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Chair

The Honourable Joseph Volpe

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• (1100)

[English]

The Chair (Hon. Joseph Volpe (Eglinton—Lawrence, Lib.)): I call the meeting to order.

Good morning, ladies and gentlemen.

I ask the people with cameras to vacate the room, if you don't mind. Thank you very much.

This meeting is public and televised. Pursuant to Standing Order 32(5) and the motion adopted by the committee on Thursday, December 9, 2010, we are dealing with the report of the Auditor General of Canada on the Public Sector Integrity Commissioner of Canada, referred to the committee on Thursday, December 9, 2010.

Bear with me while I go through everyone. We have with us this morning Madam Sheila Fraser, Auditor General of Canada. With her are Mr. John Wiersema, Deputy Auditor General, and Ms. Linda Drainville, principal. We welcome the three of you.

From the Office of the Public Sector Integrity Commissioner of Canada we have Mr. Joe Friday, acting deputy commissioner, and Mr. Brian Radford, acting senior counsel. Welcome.

I understand that Madam Fraser and Mr. Friday both have opening statements.

From the audit committee of the Office of the Public Sector Integrity Commissioner of Canada, we have Mr. Michael Nelson, the chair. Mr. Nelson doesn't have a statement but is here to answer questions should they arise. Welcome, sir.

I thank you very much.

We'll go immediately to Madam Fraser.

Ms. Sheila Fraser (Auditor General of Canada, Office of the Auditor General of Canada): Thank you, Mr. Chair.

We thank you for this opportunity to discuss our audit of the Public Sector Integrity Commissioner of Canada. As you mentioned, I'm accompanied today by John Wiersema, Deputy Auditor General, and Linda Drainville, principal, who were responsible for this audit.

The Office of the Public Sector Integrity Commissioner was established in 2007 under the Public Servants Disclosure Protection Act. Both that office and the act are meant to provide federal public servants and members of the public with a way to disclose potential wrongdoing in the federal public sector and to protect those who make a disclosure from reprisal.

[Translation]

Under the act, a disclosure of wrongdoing that concerns Public Sector Integrity Canada may be made to the Auditor General of Canada. When investigating such disclosures, the Auditor General has the same duties and powers under the act as the Public Sector Integrity Commissioner.

Christiane Ouimet was Canada's Public Sector Integrity Commissioner during the period covered by this audit. She retired from public service on October 18, 2010.

[English]

Between November 2008 and July 2009, my office received three complaints against the former Public Sector Integrity Commissioner. The allegations we received related to her behaviour as deputy head, including her interactions with her staff, reprisals or retaliatory actions taken against former employees, performance pay decisions, and the performance of her mandated functions.

On May 11, 2009, owing to limitations in the Public Servants Disclosure Protection Act—for example, the law prohibits consulting former public servants—our office ceased investigations under the act and began an audit under the Auditor General Act.

[Translation]

In our view, the allegations made by the complainants concerning the former commissioner's conduct and interactions with her staff, retaliatory actions by the commissioner, and the performance of her mandated functions, are founded.

Given that the Public Servants Disclosure Protection Act is subject to review in April 2012, I would like to mention two limitations of the act that we identified during our investigation.

In the course of an investigation, the commissioner can only obtain information from public servants. If it is necessary to obtain information from someone who is no longer in the public service, the act requires the commissioner to stop the investigation and refer it to a competent authority.

In such a case, the Public Servants Disclosure Protection Act no longer applies to protect from reprisal individuals who cooperate in the new process.

• (1105)

[English]

The second limitation we noted is the lack of an independent mechanism for addressing allegations of reprisal within the Office of the Public Sector Integrity Commissioner of Canada. Under the act, complaints of reprisal can only be filed with the commissioner. Consequently, there is no independent mechanism in place to address complaints alleging that the commissioner engaged in reprisal actions.

Mr. Chair, this concludes my opening remarks. My colleagues and I would be happy to answer any questions the committee members may have.

Thank you.

The Chair: Thank you, Madam Fraser.

I'll go now to Mr. Joe Friday, the acting deputy commissioner of public sector integrity.

Commissioner.

Mr. Joe Friday (Acting Deputy Commissioner, Office of the Public Sector Integrity Commissioner of Canada): Thank you, Mr. Chair. Thank you for this opportunity to appear.

I'm here today in my capacity as acting deputy commissioner and general counsel of the Office of the Public Sector Integrity Commissioner, following the departure of the previous commissioner and in the absence of an interim commissioner, until this morning. I've been fulfilling the duties of the acting deputy head of the office since October 18 of this year.

I'm here today in my position representing the Office of the Public Sector Integrity Commissioner to speak to issues that affect our organization as we move forward, using the Auditor General's report as part of our strategy to do so.

I'm not here in a position to speak on behalf of the former commissioner or to comment on any findings in the report that are personal to her.

[Translation]

The Auditor General's report, tabled on December 9, raises a number of issues of importance and concern, not only to the Auditor General and to Parliament, but also to me, to members of our office and to Canadians. Confidence in our ability to carry out our mandate is essential if we are to succeed.

In particular, the report raises concerns with a number of our files. We are prepared to have all our closed files reviewed externally by an expert, and we will be raising this as a priority with the Interim Commissioner, Mario Dion. We want to ensure that the decisions made are fully supported, clearly analyzed and defensible.

[English]

If a review determines that further work, including reopening of a file for investigation, is warranted, we will certainly carry out that work.

Mr. Chair, I sincerely believe that our office is capable and well-equipped to carry out its mandate. One aspect of strength, in my

view, is the capacity for self-assessment, self-criticism, and self-improvement. I'm confident we will demonstrate this as we continue our work.

To move forward now and to enhance confidence, not only in our office but also in federal institutions and the public service more widely, we intend to assess the work we've done to date, address any issues of concern, and build towards the future by ensuring the rigour of our work.

[Translation]

The audit period under review began on April 15, 2007, the date our office was created, and ended on July 31, 2009. I would like to state that, since the end of the audit period, we have made continued progress in building the capacity of our small organization.

I believe it is relevant to mention these achievements, if only briefly, to indicate that we are focused on continuing development, on refining our procedures and approaches, and on ensuring our capacity to meet the challenges of our work.

[English]

Our investigations and inquiries unit has undergone major development in the last year. We've completed a process mapping exercise to make our intake and case handling processes clearer and more streamlined. We have an experienced and dedicated staff. We've added a new director general of investigations to our office, and new investigators, who bring considerable experience and acumen to their roles. We're also in active recruitment mode to continue to build our strength.

We've continued to develop various tools and guidance for our team to carry out its mandate. We currently have 15 investigations under way across a wide range of areas within the federal public sector. We are also working diligently to ensure we are carrying out this work in a positive and mutually collaborative and professional environment. Our focus is certainly on ensuring that this is maintained.

[Translation]

We are also making progress in communicating a clear message to our stakeholders regarding our mandate and authority to act. We can exercise only the authority that is within our legislation. Ensuring people know who we are, and what we can and cannot do, is essential.

My message today, Mr. Chair, is that we take the report of the Auditor General very seriously and that we will respond to it responsibly by ensuring that the quality of the work we have done, the work we are doing and the work we will continue to do meets the expectations of Canadians.

• (1110)

[English]

This concludes my remarks, Mr. Chair. I look forward to any questions committee members may have.

Merci.

The Chair: Thank you, Mr. Friday.

On a point of clarification, Mr. D'Amours.

[Translation]

Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.): Mr. Chair, I would like some clarification with respect to the witnesses. During our last meeting, I recall that there had been a request that Ms. Ouimet be present here, this morning. If my memory serves me correctly, we had also asked that someone from the Privy Council be here. However, as we can see, there is no one here to testify, and Mr. Friday stated that he was not speaking on behalf of Ms. Ouimet, which I can understand.

Could someone tell us why these two individuals are not here?

[English]

The Chair: That's fair enough. As a point of clarification—

Mr. Terence Young (Oakville, CPC): On the same point, Mr. Chair?

The Chair: Okay.

Mr. Terence Young: What we did was request that Madame Ouimet be invited. There was no direction that she would be ordered to appear or anything like that.

The Chair: And you're asking me...?

[Translation]

Mr. Jean-Claude D'Amours: Mr. Chair, with respect to the clarification I asked for—

[English]

The Chair: The clerk, as per our discussion, did make an effort to get in touch with Madame Ouimet. The clerk also gave an invitation to the Clerk of the Privy Council.

We were—correct me if I'm wrong, Madame—I think unable to reach Madame Ouimet. There was an indication that there was no forwarding address or coordinates where we could reach her. With respect to the Clerk, the Clerk is in cabinet committee this morning until about 12 o'clock, and in a private briefing with the Prime Minister afterwards.

If you want to pursue that, you can do so in the business part of the meeting a little later on and follow up on some of the discussions. I hope that clarifies why the people who are here are here. We appreciate their being here.

Thank you.

First question in our first round, Mr. Bains.

Hon. Navdeep Bains (Mississauga—Brampton South, Lib.): Thank you very much, Chair.

Good morning, everyone. Thank you very much for being here.

My question is to the Auditor General. The Public Sector Integrity Commissioner of Canada cost taxpayers millions of dollars. There were 228 files of complaints lodged. Only seven were reviewed and there was no action. In your opinion, doesn't this undermine the Accountability Act and the mandate of the commissioner?

Ms. Sheila Fraser: Chair, as we noted in the report, we looked at a selection of files that had been received by the commission and found that either the nature of the work that was done or the documentation in the file did not adequately support the conclusion

or the decision to close the file. This is obviously problematic. As well, there were some draft policies on investigations, and those need to be finalized, and there needs to be a more rigorous process put in place to ensure that any complaints that are received are dealt with seriously.

Hon. Navdeep Bains: I guess one of the points you raised in the report was with respect to the guidelines. I just want a clarification in a yes or no format. That would be very helpful, because we're a bit constrained on time.

This is for the acting commissioner. For the interpretation of the act and the mandate, who did you consult with regard to the guidelines? Did you consult with Treasury Board, yes or no?

Mr. Joe Friday: No.

Hon. Navdeep Bains: PCO?

Mr. Joe Friday: No.

Hon. Navdeep Bains: PMO?

Mr. Joe Friday: No.

Hon. Navdeep Bains: The justice department?

Mr. Joe Friday: Not to my knowledge.

Hon. Navdeep Bains: Okay.

Do you have anything in written documentation on any advice you received on how those guidelines were developed?

Mr. Joe Friday: My understanding would be that any file material with respect to our guidelines would be internal discussion documents.

Hon. Navdeep Bains: Can you provide us a copy of that or some of those discussions, particularly with the development of the guidelines? There's a reason that I ask this question. I'll pose this question to the Auditor General as well. For an office that's set up like this, having no proper guidelines set up in three years...do you believe that's normal practice, in your opinion, when these commissions are set up?

● (1115)

Ms. Sheila Fraser: Chair, we would have expected that after three years there would have been finalized guidelines. As we mention in the report, there were drafts that were available, but we would have expected them to have been completed and then training given to staff on how to implement that to make sure there was consistency across the treatment of the files.

Hon. Navdeep Bains: Mr. Friday, how many of the closed files—the 228 that we're discussing right now—have you reviewed?

Mr. Joe Friday: The independent review process that we spoke of...? We have not begun that review process yet. That will be under the direction of the new interim commissioner.

Hon. Navdeep Bains: So I guess my question now to the Auditor General is, do you think the files should be reviewed, the 228 files? After the audit and these revelations, there is genuine concern about how they were dealt with. More importantly, who do you think should conduct that review? Do you think the PSIC should conduct this review? If so, don't you think that poses a conflict of interest?

Ms. Sheila Fraser: As I have stated previously, I believe that all the files received should be reviewed, and the investigations as well, to ensure that the conclusions were appropriate. I would suggest to the new interim commissioner that he has to ensure that the process being put in place is credible. I think Mr. Friday mentioned that there would be an association with some independent person. I think that would be appropriate, in this case, to give assurance to parliamentarians, to the public, and especially to the complainants that this process is being dealt with seriously.

Hon. Navdeep Bains: Do you want to comment on the timeline associated with when these reviews will take place?

Mr. Joe Friday: To clarify, Mr. Chair, the review we're looking at would indeed be an external review. That is our intention. We will be discussing the timeline with the new interim commissioner, who begins his job on Monday. Our intention is to do that on a priority basis, certainly.

Hon. Navdeep Bains: Can you clarify your role when these files were reviewed, prior to your new appointment? What was your role in terms of the advice and suggestions you provided to the commissioner in your previous capacity?

Mr. Joe Friday: The process of file review and recommendation involves a number of people in our office, starting with intake, which would be a registrar function. That person would do an initial review to ensure that a matter is within our jurisdiction. That would also involve discussing other options and ensuring that information that is necessary is on the file. That would move, then, to an admissibility analysis stage. Legal counsel would be available, at this stage and forward, to provide whatever assistance was needed by the admissibility analyst. A report would then be produced. That report would also be reviewed by legal counsel on the file. Then it would go through a sign-off process for the managers in each of the roles.

Hon. Navdeep Bains: You signed off on these.

Mr. Joe Friday: In some cases, yes. There were a number of files done before I arrived. I arrived approximately a year after the act came into force. There had been some different structures with respect to—

Hon. Navdeep Bains: Sorry to interrupt, but how many files, in your opinion, did you review during your tenure?

Mr. Joe Friday: I'd have to get back to you on that.

Hon. Navdeep Bains: You can get back to me. That would be great. I appreciate that.

Mr. Joe Friday: That review process is not top to bottom. The work is not redundant at every stage of that review, of course. It would be....

Hon. Navdeep Bains: I guess in terms of where the buck stops, this is a question I wanted to get clarification on. I would like comments and thoughts on this from the AG, in particular.

Today we just heard about a new commissioner. It was announced by the Prime Minister and his minister and the cabinet. It clearly shows that this is a cabinet appointment. This particular commissioner is appointed by the cabinet.

The Chair: Sorry. You'll have to come back.

Madame Faillie.

● (1120)

Ms. Sheila Fraser: May I just briefly respond to that? I think there's an important point of clarification.

The Chair: Go ahead, Madam Fraser.

Ms. Sheila Fraser: An interim commissioner can be named by Governor in Council, but only for a period of six months, so it really is an interim position. All commissioners, auditors general, and officers of Parliament now, after the Federal Accountability Act, must go through a parliamentary process and hearings and a resolution by Parliament. So it is not simply an appointment by the Prime Minister, for example.

The Chair: Thank you.

Go ahead, Madam Faillie.

[Translation]

Ms. Meili Faillie (Vaudreuil-Soulanges, BQ): Thank you, Auditor General, for that clarification, because some of the information was not contained in the written submissions. I therefore appreciate the information that you have provided.

Auditor General, did you have an opportunity to speak with the members of Ms. Ouimet's staff who left the commissioner's office prematurely? I am referring, for example, to Deputy Commissioner Wayne Watson, who was her right-hand man and who left after one year. Were you able to talk to former employees about the problems in the office?

Ms. Sheila Fraser: Mr. Chair, we met with more than 30 individuals, including people who had left the office, during the course of our audit. I would, however, hesitate to name individuals specifically. You know that we try to ensure that the information given to us remains confidential.

Ms. Meili Faillie: I wanted to ensure that you did not reject the idea of questioning people who had left her staff.

Ms. Sheila Fraser: We met with the majority of employees at the commissioner's office, both former and current employees.

Ms. Meili Faillie: Thank you for that clarification.

I would also like to ask you some questions about paragraphs 17 to 20. You described measures taken by the former commissioner with respect to her staff. Could you tell us whether the six people who participated in those activities are still working for the commissioner's office?

Ms. Sheila Fraser: Some of those individuals are still employees of the commissioner's office.

Ms. Meili Faillie: Mr. Friday, I know that you have been in a very difficult situation since the commissioner resigned. What steps have you taken, within the commissioner's office, to protect staff and ensure that everything runs smoothly, given that some of the individuals who participated in the measures identified in the Auditor General's report are still working for the commissioner's office?

Mr. Joe Friday: Thank you for your question. If I may, I will respond in English so that I can answer as accurately as possible.

[English]

Mr. Chair, the importance of a healthy working environment can't be overstated, in my view. We are currently trying to attend, to our best abilities, to the needs of our existing employees by providing access to whatever external support services are necessary, such as the employee assistance program, for example.

We have an internal conflict management system officer who has been appointed within the office. That person carries out responsibilities under Treasury Board policy to address workplace conflict in the most informal and appropriate way possible. We have also ensured we have the necessary access to the full range of human resource services that are available.

[Translation]

Ms. Meili Faille: But clearly someone identified in your office is in charge of that responsibility. Could you provide that person's name?

You can understand that some individuals in your office are extremely reluctant to contact anyone at all in management. Could you tell us clearly and publicly the name of the person in the commissioner's office to whom these employees should be referring?

• (1125)

[English]

Mr. Joe Friday: Yes. I believe I can give that person's name.

[Translation]

That would be Francine St-Pierre, who is a member of our executive committee.

[English]

Mr. Chair, I would also like to clarify that if any current or former employee of the Public Sector Integrity Commissioner's office wishes to come forward with concerns or issues or to pursue any avenue of recourse for any legitimate concern, or they feel they have not been able to do that, we will certainly take those seriously. We will respond to them while respecting the right to due process of all individuals.

[Translation]

Ms. Meili Faille: My other question pertains to the way the department operates. I am asking you this question because I have made several ATIP requests.

In your opinion, if the commissioner were aware of ATIP requests, would there be any system within the commissioner's office in order to identify sensitive requests? Over the past few months, we have learned that such a system exists within PWGSC and several other departments. Was the commissioner aware of ATIP requests submitted by employees who had made complaints?

[English]

Mr. Joe Friday: I am not aware of any outstanding ATIP requests at the moment, Mr. Chair.

[Translation]

Ms. Meili Faille: No, but does the commissioner's office have a system that identifies and brings to the commissioner's attention

ATIP requests about sensitive files, such as those involving employees who have allegedly made a complaint?

Did you try to obtain those ATIP requests?

[English]

Mr. Joe Friday: I am not aware of any such system to red flag or identify sensitive requests, Madam.

[Translation]

Ms. Meili Faille: All right.

I am satisfied with your answer.

I have another question. I am certain that, in February, when you accepted the Department of Justice mandate to act as the general counsel, you did not expect to find yourself in a situation such as the one we have here today.

Over the past months and during the period covered by the investigation, did you participate in the analysis of the various complaints covered by the audit we are discussing today? Did you make any decisions or provide advice with respect to those investigations?

[English]

Mr. Joe Friday: Do you mean advice with respect to what we will do with the review?

The Chair: I think it's just a straightforward question, but time's up. If you want to give an answer, that will be fine. Rather than asking her for another question, I'm going to have to get you on a second round, Mr. Friday. Otherwise we'll be here all morning just trying to get to that question.

Mr. Joe Friday: I'm not sure I understood the question, Mr. Chair.

The Chair: Perhaps Madam Faille might rephrase it or her colleague might do so in the second round, if you don't mind.

[Translation]

Ms. Faille, you have already gone well over your time.

Ms. Meili Faille: The question was quite straightforward. He was the director general of investigations.

The Chair: Yes, that is why I asked him the question.

Would you like to answer now, yes or no?

[English]

Mr. Joe Friday: I believe the answer is yes, if I understand the question.

The Chair: Thank you.

Mr. Christopherson.

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

Thank you all for your attendance today.

What most of us and the public at large are having trouble understanding is how we got to this point without something triggering an action. To quote from the AG report, the starting point of this was:

The Office of the Public Sector Integrity Commissioner of Canada (PSIC) was created in April 2007 to provide a means for federal public servants and members of the public to disclose potential wrongdoing in the federal public sector.

The upshot of all of this is that within that office there were people who wanted to whistle-blow and who ended up being victims of the very types of actions that the office was created to give employees protection from.

Therefore, the obvious question is, how did we get to this point without something triggering a review, a red flag, something to say to someone, including politicians, somewhere within this whole system, what should have happened, what should have happened and didn't happen, and what is an area that we need to create? I know the Auditor General talked about a meeting of officers of Parliament in the new year, and I'd like to hear about that. Specifically, how did we get to this point without any flags being raised at all until we were in crisis?

You're on the time, sir.

• (1130)

Mr. Joe Friday: Thank you, Mr. Chair.

I'm not sure I can satisfactorily answer the question of how we got to where we are within the structure that exists. The Public Servants Disclosure Protection Act does provide a means for complaints or disclosures about our office to go directly to the Auditor General, and that is indeed what triggered this process. I would expect that it was anticipated to be a way of addressing any issues to ensure external review or access to external review of concerns within the office itself.

Mr. David Christopherson: I'm going to go to Mr. Nelson. Are you the head of the audit committee?

Mr. Michael Nelson (Chair, Audit Committee, Office of the Public Sector Integrity Commissioner of Canada): I am the head of the external audit committee.

Mr. David Christopherson: You're head of the external audit committee. For us in public accounts, one of the first lines of defence against any potential wrongdoing or inappropriate behaviour is an audit within a department. Could you tell us how it got by you?

Mr. Michael Nelson: The audit committee was created in January 2009, which was after the initial complaints, at least. Presumably, some of the events had already happened. The committee was made aware in 2009 of the complaints and the fact that the Auditor General was looking into them. However, the audit committee's first substantive discussion about what was going on inside the audit, the first time members heard about it, was in November 2009. There was a more substantive in camera discussion in January 2010.

First of all, I'd like to point out the role of departmental external audit committees. They are advisory to the deputy minister or deputy head. Knowing that the—

Mr. David Christopherson: When you say “deputy head”, do you mean the commissioner, in this case?

Mr. Michael Nelson: In this case, I do, yes.

Mr. David Christopherson: Who appointed the external audit committee?

Mr. Michael Nelson: The deputy head did.

Mr. David Christopherson: That's problem one, but okay, go ahead.

Mr. Michael Nelson: That was according to the Treasury Board policy as it's being interpreted by the agents of Parliament.

With respect to this particular audit, I was not the chair at that time, but I spoke at length yesterday to Mr. Jean-Pierre Soublière, who was the chair at that time. He contacted Mr. John Wiersema and spoke with him to see if the audit committee could help express the fact that the internal audit committee did not intend to get in the way or interfere with the process—because obviously the Auditor General was on the case—and to encourage the Auditor General to proceed as quickly as possible with the audit.

Mr. David Christopherson: If I understand, your predecessor's contact with Mr. Wiersema was about beginning a process of reviewing some of these concerns or stepping in.

Mr. Michael Nelson: No, it was not. It was to say that we'd been made aware that a process was going on, that the Auditor General was looking at these complaints, and that as the internal committee, we were aware of them and would follow the process but did not intend to get involved in an audit that was already being conducted by the Auditor General.

Mr. David Christopherson: At that point you sort of became hands off. There was a higher authority in this, so you would let go. Or was it not your area of concern? I'm merely asking.

Mr. Michael Nelson: Certainly. The key concern of the audit committee at the time was to make sure that whatever had happened was not still happening.

At that January 21 meeting, where there had been an in camera discussion of the audit that was in process, the chair of the committee and the members met with four of the members of the staff. They asked them whether whatever had been going on was still going on, whether they were comfortable, and whether there was anything the staff wanted to tell the audit committee. The answer was no.

• (1135)

Mr. David Christopherson: Do you think they were frightened?

Mr. Michael Nelson: I wasn't there, but I did ask. Again, I asked the chair of that committee yesterday so that I could speak as truthfully as possible to this committee. They felt there was no atmosphere of fear and that they were being told the truth. They met individually, in camera, with each of these four individuals.

Throughout the rest of the year, 2010—I came on as chair in March 2010—I was aware of the audit itself. In April, I attended, at the commissioner's invitation, an all-staff meeting—there are only 23 to 25 staff members—at which the commissioner said to all staff present, while I was in the room, “You all have individual access to Michael Nelson at any time you want about anything.” That's a little unusual for an audit committee member, but I'm not a terribly intimidating person and I felt comfortable with that invitation.

Mr. David Christopherson: Thank you.

Do I have a little time left?

The Chair: No.

Mr. David Christopherson: Oh, I don't. Well, maybe the Auditor General could speak to that in another question.

The Chair: Yes, she can, on the next round.

We'll go to Mr. Kramp.

Mr. Daryl Kramp (Prince Edward—Hastings, CPC): Thank you, Chair, and good morning.

And thank you to all of the witnesses for being here today to discuss this very important, and troubling, topic.

On behalf of the government, I would certainly like to thank the Auditor General for her exceptional work on this special report on the Public Sector Integrity Commissioner.

Quite frankly, if we don't have confidence in what we're doing here, the system doesn't work. This is absolutely crucial to where we go forward as a parliament. I can assure you that we do appreciate the good work on this file.

We would expect—not just hope, but expect—that the new interim commissioner will follow up on all these cases and initiate an immediate review. I would expect that, and I would imagine most of my colleagues would expect that as well. Of course, we will see what comes down the pipe, but I think that expectation is there.

I think we also have to recognize, as Madam Fraser has alluded to, that the appointment we have now is for a temporary interim commissioner. I fully imagine a selection process will be launched very shortly to identify and appoint a new one. I think as well we have to recognize that the appointment of this commissioner—and it was touched on by Madam Fraser—will be done after consultation with the leader of every recognized party in the House and the Senate, and after approval of the appointment by resolution of the House and Senate.

Coming from a person who has sat on government operations, we examine the qualifications and of course the competence of the nominee. I guess that comes back to Mr. Christopherson's point: maybe Parliament has dropped the ball a bit here. Obviously we have a regime in place, but the former commissioner broke or disregarded the policies in the act.

It's quite evident that the rules weren't followed. We find that very troubling. The same commissioner was also before parliamentary committee five times and we didn't pick up on this. This should have been picked up on—somehow, somehow. I find this very, very disturbing.

I'm looking for potential solutions, Madam Fraser, perhaps suggestions from you. Are there ways we could address situations such as this one earlier on? Could we identify them differently? Do we maybe need a more robust reporting system incorporated into the annual report of that agent? Do you have additional thoughts on this or any other methods that you could maybe make us aware of?

Ms. Sheila Fraser: Thank you, Chair.

There are a couple of issues I'd like to address. In this particular case we did not look at the appointment process. My own impression is that it's very difficult for a parliamentary committee to get into issues of character and behaviour. I don't want this necessarily to reflect on this particular individual, but the political level and the parliamentary level have to rely on the validation that is done by bureaucrats.

I would suggest that someone go back and look at the process. Was there anything that was missing in this particular process? Were there 360-degree reviews done, for example? Do people randomly select former employees...not only the references given but other employees? There may be things like this that should be brought into an appointment process. I know in a lot of cases it's actually very rigorous—our neighbours and colleagues, everybody, are all talked to.

Anyway, this might be something the parliamentary committee should consider. What is the process and what is the vetting? How did the person arrive there? Did the person actually apply for this job or not?

Those are maybe the kinds of things that need to be given more precision to parliamentary committees. Quite frankly, I don't think parliamentary committees can get into asking a lot of those questions.

● (1140)

Mr. Daryl Kramp: Quite frankly, I sat through the Gwyn Morgan debacle, which was nothing short of embarrassing; there was a character assassination rather than the evaluation of talent. Committees and Parliament weren't served by that, so I hope we won't end up down that path again.

But on another question, Madam Fraser, I do believe we have to consider new oversight mechanisms, because this obviously hasn't worked. Is this an exceptional case? Do we have a system in place and this is an aberration? Or should there be more concrete solid measures in place to tighten up the rules and the parameters of action so we can assure this does not happen again?

Ms. Sheila Fraser: This is a rather particular situation, because it is dealing with an officer of Parliament. The central agencies—the Treasury Board Secretariat, Privy Council Office, and others—that will do monitoring through government departments and agencies are actually very respectful of the independence of officers of Parliament—and we remind them of our independence quite frequently—so they do not do the kinds of monitoring that may be done for departments and agencies. As Mr. Christopherson mentioned earlier, I will be meeting with my colleagues, the officers of Parliament, in early January, and we will be looking at how we can give better assurance to parliamentarians with regard to how our offices are being managed, the quality of the work we're doing, and whether we are fulfilling our mandates.

I think there's already a lot of information available, but we will need to have, I think, a discussion with parliamentarians regarding how best to give you that assurance. Again, are parliamentary committee meetings the best place for that accountability or is there some other mechanism? We have the panel that was set up for funding; that might be another avenue. I think we have to explore. We have to come up with a proposal, I think, initially, and then discuss it with parliamentarians, as to whether they believe that is satisfactory.

Mr. Daryl Kramp: Thank you.

Obviously, your investigation was very complex, and you went through a huge number of files, as we saw. I'd like Parliament to have an idea of how you substantiated your work, how you determined the allegations of the improper conduct and obviously the reprisal by the commissioner. Give us an example of the work that you would do to substantiate the allegations that you have made in your report.

Ms. Sheila Fraser: Obviously, we met with the complainants to understand the nature of the allegations that were being made and to get as many details and facts as possible. As we mentioned in the report, we conducted interviews with some 34 current and former employees, so there would have been validating testimony of incidents or things that happened. But we cannot rely upon testimony alone, so we looked at things like e-mails, documents within the office, contemporaneous notes that substantiated the allegations. In the case where there was an allegation of reprisal and an allegation that personal information had been shared with other people, both within the public service and outside, we talked to those people—heads of former employers, a private securities consultant—to validate with them. There was evidence by e-mails as well. There was a fair bit of documentary evidence that supported the...and we had, of course, the interviews with the commissioner on two occasions, one that lasted a day and the second one that lasted two days.

• (1145)

The Chair: Thank you, Madam Fraser.

Mr. D'Amours.

[Translation]

Mr. Jean-Claude D'Amours: Thank you, Mr. Chair. I would also like to thank the witnesses for being here this morning.

I do not think that we should try to sweep anything under the carpet with respect to government responsibility. It is the government that, through this process, presents one person to parliamentarians. It is the government that makes the final appointment. Consequently, the ultimate responsibility lies with the government.

Mr. Friday, could you tell me two things, the exact date that you started in this position and the title of the position you held.

[English]

Mr. Joe Friday: I joined the Office of the Public Sector Integrity Commissioner in February of 2008. I was and am on a secondment from the Department of Justice, where my substantive position is the general counsel of the alternative dispute resolution section. I've been with the Department of Justice for 18 years and was with the private sector before that.

[Translation]

Mr. Jean-Claude D'Amours: Perfect. Thank you.

Mr. Friday, to your knowledge, since you came on the job in February 2008, has the Office of the Public Sector Integrity Commissioner sent any information or progress reports to the Privy Council Office, to the Prime Minister's Office, to the Treasury Board President or to any other individual who may be in...? To your knowledge, have any progress reports been provided with respect to the way the office worked?

[English]

Mr. Joe Friday: Mr. Chair, I don't have any information in that regard. When I joined the Office of the Public Sector Integrity Commissioner, it had been in operation for almost a year at that time. With respect to its evolution or any central agency involvement in that evolution or direction, I don't have any information.

[Translation]

Mr. Jean-Claude D'Amours: Are you telling me, Mr. Friday, that everything was done internally and that there was no communication with the government, the Prime Minister's Office or the Privy Council Office to explain the work done within the commissioner's office?

[English]

Mr. Joe Friday: I'm not aware of any formal avenues for the sharing of information about the day-to-day operations of an agent of Parliament with central agencies.

[Translation]

Mr. Jean-Claude D'Amours: That is, however, the impression I have. Ms. Fraser, do you not feel that it seems that this was set up with an objective in mind, but that, in the final analysis, no one was really looking after what was going on?

Ms. Sheila Fraser: The commissioner's office would have produced, like all of us, a report on plans and priorities, as well as performance report every year. However, all officers of Parliament are fiercely protective of their independence and are very resistant to reporting to the government on their activities. We may disclose some information on our website or we may provide some general information, but when central agencies request detailed information from us, by sending out a request to all departments and agencies, we respond that we do not provide that information because we are not accountable to a central agency.

Mr. Jean-Claude D'Amours: Mr. Friday, you said that there are currently 15 investigations under way in various sectors of the federal public administration. If no guidelines or criteria are established—and let us be clear, there have not been any for three years, there are only drafts—could you provide us with a clear and accurate answer as to how a government official or a member of the Canadian public can hope, today, that their file will be assessed properly?

This is quite unbelievable. We are telling people to turn to the integrity commissioner's office and not to worry, that their files will be assessed, but we do not know the rules. We do not know the rules because they have not been fully developed yet. We have to decide what those rules will be, but somehow or other, it has not been done. That is quite an extraordinary situation.

[English]

Mr. Joe Friday: Mr. Chair, we do have, and have had from early in our existence, legal opinions with respect to the interpretation of particular aspects of the act. We had a draft procedural guide that was produced immediately upon the coming into force of the act. We are working to supplement that with a more practical guide that will involve and reflect our experience with particular cases. We do have case standards and document management standards—

• (1150)

[*Translation*]

Mr. Jean-Claude D'Amours: Mr. Chair, I would like Mr. Friday to provide us with the guidelines, the draft, and all the documents that he has just mentioned. I would like them to be produced for the committee so that we can examine exactly what is entailed, because it is very ambiguous.

The Chair: Thank you.

[*English*]

We'll go to Mr. Young.

Mr. Terence Young: Thank you, Chair.

My question is for Madam Fraser on the process.

Welcome again.

I'm looking back to May 16, 2006, when the government operations committee was reviewing the potential appointment of Gwyn Morgan as public appointments chair. A member of that committee summarized the process for appointing independent agents of Parliament, which this commissioner was. It was described as:

...a very rigorous process, and that it involves examination, transparency, and meritocracy.

Further, and again I'm quoting:

...there is a very broad consultation process that's followed by an examination of qualifications, examination of security and criminal investigation, and then another process, called a peer review process, that's arm's-length from any minister, before anything gets presented up to the minister, and indeed before it goes up to the Prime Minister.

The person who made those comments at that committee was our current chair, Mr. Volpe. So it's not a partisan issue, and I think it's a disservice to try to make this into a partisan issue.

For the record, it is not the government that appointed this commissioner. The commissioner is appointed by Parliament, and I think it's important to go through the history.

The Chair: Mr. Young, you're not directing that to me; you're directing that to Madam Fraser. That was a reflection on what happened prior to 2006, and I think we're here to discuss Madam Fraser's report from 2007 on.

Mr. Terence Young: Thank you for the clarification, Mr. Chair. This is important background to my question.

Madame Ouimet had been working in the Public Service of Canada for 28 years. Her appointment was considered by the government operations committee and was passed unanimously. Her nomination was considered by the Senate on June 19, 2007. The Senate agreed to her appointment on that day unanimously. Madame Ouimet was appointed as the Public Sector Integrity Commissioner on August 6, 2007, for seven years. She was appointed by the Governor in Council, after consultation with the leader of every recognized party in the Senate and House of Commons. The approval of the appointment was by resolution of the House of Commons and the Senate, all unanimously.

I think the big question for us today is a variation of one you've already tried to address. How does someone who has such an

excellent résumé and by all appearances will make an excellent commissioner get into such difficulties?

You commented previously, Madam Fraser, and I want to ask you, in addition to the process, is it possible that this is just too much power in one position? Is that part of the problem?

Could you also please comment on the 360-degree process that might help vet someone in such a powerful position?

Ms. Sheila Fraser: As I mentioned, we did not look at the appointment process, and we obviously don't get into motivations. That's something that only the individual can address. The committee may wish to ask if the rigorous process that Mr. Young outlined was respected and followed in this case. I would hope that somebody would go back to look at that to see if anything more could have been done that would have detected something.

The 360-degree process is one whereby we ask employees to assess their managers. It is becoming more and more common in human resource management. We do it on a fairly regular basis—every year, as part of the whole evaluation process. Any employee can go to their supervisor's supervisor, or any other person in the office if they wish, to address this. There are tools that we use so people can respond anonymously about their supervisor. The evaluation is given to the individual's supervisor in our human resource department.

It is all about trying to improve human resource management to detect where there may be problems. Certainly in this case there were indications of issues. When you see a 50% turnover rate—or 18 people out of 22 in a year leave—that is clearly an indication... I think that's one of the things we'll have to look at.

We've put information into our departmental performance report on the turnover, employee surveys, and the kinds of results. Those are all available.

• (1155)

Mr. Terence Young: That could be a red flag.

Ms. Sheila Fraser: That is the kind of information that officers of Parliament could all provide to help demonstrate our management.

Mr. Terence Young: Thank you.

My second question is somewhat different and is on the process. I'm wondering what due process there was in the investigation your officials conducted. I'm not suggesting that anyone didn't do as they were directed by the legislation, but I'm somewhat uncomfortable with it.

What due process is there for a person being investigated? For example, do they have a right to counsel? Can their counsel get involved, ask questions, and represent them in this process? What are the rules of evidence in this process? What rules are there to prevent any potential conflicts of interest from the people doing the audit and the people being audited?

I'm very uncomfortable with someone going through a process like this without being able to speak or be heard, as they can in court.

Ms. Sheila Fraser: You can appreciate, given the sensitivity of this file, that we follow a very rigorous process in cases like this. We engaged our own outside legal counsel to advise us on fairness of procedure. We advised Madame Ouimet that she could have legal counsel, which she did. Through all of the interviews there were legal representations on both sides. Many of the discussions were actually between lawyers.

When we conducted the interviews there was a court stenographer. We provided Madame Ouimet with all of the documentation on which we wished to ask questions, including transcripts of interviews. It was done very rigorously. There were delays. We tried to do interviews earlier. She asked for more time and we agreed to that. It was conducted, in many respects, as if this were a legal proceeding.

Mr. Terence Young: Do I have more time?

The Chair: No, actually, you're two minutes over.

But on that point, on the question of procedure, Mr. Friday, you were general counsel throughout all of this process. Is your background in criminal law? I think I heard you say that it was dispute settlement.

Mr. Joe Friday: Mr. Chair, I have experience in civil litigation in the aboriginal law field, in the alternative dispute resolution law field.

The Chair: So in the commission, what standards did you use for the investigation? Was it the civil law balance of probabilities or the criminal law proof beyond a reasonable doubt standard?

Mr. Joe Friday: We are an administrative investigation body. We do not use a criminal law standard.

The purpose of an investigation under our legislation is to report on founded cases of wrongdoing and make recommendations for corrective action.

In cases of reprisal, we do not have the power to even make a finding of reprisal. We have the authority to make an application to a tribunal that is composed of Federal Court judges who have adjudicative power and can make remedial and disciplinary orders.

The standard at that level would be different from the standard in an administrative investigation, I would suppose.

The Chair: When you found evidence of wrongdoing that might have contravened the Criminal Code, what would your process have been?

Mr. Joe Friday: Under the legislation, Mr. Chair, we do not have criminal law jurisdiction. If we get information or discover, during the course of an investigation, that criminal activity may have occurred, we must cease that part of the investigation and refer it to the appropriate enforcement authority, and we have done that.

The Chair: Monsieur Nadeau.

[Translation]

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

Good afternoon everybody.

I knew Ms. Ouimet before I became an MP. I taught her children. They were excellent students, very curious and interested in learning,

the type of students that every teacher would like to have in the classroom. As for Ms. Ouimet, she was a person that any teacher would like to have had as one of their student's parents. She was involved in her children's academic progress, as well as in parent-teacher meetings and follow-ups. Like Ms. Buzzetti in *Le Devoir*, I see that we are talking about a poorly shod shoemaker. Matters of integrity are always extremely sensitive, touchy. Not everyone is brave enough to disclose a wrongdoing and to assume responsibility.

I just about fell off my chair when I read the report. I have to set aside the cordial images that I have with respect to a given situation and think about a commissioner and an office that were given a great deal of authority when created, as a result of Bill C-2. When the Conservatives came into power, following the sponsorship scandal, we wanted to strengthen government accountability to citizens and to its own staff. Even though I feel very badly, I am compelled to continue on that path, in the wake of this report, which I trust. When I read what it says, I wonder whether it is really referring to the same individual. That is an observation.

That being said, one fundamental question remains, as far as I am concerned: Can we still put our trust in this institution, the Office of the Public Sector Integrity Commissioner? I ask that question very sincerely, knowing that Ms. Ouimet did not act alone. Within that extremely important office, there were other players, other individuals who worked with her. Mr. Friday, you were one of them. The Auditor General, Ms. Fraser, talked about investigations that were not conducted thoroughly enough. I have some numbers here. We know that, out of 228 complaints, not one was considered. God damn it, that really hurts the office!

Mr. Friday, you are a professional. You worked in this office for two-and-a-half or three years. Was there no way to sound the alarm bells, to kick this hornet's nest when things were not going well and to tell someone about the situation, knowing that you could not talk to the person concerned? The investigation was part of your duties. I am thinking about Mr. Watson, who was one of your colleagues, at least in the beginning. He spent 30 years in the RCMP, which is not negligible. And he wasn't directing traffic after Sunday mass. But he left after one year. So you have to ask some questions.

Mr. Friday, Ms. Fraser talked about some signs that may have been seen here and there. Why did you not tell anybody about the situation earlier?

● (1200)

[English]

Mr. Joe Friday: I would describe the environment of our office, when I arrived, as certainly an intensely focused one, an energized one. People were busy on a number of fronts, even though the act had been in place for almost a year. There was a new act, a new commissioner, a transition from a policy to an independent agent of Parliament, new people, and a new mandate.

The office was in a state of development. Madame Ouimet had a particular vision that she should have, or is entitled to have as Integrity Commissioner, with regard to how she wished to carry out her mandate. She was determining what personnel she wanted to help her support that mandate. It was a rather charged atmosphere.

On top of that we were a very small organization trying to create itself while having to take on files and set itself up as a new organization with all the corporate reporting, financial and human resources as well. That made for an environment in which there was certainly discussion, sometimes tension, debate, and discussion about vision, about focus, and about performance of individuals.

Madame Ouimet was carrying that out in her role as commissioner, which would be appropriate. Within that environment, I did not witness what I thought to be abusive behaviour, for example.

• (1205)

The Chair: *Merci.*

Mr. Dreeshen.

Mr. Earl Dreeshen (Red Deer, CPC): Thank you very much, Mr. Chair.

Welcome, witnesses.

I'd like to go over a couple of things.

In your report, Madam Fraser, in paragraph 13, you talked about the turnover in the office. I know we've talked about your own office and how it's so highly regarded and how everyone is just happy to be there. Well, wouldn't a red flag show up when 50% of the people are leaving an office? Shouldn't that have been one of the things caught by the office of the Public Service Commission? Shouldn't they have caught that?

Ms. Sheila Fraser: Yes. I think that obviously when you see an average turnover rate of 50% per year, it certainly raises red flags. Now, one could have perhaps argued it away by arguing that it's a new office, that people came in and it wasn't what they thought it would be, that it's a small organization....

But you would expect that somebody would be monitoring this kind of thing, and I think that's the issue we have to deal with as officers of Parliament: what would be the appropriate body to be doing that? Is it the Public Service Commission? I mean, Treasury Board is the employer for these people, unlike, for example, the Office of the Auditor General, where we're a separate employer. So you would expect that somebody might have asked a few questions about this, at a minimum, yes.

Mr. Earl Dreeshen: I guess that gets me back to the other point, when we look at the fact that five times the commissioner had come to various committees and had given reports, and when we look back at the situation that occurred with the Privacy Commissioner in 2003 and the process that was involved there, when it looked as though the committee was on top of it....

In the early part of 2003, the Standing Committee on Government Operations and Estimates held hearings. That was the time when the committee, citing their loss of confidence in Privacy Commissioner George Radwanski, requested the audits. Shortly afterwards, the Privacy Commissioner resigned. Then we had the appointment of

Robert Marleau as the interim commissioner, and then the audit. The Auditor General tabled a special report on the Privacy Commissioner and the public service commissioner tabled the audit on the Privacy Commissioner. It was at that time, then, later in that year, that Madam Stoddart was put in as the Privacy Commissioner.

So here's my question: are there parallels that you see in the situation concerning Mr. Radwanski with regard to the conduct, the behaviour, the mandate, and the actions that we have seen from Madame Ouimet?

Ms. Sheila Fraser: There are some similarities, but I think there are also some important differences. In the case of the former Privacy Commissioner, there were issues around treatment of staff, which is similar to this case, but many of the findings, the serious findings, were related to financial improprieties, which we did not find—and we do financial audits. In fact, after the case of Mr. Radwanski, all the officers of Parliament agreed to have financial audits done every year in order, again, to give some assurance to parliamentarians that the financial management was appropriate. So I think that issue has been stemmed.

Here, I think, the issue that did not come up with the former Privacy Commissioner was the carrying out of the mandate. There was no question that Mr. Radwanski was not actively engaged in his mandate as Privacy Commissioner.

Mr. Earl Dreeshen: Okay.

Do I have more time?

The Chair: Yes.

Mr. Earl Dreeshen: I was just wondering what steps, then, agents of Parliament can take to ensure that members of Parliament have a more transparent understanding of what's going on in their offices.

Ms. Sheila Fraser: Well, I think we have to be perhaps more consistent and provide you with information on the management of our offices—staff turnover and those sorts of things—and we need to find a way as well to give you assurance that we are carrying out our mandates according to proper procedure.

We've used the mechanism of peer reviews and internal audits to do that. That might be something the other officers could consider as well.

But we are going to be meeting, as I said, in early January, and going through that, and I think actually seeing what we already do. I think there's a fair bit of information that's already available, but maybe it's not being presented properly. Then we will come back to parliamentarians to see if you believe that is satisfactory or not and if there are other mechanisms that should be put in place.

• (1210)

The Chair: Thank you, Madam Fraser.

Mr. Christopherson.

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

Just to pick up where I left off—and I appreciate that you answered some of my questions in there—I want to go back again. I appreciate that in January you're going to meet and come up with recommendations across the board for all the officers of Parliament, but I'm still trying to get a handle on whether any balls were dropped along the way. Were there red flags that went up that should have, as opposed to could have, been noticed?

I've heard that the Treasury Board had a role in their activities. I don't want to put words in your mouth, but it would seem that's one area, and maybe you could comment again on that. There was the audit committee and the role there. I mean, this whole business of the commissioner appointing the actual people who are there to sort of provide front-line watchdog services...that may be something that needs to be looked at, not that I'm casting any aspersions on you or the calibre of the work. It's just a question of the optics and the structure. And then there was the parliamentary committee, and the commissioner did report.

I realize we're going to improve it. I'm still trying to get a handle on what went wrong that got us to this point. I still don't feel as though we've really nailed down what happened and why.

Ms. Sheila Fraser: One of the fundamental issues, I think, is that this is a very new office. It's been in existence now for, what, only three years? So it's perhaps understandable, or there can be an explanation given as to why there aren't a lot of investigations or why there's turnover. There can be, I think, what appear to be reasonable explanations given for some of these indicators.

As for central agencies, the employees here are all employees of the Treasury Board, but again it comes back to the fact that this is an officer of Parliament. Central agencies are very reluctant to interfere.

One question that I think no one has posed, but that might be posed, is that these people were all unionized—

Mr. David Christopherson: I was going to ask that.

Ms. Sheila Fraser: Is there something—were there many unions in here? Was there one union? Why was the union not more sensitive to some of this?

On the question of parliamentary committees, there were questions asked in hearings about the lack of investigations and the fact that there were no cases of wrongdoing, but again I think it's very difficult for a parliamentary committee. What can a parliamentary committee do? They could ask, as was the case with Mr. Radwanski, for an audit to be done, but the committee probably needs a fair bit of information before they get there to do that.

So yes, I think we're going to have to really think through what kind of mechanism should exist.

Mr. David Christopherson: At this stage, it looks as though there may be at least three outcomes that we need from this. One, of course, is a new commissioner. We need to fix and strengthen the department itself, and then we also need to await your recommendations on further checks and balances procedures.

Are those the three outcomes that you would see: getting a new commissioner, getting the department running the way it should, making sure it's staffed properly, trying to rebuild some esprit de

corps, and then, lastly, making sure we have mechanisms in place to avoid having this happen again with another officer of Parliament?

Ms. Sheila Fraser: I'm just being told too that another thing is the whole consideration of the act. We've noted some difficulties with the act—

Mr. David Christopherson: Yes, there are two recommendations that I think you're making here.

Ms. Sheila Fraser: —but I would suspect there are other issues with the act. These are only two that we have come across.

Mr. David Christopherson: Okay, thanks.

Mr. Friday, I just want to hear a little bit more about the potential for—it would seem to me, from the outside looking in, from a common sense point of view, that there's a real potential for a poisoned work environment. When this happens, people are people, and some are loyal to the leadership and others are off in other camps. So I'm asking, are you satisfied that there's absolutely no residual poisoned work environment aspect to what's gone on here?

• (1215)

Mr. Joe Friday: Thank you, Mr. Chair.

At this moment we are trying to ensure that we are as healthy as possible, and I wanted to reiterate the very sincere view that if there are current or former employees who feel there is an issue they could not bring forward before—and the situation has changed, obviously, with the departure of the former commissioner—that those can be brought forward. If they feel things have been brought forward and not dealt with, we are completely open to considering and working with people to ensure that is the case.

We are also, as I mentioned, undertaking certain internal processes to communicate as clearly as possible to our colleagues that we are committed to rebuilding a healthy workplace.

I would also point to the retention rate, recognizing that it's about 20% this year. I'm not saying that's the goal or the gold standard for retention, but—

Mr. David Christopherson: That's because everybody has already bailed.

Mr. Joe Friday: It is a reduction. And people are coming and people are staying. There have been a number of people who have been with the organization for more than two years and three years.

Mr. David Christopherson: I know my time is up.

Thank you, Mr. Friday.

Thank you, Chair.

The Chair: Thank you.

I think maybe it's time for Madam Fraser and/or Mr. Friday to just clarify something for the committee.

I think on a couple of occasions, and just recently, Madam Fraser, you indicated that there didn't seem to be a clear process for establishing a mandate. Mr. Friday, I think, in responding to a particular question, talked about an informal process. Madam Fraser, on three separate occasions, indicated that agents of Parliament value their independence and sometimes defend it, and rightly so. But they operate under a mandate that's pretty clear and that people can understand.

Mr. Friday, give us a little bit of confidence that such a mandate does exist formally.

Mr. Joe Friday: Thank you, Mr. Chair.

The mandate is set out in our legislation. We exist as one body with two arms of operation. One is the acceptance, review, investigation, and reporting to Parliament of founded cases of wrongdoing. The other is the acceptance, review, and investigation of complaints of reprisal, which can then be referred to the tribunal I mentioned earlier.

That mandate, I think, is clearly set out in the legislation. There are specific practical issues also set out in the legislation. For example, if another process is already under way, we are barred from acting on it. If, for example, in a reprisal case, a complainant has filed a grievance, we cannot act on it. So there's a structure, certainly, within the act, that goes to what we can and can't do, and there are certain procedural issues as well. Also, there are indications in the act, for example, that we are to conduct all our investigations on both reprisals and disclosures as expeditiously and as informally as possible.

That has resulted, in my view, and based on my experience, in a very high number of cases that we do not deal with for any of those reasons. For example, if we feel that the Human Rights Tribunal or the Human Rights Commission would be more appropriate, we would not seek to duplicate the Human Rights Commission's process. Rather, we would respect that and try to avoid duplication of process, expense, and the possibility of conflicting decisions.

The Chair: That would be even though the intent of the legislation was essentially to protect employees of government as they would come forward with respect to any wrongdoing within government.

Mr. Joe Friday: Yes, it is wrongdoing as defined in the act. But the commissioner is given discretion to determine whether another more appropriate process is available. And she is, as I say, prohibited from acting if another process is actually engaged. That, plus the definition of wrongdoing, as it exists, and the size of our office, could support the argument that we weren't created to be all things to all people. Rather, we exist to deal with those rare cases of serious wrongdoing, in the public interest, that we investigate and report on in the public interest.

• (1220)

The Chair: Thank you.

We'll go to Mr. Shipley.

Mr. Bev Shipley (Lambton—Kent—Middlesex, CPC): Thank you.

And thank you, witnesses, for being a part of today's forum.

Mr. Friday, I'm going to go back to an earlier discussion. Actually I've worked in a small municipal office, and when one has 22 employees, it actually just amazes me, because I can tell you that in an office of 22, very much is known about a lot of things, about a lot of people. It's just the way it is.

What I'm hearing now is that actually that didn't happen. You had 50% of your people quitting for whatever the reason, and flags didn't seem to be flying up. One person is carrying the load here, quite honestly—the commissioner. But having had access to those types of situations...a little more responsibility usually falls beyond just the one person. Did no one speak?

And secondly, though it was a union environment for the employees—to follow up on the Auditor General's comments, did they go to the union? Was the union non-responsive in terms of their queries? If they didn't go to the internal people to say, “Mr. Friday, we've got a problem here, and these are the issues that are coming up”, then did they go to their union? Unions are actually supposed to be there to help support them and to carry on their issues and take their grievances, and all that sort of thing. But quite honestly, in this report I'm not reading about any of that. There has to be some sort of a tie-in. I need to understand whether this person had such an iron thumb or was so dictatorial that actually people were just afraid and they didn't speak.

Secondly, in terms of the guidelines, the three years—and this may go back to the Auditor General, Madam Fraser. We have drafts. Those likely are thought of being in place in some way on a daily basis. Do those guidelines have to be invented? Can the guidelines be brought from other areas within...concerns of departments in terms of how we're going to treat people, how the process is going to work? Would they have had to be invented? Or can they be incorporated and brought in?

Three years, to me, is another issue. I just don't understand that long timeline.

I'll leave those questions because I want to get an answer to them.

I'll start with Mr. Friday, and then to you, Auditor General.

Mr. Joe Friday: Thank you, Mr. Chair.

I'm not aware of any formal grievance that was filed in our office.

I can't really speak on behalf of the unions, of the role of the unions. I can say that the unions are a community that we have reached out to and made presentations to. And I can tell you that in some of our investigative work, it is not uncommon for us to have someone who we would be talking to—either making a disclosure or even in the course of an investigation—having union representation.

With respect to internal guidelines on human resources and human resources management, we do have our human resource services provided externally because we are such a small office. We don't have internal capacity. We pay for that and we get good service and we do have access to labour relations experts. We have, for example, the internal conflict management system policy in place that is government-wide and someone who is occupying the role of officer in that regard.

Mr. Bev Shipley: Madam Fraser.

Ms. Sheila Fraser: Chair, just briefly, the guidance we were looking at was with relation to the allegation concerning the carrying out of the mandate. So we were looking to see if there was guidance to staff on how to conduct investigations and that sort of thing.

We didn't get into the broader guidance that may have existed for human resource management.

• (1225)

Mr. Bev Shipley: Auditor General, I believe you said you're going to be meeting with officers in January. Do you see, coming from that, some direction, recommendation, proposal that could be brought forward, obviously before the six months, in terms of the selection process?

Ms. Sheila Fraser: No. We would be looking more at our accountability to Parliament and how we can provide assurance to parliamentarians and the public around the management of our office and around the conduct of carrying out our mandate.

I really think the whole question of appointments and the process that goes to that should go to senior personnel at Privy Council Office. They are the ones who do the vetting and the process there.

The Chair: Thank you, Madam Fraser.

Monsieur D'Amours.

[Translation]

Mr. Jean-Claude D'Amours: Thank you, Mr. Chair.

Mr. Friday, earlier you said that you were hired in February 2008. I would like to know the percentage of files that you may have worked on, in order to do evaluations or make recommendations.

[English]

Mr. Joe Friday: Are you asking how many files I have personally given advice on?

Mr. Jean-Claude D'Amours: *Oui.*

Mr. Joe Friday: I would have to review the numbers carefully.

[Translation]

Mr. Jean-Claude D'Amours: It could be between 0% and 10% or between 10% and 20%. We could even simplify the matter and say that it was somewhere between 0% and 25% or between 25% and 50%. You must have some idea of the percentage involved. We are not talking about 25,000 files here. I am asking you to express the number as a percentage rather than in units in order to make things easier for you.

[English]

Mr. Joe Friday: I'd estimate about half the files.

[Translation]

Mr. Jean-Claude D'Amours: You made recommendations or assessed the process in 50% of the cases?

[English]

Mr. Joe Friday: If I can explain—

[Translation]

Mr. Jean-Claude D'Amours: Just a moment. You are talking about 50% of the files. Subsequently, were all those recommendations or suggestions, however you refer to them, respected?

[English]

Mr. Joe Friday: I cannot think of a case in which the recommendation was not accepted. The process of coming up with a recommendation, as I tried to explain earlier, involves a number of stages and steps, debate, discussion—

[Translation]

Mr. Jean-Claude D'Amours: Mr. Friday, given that you are still acting and that you are appearing today, I would like you to send us an exact list indicating the date that each complaint was received by the commission, from the beginning, the nature of the complaint, the name of the person at the office who determined the validity of the complaint, the date on which the decision was sent out, the date when and the reason why the complaint was dismissed, as well as the repercussions of the decision, if applicable. We are talking about 6 questions, at least with regard to the 228 files. No case has been specifically named.

[English]

The Chair: Mr. Friday, Monsieur D'Amours must be looking for a matrix. I know you're probably going to say we have to respect the Privacy Act, and everybody expects you to do that, but is there some way to get a matrix that reflects his request?

Mr. Joe Friday: I think it's essential to respect the confidentiality requirements of our work. The very nature of our work depends on confidentiality. People will only come forward if they feel comfortable doing so confidentially.

I can look at producing a breakdown of the types of cases and the types of—

[Translation]

Mr. Jean-Claude D'Amours: Mr. Friday, I'll make life easier for you. There are six questions, and the name of the person who determined the validity of the complain is the only piece of information that could be more sensitive. Tell us what level the person is at, or if it is really a problem, just disregard that question and answer only the five others, which do not raise any confidentiality issues since they do not involve disclosing any names. Only the dates and the nature of the complaints need to be disclosed. They can be described in general terms. It does not have to be very specific. It is important for us to have that information.

In conclusion, let me address the Auditor General.

Ms. Fraser, the Canadian population and the public service are currently—

• (1230)

[English]

The Chair: Mr. D'Amours, one moment, there's a point of order.

Mr. Young.

Mr. Terence Young: I'm trying to understand how this helps the committee in our current consideration—and it doesn't.

The Chair: I'm not going to rule it out of order just yet. I think Mr. Friday can probably give us an indication. I've given him an opening already. If it can't be done under the privacy regulations, that's fine.

I think it's okay for Mr. D'Amours to ask a question. It's up to Mr. Friday to give him a response that he can or cannot use.

Mr. Friday.

Mr. Joe Friday: Thank you, Mr. Chair.

We can provide the information we have that does not involve violating our confidentiality provisions or the legislative provisions respecting personal or confidential information.

[*Translation*]

Mr. Jean-Claude D'Amours: I cannot imagine that providing the date when a complaint was submitted could raise a confidentiality problem. So I am asking you to send us that information, Mr. Friday. If I am not satisfied, we will discuss it again.

Mr. Chair, let me finish with a question for the Auditor General.

We know that the people, as well as the public service, may have serious concerns about the Office of the Public Sector Integrity Commissioner. At the Canada Revenue Agency, there are also incidents that have to do with companies such as construction firms and so forth.

Considering the way in which things developed with regard to your report, do you agree with me that even today, any employee of the public service would still hesitate to call on the Office of the Public Sector Integrity Commissioner to indicate things are not working well in the system?

Ms. Sheila Fraser: Mr. Chair, I find that to be a very harsh judgment.

[*English*]

The Chair: She's just giving the answer. Let her. She just says it's a

[*Translation*]

very harsh judgment.

[*English*]

She can stop there, no problem.

[*Translation*]

Ms. Sheila Fraser: We see that an acting commissioner was appointed today and that he will begin on Monday. Mr. Friday has already said that there would be an external review. We therefore note that measures have been taken to restore the credibility of the office. It is my hope that people will continue respecting the mandate of the office and submitting complaints or allegations, if they have any.

Mr. Jean-Claude D'Amours: The least we can say is that the perception is bad.

[*English*]

The Chair: That's all, thank you.

[*Translation*]

Ms. Sheila Fraser: I cannot answer that.

[*English*]

The Chair: Mr. Hawn.

Hon. Laurie Hawn (Edmonton Centre, CPC): Thank you, Mr. Chair, and thank you to the witnesses.

I'd like to follow up on that one just a little bit. Obviously, when something goes wrong, you try to fix it. I commend you for the actions you've taken, because it is all about people having confidence in public institutions, and you're taking strong action in that direction. I commend you for that.

Moving forward, Mr. Friday, are there clear criteria for what constitutes grounds for an investigation when you get a complaint? Are there clear criteria for that? How many people would look at that to make that judgment? How much objectivity or subjectivity is applied, and do you see changes as a result of what's happened, or just changes to your normal process to what those criteria might be?

Mr. Joe Friday: We would be guided, Mr. Chair, by the provisions of the act, first and foremost. For example, the wrongdoing must occur within the public sector as defined. The public sector has particular inclusions and exclusions in that definition. For example, the Canadian Forces are not included in the definition, nor is the Canadian Security Establishment or CSIS.

A wrongdoing can come from a member of the public as well. It still must be within the public sector. A reprisal can be made only by a public servant or a former public servant.

The definition of wrongdoing in the act is also a filter, if you will, for us to determine where we can act. Our guidance comes from the act itself. We then have the review function that I explained earlier, including opinions, other information, and guidance that we've developed to guide people through that process.

On the file management and documentation front, which the Auditor General's report has clearly indicated is problematic, we have begun to take steps as well in that regard. Prior to the issuance of the report, we do have documentation standards, timeframes, and clearly defined roles and responsibilities.

• (1235)

Hon. Laurie Hawn: So it's a pretty objective process rather than being subjective?

Mr. Joe Friday: I think it's objective, and it has also, Mr. Chair, contributed to a number of different levels. It's not that one person has a file next to another person who has a file and they undergo two different processes. The tracking and review process is consistent.

Mr. Chair, if I can add, this past summer we actually went through a rather extensive process mapping exercise to ensure that the number of times a file is touched by any given person in any given role is both appropriate and adequate, but also will result in as efficient a process as possible.

It's very important for us to do that, as the number of complex investigations increases. We do have some very complex and lengthy investigations under way right now, involving multiple allegations, multiple disclosures, and different types of wrongdoing sometimes within the same file.

The processes are designed to support a timely review, keeping in mind, of course, that we're directed by our act to be as informal and expeditious as possible.

Hon. Laurie Hawn: I understand.

Madam Fraser, you talked about a couple of changes that you would see in the act. I know you're not in the business of writing legislation, but would you see those as relatively straightforward and simple or complex? And you said you were looking at others. Do you have any hint of what some of those others might be, or the scope of the situation?

Ms. Sheila Fraser: Just to clarify, Chair, we have not done a review of the act. I don't think it would be appropriate for us to do that. I think the office and others, obviously, have commented. There have been comments in newspapers and elsewhere about issues within the act.

We started to do the investigation under the Public Servants Disclosure Protection Act and realized, first of all, we could not deal with allegations of reprisal, because only the commissioner can do that. Secondly, it precluded us from speaking to former public servants, which of course was very important. So those were two issues that we saw in doing this work. I'm sure the office may already have a list of things they would like to see reviewed in this.

Hon. Laurie Hawn: Mr. Friday is smiling. Could I ask if you're developing a list of those, and do you think they'll be fairly straightforward, or are they going to be fairly complex?

Mr. Joe Friday: Mr. Chair, we are working on a list. We have actually a leading expert in the administrative law field in Canada who is an adviser and member of our team, and who is spearheading that from a technical legislative amendment perspective. We also have a project under way to assess and measure performance under the act from more of a policy perspective. So we do have a review project under way.

That review will not be ours, of course. Under the act, it will be an independent review under the direction of the Treasury Board Secretariat. But we do have a working list of amendments that we are putting together and discussing.

Hon. Laurie Hawn: I know you can't be very definitive, but is there any kind of a timeline on that?

Mr. Joe Friday: We are aiming, Mr. Chair, to support the five-year review. It's a five-year review defined by the act. So that would be April of 2012. We are I think well under way in at least putting together our more technical amendment issues at this time. Some of the other issues going to performance measurement are more difficult to do in a shorter period of time because they don't allow you to have the same window, if you will, to take that measurement. But we are looking at being as ready as we possibly can be to support the five-year review exercise.

Hon. Laurie Hawn: Okay. Thanks.

The Chair: Thank you, Mr. Hawn and Mr. Friday.

You, of course, have read the report, Mr. Friday. On page 8, paragraph 19, the third bullet point, it says:

...the Commissioner prepared and circulated information about the complainant within PSIC, which included leading the preparation of four binders comprising 96 documents and totalling more than 375 pages of information about him, circulating at least 50 emails about him, and involving at least 6 of her staff in these activities....

You're still confident about the mandate. You're confident about the atmosphere and the productivity. But you were the general counsel. Didn't this bother you at all?

• (1240)

Mr. Joe Friday: Mr. Chair, the information that I understood the commissioner to be collecting and requesting was for her to prepare herself to participate in the audit. The audit went to a very wide range of issues: human resource management, performance pay, interaction with staff, as well as all her mandated functions. The commissioner was putting together information requesting from staff access to information within our files. That was provided to her for that purpose. What the commissioner's prep binders looked like...I can honestly say I didn't see the binders.

The Chair: Okay.

I have two other speakers who want to get a second round. I've been very generous with time for everybody, but I'm going to try to limit you to two minutes maximum. That includes the answer.

Madame Faïlle.

[*Translation*]

Ms. Meili Faïlle: Mr. Chair, let me express my concerns and share with you my feeling of déjà vu. I dealt with cases at the Immigration and Refugee Board of Canada. Some board members had misbehaved or had committed reprehensible acts. Some files were reviewed. I would like an answer regarding the mandate for the external review.

Who will make up the committee for external review? Who will determine whether decisions are upheld or overturned? Who will decide the eligibility criteria for files to be reviewed? Could the Auditor General's Office validate the mechanism before it is implemented?

The Chair: Is the question addressed to Mr. Friday?

Ms. Meili Faïlle: Perhaps Ms. Fraser could answer the second part of my question. Could the Office of the Auditor General validate the mechanism prior to its implementation? A little earlier, we heard that there was going to be an external review. What are the rules governing that review? Who will be on the committee? How will it work? Could the Auditor General share with us her thoughts on that?

The Chair: You have 40 seconds.

Ms. Sheila Fraser: If the PSIC wishes to have our opinion on the process, we would be pleased to offer it.

Ms. Meili Faïlle: Does the PSIC wish to have the Auditor General's opinion?

[*English*]

The Chair: Mr. Friday, do you have anything to add to that response?

Mr. Joe Friday: *Merci, monsieur le président.*

The decision will be that of the interim commissioner, but speaking personally, I would have absolutely no difficulty working with the Office of the Auditor General. I think we feel we know each other very well by now.

[*Translation*]

The Chair: Thank you for not going over the allotted time.

Mr. D'Amours, the floor is yours.

Mr. Jean-Claude D'Amours: Thank you, Mr. Chair.

Ms. Fraser, do you believe that this matter would warrant the appearance of the clerk of the Privy Council before this committee to explain the hiring process for the Public Sector Integrity Commissioner of Canada? I would ask you to keep your answer brief because I have another question for you.

Ms. Sheila Fraser: If the committee has questions on the appointment process in general, you should call on the Privy Council. I would find it highly unlikely that the Privy Council could discuss a specific case, given the confidentiality rules and Privacy Act.

Mr. Jean-Claude D'Amours: Thank you.

Mr. Chair, since this is an issue of interest to our committee, I would like for us to debate a motion calling on the clerk of the Privy Council and Ms. Ouimet to appear before the committee. There are many questions that have been left unanswered in this matter. It appears that rumours have been started in the hope that the blame will be put on others. We need to hear from these two individuals.

At the start of the meeting, Mr. Young said that we had not ordered them to appear. I believe that the committee should now debate a motion calling on Ms. Ouimet to appear, along with the clerk of the Privy Council, or some other official from the Privy Council Office, at the next meeting of the committee.

•(1245)

The Chair: If you want to move something, you will have time to do so once we have given leave to our witnesses.

[*English*]

As soon as the witnesses leave, I gather that Madame Faille....

[*Translation*]

Ms. Faille, is it a point of clarification?

Ms. Meili Faille: Yes. Would it be possible to call back certain witnesses, if the committee decides to study an issue further? Personally, I would have other questions to ask. I see that we are short on time.

The Chair: How do you say in French....

[*English*]

in English, I'm in the hands of the committee, and certainly the committee—

[*Translation*]

Ms. Meili Faille: I would not want this to cut into our time, because I might have other questions.

[*English*]

The Chair: We're going to move into the business of the committee as soon as I give the witnesses an opportunity to leave. So you can raise that question. We'll have about 10 minutes to do it.

On behalf of the committee, let me thank the Auditor General and her office, the Office of the Public Sector Integrity Commission, and Mr. Nelson from the audit committee for sharing their time with us. It may have appeared to be a little rough for some witnesses, but I'm hoping that none of you will walk away from this thinking that the committee wasn't interested in getting to the bottom of something that would help this committee and other committees in Parliament. I thank you for your responses.

If committee members want to offer season's greetings for all of you, whether it's Christmas or anything else, I do so on behalf of the committee. I'll give them all an opportunity to say that on their own because we're going to suspend for a couple of minutes before we go to business.

Merci beaucoup.

•

_____ (Pause) _____

•

The Chair: Thank you, colleagues. There are a couple of issues that have come out of this meeting.

The question that emanated from Mr. D'Amours and Madame Faille is to reconvene some of the witnesses and, without shaping the language of the committee, to re-extend the invitation to others who had received an invitation, on short order or not, and were unable or unprepared to come forward. That is something we might want to spend five minutes on.

Mr. D'Amours, do you want to re-propose whatever it was you said?

•(1250)

[*Translation*]

Mr. Jean-Claude D'Amours: Mr. Chair, I thought that I had made myself clear. I raised a point of clarification because I thought we had done more than simply invite them to appear. Mr. Young said that it was only an invitation, that there had not been a formal request to ensure their attendance. So if that is the case, we should call on those two individuals whose names I mentioned at the start of the meeting. It would be useful for the Standing Committee on Public Accounts to hear from those two individuals and others, if necessary or possible, at our first meeting after the break.

An hon. member: In 2011.

Mr. Jean-Claude D'Amours: In 2011.

[*English*]

The Chair: Mr. Kramp.

Mr. Daryl Kramp: Chair, respecting Mr. D'Amours' request, and also not wanting to.... I understand that committees are masters of their own destiny; we have who we want, when we want.

But I'm wondering if it would be appropriate to have our clerk contact the government operations committee as well, so we don't end up completely overlapping and duplicating. Obviously it's an issue they're consumed with as well. We could see where their witness status is. Whether we can either parallel it and/or do it in tandem and/or let testimony come out at one...I'm not sure.

I'm wondering perhaps if between now and Thursday the clerk could ascertain the status of the entire process and the witness list from the government operations committee and report back to us on Thursday. At that point we could make a decision as to who we want, where we want, and when.

That's just a thought. It might be more efficient and effective.

The Chair: Mr. Bains.

Hon. Navdeep Bains: As much as I appreciate the suggestion, Mr. Kramp, regardless of what I believe the other committee is doing, it is clear we have a mandate here. After the report, and as in the discussion we had today, there are a lot of gaps.

You, yourself, said in committee that it would be good to have both of them so we don't have this one-off, "he said, she said". Regardless of what the government operations committee is doing—and maybe we can work with them—I am of the view that we need to have her appear before the committee.

A lot of the questions that were raised today were focusing on the process, of course, but also on the report. It is definitely within our mandate and I think it should be pursued.

The Chair: Mr. Young.

Mr. Terence Young: Chair, could you please reiterate what the clerk told you with regard to trying to contact Madam Ouimet?

The Chair: As I said earlier, there was an effort to contact her. We identified a phone number for her residence, left a message, and followed that message up with another phone call, leaving another message. As of yesterday we had received no response, and we don't have her here today.

With respect to the Privy Council, everything is as I said earlier on. There wasn't an indication that there was an unwillingness to come; it was that Tuesday was a bad day. There is cabinet, and after cabinet he was briefing the Prime Minister. People are reasonable....

Mr. Shipley.

Mr. Bev Shipley: I just have a question about the steering committee and our agenda.

I don't have the agenda here, but we've had a line-up of either reports or...coming forward. I'm just wondering where we are with that and whether the steering committee wouldn't be the appropriate place to consider what's coming up, how that schedule is going to work out, and how we fit in.

I'm not opposed to having her here, if we can find her, and anyone else coming here. I'm just trying to understand the process with the steering committee and what we have on the docket. That's all, Mr. Chairman.

So I would say that maybe it should go to a steering committee. I don't know when you meet, whether it's tomorrow or whatever day it is, but that might be the appropriate place.

• (1255)

The Chair: Thank you, Mr. Shipley.

This committee had already accepted the steering committee's tentative agenda for discussions when we come back. I say "tentative", because if we didn't have something else, we would make a decision to go with what was put on the table.

What is being proposed now, from what I gather—and I don't know whether Mr. D'Amours is quoting Mr. Young accurately—is the suggestion from last week that if people aren't responsive, they can be directed to come here. I don't want to use stronger language, but when they receive an invitation from the committee, the chair, on behalf of the committee, can say very, very strongly, "Show up."

So you don't need a steering committee to make a decision on whether you're all in agreement. It appears that everybody is in agreement. You just have to say, "Yeah, make that effort", and we'll make that effort again.

Mr. Terence Young: To be clear, Mr. Chair, what are you going to say? Are you going to send a letter directing Madame Ouimet to appear before this committee? Is that your suggestion?

The Chair: Well, I don't think that's our intention with the Clerk of the Privy Council. He gave us a very reasonable response. He said, "I'd like to come. I'm in cabinet, and I can't be in two places at once." If he's not in cabinet the next session, that rationale doesn't arise.

So what do we do, other than to say, "Look, we'd like you to come. Thanks for saying you wanted to come. Are you available now?"

With respect to Madam Ouimet, she hasn't responded to two requests. The language can be as strong as required to indicate to her that she can't be in contempt of a committee of Parliament. You don't have to be threatening. You just have to be able to say, "Here are the facts of life. You know what they are."

An hon. member: [*Inaudible—Editor*]

The Chair: Well, we won't know unless we go ahead. We have an address for her. No, actually we have a phone number for her, and we can go from there. I can't imagine that we don't have an address for her, as she's in receipt of a whole series of things.

I'm just interpreting what you're all telling me, that there's a sense that you want to do this.

Mr. Christopherson.

Mr. David Christopherson: Thanks, Chair.

I've been listening carefully, because we've never undertaken these kinds of things lightly, including holding a second hearing, and particularly doing something that ultimately leads to what is tantamount to a subpoena. We want to do these things very carefully, very rarely, and cautiously.

I have to tell you, though, given the fact that the former commissioner doesn't agree with the audit and says it's wrong, given the fact that this is not just any position—and it's not just any deputy position for that matter—but we're talking about an officer of Parliament, whose role is to be a safe place to go to when there's wrongdoing, it seems to me that we are entirely justified in pursuing this further with her. I think you're right that everybody is in agreement on that.

My concern is that if we don't immediately give you, Chair, the authority to recommend to the House that we take the ultimate action to have the witness appear, then we're going to be back here again in six or eight weeks in exactly the same position. That's my concern, that if we don't bite the bullet now and give the authority for the big stick, if you will, to be used, then what will happen is you will get enough weeks under your belt, water will go under the bridge and new issues will come along, and then slowly it will drift away. The fact that the person is an officer of Parliament is the thing that really, really resonates with me. There really is no higher position, other than having oneself elected to a seat in that House.

So I'm in favour of what's being talked about. I don't like the idea that someone who is appointed as a commissioner, with that kind of money, can just cut and run and hide, and not be accountable at the end of the day, at least once, for what went on when they were given that kind of power and authority and paid that kind of money. The

Canadian people at least deserve to hear what went on there, particularly when the commissioner wants to just rush off and say, "I disagree with the report, it's not right" or—I don't know, as I haven't heard the words—"It's not fair", and then run away and hide. That just doesn't work.

● (1300)

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

I'm going to take this as an indication that the committee wants the chair to issue a letter to get her here as quickly as possible, and that the discretion rests with the chair to get, I think your language suggested, Parliament or the House to do that.

But I think there are a couple of steps first, and I'm going to take it that everybody agrees that the chair should at least go through the first one and say, "You're coming." Okay?

Some hon. members: Thank you.

The Chair: I'm sorry, Mr. Young, but we're already past our time.

Mr. Terence Young: Just for the record, I don't support this movement with Madame Ouimet.

The Chair: Okay. Thank you.

The meeting is adjourned.

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