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—
Chair

The Honourable Shawn Murphy

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•(1125)

[English]

The Chair (Hon. Shawn Murphy (Charlottetown, Lib.)): Order.

I want to point out that we're now in a public session of the House of Commons Standing Committee on Public Accounts.

At the last meeting, Mr. Williams tabled a motion. I will read the motion, for the record:

That in the interest of accountability, the Auditor General of Canada be requested to select two departmental performance reports at random each year and audit them in accordance with the criteria set out in chapter 1 of the May 2003 report of the Auditor General and report same to Parliament.

That motion has been properly received by the committee, and it's in order.

Mr. Williams, do you have anything to say to the motion?

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

I appreciate the opportunity not only to speak to this motion, but to say that I have believed for a long time that accountability is the thing that drives good performance. I have been concerned over the last many years, in fact since we started with departmental performance reports in the mid-1990s, that they tell the good story but they sometimes ignore telling us the whole story. On that basis, I thought it would be appropriate that we put in some kind of motivator for them to feel obligated to tell the whole story.

I had informal discussions some time ago with the Auditor General and her staff, and they resulted in chapter 1 of the May 2003 report being tabled in the House setting up the criteria by which the Auditor General could make a standard evaluation audit of the departmental performance reports—not so that she go all the way to the very back and audit every number that's in there, but to ensure that the whole story is being given to Parliament, because without that whole story we're not able to do our job effectively.

Mr. Chairman, that's why I said “two...at random each year”. You never know whether your name is coming up, and therefore you're motivated to say, “I'd better do a good performance report, because I really would prefer to avoid having to come to explain my fluffy, self-serving report to the public accounts committee.”

Therefore, Mr. Chairman, I feel that in the interests of accountability, as the motion states, this would enhance the effectiveness of the departmental performance reports and the capacity of Parliament to oversee departments.

The Chair: Thank you very much, Mr. Williams.

Mr. Wrzesnewskyj.

Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.): I'd like to speak in support of this particular motion. Perhaps I'll begin where Mr. Williams began. Too often we're given a good story here, but not the whole story.

It's quite unfortunate. What this motion speaks to is a lack of confidence in this committee among parliamentarians that even when reports are compelled because of concerns, those reports perhaps don't accurately reflect everything that's transpired. On a number of occasions, what has been tremendously worrisome is how the resources in departments are utilized when they're called to account before this committee. Too often, instead of people having been briefed so that they can provide us with the information, it's actually departmental communications people with whom they sit to discuss these issues, and strategies are laid out not on how to provide us with accurate information, but on how in fact they can spin us.

It's unfortunate that we have to proceed in this manner, but it's quite clear that it's absolutely necessary. So I'll be supporting this motion.

The Chair: Thank you, Mr. Wrzesnewskyj.

Mr. Fitzpatrick.

Mr. Brian Fitzpatrick (Prince Albert, CPC): I would be a reluctant supporter of this motion, but when we have to hire more auditors to start checking up on other auditors, this to me could be a real growth area for number crunchers. I personally wouldn't want to work in an organization where I was looking over my shoulder at auditors all the time to get my job done. It's not the way to get things done.

I'm really disappointed that we're actually talking about having to audit performance reports. I'll refer to a person I've got a high regard for, Warren Buffett, who makes a differentiation between snow jobs and sale jobs and reports. A report, to him, is a frank assessment of the negatives and the positives for the organization. If there were real professionalism within the organization, the performance reports should clearly set out the negatives and the positives in that story. You shouldn't have to read the fine print to decipher what's going on in here.

I find it really unfortunate, if that's really the state of affairs with these performance reports, that we have to hire more auditors to check up on their reports. It's really a disappointing state of affairs that we have in the public service. I'm not sure that ultimately would be the cure. If that's a real problem we have here, I'm not sure hauling in more auditors, with all due respect to Mr. Williams, is the cure for that problem. It's a leadership problem in those departments.

That's my frustration with having to reluctantly support this thing. I don't see it being the answer.

The Chair: Mr. Christopherson.

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

I'm also very supportive of this. This issue really is important, and I really appreciate the motion and the attention to this, because I remember the first time I read one of those reports. I was infuriated. I thought it was a public relations piece. Eventually the chair at that time, Mr. Williams, explained that, no, this was their report. I was just blown away. It was all glossy with nice pictures.

There was also a public service body. Maybe Mr. Murphy or Mr. Williams can help me. I think the three of us were there, and maybe Mr. Sauvageau or Mr. Laforest. I can't recall. I remember we went on a panel and the whole thing. They were asking us about these reports, the bureaucrats who do them. We were pretty blunt about how we felt about them and what we wanted and didn't want. I think this is a way to really nail that down.

I think it's also an opportunity for us to mention that the legacy Mr. Williams leaves, because he's not running again, is phenomenal. His impact on this work is that the impression of it within Parliament has been changed forever for the positive. I think we'll be referring to Mr. Williams' legacy and the things we've all learned from him for many, many years. I hope that's the case beyond, for those of us who are here, because I think he's got us going on the right track. Accountability is everything.

The only other thing I would add is that I hope even now this motion, before the Auditor General even responds, is circulated to all the key people who generate these reports, to let them know what's coming. Start now, folks, because the world's changing, and these reports are not going to be what they have been before. We're going to drag them into what they should be.

So I'm pleased to support this. Thanks.

• (1130)

The Chair: Mr. Sweet.

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

I certainly would like to agree with everything Mr. Christopherson said about Mr. Williams' legacy, the great investment he's made in this committee, and the way he's been very generous with his accumulated wisdom as well. I'm certain he's going to make a big investment for the entire world with GOPAC in the days ahead.

Particularly on the content of this motion, I think it's very timely and very important. Mr. Christopherson's words actually drove it home a bit more. I had no idea about this previous panel where very

succinct statements were made to people in departments about what was expected. It's obviously not getting through. Because we were in camera before, of course, I cannot go into detail, but we have had hours and weeks of work by the Library of Parliament on follow-ups regarding this issue and voluminous pages during the process. I think this is one more step to showing the public service that we are very serious about having accurate reports and that we want them to address specifically the recommendations, whether they've moved ahead on them or not, and where they may need additional resources.

So I want to wholeheartedly and vociferously support this motion by Mr. Williams.

The Chair: Thank you, Mr. Sweet.

Mr. Hubbard, then Mr. Poilievre, and then I'll call the question.

Hon. Charles Hubbard (Miramichi, Lib.): Well, it sounds very good, but at some point in time we have to look at what something like this is going to cost. Maybe members know; I haven't looked recently at what we spend in terms of the Auditor General.

Mr. John Williams: It's \$75 million.

Hon. Charles Hubbard: I think it's more than that, John, the last figure I saw.

In any case, then we have each department having reports written up, agencies having reports written up, and those are costing departments a significant amount of money. Do we want another layer, an increased bureaucracy here, to have eyes on the eyes that report? If we can't accept what departments are saying, it's a very serious situation.

With that, in terms of our research, take the Department of National Defence or any other department—Human Resources—how much are they spending to do this? Does it cost them another \$20 million?

I believe we had witnesses before the committee who talked about a lot of money being spent to develop those reports. Some have asked to do it once every three years, and once every five years.

John, is that not right?

Mr. John Williams: Not that I'm aware of.

Hon. Charles Hubbard: And the reports to Parliament aren't as frequent as they were at one time. What information do we have?

John, can you tell us more? I thought a lot of departments didn't report each year.

The Chair: No, every department reports every year.

Mr. John Williams: If I can just fill in, Mr. Chairman, I think it was around 1995 that there was a committee struck to review the estimates and the reporting to Parliament. The way the estimates were reported was changed and they became the plans and priorities. At the same time, we introduced this retrospective reporting to Parliament of the departmental performance reports.

Prior to about 1995, there was no annual report by departments to Parliament. That was instituted then. It has been a good exercise. It is the only document that's actually made public that encompasses a report of the whole department on what they're doing for the whole year. There were bits and pieces coming out here and there and reports to Parliament and they'd come to committees to make their statements, but this was the first time that a department sent out an annual report to its shareholders—the people, via Parliament.

On the issue of accounts, we're only asking for two. There are about 75 annual departmental reports published every year, including all the agencies, and so on—only two, at random, because you never know if your name is going to be pulled. So it's a motivating factor.

When it comes to the cost of accountability, I just happened to notice that the supplementary estimates were tabled this morning. For Parliament, being an institution of oversight, our cost is \$480 million just for ourselves, and our job is oversight. So this additional cost is minuscule, and I think it can provide great benefit.

• (1135)

The Chair: Mr. Poilievre, and then I'm going to call the question.

Mr. Poilievre, do you have a comment?

Mr. Pierre Poilievre (Nepean—Carleton, CPC): Yes. I do have some sympathy for what Mr. Fitzpatrick said, but I think this business of writing meaningless reports, empty words, is a colossal waste of resources, words, and time. This could potentially be a method of connecting words to actions, and any time you can do that, you enhance accountability. So I'll be supporting the motion.

The Chair: We've had a fulsome discussion on the matter. I'm prepared to call the question. The question has been read.

(Motion agreed to)

Mr. John Williams: On a point of order, Mr. Chairman, I'd just like to thank everybody for their kind words, and this little debate that we've had is very much appreciated. Thank you.

The Chair: Mr. Williams, I concur with the remarks.

Also, would it be in order for the committee to report this motion to the House? My own view is it would be.

Do you have any thoughts, Mr. Williams? Right now, it would just be sent to the Auditor General, but—

Mr. John Williams: There's nothing wrong with reporting to the House that we've passed the following motion.

The Chair: Just for housekeeping, you could make a motion to that effect, Mr. Williams. It would count as a motion. We don't have to go through the whole thing.

Mr. John Williams: I move, Mr. Chairman, that the motion just passed be reported to the House.

The Chair: I think that should be sufficient.

(Motion agreed to)

The Chair: Good.

Colleagues, we're going to go back in camera.

[Proceedings continue in camera]

• (1135)

_____ (Pause) _____

• (1255)

[Public proceedings resume]

The Chair: We are back to the public part of the meeting of the House of Commons Standing Committee on Public Accounts.

The item being discussed is a motion tabled by Mr. Poilievre, and I'll read the motion:

That the committee alter the schedule such that the meeting of March 4, 2008, on chapter 7 of the Auditor General's May 2006 report, be instead held on February 28; the meeting of March 6 on the same subject be moved to March 4; and that the meeting dealing with the draft reports on February 28 be moved to March 6.

Basically, it's a rejigging of the agenda that was presented by the steering committee and approved by this committee at an earlier date.

Mr. Poilievre, do you want to speak to that?

Mr. Pierre Poilievre: Yes, Chair.

As you know, the Auditor General brought forward this report back in May of 2006. That's almost two years ago now. We still haven't had any answers to the questions that report provoked. I note that we could move around the dates in order to facilitate an earlier hearing from those who have the facts, so I'm calling on the committee to consider doing that.

This matter is important. It deals with \$4.6 million worth of waste identified by the Auditor General. To this date, we still haven't a clue who made the decision to override a public tender, and why, and we need to understand the motivations for that decision. At this rate, we're never going to get answers. Again, it's been almost two years now since this study began, and we don't want these answers to be interrupted by other events that might spontaneously interfere with this committee's work.

I imagine there would be no problem getting unanimous support for the motion.

The Chair: Mr. Wrzesnewskyj.

Mr. Borys Wrzesnewskyj: Just for clarity, for all the committee members, because I don't have our schedule in front of me, I assume that the steering committee had set a calendar for all of these dates, and going forward, and we're dealing with a one-week timeframe.

For the committee's clarity, what are we dealing with on those specific dates?

• (1300)

The Chair: If I may, I'll try to answer that, and perhaps the clerk will correct me if I'm wrong.

This was discussed at the steering committee. I think initially we had one meeting scheduled for chapter 7, and the steering committee thought it would be better to have two meetings.

Next week is break week. We come back for a meeting on Tuesday, February 26. That meeting is scheduled to have a hearing on the management of the security of government information, and those witnesses have been called and all arrangements have been made.

According to the schedule, on February 28 we would be dealing with the two draft reports that are here, plus there'd be another one or two coming forward, which would be circulated to members. In the meantime, we allocated Tuesday, March 4, and Thursday, March 6, for chapter 7 of the May 2006 report.

Members should bear in mind that this scheduling is not a simple process, and we do accommodate witnesses. Sometimes people are busy and they can't make one date and they can make another date. And this case is complicated.

There were five witnesses in the original motion that was put by Mr. Poilievre. One of the witnesses was scheduled to appear before this committee on a totally unrelated matter about a year ago, and we could not locate him at that point in time. We thought we had a lead on him, and in this case it's the right name but the wrong person. So we still haven't got one individual, Mr. Bard.

Mr. Pierre Poilievre: That's Jean-Marc Bard. He's missing in action.

Mr. Brian Fitzpatrick: The same one who was involved with the sponsorship...?

The Chair: At any rate, that is the answer to your question, Mr. Wrzesnewskij, and you still have the floor.

Mr. Borys Wrzesnewskij: Thank you.

We worked at and spent a great deal of time on a number of reports that are also quite delayed. They deal with very important issues. We just finished dealing with the report on the agenda with regard to forensic labs in the RCMP. We're very close to arriving at conclusions on those particular reports.

If Mr. Poilievre is correct in his assumption that there might be, in his words, some spontaneous combustion that derails all our work, then I would assume that it would be of great import to make sure that work that's 90% to 95% done be brought to conclusion and reported in the House of Commons so that we have a full public record, as opposed to beginning a process that would potentially require more meetings, etc., without any sort of fruitful conclusion.
[*Translation*]

Mr. Jean-Yves Laforest (Saint-Maurice—Champlain, BQ): Mr. Chair, I feel much the same as Mr. Wrzesnewskij. The steering committee discussed the time when we should hear from witnesses. I remind you that I was quite receptive to Mr. Poilievre's motion stating that we had not heard all the replies that we should have heard in this matter. Although I have been hearing for two years that this committee is non-partisan, I feel that this motion is taking a partisan turn given the strong possibility of an election call. Two or three more days to hear from these witnesses is not going to change anything.

If the committee really is non-partisan, we should stick to the agenda that the steering committee set so that the reports that have been waiting for months and months get priority and so that we can hear the witnesses that we decided to hear when we passed Mr. Poilievre's motion at our last meeting.

• (1305)

[*English*]

The Chair: Mr. Christopherson.

Mr. David Christopherson: Thanks, Chair.

I will start with this question: how far along are we in securing witnesses for slotted times?

The Chair: I'll ask the clerk to respond.

The Clerk of the Committee (Mr. Justin Vaive): Of the five witnesses mentioned in Mr. Poilievre's original motion, we have confirmed three so far—on March 4, Gary Polachek and Janice Cochrane; and on March 6, Ralph Goodale.

As the chair mentioned, we're still trying to locate Mr. Bard, to get contact information for him.

I spoke with Mr. Gagliano a few days ago. He is currently in Florida, and will be returning to Montreal in May of this year. Obviously he is another one who is up in the air as to whether or not he can come.

Mr. Gagliano did indicate that should he be called before the committee prior to his return to Montreal, his expenses for travel, accommodation, and expenses while he's here in Ottawa would have to be covered. This is something that committees frequently do for witnesses who appear. But he also indicated that he would want his lawyer present, and that should that be the case, he would hope that any legal fees associated with having a lawyer present with him could also be picked up by the committee.

Mr. David Christopherson: Today is February 14, so we're looking at exactly two weeks to reschedule, contact Mr. Gagliano, and make arrangements for him to fly back.

Is that right? We only have two weeks to do that if we go along with this?

The Chair: Presumably, yes.

Mr. David Christopherson: I have to tell you that I'm sympathetic to the motion to the extent that if we have the election, a lot of stuff is going to be undone here. The outcome of the election could dictate which of those things lived for a further day of debate and which didn't, and they are all important reports.

The reason I'm sympathetic with this one is that we deliberately went out of our way to revisit this thing. Do you know what? All that work we did.... The crunch decision, just as Pierre has said—who made the decision and why, resulting in a \$4.6 million waste of taxpayers' money in circumstances that don't pass the smell test—is significant, and I would be very open to moving it.

I hear Mr. Laforest, and it's a good comment. I wouldn't make this for a political reason, except that if an election is coming, I'd like to get them in here to answer while this composition of members of the committee is here. This is so complex that even if the next committee wanted to pick up, if it had new members—and it likely will—it could easily get lost, and the whole point would be missed. It was very complex, if you recall.

However, having said that, I say to my friend moving the motion that I'm hearing some practical impediments in terms of scheduling that make it less of a common sense decision if one started from where I am.

I'll go back through you, Mr. Chair, to the mover of the motion to find some way to argue or change what I think are good legitimate reasons why my vote, if I'm going to end up being the swing vote here, should be to stay with the current course, recognizing that my desire would be to alter.

The Chair: Perhaps we'll hear from Mr. Wrzesnewskyj first, and then Mr. Poilievre.

Mr. Borys Wrzesnewskyj: I do understand the political appetite to bring these particular witnesses, and in Mr. Poilievre's typical flamboyant way to have an opportunity before an election to question them, but let's step back and take a look at what Mr. Christopherson has said.

There is a chance that this particular committee would take on a very different composition should an election occur, and we have a number of reports that are at their final stage. If this conjecture about an election date is correct, then we won't have a report on this particular issue for which the witnesses will come before us, so we won't have a satisfactory conclusion.

We've heard many witnesses before, and reference was made today to how witnesses talk out the clock, etc. Perhaps a couple of sessions may be adequate if we hear adequate answers, and we'll have lost the opportunity to address reports that are 95% done on very important issues.

Should there not be an election, then we still have the opportunity to deal with this particular issue, but it won't be dealt with one way or another. All this change of dates will provide is a little bit of political theatre prior to a potential election. I think that does a disservice, especially when it comes to such important issues as the forensic laboratories in the RCMP and some of the others that have come forward on that particular date.

• (1310)

The Chair: Next is Mr. Poilievre, and then Mr. Sweet.

Go ahead, Mr. Poilievre.

Mr. Pierre Poilievre: On Mr. Wrzesnewskyj's first point, I would give a very simple retort. I do appreciate the political imperative for him and for Liberal delegates here to avoid having these questions answered before an election, but at the same time it's not our job to serve the electoral interests of one political party.

On the logistical point that Mr. Christopherson raises, the reality is that we have to take a different perspective on witnesses' coming before committee: witnesses come before committee when we call them, not when it suits them. In terms of this notion that they might not be available or that their schedule doesn't suit, my motion came forward almost two weeks ago; there has been plenty of time for them to be warned, and there are weeks more for them to be alerted as to the timing of their testimony.

Mr. Borys Wrzesnewskyj: Point of order.

The Chair: There is a point of order.

Mr. Borys Wrzesnewskyj: Mr. Poilievre said that this motion we're debating came forward two weeks ago.

The Chair: Mr. Poilievre's motion came forward Tuesday.

Mr. Pierre Poilievre: The original motion calling for these people to testify—

Mr. Borys Wrzesnewskyj: That's not what we're discussing.

Mr. Pierre Poilievre: The point I'm making is that this is not a surprise to the witnesses that they are going to be called. This is not like it's out of the blue that just today they're learning they're going to be witnesses.

I introduced the motion calling for them to testify two weeks ago. I could be off by a few days, but that's about how much time they've had. We're offering, through my motion today, another significant period of time in which to prepare and appear. I'm proposing February 28. Right now it's February 14, so they have two more weeks. Whether Mr. Gagliano wants to fly back from Florida or not is entirely immaterial to this discussion. He will fly back if he's summoned by a parliamentary committee to do so.

I've seen these meetings put together very hastily. I'm only asking for this to happen on two weeks' notice. We've put together hearings faster than that. I don't think there are any logistical obstacles that should prevent this testimony from going ahead. There are political obstacles from one political party, but no logistical ones.

I'm perfectly open to entertaining an amendment to have some extra time for us to review additional reports, but that is no excuse for allowing all of this work just to go down the drain because this committee could be dissolved and not be replaced necessarily with people who are *au courant* with the matter at hand.

It's been almost two years since we found out about this problem. We still don't have answers. Let's get it done.

The Chair: Mr. Sweet.

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

I appreciate where Mr. Laforest is speaking from. Of course, he, Mr. Christopherson, you and I sit on the steering committee. You're right, it's no small task to make sure we line everything up.

I wanted to speak to this because if we're going to have an argument for or against, let it be genuine. With Mr. Wrzesnewskyj actually speaking against this motion, when we accommodated him run after run at us on more witnesses, more witnesses, more witnesses on 48 hours' notice—

Mr. Pierre Poilievre: Sometimes with ten minutes' notice.

Mr. David Sweet:—his argument is totally disingenuous.

On the management of the committee, we have gone at light speed on these reports when compared to the past. I understand there are only two reports left now that are not at a final edit stage.

Given the two weeks, there is the fact that Place Victoria was a significant case, in which we had a couple of bureaucrats who had actually sent e-mails and wanted to bow out of the whole thing because it was so messy. Then they came here and obfuscated in their testimony in order to make sure they didn't have to say anything—or certainly it appeared that way—that would compromise their situation.

I'd like to get at the bottom of this, because it's one of the most substantial ones we have dealt with.

•(1315)

The Chair: Mr. Holland.

Mr. Mark Holland (Ajax—Pickering, Lib.): Thank you, Mr. Chair.

There are a lot of long speeches and I'm not sure who they're for. It's ironic, I just came from the government operations committee, where the government was decrying us investigating a number of different matters, including the Dimitri Soudas matter. Now it's on the opposite end. I don't understand the point of all the rhetoric. I don't understand the point of going on and on like this.

Mr. Chair, I think we know what our respective positions are. Bringing Mr. Gagliano, in this particular instance, in my opinion, is clearly partisan in nature. It's clearly driven with an electoral purpose.

I would suggest we vote on it. I don't think debating it and adding lots of rhetoric particularly advantages the process.

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

The Chair: On a point of order, Mr. Poilievre.

Mr. Pierre Poilievre: Just to clarify, we've already called Mr. Gagliano. That's not up for debate here.

Mr. Mark Holland: No, but the timing and the rhetoric surrounding it is my issue.

The Chair: Mr. Wrzesnewskyj and then Mr. Christopherson.

Mr. Borys Wrzesnewskyj: I'd wanted to do it as a point of order, but I didn't want to interrupt Mr. Sweet. It's more for clarification purposes. And I do take issue with some of what Mr. Sweet had stated there, because we're not debating who the witnesses are and whether they should appear. What we're talking about is the change in dates. No matter how it's presented, it just occurred. There could be an election, and there may not be. There are consequences to reports that in fact we were dealing with today, in extended hours, to bring to completion.

On what my point of order was going to be, I don't like to have to travel back in time on these things, because when it finally came to the reports, we did the right thing on the RCMP. We were able to, on many things, move on very serious matters in a non-partisan way. I don't like raising this, and I did try a number of times to make things move along, but it was incredibly frustrating and it did take me months to bring some of those key witnesses who have now been commended. To disingenuously say, with ten minutes, and they had to....

We can pull out an accurate record as to how many times I've moved motions, put motions forward, how they were delayed, and the timelines on those delays. I don't want to go there. We did the right thing there. But there is a record, so let's not go there.

We ended up with reports that were positive, were positive for the RCMP, were positive for Canada. I just want to clarify that, and I hope we don't have to travel this route again.

The Chair: Mr. Christopherson.

Mr. David Christopherson: Thanks, Chair.

I'll be very brief. These are my last comments.

I've listened very carefully because I think my vote may actually matter. If we were arguing originally, then I think, slam dunk, we would do it first. But I have to tell you, I'm having problems getting past the point that we're going to rejig it, and it doesn't lend itself to improving the chances of having a successful hearing. If anything, it works the opposite.

So on a balance of listening to everything, I really believe a fair-minded person looking at this would say no, it's not justified. So I'll be voting no.

The Chair: A last comment to you, Mr. Poilievre, and then I'm going to put the question.

Mr. Pierre Poilievre: Before I offer my comments, could you just reiterate the witnesses and their dates that we have so far? I missed that at the outset.

The Clerk: On March 4 we'll have Gary Polachek and Janice Cochrane, and on March 6, Ralph Goodale. There are still question marks for Mr. Gagliano and Mr. Bard.

•(1320)

Mr. Pierre Poilievre: I have one last question. Do we have the authority to issue some sort of summons to search and ascertain the whereabouts of Mr. Bard? What powers do we have? This is the second time he's been called, and appearance before a parliamentary committee is not a voluntary undertaking; it's obliged. Is there some legal authority we can have to compel him here?

The Chair: I'll ask the clerk to respond to that.

The Clerk: There's a legal authority to compel them, and that's a summons. There's the practical issue of being able to find them, being able to locate them. Occasionally there is great difficulty finding witnesses, as everyone probably has experienced in other committees as well.

Mr. Pierre Poilievre: What's the practical instrument for carrying out the summons?

The Clerk: The summons would require a motion from the committee that specifically says the committee is going to summon person X to appear on such and such a date before the committee.

Mr. Pierre Poilievre: And if he doesn't?

The Clerk: If he doesn't, then the committee can choose to report the matter to the House and you can get into, if the House then wants to move forward with it, going right back to issues related to contempt of Parliament again.

The summons is an instrument that is similar to a summons that someone would get to appear at court, in that respect.

Mr. Pierre Poilievre: All right.

I'll just conclude my remarks by saying again that I think two weeks is plenty of time. We've pulled together more complicated groups to testify. So far, we have only three people. We'd be rescheduling three people, moving their testimony forward, and those three people would still have, in the worst-case scenario, two weeks from today to be notified of their testimony. So I don't see how complicated this really is, to ask three people to change their schedules for a parliamentary committee and give them two weeks in which to do it. That's not difficult. We can pull that off. So I don't see any logistical obstacle whatsoever. I see some political obstacles, but I think we should go ahead with it and get this done, instead of trying to keep the answers hidden until after the election.

The Chair: I want to put the question. I read the motion before, so I don't believe I have to read it again.

(Motion negatived: nays 6; yeas 5)

The Chair: Yes?

Mr. Brian Fitzpatrick: Can I give a very short point on a question that was just asked about this Bard fellow and the summons and so on? Is there not some process when we can't find a witness to turn the matter over to the RCMP to bring him before us?

The Clerk: I don't know 100%, but my educated advice would be that I don't think there is.

Mr. Brian Fitzpatrick: The court has that power.

The Clerk: Possibly, yes. I can definitely look into it. It has happened in the past, where some witnesses have been summoned to parliamentary committees and they couldn't be located.

Mr. Brian Fitzpatrick: It's a big loophole if we don't have that power. All you have to do is go into hiding and you can frustrate a parliamentary committee.

This guy did it before. I'm very suspicious of this situation. It seems to me this person is deliberately evading this committee. I don't want to use words lightly, but if he doesn't come before this committee and he knows we want to see him, he's evading the legal process. We should have the ability to turn it over to the RCMP to find this guy and bring him here.

The Clerk: I'll find out, and I'll definitely get back to the committee with the appropriate answer.

• (1325)

The Chair: Mr. Poilievre.

Mr. Pierre Poilievre: I have a motion that the clerk prepare a summons for Mr. Jean-Marc Bard.

The Chair: I will consider that motion in order. The motion is that the summons be issued for the appearance of Jean-Marc Bard before this committee. And we will specify the date right now: March 6, 2008.

Mr. Pierre Poilievre: We might as well add Alfonso Gagliano to that.

A voice: To the summons?

Mr. Pierre Poilievre: He's indicated that he's not sure he's going to accept our invitation, so....

Mr. David Christopherson: We didn't jump a step there, Chair?

The Chair: The situation with Gagliano—and I'll get the clerk to confirm—is that he wants his expenses and accommodations paid. That's normal. It's within the full authorization of this committee. But he also made a request that his legal fees be paid. That would certainly be way outside our mandate. I guess we could technically, but I think we'd have to go to the liaison committee. It's not something we would likely consider, because we've never done it before.

Mr. David Christopherson: It's not like he said no, and it's not like we can't find him.

The Chair: We know where he is.

Mr. David Christopherson: I just don't know.... In these circumstances are we going too quick, too hard? If it's in order, by all means, I just don't want it to seem like we're playing any kind of heavy-handed games and rushing straight to a subpoena on somebody who's given the same answers as most people who end up coming.

The Chair: Usually the way these situations work is that there's an invitation first. Then if there's a negative response to our invitation, we issue a summons. We've done that before.

Mr. David Christopherson: Right. But we don't have a refusal yet.

The Chair: I should point out that when Mr. Bard was scheduled to appear before the committee on a totally unrelated matter, probably at least a year ago, we couldn't find him. Our information at the time—again, this is not confirmed—was that he was in a Middle Eastern country at that time, and they couldn't locate him at that particular spot.

Mr. David Christopherson: I'm not hearing a good reason why we would include Gagliano in a summons. That's a big deal; I mean, as a former cabinet minister, that's news. We have to make sure we have reasons for generating that kind of headline.

The Chair: We'll deal with the motions separately, for one thing. We can do that.

Mr. Wrzesnewszky, and then Mr. Poilievre.

Mr. Borys Wrzesnewszky: On the issue of the costs of legal representation, we have many witnesses who appear before us. It's their choice as to what kind of legal support they have or what kind of research they do before they appear as witnesses. I think it would set a wrong precedent to indicate to him that we would cover those particular costs.

He isn't required to have legal representation here; he has parliamentary privilege. But if he so decides, it should be added at his own cost.

The Chair: Mr. Poilievre.

Mr. Pierre Poilievre: I was just going to say that my understanding was we had asked Gagliano, and he indicated that he was not willing to go except under certain conditions, one of which we're not going to meet.

I'm perfectly willing to leave him off the summons for two days, until we can ascertain whether he's giving us a yes or a no. But I haven't heard either of those two options; I've heard a conditional response from him.

Mr. David Christopherson: Chair, if I can offer it, how about a conditional motion—in other words, that the clerk and the chair be authorized, should they receive a negative from Mr. Gagliano, to issue the summons? But give him the opportunity to go through a regular procedure and lock in his appearance, without it looking as though his own Parliament—he was a senior minister here—had to drag him because he didn't want to come.

If we're going to do that to somebody, let's make sure they're being recalcitrant and are saying "No, screw you." If they aren't, then.... I am offering up some deference to him as a former cabinet minister. Before Parliament did that to any former cabinet minister, you'd want to make sure they were treating Parliament the way that issuing a summons would suggest they were. If they aren't, we ought not to do this to them, no matter who they are.

• (1330)

Mr. Pierre Poilievre: Why don't we just wait two days? We'll give the clerk a couple of days to get a yes or a no, and then we can move this.

Mr. David Christopherson: What does two days do? Then we're in our ridings, Pierre.

Mr. Pierre Poilievre: Oh, that's right, we're not here.

Mr. David Christopherson: That's why I said the conditional. It matches what you are saying. They would try to organize, and if they can't, for whatever reason—we won't pay the lawyer, he won't come, or he's being difficult—then we preauthorize the clerk and the chair to issue that summons, and then he has justified the summons.

The Chair: Mr. Christopherson, the clerk has indicated it's not legal for us to issue a conditional summons. I'll ask him to speak to it.

The Clerk: The summons can only be issued by the committee. It can't be delegated to someone else to do it on their behalf, such as conditionalizing it to the chair, should Mr. Gagliano say a definitive no.

Mr. David Christopherson: Can we word it another way, whereby we issue the summons, but we give the chair an opportunity to let them voluntarily lock in before we sign the document? Can we do that?

The Clerk: Again, in that case, the summons.... Ultimately, if the committee didn't want to proceed with it, it would be up to the committee then to essentially remove the summons—again, not to the chair to do it. There would be a requirement to have a summons with a list of people, or an individual summons for, in this case, Mr. Bard, Mr. Gagliano.

Mr. David Christopherson: I should think he's not going to want a summons—

The Chair: I should point out too, with respect to the other individual—and it's not my job to carry his brief or anything—that we've had no response from him that he's unwilling to come here; we just cannot locate him.

Sometimes the efforts of the committee previously haven't been 100%, as far as that is concerned. We couldn't locate Janice Cochrane, don't forget. She was the accounting officer. I would support bringing her, but we couldn't locate her. There are a number of people in Ottawa who know her, and there's no evidence at all that

she avoided the committee or that she was in hiding. That's totally false. She's well known to most people in Ottawa. In fact, she has a summer home on Prince Edward Island, and I see her quite regularly.

We have to be careful with these—

Mr. David Christopherson: Yes, issuing a summons from Parliament is pretty big.

The Chair: Mr. Hubbard, you're next.

Hon. Charles Hubbard: Mr. Chair, just to be clear on this, Mr. Gagliano said he would come if we would pay his air fare and his accommodation while he was here. Is that correct?

The Chair: No, he.... There are discussions ongoing that he'd like us to consider paying his legal fees. There's no question, if we want him here, we pay his airfare and we pay his accommodation. That's for every witness who ever appears before any parliamentary committee.

Mr. David Christopherson: And no lawyer.

Hon. Charles Hubbard: To be clear, and just to finish on this, is there an "if" to it? Will he only come if we pay his lawyers?

The Chair: We haven't got the firm yes, but he wants us to pay his legal fees, and....

Hon. Charles Hubbard: But it is an "if". He'll only come if we pay. Is that correct?

The Chair: Well, we haven't got—

Hon. Charles Hubbard: I would suggest that a letter be sent to him to appear at a certain time. If he refuses to appear, then we put a summons for him.

The Chair: And we put it in the invitation that if he doesn't appear, there will be a summons.

Mr. Borys Wrzesnewskyj: Yes, that a summons will be issued.

Hon. Charles Hubbard: He should be reminded that if he refuses to come, the committee will find it necessary to issue a summons.

The Chair: Mr. Holland, you have the floor.

Mr. Mark Holland: Just very quickly, I think that is the best way to proceed. I don't think.... You know, this individual last time was in the Middle East, so who knows where he is? To issue a summons to make it seem as though he's unwilling to come before the committee, when we haven't even communicated with him, I think seems a little draconian.

As for Mr. Gagliano, it's a reasonable thing for him to try to make conditions. Our just issuing a summons instead of telling him that his conditions have been rejected and giving him an opportunity to say "Okay, well, I'll come", is very heavy-handed and draconian. I think the intelligent, logical thing to do is to advise him, by way of a letter, that all members of the committee are basically rejecting his conditions, and if he were to not accept to come to the committee, the committee would be considering a motion to drag him by subpoena here.

I can well imagine that he wouldn't want that to happen and that this would be enough to bring him here. Then the committee would, I think, have used its powers judiciously and appropriately.

As for the man missing in action, unfortunately we don't have any bounty hunters under our employ. Maybe the government wants to consider it; I fear giving them any ideas.

At any rate, I'm sure every effort will be made to track down this fellow, wherever in the world he is. He has appeared before the committee before, so....

• (1335)

The Chair: Mr. Wrzesnewskyj and then Mr. Poilievre.

Mr. Borys Wrzesnewskyj: I'll pass. It appears there's a consensus being arrived at.

Mr. Pierre Poilievre: I think there is a consensus—and I agree with it—that we don't need to summons Gagliano yet, just make it clear that he is being requested for the following date. His airfare, etc., will be covered, but his legal fees will not.

And then we issue the summons for Jean-Marc Bard. At this point, I think you have a guy who.... If this were just the first time we had contacted this guy, or if it was just last week we couldn't find him and had sort of thrown up our hands, then it would be inappropriate under those circumstances to issue a summons. But this guy we've been hunting for.... How many months has it been?

The Chair: Well, on a previous, unrelated issue, I believe it was at least a year ago that we wanted him to appear before the committee. At that point in time, we had what I consider to be a fairly extensive effort. And as I explained before, we were told that's where he was. We thought we had him this time, but it was a different Jean-Marc Bard.

Mr. Pierre Poilievre: Okay, but in fairness, we've been looking for this guy for well over a year now. I don't know what other avenue you can propose in order to reach him other than something that would be very strong and public, because apparently he's not following anything that's going on in this country.

The Liberals are saying we should write him a letter. But if you can't find him, how can you write him a letter? If he's trying not to be found, then maybe he won't open any letters we send him. Mr. Holland finds that idea very amusing, but as a technique for avoiding testimony, that seems to be the one that Mr. Bard is employing.

What other instrument are we left with? The approach the Liberals are proposing is just to let him off the hook: if you don't want to be found, we won't find you. But the only way to find someone who doesn't want to be found is to use the coercive authority that Parliament has to bring people of this sort before this committee.

And let's be fair, this is part of a scandal where \$4.6 million was wasted—or worse—according to the Auditor General. We're not just calling him here to ask him his opinion on parliamentary procedure. We're asking him to come here and explain conduct that he probably doesn't want to explain. That's why I'm asking that we use the authority we have at the times when it's appropriate to do so.

The Chair: Mr. Hubbard, and then I want to call the question.

Hon. Charles Hubbard: Somebody must have put his name on the witness list. Who did that?

The Chair: I want to clarify, Mr. Poilievre.

We haven't been looking for him for a year. We were looking for him about a year ago, and we couldn't find him. Then his name reappeared about two weeks ago in a motion from Mr. Poilievre.

Hon. Charles Hubbard: I think it's Mr. Poilievre's job, because it's his witness.

Mr. Pierre Poilievre: Point of order, Chair.

The Chair: Mr. Poilievre.

Mr. Pierre Poilievre: With due respect, we have indeed been looking for him for over a year. He has still not appeared to testify, even though there is a motion outstanding from over a year ago that obliges him to do so. It's not as if we took a look under a stone and he wasn't there, so we gave up and forgot about it. He's outstanding now on two matters, one dating back well over a year.

The Chair: Very briefly, Mr. Wrzesnewskyj.

Mr. Borys Wrzesnewskyj: I'd like to provide some input that I hope Mr. Poilievre will regard as constructive. I think we should separate the two individuals and how we decide to deal with them. Mr. Poilievre has tied the two together. I say we should separate them.

When Mr. Poilievre said there was a consensus, he neglected to state that we would summon Mr. Gagliano if he refused to appear. I think it's critical for that to be in there. I think it was understood, but he neglected to mention it.

The Chair: I'm going to move that a summons be issued for Jean-Marc Bard to appear before the committee on March 6.

• (1340)

Mr. Pierre Poilievre: Can we have a recorded vote?

The Chair: I'm going to it turn over to the clerk for a recorded vote.

(Motion agreed to: yeas 11; nays 0)

The Chair: We will write the letter as instructed to Mr. Gagliano.

Is there is anything further?

Mr. Wrzesnewskyj.

Mr. Borys Wrzesnewskyj: I would like clarification. I know we've had some difficulty in the past with witnesses. What exactly is the process? I understand the clerk makes all possible efforts. Should that fail, what resources do we have at our disposal as a committee to bring someone before us? Is there anything we can do?

The Chair: I'll turn that over to the clerk.

The Clerk: In the first instance, the clerk, on behalf of the committee, usually issues an invitation to the person. If the person can't be found or refuses to come and the committee nevertheless wants to proceed, they have the option of summoning the witness to appear. To help bring the person to the committee table, the House of Commons has a bailiff who can assist in locating him or delivering the summons.

The Chair: Thank you.

The meeting is adjourned.

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