



House of Commons
CANADA

Standing Committee on Government Operations and Estimates

OGGO • NUMBER 020 • 3rd SESSION • 40th PARLIAMENT

EVIDENCE

Monday, May 31, 2010

—
Chair

Ms. Yasmin Ratansi

Standing Committee on Government Operations and Estimates

Monday, May 31, 2010

• (1530)

[English]

The Chair (Ms. Yasmin Ratansi (Don Valley East, Lib.)): Committee members, the clock says 3:30. We are continuing our study on the renewable energy process.

We have before us witnesses from Upper Canada Solar Limited. Mr. Joe Jordan, is the director. We also have Canadian Solar Solutions Inc., and Mr. Milfred Hammerbacher, president, and David Arenburg, vice-president of business development.

I understand you have some opening remarks. Shall we start with you, Mr. Jordan?

Mr. Joe Jordan (Director, Upper Canada Solar Ltd.): Sure. Thank you, Madam Chair.

I apologize in advance to the interpreters—

The Chair: If you can keep it between five and seven minutes, it would help us.

Thank you.

Mr. Joe Jordan: It's 15 minutes long.

The Chair: Oh, no, not 15 minutes.

Mr. Pat Martin (Winnipeg Centre, NDP): Madam Chair, I think Mr. Jordan can have the amount of time he needs. He says he has about a 15-minute presentation. I don't think there are any urgent time limitations on us today.

The Chair: You have committee business.

Mr. Pat Martin: Oh, is that right?

The Chair: Sure, if the committee agrees.

Mr. Joe Jordan: Five minutes is fine.

I do want to apologize in advance to the interpreters. I don't have a copy for them, nor do I have a copy for the committee. The confirmation for this appearance wasn't given to me until last Friday, so I didn't have time to prepare.

I thought I'd just give you a brief introduction to the company and then the sequence of events that led to our company's name being on a document that was then submitted to Industry Canada.

By way of introduction, I am a director but not a signing officer in the corporation. I do hold a small equity position in the company.

The company was started in the fall of 2006, it was incorporated in October 2007, and it has progressed in that time from a non-revenue-producing startup in the solar energy sector to a multi-

million-dollar company. The corporate year-end of UCSG is July 31. It has now reported for two years ended in July 31, 2008 and 2009. The first year as a startup it reported no material revenues, but it was successful in obtaining in excess of \$100,000 in equity financing. For the year ended July 31, 2009, its first full year of operations, the company reported gross revenues of just over \$391,000. During the first and third quarters of the current 2010 fiscal year, the company has reported gross revenues of more than \$191,000. Going into quarter four of 2010, it has a group backlog order book in excess of \$2 million, which relates to purchase orders signed and expected to be executed through the remainder of 2010.

Over the last 18 months, the company group has successfully developed a unique 10-kilowatt single access tracker that's being marketed specifically to the OPA microFIT programs in Ontario. The company is continuing to test and develop the unit, with intentions to seek letters patent on the device. I make that point, Madam Chair, because Upper Canada Solar Generation is a company, it has revenues and employees, and it pays taxes.

I'll just take you through the timeline that led to the inclusion of our company's name on the document that went to Industry Canada, and I will supply the committee with these documents.

On Tuesday, June 16, 2009, I met Mr. Glémaud at a lunch that involved about eight people who had various connections to the solar industry. It was an informal lunch with a number of people connected to renewable energy companies. Mr. Glémaud was introduced as a lawyer who had done some private work for one of the executives of Canadian Solar, which is the company that supplies our panels for our installations. He had been a private lawyer for that individual over the years and was presented as somebody who was getting into the renewables industry, which in Ontario was becoming an increasingly crowded space.

Although the primary topic of conversation was about the delay in the launch of the Ontario government feed-in tariff program, at one point Mr. Glémaud indicated that there was potentially a new federal infrastructure program that might cover photovoltaic solar projects. After a brief discussion, it was determined that we should check to see whether the criteria for this program matched any of the components of the various projects we were working on.

The project was not listed on the NRCan resources page for renewable energies, nor was it listed on the website for the Canadian Solar Industries Association, which is the national industry association for solar, so it was a new program. Subsequently I checked, and I think it was actually launched at the end of May of that year. So this was the subsequent week.

Later on that afternoon I sent an e-mail to Canadian Solar, our panel supplier, which contained a document entitled, "Briefing Note, Eastern Ontario Solar Project", outlining the current projects our company was involved in. At no time did it ask for money. It was just an overview of the activities that we had and were undertaking in eastern Ontario.

I spent little time on this. I did not believe anything we were doing would qualify for federal funding. And the reason I say that is that the FIT program in Ontario is a provincially subsidized program. This particular point in time was a period between when the old program, called RESOP, was suspended and the new program, called FIT, had not yet been launched. So there was a lot of angst within the industry about whether the rules were going to change dramatically. We were in the process of trying to secure financing for a number of major projects, and that was consuming any extra time I had.

• (1535)

The other reason I didn't think this federal project would cover it is that under the RESOP program there was a clawback, which meant that the province clawed back any federal programs you piled on; they weren't prepared to allow a double subsidy. In the case of ecoENERGY, for example, which was a federal program at the time, if you qualified for ecoENERGY, all or part of it was clawed back by the provincial government, because they were already subsidizing the project. They also maintained and kept the carbon credits. They weren't going to allow the power-generating company to keep the carbon credits, because again, they were subsidizing the project.

So my predisposition was that this was essentially a waste of time, that it wasn't going to fit. But I sent the document in to Canadian Solar, and that was the last I heard of it. The document then ended up positioned as an application, I guess, although I'm still unsure whether or not it technically was an application. It certainly wasn't an application from our company.

Canadian Solar then more or less circulated the document I sent. There was a little bit of back and forth. That was the last I heard about it; it was on June 17, 2009.

You can imagine my surprise when I was confronted with the fact that our company was listed on this document, which was then positioned in the media as some kind of formal application under this funding program, which I didn't even know existed.

In the interest of full disclosure, I did have a couple of further contacts with Mr. Glémaud. They had to do purely with the company as a photovoltaic project installer. Mr. Glémaud had informed me through e-mail that they had some property or that he had access to some property in Bancroft and that they were looking at putting a solar installation there, which is what Upper Canada Solar Generation does. I put him in touch through e-mail with our technical staff. They met with him twice, toured the property, and it was determined that the proximity to the hook or the substation to get on the grid was too far and that it wasn't a viable product. I have not heard from or had any contact with Mr. Glémaud since that time.

When the story came out that somehow our company was attached to an application for funds, I immediately phoned the Office of the Commissioner of Lobbying and offered my full cooperation, if they were going to be looking at the issue. They took me up on my

offer, and I spent about an hour and a half about a month ago going through exactly what I just went through with the committee here today.

I'm not sure what more I can add or be helpful on, but I'm at the committee's disposal and will answer any and all of your questions.

• (1540)

The Chair: Thank you.

Mr. Hammerbacher, do you have any opening statements?

Mr. Milfred Hammerbacher (President, Canadian Solar Solutions Inc.): Sure, Madam Chairman.

I'd like to give a brief background on Canadian solar and Canadian Solar Solutions.

As stated earlier, I'm the president of Canadian Solar Solutions. This is a subsidiary we created about a year ago, in June of 2009. We are wholly owned by our parent company, Canadian Solar Inc., which is a publicly traded company on NASDAQ. It's an incorporated company in Ontario, founded in 2001. We have manufacturing and other employees worldwide, about 6,000. We're the eighth largest solar manufacturer in the world. We started this new subsidiary here in Ontario when the Green Energy Act developed by the provincial government was announced.

This is probably one of the most exciting and busy times for me in my career. I've been in solar for 22 years now, and the Ontario program has actually made Ontario the centre of the world in solar energy, believe it or not. We have currently plans under way to do another rare thing, to actually bring jobs from China back to Canada. We are going to be building a 200-megawatt module facility by the end of this year here in Ontario that will employ approximately 500 people. And then, on top of that, all of our customers, such as Upper Canada, are busy training and adding staff to handle all the installations and design of the systems that are going to show up on a lot of buildings, residential rooftops, and on large farms as well.

In this process we've interfaced with lots of companies. You can imagine that this kind of environment has created a lot of entrepreneurs. A lot of people have knocked on our doors and said: "We have a project. Would you be interested in it?" We pretty much have an open door policy. We don't turn anything away until we get more facts on it. Because of that, in November of last year we made 397 megawatts of applications for the feed-in tariff here in Ontario, which is the largest group of projects of any company. In April, 176 megawatts of those projects were approved, and currently we're in the process of doing environmental and archeological studies of these sites to get ready to deploy our product on them in 2011.

That's basically a background on why we're here in Ontario and why we really think this is a great opportunity for renewables.

The Chair: That's fair enough. Thank you very much.

Now we go to the first round of questions, with Ms. Coady for eight minutes, please.

Ms. Siobhan Coady (St. John's South—Mount Pearl, Lib.): Thank you very much.

We certainly appreciate both your companies' being here today and thank the three of you for joining us.

This is a very interesting study that we have undertaken, and I'm hoping we'll be able to get some answers from you today that will shed a little bit more light on this whole circumstance.

First of all, if I may ask, I understand from Mr. Jordan that he talked about Mr. Glémaud at one particular meeting.

Have you ever met with Mr. Jaffer, or were his services ever presented to you by Mr. Glémaud?

Mr. Joe Jordan: Not at all.

Obviously I know Rahim, as a former member of Parliament. I haven't spoken with him since before he was defeated, and I don't even remember how long before that it was.

Ms. Siobhan Coady: Okay.

Mr. Hammerbacher, have you ever met with Mr. Jaffer, or was Mr. Glémaud ever talking about services that he could provide?

Mr. Milfred Hammerbacher: I've never met with Mr. Jaffer. I had two meetings with Mr. Glémaud. I should back up and say that we have two offices here in Ontario, one in Kitchener, where I'm located, and then David runs our Ottawa office. Last summer, on two of my visits to Ottawa, Mr. Glémaud was there to talk about potential projects that he might be able to bring to us.

Ms. Siobhan Coady: What interactions did you have with Mr. Glémaud? What did he present to you at that particular time?

• (1545)

Mr. Milfred Hammerbacher: It was very informal. Essentially, one of his interests was trying to work with municipalities to put rooftop systems on the buildings of municipalities. As the conversation ended, I said, show me a business plan, which is generally the statement I make to a lot of people who come to us with project ideas. I never got a business plan.

Ms. Siobhan Coady: So what I'm understanding from you, Mr. Hammerbacher and Mr. Jordan, is that you did not know that these proposals were submitted to Mr. Jean, the parliamentary secretary, on behalf of your company, looking for a significant amount of money for a particular project.

Mr. Milfred Hammerbacher: That's correct.

Mr. Joe Jordan: Not only did I not know, but also I don't think they were submitted on behalf of our company. We certainly were not signatories to any document, and Industry Canada never sent a rejection letter to us. So my view was that this was a proposal submitted on behalf of their company.

Ms. Siobhan Coady: Have you ever had any government money put into your projects? I know that both of your start-ups are fairly new, and I ask this more specifically of Canadian Solar Solutions, because I know that your other companies have publicly traded.

Mr. Milfred Hammerbacher: In my career...I've actually been in Canada since 2000. In a former company I worked with Industry Canada, and we did receive funding through Industry Canada.

Canadian Solar did receive some CIDA funding back in 2001, I think, to help with some initiatives in China.

Since then, David, you might have better knowledge, but I don't believe any other funding has been received.

The first involvement I have had with the current government was that we did look at the possibility of getting some SODP funding for a factory we're looking at building.

The Chair: I'll have to suspend this meeting, because there are votes taking place.

Committee members, please come back after the votes.

Ms. Siobhan Coady: So my time is suspended, of course.

The Chair: Yes, you have five more minutes, so you'll be okay.

Mr. Jordan, you will understand what goes on.

•

_____ (Pause) _____

•

• (1625)

The Chair: We can commence. We have a quorum. The floor was Ms. Coady's, and you had five more minutes left.

Continue, Ms. Coady.

Ms. Siobhan Coady: Yes, it was. Why, thank you.

I'm so sorry that we were interrupted. I believe my question was on whether or not your companies had received any funding from the federal government. I believe we left off when you were telling me about SODP, the southern Ontario development program, for which you had put in a proposal.

Mr. Milfred Hammerbacher: We had put in a proposal last fall for that but did not get any funds.

Ms. Siobhan Coady: That wasn't submitted by Mr. Jaffer and Mr. Glémaud on your behalf?

Mr. Milfred Hammerbacher: No, we used a registered lobbyist to do that.

Ms. Siobhan Coady: Okay. I just wanted to put that on the record. You had another registered lobbyist.

Mr. Milfred Hammerbacher: Yes.

Ms. Siobhan Coady: Okay.

• (1630)

Mr. Joe Jordan: In 2006 our company got a line of credit through the Community Futures Development Corporation, which is an Industry Canada outreach office in the riding. I checked, and we're in good standing in terms of that line of credit.

Ms. Siobhan Coady: Great. Thank you.

Again, just to refresh everybody's memory, you didn't engage Mr. Jaffer and Mr. Glémaud to provide any services whatsoever, though I understand, Mr. Hammerbacher, that you have hired lobbyists on other occasions.

Mr. Milfred Hammerbacher: That's correct.

Ms. Siobhan Coady: It was interesting that a proposal was submitted, and it looks like it was on your behalf. It certainly does talk about both Upper Canada Solar Ltd. and Canadian Solar Incorporated looking for upwards of millions of dollars, looking for money. There was no correspondence by Mr. Glémaud or Mr. Jaffer's company to either of you regarding this? Were there any questions? It was literally followed through by the minister's office, and we have correspondence that was submitted to the committee talking about how they're going back and talking to proponents about certain issues. Do you care to comment on that?

Mr. Milfred Hammerbacher: Certainly there was no correspondence with me on that matter. I wasn't even aware of that till the press announcements a while back.

Ms. Siobhan Coady: Nothing was told to you by Mr. Jaffer or Mr. Glémaud? Nothing came back to you, even though ministers were running around, meeting with Mr. Glémaud on these issues, and were sending correspondence to senior executives? It just seems unusual that neither of you had any correspondence with Mr. Glémaud or Mr. Jaffer on this issue.

Mr. Joe Jordan: Actually, I have the e-mails. I have it here. I'll supply the committee with—

Ms. Siobhan Coady: Okay, that would be great if you could.

Mr. Joe Jordan: —the document that I sent, which was an overview. It said "Briefing Note" at the top. The purpose of that was a follow-up of the discussion about how Mr. Glémaud was going to determine whether or not this program criteria matched anything we were doing.

I just need to qualify that a little bit. This industry is one where there is all kinds of information being shared among partners. One of the characteristics of the FIT program is that you have a contract for a specific location, so you don't really see other players as your competitors. There was a free flow of information going around, and it was just a situation where he was going to find out whether the PV, or photovoltaic, solar projects qualified.

In the case of the project as it's presented in that document, it makes no sense, because you can't hook up to the grid in Ontario without a contract from the Ontario Power Authority. So the idea that you could get a chunk of federal money to build an installation...it would be an albatross because you couldn't hook it up to the grid.

Ms. Siobhan Coady: Again, what Mr. Glémaud and Mr. Jaffer's company was using was this kind of access to the government to seek whether or not there would be funding proposals, and then, as we've heard from other witnesses, they would charge a finder's fee. As you may know, what we've heard in committee is that it would be up to a 10% finder's fee. They were looking at \$15 million. That would be a significant finder's fee.

Mr. Joe Jordan: We certainly had no conversation about that, nor would we. I don't know. I'm not going to speak for Canadian Solar. I had no idea that a document with the company's name on it was being formally submitted as an application for funding.

Ms. Siobhan Coady: Are you concerned that other documentation...? Here we have access to the government. There were submissions made on behalf of...I'm reading from the memorandum to Minister John Baird and Brian Jean that says GPG, on behalf of your companies, both of them.... Wouldn't you be concerned then

that the government was taking proposals and running them through the course of looking at whether or not the potential funding is there, fast-tracking it using access?

The Chair: That's your last question, Ms. Coady.

Mr. Joe Jordan: I certainly was surprised at the level of attention a page-and-a-half document got. I did bring, just for the committee's attention, an application for the sustainable development technology fund, which is a program that I think has a limit of a couple of million dollars. This is the application. It's 40 pages long. I have another one here from the P3 program, the public-private partnership program. This is a guide on how to apply, and it has to be 20 pages long.

On one hand, I guess I was surprised when I saw that the department had actually expended resources on this lunatic idea, but it was comforting to know that they kicked this thing to the curb pretty quickly. It was so quick that they just decided not to offer to take my company public. I never heard from them again.

I guess what I'm saying is that the system eventually worked. This was not a project the government should have even considered funding, because of the structure of it. I was a little confused about the attention it got.

The Chair: Thank you.

We now go to Monsieur Nadeau.

• (1635)

[*Translation*]

Mr. Richard Nadeau (Gatineau, BQ): Thank you, Madam Chair.

Good afternoon, gentlemen.

You are aware of what we are trying to do. We are trying to determine whether Mr. Glémaud and Mr. Jaffer were lobbying. You have already answered a number of questions. I will ask some questions that my colleague has already asked, but I just want to address them again to make sure we get our story straight.

I know that I have before me representatives from two companies. Mr. Jordan can answer the question. Mr. Hammerbacher or Mr. Arenburg can also answer. It is Mr. Glémaud's name that stands out. If I understood correctly, you did not see Mr. Jaffer in action.

Mr. Jordan, was Mr. Glémaud lobbying for you?

[*English*]

Mr. Joe Jordan: Well, the Lobbying Act offences are Criminal Code offences, so I'm not sure what value my speculation has. We had no contact with Mr. Jaffer in this regard. My contact with Mr. Glémaud involved one lunch he was at with a number of other people, and I was cc'd on two e-mails.

What he did, and I guess that's the missing piece here that you're going to have to sort out, would all come down to what kind of dialogue went on between him and the public office holders or the designated public office holders. I'm not party to what went on there, but I think that gets to the crux of your question. The rules are clear with respect to what you can and cannot do. But as I said, I don't think I'm in a position to give you anything other than a theory that anybody on the street reading this in the press would have. And I'm not sure that this is going to advance your study at all.

[Translation]

Mr. Richard Nadeau: Okay.

Gentlemen, do you have anything to add?

Mr. Milfred Hammerbacher: I apologize, but my French is not very good.

[English]

Again, that's a question I really can't answer, because I don't know what he did. Obviously, this was done without our knowledge. We did not pay him to lobby and did not have any kind of financial agreement with him, so it's a question I really don't feel comfortable answering, not knowing what he actually did. He wasn't authorized by us to do any sort of lobbying.

As background, I've worked in the energy business for quite a while, and on occasion we've had to interface with the government, and we've always used registered lobbyists to do that. I'm very familiar with the legality and the process, and we follow that.

Mr. Joe Jordan: If I could just add something, I watched Mr. Glémaud's testimony, and it was his contention that he was simply asking for information. If you look at the document Industry Canada prepared, in the second paragraph, I think, they make a statement as to whether these projects would qualify. I have to assume from this that he must have asked the question. But did he ask more than that? I don't know.

[Translation]

Mr. Richard Nadeau: Okay.

So, it is clear that there is no contract with you, Mr. Jordan and your company, or with you, Mr. Hammerbacher and Mr. Arenburg. No official contract was signed on anything.

I will now mention two names that will probably sound familiar. Was Mr. Gillani associated in any way with Mr. Glémaud in serving your business needs?

• (1640)

[English]

Mr. Joe Jordan: I've never met him. I've never laid eyes on him.

Mr. Milfred Hammerbacher: I don't know the gentleman.

[Translation]

Mr. Richard Nadeau: All right.

My last question will be as simple as the previous one. Did you have business dealings with Ms. Guergis, who was the minister for the Status of Women and Mr. Jaffer's spouse?

[English]

Mr. Joe Jordan: None whatsoever.

Mr. Milfred Hammerbacher: No.

[Translation]

Mr. Richard Nadeau: Okay.

Just make your next answer yes or no. To your knowledge, did your companies receive any money as a result of Mr. Glémaud and Mr. Jaffer's work? Did anything like that take place?

[English]

Mr. Joe Jordan: Absolutely none.

Mr. Milfred Hammerbacher: None.

[Translation]

Mr. Richard Nadeau: Thank you.

Thank you, Madam Chair.

[English]

The Chair: You don't have any more?

Mr. Warkentin is next for eight minutes.

Mr. Chris Warkentin (Peace River, CPC): Thank you, Madam Chair. I appreciate the questioning time.

Thank you, gentlemen, for showing up this afternoon. We appreciate your testimony before our committee.

I'm still trying to get a handle on fully understanding what Mr. Glémaud and Mr. Jaffer were doing in terms of a business structure. I hear today that they were submitting applications that had the names of your companies on them. It seems strange that these gentlemen would be proposing any type of government subsidy for your companies without any type of arrangement with you gentlemen for how they might be paid if they ever received funding.

We heard from them that they were submitting requests for information about certain companies. You testified you didn't expect anything would be forthcoming in your relationship after you first met. But I'm curious whether there was a discussion that if your relationship were to proceed, they might do this and you might do that.

Were there any of those types of conversations, where if they were submitting and found an avenue for either of your companies to receive funding, they would proceed to be paid a certain number of funds, a certain number of shares, or anything like that?

Mr. Joe Jordan: Absolutely not, from our perspective. And just to add to that, I know my way around Ottawa too. I'm not going to pay somebody to fill out an application, and if I'm going to apply for funding, it's not going to be a page and a half.

The other thing I should point out is at that time their company was pitching projects in Bulgaria. They had a whole bunch of irons in the fire that they were trying to pitch, so it wasn't a case of this being a specific issue. This was one among many other things they were talking about that I really had no interest in.

I produced a one-page document that I'll give to the committee. It was just an overview of our company. And I never heard from them again. They never told me what they were doing. They never gave me any indication whether or not the criteria of this program covered solar. I literally never heard from them again.

Mr. Milfred Hammerbacher: It might be interesting for me to tell you that Canadian Solar Solutions is a fairly well-known company in the solar space. We have a pretty good name for this area of the world. Many times, unfortunately, companies have misrepresented their relationship with us. We kind of bring some credibility to whatever project they're pitching.

I would say at least a handful of times I've had a bank or something call me and say, "Company X has said they're a partner with you on this project. Will you confirm that?" Lots of times I don't even know the company that's using our name. It appears to be a pretty regular occurrence, where a new start-up company will try to associate themselves with us to gain some kind of credibility.

Mr. Chris Warkentin: That disturbs me. In the personal lives of Canadians, that's called identity theft. You, as companies, have millions of dollars at stake if the reputations or identities of your companies are somehow compromised.

First, have you undertaken any type of legal action to ensure that this situation is rectified? Second, have you done anything to protect yourselves from the future action of other folks? What exactly have you done with this information now that you're fully aware of it?

Somebody has essentially taken your identify and has been requesting government funds. That may or may not be inappropriate and borderline criminal, if it is exactly how we've heard about it here today. I'm just wondering what actions you've taken to try to rectify the situation, which I surmise to be an identify theft situation.

• (1645)

Mr. Milfred Hammerbacher: We're not a litigious company. As I said in my opening remarks, we're a very busy company and we would prefer to just move on.

As far as what we've done to prevent this from happening again, it's very difficult to prevent this sort of thing. We definitely encourage people to look at our website to see who our real partners are, and those types of things. Maybe we need a little more scrutiny on who we let in the door. I may be a little naive, but I always give somebody who comes in my door for the first time the benefit of the doubt that they're a legitimate business person and may have an idea we're interested in.

Mr. Joe Jordan: The piece of testimony that struck me when they were here was that they don't have any money, so I don't think there's any legal recourse.

Just to go back, was there an application for that program like the one for this program? I don't know the answer to that, but if our company was being presented as an applicant, we would have to sign something. We would have to provide some due diligence. I don't understand how this program worked, so I don't know whether or not that was a formal application. At the end of the day, I think it's going to come down to whether this was contact or communication with a public office holder about the awarding of a grant in the government, or whether it was asking for information. I don't really know the answer to that. I guess that's what the committee is going to figure out.

Mr. Chris Warkentin: I've asked you to review it and state your opinion. My understanding, from what we've heard in testimony, is

that there was a request for additional information, and that's why things were submitted.

Mr. Joe Jordan: For additional information from whom?

Mr. Chris Warkentin: You have the documents in front of you. What do you believe was being requested?

Mr. Joe Jordan: My understanding at the time, which was reflected in the document I developed—it was a cut and paste, and we were seeking funding from a number of sources—was that it was a request for information about whether or not this new program covered any aspects of the construction of photovoltaic solar projects.

Mr. Chris Warkentin: I just need clarification. When you said "at the time", did you mean at the time it was submitted or at the time it came out in the media?

Mr. Joe Jordan: At the time it was submitted, is the only recollection I have. When it came out in the media.... It was presented as an application?

Mr. Chris Warkentin: I understood that you said you didn't realize anything had been submitted on behalf of your company—

Mr. Joe Jordan: Absolutely not.

Mr. Chris Warkentin: —at any time. Maybe it was a misunderstanding.

We'll have to go into it next time.

The Chair: We'll now go to Mr. Martin for eight minutes.

Mr. Pat Martin: Thank you, Chair.

Good afternoon, Joe, Milfred, and David.

I'd like to start with a comment you made in your opening remarks, Joe, that I find interesting. We're not really satisfied with it ourselves.

You said you couldn't find any information about the program Mr. Glémaud was talking about on the website. You would think that if it were a multi-hundred-million-dollar program there would be some point of access for the general public to at least find what it was about, the criteria, and how an interested company might apply. Do you find that unusual?

Mr. Joe Jordan: Well, to be fair, I didn't look. The thing is, I didn't know the program existed, but my meeting took place on June 16, so that was about two weeks after it was announced. I did a search after the fact and I think it was announced up north at the end of May. Subsequently, I didn't bother going and looking, because in my view an infrastructure program historically is one-third, one-third, and one-third, and they may introduce a private sector component.

But the whole thing just didn't make any sense, because you're not going to be able to build a facility with federal dollars in Ontario and hook up to the grid unless the Ontario Power Authority gives you the proper approvals, and that's about a two-and-a-half- to three-year process.

•(1650)

Mr. Pat Martin: So the type of shovel-ready terminology they used.... Even in the proposal that they mentioned your company in, it says, "The project is 'shovel-ready,' and the proponent intends to start building as soon as a contribution agreement is entered into...". This is for 750 acres of solar panels in Brockville. It's just not plausible, then, is it, that this would qualify?

Mr. Joe Jordan: Well, under RESOP, which was the only program we had as an anchor because they hadn't announced FIT—but the rules were the same under FIT—10 megawatts was the maximum individual contract you could build, and that's about a 70-acre footprint.

Mr. Pat Martin: Right. And this is 50 megawatts at 750?

Mr. Joe Jordan: Right.

Mr. Pat Martin: Okay.

One of the frustrations we have is that we tried to get Brian Jean to come to this committee to answer some of these questions. The Parliamentary Secretary to the Minister for Transportation and Infrastructure seemed to be the gatekeeper to this whole program, this phantom program.

Frankly, it wasn't just you who had never heard of it; nobody had ever heard of it. It didn't exist on any website. It was only a few well-connected Conservatives who knew the secret handshake who could get access to this big fund, frankly. So it's one of our frustrations that Brian Jean said, "No, I'm not going to come to your committee."

So then we're calling his senior bureaucrats, who were e-mailing back and forth. We've now learned that they're not going to be allowed to come to the committee, that only ministers will attend, so we don't know who's going to end up in that chair.

But were you aware that there was a host of e-mails going back and forth in support of your proposal? I call it "your proposal" because your company names are on this proposal.

Mr. Joe Jordan: Absolutely not—no idea that was taking place.

Mr. Pat Martin: It does seem odd to me that on the basis of one and a half pages they have the deputy minister of infrastructure—the deputy minister herself, Yaprak, whose name I can never pronounce—and all these senior bureaucrats saying, "We need an answer on this. Rahim wants an answer by Friday because we're playing golf the week after, and I gotta be able to tell him whether it's a yes or a no."

I mean, that's the kind of attention that this one-and-a-half-page flimsy proposal was getting. That's what irritates us as opposition MPs, Joe. As a former member of Parliament, I think you may be able to sympathize.

Mr. Joe Jordan: But to the bureaucrats' credit, they didn't take this thing seriously.

Mr. Pat Martin: They took it seriously enough—

Mr. Joe Jordan: I mean, they reviewed it.

Mr. Pat Martin: —to give it special status. I mean, on those 40 pages that you put together, I'm not sure they'd have bureaucrats

saying, "We gotta get Joe an answer by Friday because I'm playing golf with him next weekend."

It seemed that Rahim Jaffer, maybe by virtue of his marriage to a cabinet minister, or his connections, or whatever, was getting kid-glove treatment by the gatekeepers on this mystery program.

Mr. Joe Jordan: But at the end of the day he got a no; I mean, he may have gotten a polite no, but he got a no.

Mr. Pat Martin: Yes, I suppose.... That's small satisfaction, though. I mean, if that's the way business is done, then we all have a big problem, and legitimate companies like yours have a big problem, too, because these guys are playing fast and loose, it seems. They went to the Frank Moores school of lobbying or something... Fred Doucet.

Those are all the questions I have, actually, Madam Chair.

The Chair: Okay. Fair enough.

We'll go to the second round of questions.

Ms. Coady, for five minutes.

Ms. Siobhan Coady: Thank you very much.

I think I echo my colleague's concern about having the access. Mr. Jordan, I think you talked about your surprise at that availability of access. The fact that the bureaucrats did step in and make sure this didn't go any further is to their credit.

Would you care to comment on what you think...? I mean, we've talked a bit about the fact that your name was on a proposal. I think my colleague across the way asked how we make sure this doesn't happen in the future. He asked you something specifically: what do you think you need to do?

Would you care to comment on what you think government needs to do?

Mr. Milfred Hammerbacher: I would say that any kind of document given to the government clearly should have some kind of signature from the companies mentioned in the document. Without our signatures on it...that would probably have prevented this from going very far.

Ms. Siobhan Coady: I think Mr. Jordan made that case very strongly when he pointed out normal processes. And you've been through normal processes. There are lots of application forms, lots of signatures required, and due diligence is required. And this particular time—

•(1655)

Mr. Milfred Hammerbacher: Yes, I've got to admit I've probably complained from time to time about the forms that we've had to fill out. But in this case, that's what they're there for, to prevent these types of things.

Ms. Siobhan Coady: We've all agreed, Mr. Jordan—you and me, at least, and I think others around this table—that it seems there was a different process for these particular funds. And that needs to be considered. We need to do something about that.

Mr. Jordan, you talked about the lobbying commissioner, that you've spoken to the lobbying commissioner. Have you spoken to the lobbying commissioner?

Mr. Milfred Hammerbacher: I have not. David has, though.

Mr. Joe Jordan: It was the staff, not the commissioner.

Ms. Siobhan Coady: Okay. Thank you. It was the office.

Mr. Joe Jordan: Yes, the office.

Ms. Siobhan Coady: Mr. Jordan spoke of what it was he provided to the office of the lobbying commissioner. Would you care to comment?

Mr. David Arenburg: I provided a full transcript of all communication between GPG and Canadian Solar. I also met with the two private investigators for an hour and a half, which they have on record.

Ms. Siobhan Coady: Would you care to table the same information to this committee, please?

Mr. David Arenburg: Certainly. It's available through the lobbying commissioner.

Ms. Siobhan Coady: If you could table it, that would be great. Thank you.

Have either of you been contacted by the RCMP in any investigations concerning Mr. Jaffer, Mr. Gillani, Mr. Glémaud, on any of these issues surrounding this?

Mr. Milfred Hammerbacher: No.

Mr. Joe Jordan: No.

Ms. Siobhan Coady: Did you ever get a business card from Mr. Jaffer? Of course, you never met Mr. Jaffer. But Mr. Glémaud never mentioned Mr. Jaffer to you, of course?

Mr. Joe Jordan: I think I was aware he was in business with Rahim. But that was the extent of it.

Mr. Milfred Hammerbacher: I have to be honest, I didn't even know Mr. Jaffer until this thing—

Ms. Siobhan Coady: Perfect. I'm just trying to get a few things on the record here.

I understand that Canadian Solar operates in China, so I'll just go to that for a second. Are you familiar with Dr. Hai Chen? He's the business associate of Mr. Jaffer and Mr. Gillani. You've never had any dealings with Mr. Chen at all?

Mr. Milfred Hammerbacher: No.

Ms. Siobhan Coady: Okay.

Mr. Jaffer, of course, travelled to China back in February. That's been brought to the attention of the committee. He planned a second trip soon after. You didn't meet with Mr. Glémaud concerning this at all?

Mr. Milfred Hammerbacher: I personally did not. I would have to check with our headquarters to see if there was a visit by him.

We have lots of people from Canada. They want to come by and see a success story there. So I'd have to check on that.

Ms. Siobhan Coady: Great.

Is there anything you'd like to add to the record just before I say thank you?

Mr. Joe Jordan: I just want to make the point.... I don't want to give you the impression I was not aware that Patrick was going to try to find out whether projects were eligible.

Ms. Siobhan Coady: He was going to do a Google search or something.

Mr. Joe Jordan: Yes. He'd had that conversation. That was fine.

The thing I wasn't aware of is that his actions were going to end up in what was being called a formal application for funding. That's what shocked me.

Ms. Siobhan Coady: That involved senior executives within the department as well as parliamentary secretaries, and so on.

Mr. Joe Jordan: Yes.

Ms. Siobhan Coady: Are you saying you thought he'd just basically do a Google search, maybe talk to some departments and kind of figure things out, and report back?

Mr. Joe Jordan: Yes. And if it came back that this particular infrastructure program—

Ms. Siobhan Coady: Then you'd do a follow-up.

Mr. Joe Jordan: —covered components, I'm not sure that even then—given the fact that our business at that time was pretty much 100% under the FIT program, under the Ontario subsidized feed-in tariff program—there would have been anything there. So it wasn't an issue that I gave a lot of thought to at the time.

Ms. Siobhan Coady: Thank you very much.

The Chair: Thank you.

[*Translation*]

Mr. Nadeau, you have the floor for five minutes.

Mr. Richard Nadeau: Madam Chair, I have a question for you. Will the committee start work at 5:00 p.m.?

[*English*]

The Chair: Sure. We don't have to. It's the committee's will. If you want to give the last round to Mr. Warkentin after this, then we can start. It'll be five and five—ten minutes.

Is the committee willing to go up to 5:10, since we had a break for the vote? If you're willing to go to 5:10....

[*Translation*]

Mr. Richard Nadeau: Madam Chair, I am going to give my speaking time to Mr. Warkentin.

[*English*]

The Chair: Do you wish to ask a question, Mr. Warkentin?

Mr. Chris Warkentin: Yes. I know that my colleague Mr. Gourde had a couple, and I—

The Chair: Fair enough. You can take five minutes, and then we can go to committee business.

Mr. Chris Warkentin: Why don't you go ahead, Jacques?

[*Translation*]

Mr. Jacques Gourde (Lotbinière—Chutes-de-la-Chaudière, CPC): Thank you very much, Madam Chair.

You talked about going to get information on programs. You just said earlier that you know your way around Ottawa. How do you usually go about looking for information on the programs you mentioned? Could you do the same thing without the help of the people we are talking about, including Mr. Jaffer? A member of the opposition mentioned that they were secret programs. If you were able to go get the information, were they secret programs?

• (1700)

[English]

Mr. Joe Jordan: No, no. I guess I could have undertaken the search myself.

The thing was, from the onset, I didn't think this particular infrastructure funding program was any match for what we were doing, for a variety of reasons that I've laid out. So I spent about six minutes on the briefing note that I put together, and that thing went off into cyberspace and the snowball went down the mountain.

This wasn't an issue that I took seriously at the time. I submitted a briefing note to somebody who supplied it to him, and then things happened.

It was my understanding, and my experience in Ottawa, that these programs don't pile subsidy on subsidy. That was the key issue for me. The provincial government was not going to allow you to get a grant or whatever from the feds and then make that aggregate on top of what they were doing. And they made that very clear in the regulations of the renewable energy program when they clawed back the ecoENERGY program when it existed.

[Translation]

Mr. Jacques Gourde: So you look for the information that you need on the programs from public sources. You do the research yourself and it is easy to find.

[English]

Mr. Joe Jordan: I suppose I could have. I didn't. But I did bring the NRCan renewable energy federal funding sources web page and the Canadian solar association web page. Both had links to financial assistance for renewable energy, and this program is not listed on either of those.

The reason I made that point is it explains why, when he brought this program up, I wasn't aware of it, because that's the normal way I would have taken a look and seen what programs were out there, what envelopes were out there.

But to go back to the point, in the FIT program in Ontario, it's already a subsidy. You don't need to go looking for others. In fact, there's a little push-back to say that the subsidy is in some cases too generous. I disagree with that. But it's already a program that's subsidized, so we had no interest really in exploring other sources. That's especially if they were going to be roads that would take up time with a very, very, very limited chance of any success—in this case no chance of success.

[Translation]

Mr. Jacques Gourde: To conclude, you received no money from those programs and there was no money exchanged with Mr. Jaffer.

[English]

Mr. Joe Jordan: Absolutely none.

[Translation]

Mr. Jacques Gourde: Thank you very much.

[English]

The Chair: Thank you.

Thank you for being here and thank you for giving us a clarification.

Yes?

Mr. Milfred Hammerbacher: Could I just say one thing?

The Chair: Sure.

Mr. Milfred Hammerbacher: Actually we would kind of like to make a plea.

I think that renewable energy, and in our particular case solar, is such an important tool that the government can use it to solve a lot of tough problems that we have today, all the way from sustainable jobs to environmental problems to energy problems. I would really almost be sick to think an event like this could cause there to be difficulties in continuing good projects, good cooperation between industry and government.

I firmly believe that the only way we can solve some of these problems is to work together between industry and government. Every day on the television, when you see what's going on in the Gulf of Mexico, it reminds me of how important our job is.

I'd just like to leave with that. I hope everyone understands what we're trying to do is a good thing here. Don't let a few bad apples here spoil a very good idea.

The Chair: Thank you very much.

We are the Standing Committee on Government Operations and Estimates and our job is to look at things from the terms of accountability and transparency. The programs are with a different department, and I'm sure they're paying attention to it as well.

So thank you very much for your intervention.

Mr. Milfred Hammerbacher: Thank you, Madam.

The Chair: I'll suspend for 30 seconds, and we can go into business in public, and then there's a portion of it that has to go in camera.

•

_____ (Pause) _____

•

• (1705)

The Chair: Committee members, we are continuing our meeting in public.

Yes, Ms. Coady.

Ms. Siobhan Coady: Let me know when we get to my motion, so I—

The Chair: Sure. Your notice of motion is on committee business, so go ahead, Ms. Coady.

Ms. Siobhan Coady: Thank you very much. This has been around for a little while, and I'd like to have it dealt with.

This is similar to the other motions we've had. I didn't realize that when we talked about the ministry of industry we'd have to do a separate motion for Western Economic Diversification Canada and the Federal Economic Development Agency for Southern Ontario. We've been dealing with a number of these issues, and I thought Industry covered that whole spectrum.

We did hear today about one particular program that may have gone through another one of these agencies, and I'd like to have it dealt with so we cover all our bases. So I'd ask that we deal with that.

The Chair: Committee members, if you were paying attention, this is a continuation of the production of documents. It's a clarification because Industry did not include that.

Are there any questions or concerns?

Mr. Chris Warkentin: I just want to.... Never mind. I found my clarification. Thank you.

The Chair: If you have no arguments or debates, can we have a vote on this?

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

The Chair: The second thing is we had asked for production of documents, and Mr. Gillani has produced a humongous amount of documents. I would like the committee's approval to let the analyst take that material, sift through it, and find the relevant documents; otherwise, this will take forever. There are 725 pages.

So if we could please get the committee to approve—

Ms. Siobhan Coady: Yes.

The Chair: This is my wording. I would like the committee to give instructions to the analyst to look at the documents, to pick out the relevant documents, and then have them translated; otherwise it's going to be a humongous cost to the government.

Mr. Warkentin.

Mr. Chris Warkentin: I understand the issue when it comes to translation, and I appreciate that fully. What I would propose is an alternative, or maybe an additional clarification.

I believe it's important that every member who wants to have access to those documents has access to the documents. I understand the issue as it relates to translation; I think it's important that translation is done of the documents that the analysts deem necessary. But for the sake of full transparency, I believe it's important that every committee member has access to the full documentation. Even though it won't be available in both official languages because of the cost of translation, I would request that we make some accommodations for the translation, that we circulate those that are translated but give access to all members to the full compilation.

• (1710)

The Chair: I'll hear Ms. Mendes and then Monsieur Nadeau.

Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.): After consultation, I would complement that with the fact that if we see a document we deem appropriate for the full committee to see, we ask

for translation of that document. It's important that it is translated if necessary.

[*Translation*]

The Chair: Mr. Nadeau.

Mr. Richard Nadeau: Madam Chair, you will remember a story that started in this committee and ended up in the House of Commons. At one point, the Bloc wanted to be accommodating and it all blew up in our face. The government called us almost every possible name because we had accepted documents that were, for the most part, in English only. The moral of the story is that, if the documents are not translated, they are not sent to the committee. We will stick to that since it cannot be done in any other way.

[*English*]

The Chair: I will just clarify what I said. There are 725 pages of information that I have taken a look at, and some of it is not relevant to us at all. He has taken his kitchen sink and dumped it on us to go through. What I was seeking is the committee's approval to have the analyst look at the documents, pick out the relevant documents, and then have them translated.

However, if anybody wants to have access to the documents—and it has been done in the past—they are unilingual, and you can access them at the clerk's office only. There will be no official distribution of documents. I hope everybody understands that.

Does that help clarify...?

[*Translation*]

Mr. Richard Nadeau: My understanding is that we are in Canada, not in Montana, and the official languages are French and English. In that case, if members can have access to it in the clerk's office, it still has to be translated because it serves the committee. Otherwise, in my opinion, we are violating the act and the very principle we have here.

At one point, as you will remember, we wanted to play nice and show our team spirit on the matter. But that made it to the news when the parliamentary secretary to the Minister of Public Works and Government Services made a big deal in the House of Commons because we wanted to be accommodating. Perhaps it was not he who made the decision, but more likely his party. The fact is that no means no for us now. Everything has to be translated; otherwise, it cannot be made available to the committee, whether at the clerk's office, here or somewhere else.

[*English*]

The Chair: Before this conversation gets out of hand, I want to clarify something. According to the rules and procedures, documents that come as exhibits and that have to be taken to the clerk's office do not have to be translated. We can choose what is relevant. Anything that is relevant will definitely be translated. There are no ifs or buts. If when you are reviewing it you think a document is relevant, it will be translated, but an exhibit does not have to be translated. That's what the clerk tells me.

So do we need to...?

[*Translation*]

Mr. Roger Gaudet (Montcalm, BQ): It is either translated or it is not. If it is not translated, you have no right to accept it, period.

[English]

The Chair: Okay. Ms. Mendes, and then Mr. Warkentin, and then Mr. Nadeau.

[Translation]

Mrs. Alexandra Mendes: Madam Chair, let me address my colleagues. I don't think the point is not to have the documents in French; on the contrary, we want to have them translated in French. But, to avoid translating pages that are completely worthless and would be useless to the committee, we must let the analysts determine what is relevant. Not everything will be relevant in that pile of documents.

But it's a whole different kettle of fish if you say that no one can have access to the documents that are not translated.

• (1715)

Mr. Roger Gaudet: A point of order.

[English]

The Chair: A point of order, did you say? Okay, fine. I thought you were raising your hand to say you wanted to be on the speakers' list.

[Translation]

Mr. Roger Gaudet: The Standing Orders state that documents must be translated in both languages, or you are not allowed to distribute them to anyone. It is crystal clear. Otherwise, show me the act that states you are allowed to do that. I am quite sure that you do not have the right to distribute them to anyone if they are not translated in both languages.

[English]

The Chair: I will let the clerk explain why we are getting into this technical knot. Only the clerk is allowed to distribute documents. The documents he distributes have to be in both official languages. The documents that are not distributed do not have to be in both official languages. A document could be only in French or only in English. Anybody could go and access it in his office. He will not distribute those documents.

Has this clarified things? No?

[Translation]

Mr. Roger Gaudet: No.

The Chair: So could you please explain that in French?

The Clerk of the Committee (Mr. Marc-Olivier Girard): I can explain it in French, but in broad terms, I have nothing to add to what Madam Chair has said. This is governed neither by an act nor by the Standing Orders of the House. It is really a rule the committee made for itself at the beginning of the parliamentary session. First, the rule states that, when documents are distributed to the committee members, only the clerk can do that. Second, the documents have to be in English and in French. That's the rule.

But, in terms of documents received by the committee, the members of the committee can decide to consider them "exhibits". This is a technical term meaning that the exhibits are kept in the clerk's office. They are not distributed to all members of the committee, but they can be accessed at the clerk's office. So it is the committee's decision. The committee could decide to take all the

documents and label them exhibits. Then, as clerk, I would take all that to my office and the exhibits would be available to the members and their staff.

But let me mention that there is still a point that allows the committee to ask the analysts to go through the documents and determine which ones are relevant to the study. Then the documents are duly translated and distributed to the members according to the usual process and the rule.

[English]

The Chair: Monsieur Nadeau.

[Translation]

Mr. Richard Nadeau: I am going to take this a bit further. First, if what you are saying is in the rule, I want to see it in writing so that I can have it checked by the Bloc Québécois people who deal with rules and regulations just to be sure, since we are the ones opposing this.

Second, according to my logic and from the way it was brought up in the House of Commons, Mr. Clerk—since Madam Chair is not here—it is almost as if you are saying that it is your job to decide what is relevant and to shred the rest. That's it, that's all. That's how I see it. It is in French and in English, or not at all.

If, in fact, we have to translate 1,000 pages and that costs so many thousands of dollars, well, it is the price we must pay for a country that claims to be officially bilingual, especially in its fundamental institution, the government. I will not back down from that. I will not fall into the same trap again.

[English]

The Chair: Okay. I appreciate where you are coming from, Mr. Nadeau. We've had this cross-discussion.

I'm not trying to analyze it. It's a step one process. We've got documents. We can call it an exhibit. If we call it an exhibit, everyone will then have to go to the clerk's office and review it. If you say no documents can be distributed without being translated, yes, we are not distributing any documents without translation. This is a huge exhibit. All I am seeking from the committee is that instead of getting all of us to sit and decide what is the relevant document, at least let the analyst decide what the relevant documents are because that's their job. So if you can give that step one, can we let the analyst decide what the relevant documents are, yes or no? *Oui ou non?*

Yes, Monsieur Nadeau.

• (1720)

[Translation]

Mr. Richard Nadeau: I repeat what I said earlier. It is simple. What the analysts consider relevant will have to be translated and what is not relevant will be destroyed. That's it. If it is not relevant, it won't be relevant for anyone. If it is relevant, it will be relevant for everyone.

[English]

The Chair: Committee members, what instruction...?

Sorry, Mr. Watson. It's your turn to speak.

Mr. Jeff Watson (Essex, CPC): Thank you, Madam Chair. I know I am not a regular at the committee, and I am a substitute today, but we did encounter a similar question at the transport committee with respect to the Toyota hearings. Every committee obviously can decide in terms of its own direction, but the transport committee made the decision that the committee would wait until documents were translated to make decisions about which documents would be relevant and what questions would subsequently be asked by the committee. So we do have a committee of the House that encountered this in this current session already, and that was the decision.

I think that's a respectable way to do it, but we'll wait and see what other members recommend. But in the spirit of what is typically done at committees, documents should be translated and then distributed to members. We're in the best position to judge what is relevant or not relevant about the use of particular documents. And to do that, we would have to have it in whatever official language we speak.

The Chair: Mr. Warkentin. No?

Monsieur Gourde.

[Translation]

Mr. Jacques Gourde: Madam Chair, it is quite clear that all documents that are submitted to the committee must be translated. I also think that the exhibits should be translated. Suppose we keep them, and another member of the committee asks to see them. If we destroy them, no one will be able to have access to them anymore. If we must refer to them, they should be translated anyway. Like Mr. Nadeau, I propose that they be translated.

[English]

The Chair: Can we at least get to step one, get the relevant documents?

Yes, Ms. Mendes.

Mrs. Alexandra Mendes: Where do those documents come from?

The Chair: Mr. Gillani.

Mrs. Alexandra Mendes: Thank you.

The Chair: They're not from Toyota.

Mr. Nadeau.

[Translation]

Mr. Richard Nadeau: Madam Chair, everything must be translated. If some documents are first translated according to our researchers and analysts' suggestions and then one of us decides to go to the office and check if it is worth translating other documents, it will be a violation of the rules since the documents consulted will not have been translated.

Let's just do it. Let's translate all the documents we have and then continue the study. It is the only plausible solution and I will stand my ground.

[English]

The Chair: Yes, Ms. Mendes.

Mrs. Alexandra Mendes: I would go back to Mr. Nadeau's first proposal and let the analysts decide what is relevant or not and destroy the rest, because it would save us a lot of money.

The Chair: Monsieur Gourde.

[Translation]

Mr. Jacques Gourde: Madam Chair, I move that all documents be translated.

[English]

The Chair: I have a motion on the floor.... You had the first motion, and we started debating the motion. I think Monsieur Nadeau's motion first was that we take the relevant documents, we translate them, and destroy all of it. I did not ask for a vote on that one.

[Translation]

Yes, Mr. Nadeau?

Mr. Richard Nadeau: Madam, I never said it was a motion; we were in the middle of a discussion.

What I want to propose—I am getting there—is that everything be translated. There is a consensus; Mr. Watson, Mr. Gourde and Mr. Gaudet said the same thing. This way, nothing will be lost and all the documents will be available to everyone in the language of their choice. Is that clear?

• (1725)

[English]

The Chair: Fine. So you didn't have a motion. We have Mr. Gourde's motion, and the motion is that all 725 pages of relevant or irrelevant documents pertaining to the study by the committee of the renewable energy projects, whether they pertain to the renewable energy projects or not, be translated.

[Translation]

Mr. Jacques Gourde: I ask that all documents on your table be translated.

[English]

The Chair: Is there any debate on the motion? No?

(Motion agreed to)

The Chair: Okay. So the 725 pages will be translated. And we are the committee of government operations and estimates. Wonderful!

The next thing I have is you have received a letter that was written to Minister Prentice. There was a response received. If you look at your file, you will see a letter written by us to the minister requesting documents. The response by the chief of staff was that, by virtue of article 20 of the Access to Information Act, they could not release the documents.

My response to them as chair on May 21 was that:

Please note that this was not a request under the Access to Information Act, it is as you referenced in your letter a committee motion. ... For your information, I have copied below the relevant section of the House of Commons Procedure and Practice Second Edition 2009.

They have not responded.

Yes, Ms. Coady.

Ms. Siobhan Coady: I just want to speak to this issue.

The Chair: Fair enough.

Ms. Siobhan Coady: I'm concerned about this. You have a letter from government saying basically that they won't release the information because of access to information. You've written back and requested and said to them that they can't do that under that rule, and they have yet to respond. And that's 10 days ago?

The Chair: Yes.

Ms. Siobhan Coady: So do I need to make a motion that would require them...? What's the process here? Would I make a motion at this point in time to force them to...?

The Chair: You can do that, but I'd like to hear the committee's views on it.

Ms. Siobhan Coady: First of all, I'm concerned that they are hiding behind this whole issue of access to information. We have nobody else who's done this. They've raised this issue; they didn't have the respect of the chair. The chair went back to them 10 days ago and said, "You can't do that", and they haven't come back. So I think they should be made to; it's a breach of our privilege not to have that information. If they have information—

[*Translation*]

Mr. Roger Gaudet: Madam Chair, I am not aware of the context. Could you tell me what this is all about? I do not know what you are talking about. I have no idea. I think my colleagues on the other side are not aware either.

[*English*]

The Chair: Your colleagues across are not in the same boat, because as a committee we passed a motion for the production of documents, and we had instructed the clerk to obtain documents. If the clerk did not obtain the documents, then he would come back to me and ask me what our next step would be.

One of the documents we did not receive, Mr. Gaudet, is the document from Minister Prentice's office, which they said they could not provide us because it was an access to information request. Our response was that this was not an access to information request. It was actually the committee's motion for the production of documents.

So instead of getting into a stalemate, I would like the committee's direction. Do you wish to have a motion citing the department for contempt or potential contempt? Do you want to negotiate with the minister's office? Do you want to see if they could come to a meeting that would be in private? Those are options we have. I do not want to ram anything through.

Madam Coady, and then Mr. Warkentin.

Ms. Siobhan Coady: I think your office or the clerk's office sent copies of the letters that were received to all of us. I just want to make sure.

• (1730)

Mrs. Alexandra Mendes: None of us substituting received that.

Ms. Siobhan Coady: Okay. The ones substituting did not, so I'll provide that.

I just wanted to make sure that everybody had received it, because there was some concern.

The Chair: Yes, we had it. I think we distributed it last week as well.

Mr. Warkentin, what would you suggest?

Mr. Chris Warkentin: Thank you, Madam Chair.

I think we should make available an opportunity to view the document. My understanding is there may be sensitivities surrounding market information or different things as they relate to the documents we're requesting. There should be some type of mechanism that we can set up, as a committee, to review the information that may be requested. But let's seek clarification from the department and give them the opportunity to disclose that information. If it needs to be at an in camera meeting, I think as a committee we're happy to do that, as long as the argument can be made that the department has information that should be held confidentially because it could have some influence on the market or have some contractual requirements that might be disclosed in a meeting, and that would be problematic if they became public.

So let's clarify that, but our time is running out, and there is—

The Chair: Yes, and I wanted something to be given. I have to have 45 seconds in private for such notice of correspondence.

Mr. Chris Warkentin: Right.

What we absolutely need to have is the information from Sun & Partners. Now, we received a letter that was circulated by the clerk, which relates to the fact that Sun & Partners have given the information that we've requested—they were given five working days to get it to us—to Derek Lee. It hasn't made it to this committee, so I think it's important that we now find them in contempt of this committee as well.

The Chair: Yes, Ms. Coady.

Ms. Siobhan Coady: I think you've gone on to other business, and I want to conclude this.

The Chair: Sure. Let's conclude this one.

Ms. Siobhan Coady: I'm okay with Mr. Warkentin's suggestion that the chair go back again and request the information. There's nothing in the letter from the minister's chief of staff that said it was confidential and therefore couldn't be released. He didn't come back to negotiate or discuss or say he was concerned about the information being released. He just said, "Sorry—access to information—we're not giving it to you." That's a breach of our privilege. I'm glad you sent the letter ten days ago, but if you've not heard from the minister's office, it concerns me. You know, time is passing.

I would suggest, in the spirit of what Mr. Warkentin is saying, that we ask the chair to go back, and if we don't hear within a day or two, then we will probably have to put forward a motion.

The Chair: Fair enough.

Mr. Warkentin, Sun & Partners—I had that down on my list as well. I need the committee's direction as well on that one.

Is the committee in agreement that we approach the minister's office and give them a day in which to respond, if we can ask them to share this information? Again, it's not national security. It's not the Afghan committee. It's nothing that the committee...because the committee does not want to get into a fight. We need to get information, and information is important to us. If we can ask seek a compromise with the minister's office and see if they can help us review the documents in an in camera meeting....

Is it agreed?

Some hon. members: Agreed.

The Chair: Okay. The next item you brought, and thank you for bringing it, is that Sun & Partners is in contempt. I would like the committee's direction to direct the clerk to prepare a report to the

House stating...because only the House can state whether someone is in contempt or not. We need to put a report before the House advising the House that we as a committee feel that Sun & Partners is in contempt of Parliament.

Can I have a mover?

Mr. Chris Warkentin: I so move.

The Chair: All those in favour?

Some hon. members: Agreed.

The Chair: Thank you.

Could I have 45 seconds, because Mr. Snowdy...?

We need to go in camera, please.

[Proceedings continue in camera]

MAIL  POSTE

Canada Post Corporation / Société canadienne des postes

Postage paid

Port payé

Lettermail

Poste-lettre

**1782711
Ottawa**

If undelivered, return COVER ONLY to:
Publishing and Depository Services
Public Works and Government Services Canada
Ottawa, Ontario K1A 0S5

*En cas de non-livraison,
retourner cette COUVERTURE SEULEMENT à :*
Les Éditions et Services de dépôt
Travaux publics et Services gouvernementaux Canada
Ottawa (Ontario) K1A 0S5

Published under the authority of the Speaker of
the House of Commons

SPEAKER'S PERMISSION

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Additional copies may be obtained from: Publishing and Depository Services
Public Works and Government Services Canada
Ottawa, Ontario K1A 0S5
Telephone: 613-941-5995 or 1-800-635-7943
Fax: 613-954-5779 or 1-800-565-7757
publications@tpsgc-pwgsc.gc.ca
<http://publications.gc.ca>

Also available on the Parliament of Canada Web Site at the following address: <http://www.parl.gc.ca>

Publié en conformité de l'autorité
du Président de la Chambre des communes

PERMISSION DU PRÉSIDENT

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la *Loi sur le droit d'auteur*. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la *Loi sur le droit d'auteur*.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

On peut obtenir des copies supplémentaires en écrivant à : Les Éditions et Services de dépôt
Travaux publics et Services gouvernementaux Canada
Ottawa (Ontario) K1A 0S5
Téléphone : 613-941-5995 ou 1-800-635-7943
Télécopieur : 613-954-5779 ou 1-800-565-7757
publications@tpsgc-pwgsc.gc.ca
<http://publications.gc.ca>

Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante : <http://www.parl.gc.ca>