Brian Fitzpatrick): Actually, I have made that decision. We were going to move on to other business. I asked the committee for unanimous consent to carry on, and I was turned down, but I had already made that decision.

So I've made my decision, Mr. Laforest, and we're going to move on. This matter will be coming up in September, and we'll all be a lot wiser when that time comes.

Mr. Borys Wrzesnewskyj: Chair, there's a point of order on the floor.

No one is challenging that there is discretion when there's a departure from the Standing Orders. As you've referenced and have read to us, it's quite clear that you have that power, but it compels you to list which standing order it is.

My question to you has been, which standing order are you referencing in making your decision? Mr. Williams has said it's Standing Order 18. Do you concur that it's Standing Order 18?

The Vice-Chair (Mr. Brian Fitzpatrick): Well, I can just reference where Marleau and Montpetit. This is a reference to decisions that have been made by the House as binding on the House of Commons. In referencing this, I am saying there were proceedings and debate on this and that this is a precedent of the House. I don't have the exact reference before me right now, but I can certainly make it known to you.

Mr. Borys Wrzesnewskyj: Sure, but in making the decision, you have to.... You've read parts of that text to us several times, but if you had read that text in full, it says that in cases of departure from the Standing Orders....

So I ask the question, under which specific standing order is it? It compels you to state which standing order it is. Mr. Williams has been very helpful in saying he believes you're referencing Standing Order 18, but we have not heard this from the chair, and it's the chair, not Mr. Williams, who makes this decision.

We'd like to hear from you whether or not you're referencing Standing Order 18 in making your decision.

• (1640)

The Vice-Chair (Mr. Brian Fitzpatrick): Borys, it's not just the Standing Orders. If a committee or the House has made a ruling about what the discretion of the chair is in these situations, that may not necessarily be a standing order; but it's a ruling that the committee and House have decided on, and it becomes a precedent or a following of the House. It doesn't necessarily make it a standing order. That's the custom and the practice of the House of Commons, and I'm following it.

[Translation]

Mr. Jean-Yves Roy: Mr. Chairman, I asked to speak a little earlier.

[English]

The Vice-Chair (Mr. Brian Fitzpatrick): I'm going to hit the gavel here and move on to the next item on the agenda. I think we've hashed this out enough, folks. You can bring it back in September.

[Translation]

Mr. Jean-Yves Laforest: Mr. Chairman, you cannot unilaterally decide to end debate on a motion, because that is the decision of the committee. In fact, I told you that a little earlier. The standing orders are very clear in this regard. Marleau and Montpetit state: "The chair also puts the question on all motions before the committee and announces the results of any vote."

If you decide to end the debate—

[English]

The Vice-Chair (Mr. Brian Fitzpatrick): What are you proposing?

[Translation]

Mr. Jean-Yves Laforest: I am in complete disagreement and I object.

[English]

The Vice-Chair (Mr. Brian Fitzpatrick): Are you challenging the chair on this ruling?

[Translation]

Mr. Jean-Yves Roy: Yes, Mr. Chairman, because I asked to speak earlier.

[English]

The Vice-Chair (Mr. Brian Fitzpatrick): I've made a ruling. It was to move back to the agenda and the first item of business here, and so on. The proper procedure at this point is to determine whether the committee agrees with that decision to move to the regular scheduled business, which is to deal with the Auditor General's report. I'm going to ask the committee at this point whether they accept that decision or not.

Hon. Judy Sgro: Let's have a vote, and get on with it.

The Vice-Chair (Mr. Brian Fitzpatrick): Well, this is a way of challenging the chair, right here and now.

Okay, we're going to have a vote. If you're challenging the chair's decision, the way to deal with it is to vote down the chair.

[Translation]

Mr. Jean-Yves Laforest: I would like a recorded vote, Mr. Chairman.

[English]

The Vice-Chair (Mr. Brian Fitzpatrick): Okay, we'll have a recorded vote on it.

Why don't we resume dealing with the orders we have today and deal with the report on technology? If I'm overruled on this, then he will be successful in his challenge to the chair.

Mr. Pierre Poilievre: A point of clarification.

[Translation]

We are not voting on the motion to hear the former lieutenant-governor, but on the motion to hear from counsel.

Mr. Jean-Yves Laforest: I challenge the decision—

[English]

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

We have a recorded vote, and it is fairly plain. The question is whether we proceed to Standing Order 103, chapter 3, "Large Information Technology Projects", from the November 2006 report of the Auditor General of Canada. I made the decision that we would move on to that.

What's your point of order?

Mr. Mike Lake: You've made the ruling, and the motion we're voting on right now is whether we sustain the chair. That's all we're voting on. It's on whether we sustain the chair.

The Vice-Chair (Mr. Brian Fitzpatrick): That's right, and that's what we're doing.

[Translation]

Mr. Jean-Yves Laforest: Mr. Chairman, with regard to the motion on the table, I challenge your decision to end the debate. We should vote on this issue.

[English]

The Vice-Chair (Mr. Brian Fitzpatrick): We're having a recorded vote—

[Translation]

Mr. Jean-Yves Laforest: The vote should be on your decision to end the debate, which is contrary to the standing orders.

[English]

The Vice-Chair (Mr. Brian Fitzpatrick): We're proceeding to a recorded vote on this matter, and that's the agenda right now, so let's get on with it.

Hon. Judy Sgro: Mr. Chair, in fairness, Mr. Laforest was challenging the chair. We need to have a vote on whether we sustain the chair's ruling or not.

•(1645)

The Vice-Chair (Mr. Brian Fitzpatrick): We're voting....

Yes, Mr. Williams.

Mr. John Williams: Mr. Chairman, I'm serious about the fact that the Constitution of Canada is involved here. You took this matter under advisement to seek guidance and to come back to this committee. The motion that Mr. Laforest is putting forward.... He's not going to give you time to consult on a serious constitutional matter. And I find it an affront to the whole committee and to the Parliament of Canada that he is not going to give you, the chair, the opportunity to consult people on a matter of this magnitude.

My recommendation to you, Mr. Chairman, and you've already ruled on this—

[Translation]

Mr. Jean-Yves Laforest: Mr. Chairman, we are suppose to discuss—

[English]

The Vice-Chair (Mr. Brian Fitzpatrick): Order. You'll get your chance. Your name is on the list.

[Translation]

Mr. Jean-Yves Laforest: Mr. Chairman, we should be discussing the fact that I am challenging your decision, and not the substance of the motion. Mr. Williams is debating the substance of the motion.

When I challenge your decision, there should be no other discussion, Mr. Chairman.

[English]

The Vice-Chair (Mr. Brian Fitzpatrick): Order. Your name is on the list, Mr. Laforest, and so is Mr. Roy's.

[Translation]

Mr. Jean-Yves Roy: Furthermore, Mr. Chairman, Mr. Williams made grave and serious accusations, and I am demanding an apology.

[English]

The Vice-Chair (Mr. Brian Fitzpatrick): Mr. Roy, you're out of order.

Have you anything more you wanted to say, Mr. Williams?

Mr. John Williams: It seems rather strange that we would want to overturn your decision to seek advice, Mr. Chairman. It would overturn your decision to be careful and cautious in this decision.

We're not saying that we cannot bring the person. We can only say to let us find out if it is appropriate to bring the person.

Now, let us act with a little bit of decorum and a little bit of wisdom.

[Translation]

Mr. Jean-Yves Laforest: I have a point of order and I am demanding that Mr. Williams apologize. He accused me of being an affront to Parliament and to the committee. All I want to do is to table a motion.

[English]

The Vice-Chair (Mr. Brian Fitzpatrick): Mr. Laforest, if you do not respect the ruling of the chair, I have the power to suspend the meeting right here and now.

Mr. Williams has the floor. Your name is on the list. There is an order that goes on here. It's not a free-for-all. You're next on the list.

[Translation]

Mr. Jean-Yves Laforest: Mr. Chairman, I am challenging your decision. There can be no other discussion. Mr. Williams insulted me and I am demanding an apology.

[English]

The Vice-Chair (Mr. Brian Fitzpatrick): Mr. Williams, if I hear Mr. Laforest's point—I think it's a valid point—

Mr. John Williams: No, Mr. Chairman, if you're—

The Vice-Chair (Mr. Brian Fitzpatrick): Just hear me out on it. He has a motion on the floor to not sustain the decision the chair has made, and that motion is here. It seems to me that we can deal with this matter by just having the members of the committee make the decision as to whether I made a proper decision or not, and we'll move on. It seems to me to be rather straightforward. I really think that, other than maybe some individuals, we have a consensus on—

Mr. Pierre Poilievre: Are we going to sustain the chair or what?

Mr. John Williams: Mr. Chairman, you are asking to be sustained —

Mr. Pierre Poilievre: It's not debatable. Let's have the vote.

[Translation]

Mr. Jean-Yves Laforest: We have asked for a recorded vote, Mr. Chairman.

[English]

The Vice-Chair (Mr. Brian Fitzpatrick): I'm going to rule it's not debatable.

The motion was whether the chair's decision to reserve this matter is the proper decision and should be sustained. That's the motion we're dealing with.

This is a democracy. We've had a debate. Let's have a vote and decide what we're going to do.

(Ruling of the chair sustained: yeas 8; nays 3)

The Vice-Chair (Mr. Brian Fitzpatrick): Thank you, honourable members, for sustaining the chair.

[*Translation*]

Mr. Jean-Yves Laforest: Mr. Chairman, I have a point of order and I am asking you to listen this time, because earlier you let Mr. Williams speak to my point of order, which you should not have done. Mr. Williams took the opportunity to blabber on about me and to accuse me of being an affront to the House of Commons, to Parliament and to the committee. I am demanding that he apologize and that he take back what he said. Just because I tabled a motion, Mr. John Williams claims that I am an affront to the rights of—

• (1650)

[*English*]

The Vice-Chair (Mr. Brian Fitzpatrick): I know there are rules about impugning the motives of individual members, but I did not interpret it that way. It was a general commentary about the role of the Crown and Parliament and being careful about treading and calling.... I didn't interpret that as being directed at any individual. I don't think—

[*Translation*]

Mr. Jean-Yves Laforest: Mr. Chairman, I consider that—

Mr. Jean-Yves Roy: Mr. Chairman, I demand to speak.

[*English*]

The Vice-Chair (Mr. Brian Fitzpatrick): Mr. Williams, did you want to comment on that?

Mr. John Williams: No. I think you ruled perfectly well, Mr. Chairman.

[*Translation*]

Mr. Jean-Yves Roy: Mr. Chairman, I demand to speak on this subject. It was not a general statement.

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

Mr. Jean-Yves Roy: It was not a general statement and it was not at all—

[*English*]

The Vice-Chair (Mr. Brian Fitzpatrick): What's the point of order, Mr. Roy?

An hon. member: He doesn't have one.

[*Translation*]

Mr. Jean-Yves Roy: I had a point of order, Mr. Chairman. Mr. Williams' words were directed at a member who tabled a motion. But the member is well within his rights to table such a motion.

[*English*]

The Vice-Chair (Mr. Brian Fitzpatrick): This is not a—

[*Translation*]

Mr. Jean-Yves Roy: Mr. Williams made gratuitous accusations against Mr. Laforest. He named Mr. Laforest and accused him of violating parliamentary and committee privilege. That is exactly

what he said, Mr. Chairman. This is unacceptable and that is why we are demanding an apology.

[*English*]

The Vice-Chair (Mr. Brian Fitzpatrick): That isn't what I heard. That may be an interpretation you want to provide, but the chair did not hear those comments. I really think this is a matter of debate. I made a ruling that it's not a point of order.

I'd like to get on to our meeting today and get the opening statement from the Auditor General.

Borys.

Mr. Borys Wrzesnewskij: We have never had a steering committee meeting cancelled. I understand the regular chair is away today, as he was last week. I think a lot of these proceedings would proceed much more smoothly if steering committee meetings were not cancelled.

I would like to know exactly why you decided not to hold the steering committee meeting today.

The Vice-Chair (Mr. Brian Fitzpatrick): There is no standard to have steering committees every Monday.

Mr. Borys Wrzesnewskij: They are every Monday at noon.

The Vice-Chair (Mr. Brian Fitzpatrick): There was none scheduled.

Mr. David Christopherson: I have a point of order.

Mr. Borys Wrzesnewskij: It's up to you to schedule it, sir.

Mr. David Christopherson: As a member of the steering committee, it was clearly understood—whether it was a motion, I don't know—since we began the RCMP pension scandal hearings that the steering committee would meet every Monday for the purposes of doing business. This is the first one that has been cancelled. It just happened to come around the same time that we were dealing with Borys' motion and Mr. Laforest's motion. It raised a lot of questions about why that meeting was set aside.

Might I also say—I'll be brief—that had we had that meeting, all that we've done today would have been gone over at least once by representatives of each caucus and that we may not have had this free-for-all.

I think it's fair for you to give us an explanation of why we didn't have that steering committee, sir.

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

The Vice-Chair (Mr. Brian Fitzpatrick): It was my understanding that on the weekend I'd be back here and the regular chair would be back. I came in very late and got to the office very late this morning and—

Mr. David Christopherson: Ask the clerk about the regularly scheduled meeting.

The Vice-Chair (Mr. Brian Fitzpatrick): The clerk's position is that unless the chairs bring it forward you don't have a steering committee meeting. I've been around here long enough, and we went for long periods of time when we didn't have a steering committee every week. You only had a steering committee meeting when the need arose.

Mr. David Christopherson: That's what we were going to do in this instance. We've been doing it with the other chair, and then you came.

The Vice-Chair (Mr. Brian Fitzpatrick): I assumed that Mr. Murphy would be back on Monday. He's the chair; I'm not the chair.

Mr. David Christopherson: Fair enough, then I'll ask the clerk.

The Vice-Chair (Mr. Brian Fitzpatrick): So why would I call a meeting when I didn't understand that I'd be the chair?

Mr. David Christopherson: The wording in the e-mail I got was that you had cancelled it. That's an aggressive action, but you didn't take that. Then I would ask the clerk why we didn't have the regular meeting.

The Vice-Chair (Mr. Brian Fitzpatrick): I apologize to committee members for this misunderstanding, but I didn't assume I would be the chair today. So it came as a surprise this morning to find out I would be.

Mr. David Christopherson: I'd like to hear the clerk explain why he didn't schedule the meeting.

The Clerk: The clerk doesn't schedule the meeting. The clerk calls the meeting after being ordered by the chair.

• (1655)

Mr. David Christopherson: But the chair had a standing order that we would meet as a steering committee every Monday. Wouldn't you just go ahead and make sure that happened, unless you were directed by the chair or acting chair of the day to cancel it?

The Clerk: The chair is not in town.

Mr. David Christopherson: Exactly, so you should have scheduled it.

That's fine, Chair. Thank you.

Mr. Pierre Poilievre: Point of order, Mr. Chair. I don't think it's appropriate—

[Translation]

Mr. Jean-Yves Laforest: I raised a point of order first, Mr. Chairman. You are giving everyone who raises a point of order the floor. I would like to remind you of something. We have not settled—

[English]

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

The Vice-Chair (Mr. Brian Fitzpatrick): Order. I have a point of order.

[Translation]

Mr. Jean-Yves Laforest: Mr. Chairman, I raised a point of order which has not been addressed. You did not answer my question. You said earlier that it was—

[English]

The Vice-Chair (Mr. Brian Fitzpatrick): Your name is right after his.

[Translation]

Mr. Jean-Yves Laforest: I am still on the same point of order, Mr. Chairman.

[English]

Mr. Pierre Poilievre: This is outright obstruction by the Bloc.

The Vice-Chair (Mr. Brian Fitzpatrick): Mr. Laforest, give the chair a chance. You say you have a point of order. You're second on the list. His point of order was before yours.

[Translation]

Mr. Jean-Yves Laforest: It's the same one I raised earlier, Mr. Chairman. You never answered my question and you gave other members the floor.

[English]

The Vice-Chair (Mr. Brian Fitzpatrick): What's your point of order?

[Translation]

Mr. Jean-Yves Laforest: I raised a point of order with regard to the fact that earlier, Mr. Williams said that by tabling this motion, I was an affront to the committee and to the House of Commons. Mr. Chairman, you told me that it was a matter of interpretation and that you did not hear him say that. I'm sorry, but you are wrong. Everyone heard the same thing. I feel Mr. Williams must apologize because I am also a member of this committee. I am an elected member of Parliament and I do not accept Mr. Williams' characterization of me. I demand that he immediately apologize to me, Mr. Chairman.

[English]

The Vice-Chair (Mr. Brian Fitzpatrick): Mr. Laforest, the only thing I can say is that memory isn't a good recorder. We can review what was said in the blues, and if your point is substantiated we can come back and deal with it. But right now my recollection is not—

[Translation]

Mr. Jean-Yves Laforest: Mr. Chairman, if you refuse to ask Mr. Williams to apologize, I will challenge your decision once more. You are refusing to ask Mr. Williams to apologize and to withdraw his words. I challenge your decision.

[English]

The Vice-Chair (Mr. Brian Fitzpatrick): There's a point of order and I've made a ruling on the point of order. Now I have an indication from Mr. Laforest that he's challenging the decision of the chair and wants it sustained in the committee.

Mr. Pierre Poilievre: This is outright obstruction by the opposition—by the Bloc, anyway.

The Vice-Chair (Mr. Brian Fitzpatrick): Is that what you're saying?

[Translation]

Mr. Jean-Yves Laforest: Mr. Chairman, I am asking you to ask Mr. Williams... You are the chairman, and you have the power to do so.

Mr. Poilievre, wait your turn.

Mr. Chairman, you have the power to ask Mr. Williams... You are the chairman and you are suppose to be neutral. I am asking you to ask Mr. Williams to apologize and to take back what he said. If you don't do so, I will challenge your decision.

[English]

Mr. Pierre Poilievre: It's unfortunate that Mr. Laforest's feelings are hurt, but we have serious work to do here. Can we just get back to work? Go outside, kiss and make up, whatever you want to do, but let's get to work. This is ridiculous. We're adults. Stop crying and get over it. Let's get to work.

The Vice-Chair (Mr. Brian Fitzpatrick): You're really raising more a question of privilege, to my understanding, rather than a point of order, and really I don't have the ability to deal with a question of privilege. My understanding is that this is a reference that you have to make back to the House and the Speaker and have it dealt with through the House procedures.

If that's the correct advice I'm getting, you're really asking the wrong person to deal with something.

[Translation]

Mr. Jean-Yves Roy: Mr. Chairman, I have a point of order. Given that the situation is becoming ridiculous and a circus atmosphere prevails, I would ask for today's meeting to be adjourned until we can see the transcript of the meeting.

[English]

The Vice-Chair (Mr. Brian Fitzpatrick): Do we have unanimous support for that motion?

[Translation]

Mr. Jean-Yves Roy: No, sir, you do not need unanimous consent, but rather a recorded vote.

[English]

The Vice-Chair (Mr. Brian Fitzpatrick): We need total support for that to adjourn and I don't think we have that.

• (1700)

[Translation]

Mr. Jean-Yves Roy: No, sir. Under the standing orders, you do not need unanimous consent. I am asking for the meeting to be adjourned and I am asking that the question be put.

[English]

The Vice-Chair (Mr. Brian Fitzpatrick): Okay, let's have a vote on that.

Mr. Pierre Poilievre: Mr. Chair, that's outrageous. We have work to do. I can't understand why the Bloc would want to shut down the work of this committee.

[Translation]

We have work to do. They are cancelling the work we are suppose to do.

[English]

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

There's no debate on this matter. We're going to have a vote on it. So let's have the vote. Is this a recorded vote? It's called a motion to adjourn. It's not debatable. We vote on it.

Mr. David Christopherson: But it was on a point of order. You can't move a motion on a point of order.

The Vice-Chair (Mr. Brian Fitzpatrick): He's made a motion to adjourn.

[Translation]

Mr. Jean-Yves Roy: Mr. Chairman, I will go about it differently. I am tabling a motion to adjourn.

[English]

The Vice-Chair (Mr. Brian Fitzpatrick): Do we have support to adjourn this meeting?

Mr. David Sweet: A point of order.

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

[Translation]

Mr. Jean-Yves Roy: You do not need unanimous consent.

[English]

Mr. David Sweet: I believe twenty minutes ago this committee voted, by majority, to go back to the orders of the day and continue with our witnesses, and I have no idea, when we all sustained the chair, why we're not doing that. It's very simple. We all sustained that. We're ready to go. Let's do the work of the committee. The Auditor General is here, and we've tied up these hard-working public servants all this time, and an officer of Parliament.

[Translation]

Mr. Jean-Yves Roy: Mr. Chairman, I have a point of order. This is a motion.

[English]

The Vice-Chair (Mr. Brian Fitzpatrick): Mr. Sweet, you have a perfectly valid point, but I guess if there are individual members who insist on raising these matters, I'm at the mercy of the committee.

[Translation]

Mr. Jean-Yves Roy: No, Mr. Chairman. The motion has been tabled, and it is a votable motion which is not to be debated.

[English]

The Vice-Chair (Mr. Brian Fitzpatrick): The chair advises me that Mr. Roy has made a motion to adjourn the meeting and you can always do that and it's up to the committee whether we adjourn or not. So let's have a vote on this and make a decision on it.

Mr. Pierre Poilievre: So they want to go home early now.

[Translation]

Mr. Jean-Yves Roy: Mr. Poilievre, there is no debate on this motion.

[English]

The Vice-Chair (Mr. Brian Fitzpatrick): It's a recorded vote. Let's get going here. He's making a motion to adjourn right now. It's about as simple as you can make it.

(Motion negated: nays 9; yeas 2)

The Vice-Chair (Mr. Brian Fitzpatrick): The motion has been defeated.

Now let's get back to the business at hand that we've agreed to do—opening statements from the witnesses—or we might get a bit past that.

I apologize to the witnesses for all these procedural things that have occurred here and thank you very much for your patience and your endurance.

Mr. John Williams: Mr. Chairman, the orders of the day say that we would hear from the Auditor General first, have the motions last, and if we had followed the orders of the day we would have been a lot better off.

The Vice-Chair (Mr. Brian Fitzpatrick): We went through there already, Mr. Williams.

Madam Fraser, perhaps you could begin with your opening statement.

Ms. Sheila Fraser (Auditor General of Canada, Office of the Auditor General of Canada): Mr. Chair, before I go to my opening statement, I realize you have voted to continue, but we have 25 minutes scheduled, which means that we will read in opening statements and we will really not have any discussion.

The Vice-Chair (Mr. Brian Fitzpatrick): My suggestion would be, and if the committee is agreeable, we could maybe get the opening statements in, and then proceed with this matter on Wednesday, if that's agreeable.

Mr. Pierre Poilievre: Chair, do you know what? Let's skip dinner and let's go until 6:30. That's when the votes are.

The Vice-Chair (Mr. Brian Fitzpatrick): That would be agreeable.

Mr. Pierre Poilievre: There you go. We have work to do.

The Vice-Chair (Mr. Brian Fitzpatrick): In view of the difficulties that have arisen and the tight schedule we have, maybe the best thing to do at this stage is—

Mr. Pierre Poilievre: Read the opening statements, let's go.

The Vice-Chair (Mr. Brian Fitzpatrick): If we could get the opening statements on the record, then we could have the meeting at a different time and so on. We'd have that information in advance.

Ms. Sheila Fraser: That's fine, Chair. Thank you.

Mr. Chair, we are pleased to be here today to meet with your committee to discuss chapter 3, on large information technology projects. Accompanying me today are Doug Timmins, Assistant Auditor General, and Richard Brisebois, Audit Principal.

Over the past six years the federal government has embarked on many large information technology projects. These large projects are no longer about introducing new computer hardware or systems but rather improving the quality and efficiency of public services. The recognition that there are increasingly complex IT issues that cross departmental boundaries has resulted in horizontal initiatives, such as government online and the secure channel.

● (1705)

[*Translation*]

During this audit, we attempted to determine whether the Treasury Board of Canada Secretariat had adequately fulfilled its challenge and oversight responsibilities for the large IT projects in our sample. However, the government denied us access to information we needed, stating that most of the information and analysis that it collected and prepared was a Cabinet confidence that could not be disclosed to us.

As a result, we were unable to conclude whether the Treasury Board of Canada Secretariat had carried a proper challenge and oversight role for these projects. However, I am pleased to report that since we completed the audit, our access to this information has been clarified by a new order in council.

[*English*]

In the last three years the federal government has approved funding totalling \$8.7 billion for new business projects with significant use of information technology. Individual departments are responsible for managing their projects, but the Treasury Board of Canada Secretariat plays a central role in ensuring that IT projects fit the government's priorities and follow sound management principles.

Overall, the government has made limited progress since our last audit of IT projects in 1997. The federal government still experiences difficulty in managing large information technology projects, despite the existence of a framework of best practices for managing them that dates back to 1998.

We examined a sample of seven large IT projects from four perspectives, governance, business case, organizational capacity, and project management. The seven projects were the global case management system of Citizenship and Immigration Canada; the secure channel of Public Works and Government Services Canada and the Treasury Board Secretariat; the expenditure management information system of the Secretariat; the integrated revenue collections of the Canada Revenue Agency; the 2006 census online of Statistics Canada; AgConnex of Agriculture and Agri-food Canada; and My Account, My Business Account of the Canada Revenue Agency.

[*Translation*]

The audit found that only two of the seven large IT projects examined—2006 Census online and my account, my business account—met all the criteria for well-managed projects. It is also important to note that these were smaller projects with development timelines of less than three years.

Five of the projects were allowed to proceed with a business case that was incomplete or out of date or contained information that could not be supported. Four of the projects examined were undertaken even though departments lacked either the appropriate skills and experience to manage the projects or the capacity to use the system to improve the way they deliver their programs.

The quality of governance varied widely from project to project. In four projects we found that governance responsibilities were not carried out adequately because key issues that had impact on project performance were either not reported or not resolved.

[English]

The persistence of these longstanding problems is extremely troubling, not only because they involve large public investments but also because of lost opportunities to improve business practices and service delivery to Canadians. The government has agreed with all our recommendations, and indicates that it is making improvements in managing large IT projects. The committee may wish to ask the government for a more specific action plan with precise timelines for government action.

That concludes our opening statement, Mr. Chair. We would be pleased to answer any questions the committee members may have.

The Vice-Chair (Mr. Brian Fitzpatrick): Thank you, Madam Fraser.

We'll move to Mr. Cochrane, chief information officer. I believe he has an opening statement.

Mr. Ken Cochrane (Chief Information Officer, Treasury Board Secretariat): Thank you, Mr. Chair.

Thank you for the invitation to appear before your committee to discuss the Auditor General's chapter on large information technology projects.

I'd like to introduce the government officials joining me today. I have with me Mr. Alexander, who is the deputy chief information officer of the Government of Canada, and Mr. Poole, who is the chief executive officer of the information technology services branch at Public Works and Government Services Canada.

As you know, Mr. Chair, the government has taken an explicit direction to strengthen accountability and management practices across the public sector. To that end, we welcome the Auditor General's recommendations to improve the management of IT projects, and we are taking action to address her concerns. Furthermore, the Auditor General's recommendations will contribute to the work that is already under way, which I'd now like to outline.

In order to properly position our action plan, I would like to first outline the role of the federal CIO. The role has four components, which are defined as policy, practices, a challenge role, and monitoring.

The first element of our role is policy. Under the authority of Treasury Board ministers, we develop policy instruments that both direct and guide departments when they undertake projects. These instruments serve to clearly explain what is expected of departments and agencies. When developing these policy instruments, we consult with the broad community to ensure that the policies are practical and can be implemented by departments. We also use the management accountability framework to assess departmental compliance with our policies.

In terms of the second element, we establish and share practices related to the management of IT-enabled projects. The enhanced management framework for IT-enabled projects outlines best

practices in areas such as risk management, project governance, and project monitoring.

The third element of our role is the challenge function. We review and make recommendations to ministers on departmental and government-wide IT-enabled projects. When departments seek Treasury Board authority or funding for IT-enabled projects, we review with departments their Treasury Board submissions. This review is designed to ensure that they have followed the relevant policies and can demonstrate that they have the necessary evidence of good project planning and oversight in place.

Finally, for projects that are deemed to be higher-risk or particularly sensitive, the CIO branch implements a monitoring regime that allows us to track progress on a regular basis. This allows early warnings to be raised if major issues are encountered, so that proper action can be taken to address these issues.

Those are the four elements of our role. Departments and their deputies are ultimately responsible and accountable for the development and implementation of projects in their departments and for following Treasury Board management policies.

I should note that in certain cases when a project is being developed for government-wide use, such as the secure channel, the chief information officer branch will work across departments to consolidate a broad range of requirements.

I'd like to take a moment and turn to our action plan, which is in line with the four elements of our role.

Part one of our action plan is focused on the policies. As part of a review of all management policies, known as "policy suite renewal", we are developing new directives, one on management of IT-enabled projects and another on IT investment planning.

Part two of the action plan focuses on practices and will see further improvements to our enhanced management framework, which was first developed in 1995. Departments have been directed to follow this framework when undertaking IT-enabled projects.

I would like to share with you one of the highlights of our efforts to improve the enhanced management framework. Under the framework, we are developing a new capacity assessment tool that departments must complete to determine their readiness to proceed with a project. This assessment includes a review of the department's internal skills to conduct the project, as well as of the ability of the department to accept the business transformation that comes with the project—in other words, to make full use of the new solution.

Part three of the action plan is focused on our challenge role. To improve departments' abilities to prepare for Treasury Board submissions, we are redesigning and updating our process for reviewing these submissions. Increased clarity in what is expected by the secretariat will improve the quality of the challenge process and ensure that departments and agencies are focusing on the right critical issues as they prepare to launch projects and seek Treasury Board ministerial approvals.

The last part of our action plan is focused on the monitoring role. Projects of a given scale and level of complexity will also be required to have independent third-party assessments done at key milestones. This will ensure that management has an independent perspective as to the health of the project. These assessments will also follow standardized techniques to ensure consistency and reliability of the reviews and guidance provided.

In conclusion, we welcome the Auditor General's recommendations to improve the management of IT projects. We are committed to implementing changes to the policies and to taking corrective actions to address these issues, as outlined in our action plan. We know these measures will help to strengthen management practices across government and ensure greater accountability and value for money. We are prepared to speak to the target dates of the action plan in far more detail.

• (1710)

Mr. Chairman, this concludes my remarks.

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

Steven Poole, chief executive officer, information technology services branch, you're next on the list, sir. You have five minutes.

Mr. Steven Poole (Chief Executive Officer, Information Technology Services Branch, Department of Public Works and Government Services): Thank you very much, Mr. Chairman, members of the committee.

My name is Steven Poole. I am the CEO of ITS in Public Works.

I'm here today to assist the Treasury Board Secretariat in addressing chapter 3 of the AG's November 2006 report on large IT projects, particularly secure channel.

Mr. Chairman, I will spend only a few minutes to summarize our involvement in secure channel, the centrepiece of Canada's common information technology infrastructure.

As committee members know, the goal of secure channel is to provide Canadians and Canadian businesses with secure, responsive, and private access to Government of Canada online programs and services. Public Works has been responsible for delivery of the technical requirements since June 1999. The architecture and management of the secure channel project was fully transferred to our department in December 2003.

Governance of the project was shared with the Treasury Board Secretariat throughout, with TBS accountable for strategic governance and Public Works accountable for internal project governance.

A significant investment is required to build a secure common infrastructure that protects the integrity of Canadians' information. This approach is more cost-effective than allowing government departments to build and maintain separate infrastructures. Our estimates in Treasury Board submissions as early as June 2001 were close to the actual costs. In 2006, Public Works negotiated a long-term contract with the service provider, which further reduced the estimated cost. The contract was assessed "an excellent deal" by Forrester, an independent technology market and research company.

In essence, to operate secure channel going forward will cost less than \$3 per Canadian per year. We recognize that these are significant costs, and that's why Public Works benchmarked these costs to ensure that they were in line with industry averages.

Mr. Chairman, Canadians are concerned about identity theft and have stated that they do not want their personal information at risk. We are serious about protecting Canadians from security breaches. Secure channel has won a number of national awards, including the Canadian information productivity awards in 2005 and in 2006. In fact, at the international level, the project was instrumental in Canada being rated for five consecutive years, by the international research firm Accenture, as number one among 22 countries for its e-government performance.

We take very seriously the comments by the AG in her report. Though the AG noted that the initial take-up of the secure channel was below projections, I am pleased to say that today Canadians have embraced secure channel in unprecedented numbers. In fact, over five million e-passes, which are used to manage individual credentials, have been issued to citizens to date, including census 2006 online, with more than six million business transactions last year. The growth rate for secure channel has been very significant, and demand rose by 200% from 2005 to 2006.

In terms of tangible outcomes, 95% of federal government organizations use at least one secure channel service to enable their online applications; 61 government programs are using e-pass; over 54,000 businesses use Service Canada's record of employment, which has reduced their business transaction time from days to minutes; Foreign Affairs' passport online helped issue over 310,000 passports; Canadian Forces online recruiting is also going strong, with over 178,000 business transactions since they started their program in October 2005.

While the AG did not audit the privacy and security aspects of secure channel, parliamentarians should know that it is providing the best security and privacy protection available to sustain the integrity and trust of the Canadian public. In fact, in 2006 we had millions of security-related alarms that were addressed without a single compromise of our systems.

The AG noted the challenges of delivering these horizontal projects across many departments and agencies. She noted that "The federal government has recognized that there are complex IT issues that cross departmental boundaries". We have seen that complexity first-hand.

I am pleased to note that secure channel received full marks for project management, as evidenced by its ever-growing success in enabling other projects, such as the two projects in the report that received perfect marks, namely, Statistics Canada census online and the Canada Revenue Agency's "My Account".

Mr. Chairman and members of the committee, I welcome your questions.

• (1715)

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

We have some time here for three minutes, with four people up.

I should remind the committee, too, for Wednesday's meeting, that we will be reviewing chapter 5, on passport services, Passport Canada.

We have Mr. Rota up first, for three minutes, please.

• (1720)

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

Maybe we'll propose to the Auditor General future audits on the effectiveness of committees and how they work. But I'll leave that in your hands.

One of the issues that comes up quite often is the capacity to assess certain projects and the lack of expertise. I know we've gone through it before, and it's a question I asked when the Auditor General came before the defence committee. It's about the lack of experience and expertise that exists within certain departments. How can they actually assess it? Do you develop it? Just as somebody gets good at it or understands it, they get promoted to something else.

The audit describes how other countries have adopted methodologies for monitoring large IT projects. These methodologies require independent third parties to assess IT investments at specific intervals during the life of a project. Would establishing an independent third party to assess large IT investments help rectify the situation? Maybe you could describe this and how the results would come out.

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

In the framework that has been established for the Government of Canada, the Treasury Board Secretariat plays a major challenge role for all these large IT projects. As I noted in my opening statement, we tried to assess that challenge and supervision role, but we were denied access to those documents on the basis that they were cabinet confidences of a nature that we could not see. That has been resolved since. So we were unable to assess how well the Treasury Board Secretariat was carrying out that challenge role.

What we did find in many of the documents, and you can refer to page 26 of our report, was that one of the most significant weaknesses was the lack of a good business case to explain why the project was needed, what the costs would be, and what the ultimate outcomes were. I'll point, for example, to the secure channel. There was no robust business case to explain why the government would eventually spend \$400 million to build a secure channel and to explain who was going to use it. There was much temporary funding given over time. In fact, at one point there was even funding given to

close the project down that was used to keep it going. So it's about the robustness of a business case.

Perhaps outside firms could help in developing those business cases, but we would certainly expect the Treasury Board Secretariat to play that really significant challenge and supervision role. And we were unable to assess the extent to which they did that.

Mr. Anthony Rota: I'm kind of short of time, so I'll just cut in. I don't mean to cut you off.

What you're saying is that there's a project in place. The department says it wants to do something, but there's no real explanation as to why it wants it to be done. There are no clear objectives. Therefore, the department funding it, which would be the Treasury Board, has no real idea of why they're funding this project.

Ms. Sheila Fraser: In the case of the secure challenge, there were, I think, 11 submissions to the Treasury Board, all for temporary funding. We raised this issue, actually, several years ago. Given the size of the project, one would expect to have funding in place for the life of the project and to have a good business case. Who was going to use it? Why were they going to use it? And was there a commitment for these other departments to actually be using it?

The Vice-Chair (Mr. Brian Fitzpatrick): We'll go to Mr. Laforest.

[*Translation*]

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

Good afternoon.

Mr. Cochrane, regarding governance, which obviously involves the Treasury Board Secretariat, according to the Auditor General, the audit revealed that Secure Channel, one of the key initiatives of Government On-Line, contained significant shortcomings in this area; departments and organizations have not yet agreed on how to continue the project and on its potential advantages; the project has no budget or complete program reflecting total cost of living expenses, and the results did not meet expectations. That was true for 2006. The report was tabled last fall.

Yet in 2003, the Auditor General tabled a report on information technologies, which also addressed the Government On-Line initiative, and in which she stated:

For the 2005 GOL deadline, the Treasury Board Secretariat should clarify the expected outcomes in meaningful, measurable, and time-limited terms. If the GOL initiative is extended beyond 2005, the Treasury Board Secretariat should develop a comprehensive strategic plan that clearly sets out what GOL is to achieve.

This is part of the Treasury Board Secretariat's response:

The Treasury Board Secretariat will continue to work with departments and agencies... Departments and agencies will also be required to report against the new Management Accountability Framework, which sets out the Secretariat's expectations for management excellence... the government should develop a comprehensive strategic plan and implementation targets.

I find it fairly contradictory that despite the significant warning given in 2003, the Auditor General's recommendations and the commitments made by the Treasury Board Secretariat, there are still governance problems today. And this is only one aspect of all information technologies.

How can you justify that?

• (1725)

[English]

Mr. Ken Cochrane: Thank you.

As you know, government online was part of a bigger initiative by the government called Connecting Canadians, and as we look at that, the secure channel was a clear component piece to enable government online to achieve its outcomes. So, as Mr. Poole indicated in his opening statements, secure channel was a broad component piece to enable what we call GOL, government online. Government online was required to make 130 of the most commonly used services available to Canadians.

So the business case behind the secure channel, as an enabler, really relied on enabling those 130 transactions that required the types of networks and the type of security that are available through the secure channel. One of the challenges had been, at the time, in 2003, that the departments had identified those services but hadn't clearly identified perhaps the volume of activity that would come through the secure channel.

There was also, as you point out, a question from the Auditor General, at the time, in terms of sustainability. So funding had been made available through government online to develop the secure channel, but then the question was, at what point would we go into a long-term sustainable model. I think the questions of governance really focus in on the question of the long-term sustainable model, and the funding for the secure channel basically wrapped up—

The Vice-Chair (Mr. Brian Fitzpatrick): We're running out of time here, so could you conclude?

Mr. Sweet.

Mr. David Sweet: Thank you, Mr. Chairman.

The Vice-Chair (Mr. Brian Fitzpatrick): We have three minutes left for each, for Mr. Christopherson and Mr. Sweet, so I'm trying to squeeze it in.

Mr. David Sweet: Thank you.

Sorry that you had to endure the first hour and a half, Madam Fraser.

I just wanted to ask you what time period the audit covered—from when to when?

Ms. Sheila Fraser: We finished in June of 2006, but some of the projects would have gone back. Secure channel, for instance, started in 1999. So some of those projects would have been over several years.

Mr. David Sweet: Okay. And on page 19—because expenditure management, of course, is near and dear to our hearts here—you mentioned that a new business case was being developed for the Treasury Board to consider in the fall of 2006. Have you seen that business report?

Ms. Sheila Fraser: No, we have not seen that.

Mr. David Sweet: Mr. Poole, has that business case been developed?

Mr. Steven Poole: That business case has been developed. It was passed to Treasury Board Secretariat and has been approved. My colleagues can comment. It's the latest business case.

A voice: No.

Mr. Steven Poole: No? I'm sorry.

Mr. Jim Alexander (Deputy Chief Information Officer, Chief Information Officer Branch, Treasury Board Secretariat): Mr. Chair, the expenditure management information system, the business case on that, was updated and was submitted to Treasury Board Secretariat and to Treasury Board ministers as well.

Mr. David Sweet: How long ago?

Mr. Jim Alexander: That was this last fall. I don't have the exact date here.

Mr. David Sweet: Just this past fall, okay.

On page two, one of the observations you made, Madam Fraser, is that “Only two of the seven projects we looked at: the 2006 Census Online and My Account, My Business Account projects met all of our audit criteria.”

So I guess one of the questions I'd like to ask Mr. Poole—and I think this is probably going to be my last question—is what worked for those two projects, and what do we need to do to fix the other ones to make sure that they get the good rating, as these two did, with the Auditor General?

• (1730)

Mr. Ken Cochrane: Mr. Poole is really here to answer questions on the secure channel.

Mr. David Sweet: Okay.

Mr. Ken Cochrane: Those two projects have been, as you know, very successful. There are perhaps some differences between those two projects, which are very targeted. You're talking about the census and “My Account”. They are very targeted, very specific automations of work in a very specific area. I wouldn't say they're narrow, but they're more narrow than if you look at the secure channel, which is a very broad, complex, cross-governmental initiative that requires a different level of overall management.

Mr. David Sweet: Thank you.

The Vice-Chair (Mr. Brian Fitzpatrick): Mr. Christopherson.

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

Thank you, and my apologies also for the first hour and a half, but democracy can be messy.

I want to deal with the issue of the business cases, similar to my colleague.

Paragraph 3.62 in the Auditor General's report states:

The business case is the foundation of every sound investment decision. For IT projects, the business case explains the rationale for the project and the project results that are needed to meet an organization's business needs.

Paragraph 3.22, on page 7, says:

In our previous audits we made recommendations about strengthening governance, business case analyses, project management, and assessments of organizational capacity. The EMF was developed to address these recommendations. Our current audit found that many problems, which our previous reports called attention to, persist because departments and agencies are not following the EMF.

And that, of course, was the result of a previous criticism that was meant to solve it, and then we find out that nobody's following it and that problem persists.

I note—and I'll throw it to whoever feels comfortable or gets the short end of the stick in answer—that in 1995 this came up, “inadequate analysis of underlying business issues”. It came up again in 1998. Paragraph 3.19 of the document says:

Since 1998, the Secretariat has produced little additional guidance on the management of large IT systems.

Let me just caution whoever is going to answer this, I understand all the things that you're going to do and the promises you're making. The answer I want is to know how we got to this point that we could go audit after audit with the same issue being pointed out as a problem, and it still remains a problem today.

Assuming that it gets fixed from this point forward—and that remains to be seen as we get into it more—I want to know how you could have ignored repeated audits that came up with the same conclusion, pointed out the same problem causing the same issues, and here we are again and it's still there. Why?

Mr. Ken Cochrane: Thank you.

When you look at the enhanced management framework, it is a series of best practices that have been defined. They were first defined in 1995, as you've outlined, and made available to all departments.

In reality, many departments do follow the practices. There are elements when we look at the report of the Auditor General, such as the business cases, where business cases aren't developed as effectively as they should be.

Mr. David Christopherson: Why?

Mr. Ken Cochrane: From our perspective, we would agree that it has been an issue that has been a challenge, and the process that we're—

Mr. David Christopherson: I'm sorry to interrupt, but that's not good enough. I want to know why. It's not like this just happened and you're going to say “Hey, sorry about that; that's a mistake.”

These are the things that incense us to no end, when we have repeated audits and the same thing is pointed out, and every time the staff say “Oh, yes, fine, we'll look after it,” and then here we are again, there's another audit and still a problem.

I'm not hearing a sufficient answer as to how we got here, sir.

The Vice-Chair (Mr. Brian Fitzpatrick): That's your three minutes, Mr. Christopherson. I'll let Mr. Cochrane reply to that.

Mr. Ken Cochrane: Thank you.

The real challenge here, probably, at the end of the day, is the measurement of whether or not departments are following the guidelines, and that's something we are being very focused on through the management accountability framework. So I'll focus on that as a tool that we use with departments to confirm that they're following the policies and the management practices of the Government of Canada.

If you're familiar with the management accountability framework, it does have an indicator that focuses very specifically on project management, and business cases are a key component in overall project management. So that's a tool we will use going forward, that we have been using and we will be using more rigorously going forward, with much tighter policies, to confirm that departments are following the practice.

The Vice-Chair (Mr. Brian Fitzpatrick): Madam Fraser, do you have a comment on this matter?

Ms. Sheila Fraser: I was just going to add that we noted, for example, on the secure channel project that the Treasury Board made five requests for a long-term sustainability plan, and even when it didn't get them, the funding still came. I think it's one of these things where the projects start, there's money in them, and it's hard to stop them. So unless there's a consequence to not giving complete business plans, people will continue to give incomplete business plans.

•(1735)

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

We've run out of time—

Mr. Pierre Poilievre: Chair, on a point of order, I just want to put forward a motion that we extend until 6:30. If members don't want to, that's fine; they can vote against the motion. But I believe we should go until 6:30. We wasted a lot of time at the front end.

I put that motion forward. It's a votable motion, and I also ask for a recorded vote.

Thank you.

The Vice-Chair (Mr. Brian Fitzpatrick): We have a motion to extend the meeting.

[*Translation*]

Mr. Jean-Yves Laforest: I would like to propose a friendly amendment, namely that we sit until 6 p.m.

[*English*]

Mr. Pierre Poilievre: I put forward a motion for 6:30. It's not debatable. Just go to the vote.

The Vice-Chair (Mr. Brian Fitzpatrick): Mr. Christopherson.

Mr. David Christopherson: I'm sure on a political level, colleagues don't care, but the fact of the matter is that a number of us have been called back to the House to be there around routine proceedings, so 6 o'clock would work, but 6:30 is a problem, because we have votes and there are other things happening in the House. That's the only thing.

Mr. Pierre Poilievre: We want to stay and work as long as possible. There's work to be done.

Mr. David Christopherson: I want to work too, but the priority has to be the House of Commons.

Mr. Pierre Poilievre: If they want to do 6 o'clock, it's better than nothing, so let's vote on 6 o'clock.

Mr. Anthony Rota: Mr. Chair, if this were a serious motion, I'd take it into consideration. Coming from anybody else, it would be taken seriously, but from this individual, I have a problem with it.

The Vice-Chair (Mr. Brian Fitzpatrick): We don't want to get into individual commentaries about one another as MPs. A lot of us would not want to go on a cruise together, but this is not the place for us to get into discussions about how we feel about one another. That kind of commentary isn't very helpful.

Do we have agreement to move until 6 o'clock and see how things work out?

Some hon. members: Agreed.

The Vice-Chair (Mr. Brian Fitzpatrick): We have agreement to go until 6 o'clock.

Mr. Pierre Poilievre: If it will make my friends in the opposition happy, I'll compromise.

The Vice-Chair (Mr. Brian Fitzpatrick): I commend the witnesses for being very good, well-behaved spectators today, but it looks like you'll get a chance to be witnesses.

Mr. Christopherson spoke, and now we're back....

Hon. Judy Sgro: They won't have another chance to ask any more questions.

The Vice-Chair (Mr. Brian Fitzpatrick): They've all worked their way through, Judy. It's good that you're worried that they all get their turn.

Go ahead. Five minutes would be good.

Hon. Judy Sgro: Okay, that's fine. It's because we'd hear about it in two seconds if it wasn't proper.

Mr. Poole, could you elaborate a bit more on the secure channel? You said that there were over five million e-passes that had been given out. Could you elaborate a bit more on the value there?

Mr. Steven Poole: Thank you very much.

E-passes are basically a credential that is passed to a Canadian citizen so that they can process transactions with the Government of Canada. We have issued five million of those credentials within the country to Canadian citizens.

Hon. Judy Sgro: What were the majority of Canadian citizens using those for? Was it income tax, other inquiries, and so on?

Mr. Steven Poole: I have to go from memory here; I don't have the exact notes. But principally, the main users are the Canada Revenue Agency's "My Account", the passport people, and Service Canada for record of employment. They are the three main applications that use the system, so mostly it would be Canadian citizens who use those.

I'm just being reminded here as well that there were about two million e-passes that were issued for the census in 2006.

Hon. Judy Sgro: How is the secure channel going to make Canadians' life easier in dealing with the Government of Canada?

Mr. Steven Poole: Secure channel is fundamentally information technology infrastructure. It provides the tools and the capability for other departments to have their online programs used, so we're very much dependent on how those departments set up their programs to interact with Canadian citizens and Canadian businesses.

Hon. Judy Sgro: I'm not sure if I'm directing them all at you, Mr. Poole.

How are you going to be measuring the success of not only the secure channel, but any of the IT projects? There are huge challenges to be able to measure how successful they are.

Mr. Steven Poole: I could speak to the secure channel, but I think my colleague could answer for projects overall.

• (1740)

Mr. Ken Cochrane: Thank you.

When we look at projects overall, one of the things that we have developed and we're in the process of implementing with departments is a methodology called outcomes management. Outcomes management is a process whereby the business owner of the solution that's being developed identifies the specific business outcomes at the end of the project, but all the way through the project. The outcomes management process allows us, as we go through, and as we earn value through the project, to confirm that the business requirements, and actually the business results, are being delivered. I think that mechanism, in addition to whether we completed the project on time, and whether we completed it within budget, if you look at it from an industry perspective, is a far more important indicator.

So did we actually achieve the business outcomes we were trying to achieve from this technology? It plays very well with Mr. Poole's secure channel. Did the secure channel allow Canadians to have access to particular services anywhere, anytime, in a way they wanted to access them? You can look at the numbers and the volume, so it does that sort of thing with different types of business environments.

Hon. Judy Sgro: It's been a while since you've done this audit. Are you aware of what the take-up is now, compared to what it was then?

Ms. Sheila Fraser: Actually, one of the concerns we had in this audit was the take-up rate of the secure channel. We noted in the audit at that point that it was significantly below expectations. We have become aware that Service Canada has temporarily suspended it. Now, that may be coming back on, but the last time we looked it was still not using the secure channel. The Canada Revenue Agency does not use it for income tax. There would appear to be very few large programs that are using the secure channel, at least to date. I don't know what future intentions are, and that is one of the issues, because it does cost about \$100 million a year to operate that.

Hon. Judy Sgro: The intention is, I would assume, to make sure the departments are fully aware of the services that are available. Initially, on many things, there's a slow pick-up at the beginning of a lot of these various IT projects.

Do you have confidence in the future that the departments are going to buy on to this project?

Ms. Sheila Fraser: Government would really have to respond to that. It comes back again to the business case. For a project of this size and complexity one would have expected that the need would have been identified and communicated from the client departments rather than building something and then expecting them to use it.

The Vice-Chair (Mr. Brian Fitzpatrick): I think Mr. Poole wanted to comment.

Mr. Steven Poole: Thank you very much.

The business case was accepted earlier this year. Service Canada is using the secure channel quite significantly for its record of employment. It is true what the AG mentioned with regard to "My Account", which was a soft launch for a pilot in the fall. We've used it there for a while and now they came off early, before tax season, because tax season has heavy demands on the secure channel. We expect them back on in the fall. Passport is also quite a significant user of the system.

I can check my numbers, but at any given time, in a second, there are 1,000 concurrent users using the secure channel.

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

Mr. Sweet.

Mr. David Sweet: One of the things that comes out of Ms. Sgro's questioning that I'd like to ascertain is we have an award-winning, apparently worldwide secure channel. Why is CRA not using this?

Mr. Steven Poole: Mr. Chair, the Canada Revenue Agency is absolutely using it. Service Canada is—

Mr. David Sweet: Did I hear something wrong?

Mr. Steven Poole: I think the question was that the Auditor General had mentioned Service Canada. Service Canada is using it for their record of employment. Their "My Account", which they had set up, for example, for employment insurance to go through, we put that in pilot mode for a few months. We've pulled it off and we expect it to go back on in the fall.

Mr. David Sweet: There are some other lapses you were concerned about, though, Auditor General?

Ms. Sheila Fraser: CRA does not use it for the filing of income tax. For Service Canada, as I mentioned, there was another project. They use it for certain aspects of it but not for others, which they had started to use it for and which would have given more volume. There is still an issue about the usage of the secure channel.

Mr. David Sweet: So there's still a substantial gap.

I have a concern about HR and not having another nightmare happen again. On page 22, in paragraph 3.95, the Auditor General's report says there was an organizational incapacity for staff.

I happen to know, because I have a substantial number of friends who were involved in the IT world around 2001 and 2002, that it was

not a good time for them. Around Ottawa, there would have been a substantial number of surplus professionals. Yet when this audit was being done there weren't enough qualified people to get these projects moving along.

Does anybody want to speak to why that would have been? What was going on with human resources at the time?

• (1745)

Mr. Ken Cochrane: I think that when you look at that comment, one of the challenges we and many organizations outside of government have is with specific specialized skills. As you indicated, just after 2000 there were a lot of people available in the Ottawa marketplace. Many of those people have found homes working in the federal government—many of them from Nortel and some of the other large companies. But with some of the very specific skills, we and other organizations face challenges in obtaining very capable and competent project managers able to manage complex projects like the ones we see in front of us here today. So there are some skills gaps.

We do a lot of work with a group called the Organizational Readiness Office, which is actually in the Treasury Board Secretariat. It goes out and develops a lot of capacity in the community.

So we continue to do that. But we have, as I said, attracted a large number of people from private industry in Ottawa in the last couple of years. It has been of great benefit to us.

Mr. David Sweet: Mr. Chairman, I'd like to give the rest of my time to Mr. Lake.

The Vice-Chair (Mr. Brian Fitzpatrick): Go ahead, Mr. Lake.

Mr. Mike Lake: I want to start with business cases again. I'm particularly interested in the lack of the proper business cases being made. After some of the issues of the early 2000s and the gong show we saw with the gun registry and the culture around the lack of business cases there, you'd think that it would have changed quickly. Why hasn't that been the case?

Mr. Ken Cochrane: I think, once again, the government's position is that we need to do much better in the area of business cases. Of course, we do receive business cases with Treasury Board submissions. One could look at them and say they perhaps do not explore all of the alternatives available within a business case.

One of the things we are doing is we're in the process of strengthening business cases, as I think I mentioned, by putting in place a much more consistent approach to business cases. The enhanced management framework did have a business case model, but we're working across the secretariat to focus on a broader range of basic requirements that should be there, including key things like options analysis, so that we don't just consider one alternative, but look at a variety of alternatives.

Some of those things aren't always in the business cases, and we're beginning to reinforce those through the new policy tools we're putting in place.

Mr. Mike Lake: Looking at something like AgConnex in exhibit 3.1, it had an initial budget of \$60 million, and that was revised to \$177 million. They spent \$14 million on it between 2001 and 2003, and then it was discontinued. So \$14 million was spent on this project and then it was discontinued.

Was there any benefit at all derived from the \$14 million?

The Vice-Chair (Mr. Brian Fitzpatrick): Actually, it's your last question, Mr. Lake, for now.

Go ahead, Mr. Alexander.

Mr. Jim Alexander: Yes, Mr. Chair.

In terms of AgConnex, you are correct that the project was concluded or stopped when it had only spent \$14 million—which is still a significant amount of money. In dealing with Agriculture Canada officials and looking at what they had been able to accomplish, they're assured, and we were convinced as well, that there were very valuable things delivered by that.

I would say this was a real benefit for us in the challenge process, because we saw that the project was getting too large and complex and that it was not going to be able to be completed. You're right that the estimate had grown to \$160 million. As part of the challenge process in TBS, we actually said that it should stop. It was stopped, and there were benefits achieved out of the \$14 million.

Thank you.

The Vice-Chair (Mr. Brian Fitzpatrick): I have a point on this whole area before we move to the next person.

I think we've probably seen this before, Madam Fraser, with the firearms registry, where maybe an ill-conceived model was embarked upon, one that was showing lots of flaws, difficulties and glitches, and that wasn't getting results. I guess when that happens in business, you make your first loss your last loss and cut the line and start over when you have something that is poorly designed and isn't going to work.

Do we have same situation here with this secure channel setup? Do we have a creature that's going to be very difficult to adapt and make work for all these departments?

• (1750)

Ms. Sheila Fraser: The secure channel is operational right now; the issue is the number of programs that are using it. So it's there, it is functioning, and \$400 million has been invested in it. The question now is how to bring in other programs and increase the operations of it.

The Vice-Chair (Mr. Brian Fitzpatrick): Right. But I take it that a lot of departments don't find it very user friendly or something they would really like work through. It takes a lot of time and a lot of computer sorts of things to access it and get into it.

Ms. Sheila Fraser: We didn't go into an analysis of why the departments weren't using it, and I suspect there are probably a wide number of reasons. They may have to make changes to their own programs to bring them onto the secure channel. There could be a wide variety of reasons.

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

Mr. Laforest.

[Translation]

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

Ms. Fraser, you said that by March 31, 2006, the Secure Channel project had received funding 11 times. Was that money always taken out of the supplementary estimates?

Ms. Sheila Fraser: Unfortunately, we don't have that information, but we can get it to you. Each time, it was basically temporary funding. There was no overall long-term funding plan. Each amount was received separately.

Mr. Jean-Yves Laforest: Do you get the impression that this project and other IT projects have something in common? Don't bidding contractors have to abide by deadlines and a specific budget? Commitments were made, but the project was not completed, and when they ran out of money, they asked for more. That's not a very impressive way of doing things. You also talked about good governance and estimates. Wasn't there a problem in that area as well?

Ms. Sheila Fraser: The table on page 15 contains the estimated costs and the real costs of the projects. We said that two projects were well planned and well governed. Those two projects cost less than expected. It was estimated that the 2006 Census On-Line project would cost \$14.5 million, but it ended up costing \$12.3 million. The initial estimate for another CRA project was \$22 million, but it ended up costing only \$11 million.

However, the initial budget of another project was \$16 million, but that was revised upward to \$53 million. The Secure Channel project had an initial budget of \$96 million, but it was reviewed and increased to \$400 million. As for the AgConnex project, it was cancelled. The budget for these projects had to be increased, which underscores the importance of rigorous planning and a thorough cost evaluation.

I sometimes get the impression that the estimated costs are too low. The final cost is realistic, but the estimated cost might not be. You need planning and competent people to manage the projects.

Mr. Jean-Yves Laforest: When the initial cost of a project is \$96 million and it ends up costing \$400 million, are you able to determine whether or not \$400 million is a realistic figure?

Ms. Sheila Fraser: We have no way of knowing.

• (1755)

Mr. Jean-Yves Laforest: You have no way of knowing?

Ms. Sheila Fraser: No.

Mr. Jean-Yves Laforest: Therefore, there is a potential for unwarranted or unexplained expenditures or poor management decisions.

Ms. Sheila Fraser: That is possible, but since there was no rigorous plan in place, the initial \$96 million estimate would also be questionable.

Mr. Jean-Yves Laforest: I agree, but poor planning can also leave the door open to a number of possible interpretations, that you would be powerless to discount.

Ms. Sheila Fraser: That is correct.

Mr. Jean-Yves Laforest: Thank you, Ms. Fraser.

I have no further questions, Mr. Chairman.

[English]

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

You've concluded your questions, Mr. Laforest? Okay, we'll move on to Mr. Christopherson.

This is the last questioner.

Mr. David Christopherson: How long do I have, Chair—three minutes?

The Vice-Chair (Mr. Brian Fitzpatrick): I would say that you have three minutes for sure, but at the discretion of the committee, we might give you a couple more minutes, if you're well behaved and everything works out.

Mr. David Christopherson: All right.

I want to ask about the Auditor General's comments regarding small projects versus big projects. Again, the second part of paragraph 3.22, on page 7, says:

We are concerned that although research clearly indicates that small IT projects are more likely to succeed than large ones, departments and agencies are again undertaking large IT projects. Because the portfolio of large-scale departmental IT projects is growing, we believe that a strong governance and management framework is critical if the government is to avoid the past mistakes.

I have two questions. First, Madam Fraser, I want to pursue a bit when you said that you witnessed projects being approved and money flowing, without the business case being made. Of course things take on a life of their own. I'd like a little response from somebody on that. This was at the very end of my questioning last time.

Who is making those kinds of decisions and under what authority? Does that not violate somebody's procedures, either those at Treasury Board or internal somewhere? That's one question.

The second question is broader. Why are we going to the larger projects? The simple answer would be because it's so big and the government is so big. But clearly there was an attempt to try to break things down into more manageable projects as an approach, as a policy. If I read this properly, it suggests that we were moving away from this and trying to keep things as small projects.

Please answer the first question first.

Ms. Sheila Fraser: Well....

Mr. David Christopherson: You can add to it, if you want.

I was looking for them to tell me. Thank you.

Ms. Sheila Fraser: Okay.

Mr. Jim Alexander: Thank you, Mr. Chair.

In terms of how those decisions are made, and why they are made without a complete business case, we agree that business cases need to be improved.

Let me clarify that when decisions are made, they are based on a very complete and fulsome Treasury Board submission. Although we agree that the business case portion of this should be improved, and we specifically want it to improve its focus on things such as

options, analysis, and outcome management, we also want to state that very clear plans are made, in terms of how money is spent and on what things. There has to be a detailed project plan that also deals with risks and things like that. Those are all the pieces that have to be there as part of a Treasury Board submission before we will let it go forward.

So we agree with the Auditor General that the full business case, looking at business outcomes and how to achieve them, needs to be in place. That's one of the areas of focus that we have in our action plan.

Mr. David Christopherson: I'm sorry, but we've been told that before. That's not new. See, you're getting me angry now. You've been there before. You've had the advice from other audits that you ought not to be doing that. Now you're telling me, oh yes, we see this as a problem now, and we're going to go do it.

We've already been there twice, sir. Now we're on the third go-round with these things being submitted.

So either the business plans are important, as the AG said, and you respect that, or they aren't, in which case make the case that we ought not to have them. Please don't tell me that all of a sudden, everything is just fine and dandy, because it hasn't been, sir.

Mr. Jim Alexander: Mr. Chair, we agree that improvements have to be made. I would like to make a distinction between a business case, which has all the options with all the details and the cost-benefits, and the outline of the details, as to how those outcomes are going to be achieved.

We believe that we have improved over the last number of years. The standard has improved, in terms of getting projects that deliver the benefits they should be delivering. We agree that we have to keep improving, but we have also made very significant improvements over the last number of years.

Have we met the required bar? We agree with the Auditor General: we have to keep improving on that.

Mr. David Christopherson: You said that already, so is this a new promise?

Mr. Jim Alexander: In terms of the second question, on whether we should be doing smaller or larger projects, I pass it over to the chief information officer.

● (1800)

Mr. Ken Cochrane: On the question of smaller versus larger projects, if you look back at the 1960s, 1970s, and 1980s, a lot of what we were doing was automating very specific functions in organizations, such as pay systems, tax, and some of those more specific functions.

As we move into the current age, the types of things we do today are very much cross-functional, cross-organizational. So on a security basis, you hear about interoperability. You hear about the need for all these agencies to work together. Some solutions require a tremendously more significant and substantial initiative to make them go forward.

Obviously the challenge is to break them down into bite-sized chunks. But we can't avoid the kind of work we're into today that says the government is a big enterprise, and there's a need to share information and data. I use security as a good example, but there are other good examples.

We need to pull in all of our financials, so we know what the government is doing holistically. Those require much more sophisticated, larger, interoperable solutions across this organization. These are also occurring in industry. The challenge here is to do them in bite-sized chunks.

If you take a solution off the shelf, such as one from SAP, try to stay with the solution and not modify it.

So there are a lot of lessons learned. We understand how to do that; we need to do it better.

Mr. David Christopherson: Madam Fraser, what are your thoughts on what we just heard?

The Vice-Chair (Mr. Brian Fitzpatrick): Mr. Christopherson, our time has expired. Thank you very much for your questions.

Witnesses, thank you very much for your answers, your patience, and your insights today into this big challenge we have.

The meeting is adjourned.

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