



House of Commons  
CANADA

## Standing Committee on Public Accounts

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PACP • NUMBER 044 • 3rd SESSION • 40th PARLIAMENT

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EVIDENCE

**Thursday, February 10, 2011**

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**Chair**

**The Honourable Joseph Volpe**



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• (1530)

[English]

**The Chair (Hon. Joseph Volpe (Eglinton—Lawrence, Lib.)):** Thank you, colleagues. We'll begin this meeting number 44 with orders of the day and committee business. I note that our witnesses are here. After some discussion with government members and others, I want to thank them for taking a seat in the back. Typically we would take about five minutes to do our pre-business, but the chair has been given an indication that we might actually be engaged in discussion of a motion that would take us well beyond five to 10 minutes.

We don't know that for sure, but it might happen, so thank you very much for being understanding. We may be here for a little longer than we had anticipated, but once again, to all of our witnesses, thank you for taking those seats.

Secondly, I think we have before us a group of journalism students from Carleton University who have been assigned to cover a committee meeting.

Just wave. Thank you. Welcome. I think you've already had your first lesson: we never know what's going to happen in committees. So we plan and plan and plan.... And was it Robbie Burns who said that the best laid plans of mice and men—he didn't include women in that—often go astray? So here we are. Anyway, you're all welcome.

Let me try to deal with the easiest things first, if you don't mind, colleagues. Then we can go on to other issues.

First of all, we have the seventeenth report of your subcommittee. Your subcommittee met on Wednesday, February 9, 2011, “to consider the business of the Committee and agreed to make the following recommendations”.

Of those two recommendations, there is an additional document that has been distributed to everyone regarding item 2. That has to do with the invitation to attend the biennial conference of the Australasian Council of Public Accounts Committees taking place in Perth, Western Australia, from April 27 to 30, 2011.

There were three options. I believe the committee gave us an indication to think of the one that's before you.

Mr. Saxton? No?

Mr. Kramp.

**Mr. Daryl Kramp (Prince Edward—Hastings, CPC):** Mr. Chair, we've had some discussion, of course, amongst all the members. We discussed several of the options and a number of

considerations were given. It would certainly be the government's position right now—and certainly my own personal opinion—that at this particular point, during a time of obviously anticipated restraints, etc., we not take advantage of the opportunity to go. Also, the fact is that we would not be active participants; we would simply be observing.

If we were active participants, I think we would have a responsibility to be there and, quite frankly, our interests would be well served, but we should not do during this particular period. I've listened to my colleagues across the table who have also expressed a fair bit of hesitation, for a wide variety of reasons. I just throw that out to the floor in suggesting that we should not entertain it at this point.

• (1535)

**The Chair:** Okay.

**Some hon. members:** Agreed.

**The Chair:** Okay. I guess the report will show that the committee has declined to accept the offer provided to us under item 2. Agreed? Thank you very much.

On item 1, everything is okay? Thank you very much. So we approve that report as amended.

Thank you.

Just before I go into the notice of motion, I'm very conscious of the fact that some people asked me the other day about some communication.... We had a little bit of a problem and I didn't want to embarrass anybody. We have received from the clerk information that has come to us as a result of questions that arose in committee meetings from some of the witnesses. There are two documents from the Auditor General, one from Transport Canada, another from the Privy Council Office, and another from Treasury Board. I just caution all colleagues that you do have those; they all should have been in your offices. They may form part of the discussion we have here.

Just before we end that, I should tell you as well that pursuant to the meeting we had on Monday regarding another issue, which may come up again in a moment, my office has received a series of inputs of information, and there's at least one that has gone to the clerk's office. When I receive information, whether it comes by mail, e-mail, or telephone, my practice is that it be identified and that we know who it's from. Once I verify these issues, I share them with the committee.

I'm especially conscious of the situation that on occasion people send Hotmail-addressed e-mails. My first reaction is to find out the source. If it's a legitimate thing, then we share it with the committee. If it's not, I either throw it in the round file or establish a file that committee members can see in the clerk's office if they so wish.

Now, Madame Faille, are you ready to move your motion?

[*Translation*]

**Ms. Meili Faille (Vaudreuil-Soulanges, BQ):** Yes, Mr. Chairman, I am ready to table my motion. I read it last Tuesday so that it would be on the record. I sent it in writing to the clerk.

I am asking that the departments involved in the study provide us with the correspondence they exchanged with Ms. Ouimet and her office concerning the Auditor General's report and investigation, so that we can study this file and have in hand all of the documents concerning the Auditor General's report. Strangely, in the list of organizations involved one finds the Canadian Human Rights Commission and Status of Women Canada, because they have shared services and offer services involving human resources and financial activities. The report in fact mentioned concerns in that regard.

I want to discuss a small amendment to the motion. I would like the committee to receive these documents by February 24 so that we have them in hand when we meet these organizations or departments.

• (1540)

[*English*]

**The Chair:** Madame Faille, thank you very much for making that change so that it does indicate that you really mean, for example, in the English at the bottom, in both official languages by February 24.

[*Translation*]

It will be the same for the French version.

[*English*]

Debate?

Mr. Kramp.

**Mr. Daryl Kramp:** Chair, with the greatest respect to my colleague across the table, who I've worked with on committee for a number of years now and who I know is diligent in her work, I think we have a procedural dilemma here. I'm asking you to declare this motion out of order at this time, for the simple reason that the issue at hand was discussed by our committee in various forms, but the committee did not come to a conclusive agreement on either the scope or the direction of the motion.

To seek to expand the terms of reference of this motion to something we still haven't even come to an agreement on initially is I think really presumptuous, and of course it's definitely premature. You can't go down the road until you turn on the key in the vehicle. In other words, first of all, we have to have a motion passed by this committee to agree to the terms of reference for the study, in order to see whether that's expanded or it isn't. If this committee were to agree to expand the terms of reference, then Madame Faille's motion would be in order.

But the committee has not come to an agreement yet. Should we come to that agreement, we could go down that road with the order. In other words, I believe we really can't expand the scope—which is the request of this motion—if we haven't even authorized the original motion.

That's why, Chair, I would ask you to rule this motion—at this time—out of order. I say that with the greatest of respect for Madame Faille, because I understand her intent, and quite frankly, the government agrees with her intent, and I agree with her intent personally. If we were to proceed down the road with the issue, we have to do it properly, and “properly” says that we can't go ahead with an expanded agenda when we haven't even really first of all come to an agreement on that agenda, period.

**The Chair:** Mr. D'Amours?

**An hon. member:** [*Inaudible—Editor*]...point of order?

**Mr. David Christopherson (Hamilton Centre, NDP):** Well, he's asked that it be ruled out of order. That's different from a debate that it ought not to be passed—

**An hon. member:** That's right.

**Mr. Daryl Kramp:** That's correct.

**Mr. David Christopherson:** —so I'd like an opportunity to comment on the point of order, Chair, before you rule.

**The Chair:** I'm going to let the argument go on the point of order.

**Mr. David Christopherson:** I think Mr. D'Amours is indicating that his point is on the point of order too.

**The Chair:** Yours is on the point of order as well?

And yours as well?

**Mr. David Christopherson:** Yes, sir.

**The Chair:** Okay. Thank you.

Mr. D'Amours, and then Mr. Christopherson.

[*Translation*]

**Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.):** Thank you, Mr. Chairman.

[*English*]

Yes, I want to comment on this. I was ready to make a few comments, but I think we have to understand that in the past—and the clerk may confirm this—we have some precedents on an issue like this one. Not a long time ago, we talked about the West Block document, if you remember.

• (1545)

[*Translation*]

This allowed the committee to adopt a broader approach than we had in the beginning. The committee is master of its own decisions. Moreover, this motion was discussed and was submitted over 48 hours ago. So you can't simply say that it is out of order. There are precedents, and the clerk can confirm that. I think that this motion is entirely in order. And on this topic, I would like to read Standing Order 108(g). I am going to read it in English so that everyone understands me.

[English]

**It states:** Public Accounts shall include, among other matters, review of and report on the Public Accounts of Canada and all reports of the Auditor General of Canada, which shall be severally deemed permanently referred to the Committee immediately after they are laid upon the Table;

[Translation]

I said at the last committee hearing that we had to move this matter forward. I don't understand why once again we are being prevented from having access to these documents. The same thing happened in the case of the West Block issue. This is very important with regard to the public's trust and that of the public servants who work for the Canadian government. In addition, we are told that you would like to set this motion aside to study it more closely. I don't understand why we, the members of the committee, don't have the right to have access to this information.

[English]

I do not understand why some try to make sure that we don't have access to those documents. I think the public accounts committee can do its own job. If the public accounts committee thinks we should have these documents, I don't understand why we should wait.

**The Chair:** Mr. Christopherson.

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

I appreciate being able to comment on the point of order. For what it's worth, I think the point of order is in order. In other words, I don't think this has already got any kind of a clear passage. I disagree with Mr. D'Amours that the 48 hours suddenly means that it's in order. My opinion is that it's in order to challenge whether it's in order.

Having said that, either to you or through you, Chair, if you'll permit, I'm just a little unclear on Mr. Kramp's usage of saying "expand the terms of reference". Again, before we get to the substantive part of the motion at hand, I'm on the point of order. Mr. Kramp believes, if I'm understanding correctly, that it's outside the existing terms of reference, and therefore, in the absence of a motion expanding it, it's therefore out of order. That's his case, Chair.

Again, through you, Chair, if I might, to Mr. Kramp, I don't understand what the initial terms of reference are that would require a motion to expand. Pretty much what we deem to be relevant to our work is in order, if decided by a majority.

Help me understand what you mean by "terms of reference" and that therefore we need a motion to go outside them. I'm not getting that part of it.

If you'll permit, Chair...

**The Chair:** Of course, I'll permit you. I'd rather do this thing as best we can.

Mr. Kramp, do you want to just respond? I guess it's just for clarification—

**Mr. Daryl Kramp:** Yes, I would, just for clarification.

Our original focus, of course, is to respond to the report of the Auditor General. The Auditor General's report was supposed to be on the conduct and/or the office of Madame Ouimet. As such, that was a clear sense of direction. Now there has been some discussion as to expanding beyond that and going into other officers of

Parliament, calling other extensive witnesses, etc. I'm not going to suggest that shouldn't happen, because, quite frankly, I think there's a great deal of anticipation that more information would potentially be required.

But what I'm suggesting.... And the government is certainly not against hearing further information, but we have to do it in a procedural manner, and the procedural manner says that if we are going to deviate and go into areas that are not ordinarily within the context of the public accounts committee and/or we are going to go in directions that do not respond to the original report of the Auditor General, then so be it, but first of all, we would have to pass a motion that suggests that we are going in that direction.

If we pass that motion, then Madame Faillie's motion would clearly be in order. Then we can debate the merits of it, the how and why, and I'd be prepared to do that at length and prepared to make amendments that would be reasonable and that I think most members would find accordable. But I do believe that it's important that we do not move beyond.... If we are going to move away from our own procedure, we have a problem, because an issue isn't automatically... just because it's tabled doesn't mean that it's automatically in order. We have to go through a procedure.

That is my only concern: it's not the content and it's not hearing from witnesses. I'm quite delighted to do that. That's our job. I'm as eager as anybody else, but we first of all have to dot the i's and cross the t's before we go on. We haven't done that. That's why I've suggested this is out of order.

Should this committee pass that sense of direction to expand our scope, which we have the latitude of doing, arguably...we would discuss that, but if the committee decides that, then we go in that direction. But I really think that to just automatically accept this right now, we're really getting onto dangerous ground, because where do we go? Then are we going to accept any motion on the floor whether or not it pertains to the actual working of the committee...which would be debatable.

● (1550)

**The Chair:** Thank you, Mr. Kramp.

One moment, please. I want to keep things in order.

You asked for clarification on a point of order, Mr. Christopherson. Let me just finish one at a time.

**Mr. David Christopherson:** I just needed that for clarification. Now I can comment.

**The Chair:** Comment on the...?

**Mr. David Christopherson:** On the point of order.

**The Chair:** On the point of order. Right.

**Mr. David Christopherson:** My question was for clarification. There was no sense in me giving a big opinion when I'd misunderstood what he said. I was seeking clarification. Now I just need half that time to give you my opinion.

**Voices:** Oh, oh!

**The Chair:** Is it a promise that it will be half that time?

**Mr. David Christopherson:** It's a promise that I'll try.

**The Chair:** All right....

**An hon. member:** [*Inaudible—Editor*]

**The Chair:** I've got a list, so is yours a point of order or is it a point of clarification?

**Mr. David Christopherson:** Where are you going? I've got the floor.

**The Chair:** Yes, I know, but he's trying to interrupt—

**Mr. David Christopherson:** Well, I realize he is, but so what? I've got the floor.

**The Chair:** I've got the mike.

**Voices:** Oh, oh!

**Mr. David Christopherson:** Yes, well, I'm getting closer.

**Voices:** Oh, oh!

**Mr. David Christopherson:** But I still need you to say it. Just because I say it, that doesn't count; I need you to tell me I've got the floor.

**The Chair:** You've got the floor—

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

**The Chair:** —because your colleagues have said they want to hear you.

**Mr. David Christopherson:** I'm sure they do—just so I'll shut up quicker.

No, I hear what Mr. Kramp is saying.

At the risk of divulging discussions that we had at the steering committee, I understood your point when we were talking about the witness list and whether it...because that is once removed. We don't normally bring in the public, per se, unless there's a very specific reason—for instance, if someone's name is mentioned, or their company or something.

But in this case, Chair, my point is that I think this is very much within.... Well, Mr. Kramp uses “terms of reference”; I think it's definitely within our area of responsibility.

If I understand correctly, Madame Faillie's goal is to look at what kind of correspondence may or may not have been taking place between central agencies and the commissioner. And since part of our mandate is to determine why this happened so that we can make recommendations that it not happen again, it seems to me that if there is evidence of advice being given or the lack thereof, or a request for help that wasn't received, and we don't know what that dynamic is, then that information is very relevant for us to determine whether or not this was an individual who was given the kind of supports that they should be given as an officer of Parliament, or whether there's a dearth of supports.

We don't know: maybe she was out there in the wilderness crying for help and nobody was responding. This would shed light on how much, if any, support, and to an appropriate level, was coming from the central agencies that are there both to support our officers of Parliament and to provide them with guidance and advice when they're carrying out their functions.

I think it's very, very much in order, and I disagree with Mr. Kramp that it requires any kind of motion to make it in order.

So my position would be that you should rule in favour of the motion being in order.

Thank you, Chair.

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

Mr. Bains.

**Hon. Navdeep Bains (Mississauga—Brampton South, Lib.):** Thank you very much, Chair. I'll be very brief.

I believe this is in order and well within the scope of this committee. The terms of reference that Mr. Kramp alluded to earlier I think are clearly outlined in the motion in the first sentence, where it says “with regard to the report by the Auditor General on the Public Sector Integrity Commissioner of Canada”.

That clearly outlines what the terms of reference are and why this information is required. It will help us deal with the Auditor General's report, and essentially allow us to make a more informed decision for the recommendations that we want to pursue.

So I support this motion, and I think it's definitely in order.

**The Chair:** Thank you.

Mr. D'Amours.

[*Translation*]

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

I wanted to say earlier that in order to submit a point of order, one has to speak to one of the provisions of the Standing Order. What I read regarding the fact that the committee may study other things than what the Auditor General has submitted to us was clear. We don't need to limit ourselves to specific documents.

You may be handing down a decision soon and afterwards I would like to make some comments on the motion and not on Mr. Kramp's point of order. I maintain my position which is that the committee is free to make its own decisions. It is clearly stated that according to the committee's mandate, it may study other things.

•(1555)

[*English*]

**The Chair:** Mr. Kramp, a last comment on the point of order?

**Mr. Daryl Kramp:** Yes, just very briefly, Chair.

This recommendation is obviously going outside the boundaries of our normal course of duty. The reason I say this is that we're talking about many other independent officers of Parliament who could potentially be called, whereas the report of the Auditor General presents, and I'll read it here, “the results of our audit of the allegations related to the conduct”—not the office, but the conduct—“of the former Public Sector Integrity Commissioner of Canada as a deputy head”.

Now, if we are going to go beyond that into who knows where, I'm just suggesting that this matter should be pushed forward in an argument and/or discussions by this committee. If this committee authorizes that, then so be it. But to make that decision without first having understood that we are in contradiction of our original intent in responding to this...?

Sure we're the masters of our own direction. We can go where we want to go. But we should go with the agreement of the committee as passed by a motion or passed by a direction. At that point, then we go. But to just go off ad hoc, based on any motion that's tabled, without first of all having agreement from this committee—that's why I said it's a point of order. It's not a point of argument. It's simply a point of order.

**The Chair:** Thank you, Mr. Kramp.

Thank you, colleagues.

I think the motion is in order, Mr. Kramp. It's part of the mandate of the public accounts committee. On December 9 the committee decided to study the Auditor General's report on the Public Service Integrity Commissioner and anything that flows from that, so I think the committee has already made the decision to give itself the parameters to complete that particular study. For that reason, I'm going to rule that the motion is in order. I'm prepared to hear discussion of the motion itself.

I'll go to Madame Faille first if she wants. Otherwise, I'll just take a speaking list.

[*Translation*]

**Ms. Meili Faille:** I explained the reason why I have submitted this motion. I only mentioned the organizations that were identified in the Auditor General's report. Earlier, Mr. Christopherson explained the purpose of my motion very well.

As Mr. D'Amours said that he wanted to make some comments on the motion, I will yield the floor to him.

**The Chair:** Thank you.

Mr. D'Amours.

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

I am entirely in agreement with the motion submitted by my colleague. I would however like to submit one or perhaps even two amendments. We have to see whether we could agree on a friendly amendment. I would like us to add two specific points. I would like us to ask for a copy of Ms. Ouimet's letter of resignation, as well as a copy of the agreement which may have been concluded between Ms. Ouimet and the Government of Canada. I would also like us to replace the date of February 24, 2011 by that of February 14, 2011 and I would like you to let me explain why.

In the near future Mr. Walsh is going to appear before our committee. We agreed on that this week, Tuesday. I think that we should have the documents before Mr. Walsh's appearance so that we will already have in hand all of the information and can ask Mr. Walsh all of the necessary questions. This would allow us to not have to ask him to appear again because we are missing certain documents. Perhaps the date could be the subject of a friendly amendment. I am going to repeat what I said earlier.

• (1600)

[*English*]

I would like to add: to receive a copy of the letter of resignation and also a copy of any agreement made between Madame Ouimet and the Government of Canada based on the resignation.

**The Chair:** Before I go to Mr. Saxton, Mr. D'Amours, on your amendment, you'll have to tell us exactly where you want those points to be put in Madame Faille's motion. If you have it written down, would you share it with us so we can make sure that it goes in the appropriate place, for the record?

[*Translation*]

**Mr. Jean-Claude D'Amours:** As to the date, I do not think this is complicated. We simply have to replace the 24<sup>th</sup> with the 14<sup>th</sup>.

**The Chair:** We have to include the proposed amendment in the main motion exactly where you suggested it.

[*English*]

**Mr. Andrew Saxton (North Vancouver, CPC):** Thank you, Mr. Chair.

I'd like to respond to Mr. D'Amours' proposed amendment to the motion.

My recollection is that the reason Mr. Walsh is coming before this committee is to advise us on how we should proceed with the non-compliance order and the subpoena of the former Public Sector Integrity Commissioner. It has nothing to do with reviewing these documents.

I think Mr. D'Amours' request that the date be moved from February 24 to February 14 is out of order because it has nothing to do with Mr. Walsh's purpose and reason for coming to this committee.

**The Chair:** Okay.

[*Translation*]

Mr. D'Amours, you have...

**Mr. Jean-Claude D'Amours:** No, not yet, but I would like to make a comment on what was just said.

[*English*]

**The Chair:** Colleagues, just a moment. We're just trying to get the information situated appropriately so that we can make a...

Go ahead, Monsieur D'Amours.

[*Translation*]

**Mr. Jean-Claude D'Amours:** Thank you, Mr. Chairman. I have almost finished what you asked me to do earlier. I would like to get back to the reason behind my amendment.

You will remember that I raised some concerns this week during Tuesday's meeting. These concerns have stayed with me and in fact have gotten worse, because I saw in an article in the media how information was being conveyed concerning Ms. Ouimet's situation. It seems that according to certain members, Ms. Ouimet had gone abroad.

[*English*]

If you remember well, I had said that the business card was removed. One day somebody was there and one day somebody was answering the phone, but Madame Ouimet, for some members, was out of the country.

[*Translation*]

As you will remember, I was indignant. Indeed, how could people say that Ms. Ouimet was outside the country unless they had information on that?

I would like to read you some excerpts from an article published in iPolitics.ca on February 9, 2011. I have copies for all of the members in both official languages. I will also give a copy to our clerk.

This is what the article says: “A neighbour told iPolitics that she spoke to Ms. Ouimet last week. But her comings and goings are now unclear. The former Public Sector Integrity Commissioner is not opening her door, neither to journalists nor bailiffs.”

Ms. Ouimet seems to be moving about, going here and there, as we can see. The former Public Sector Integrity Commissioner is not opening her door to journalists or bailiffs, but she speaks to neighbours. And yet people are trying to make us believe that Ms. Ouimet has gone on holidays, that she will come back at a given point but that no one knows when. However, business cards disappear, nieces answer the door, the people who answer the phone are no longer there, but the neighbours are talking to Ms. Ouimet or Ms. Ouimet has been talking to her neighbours. And this was no later than last week. While we the members of the Standing Committee on Public Accounts cannot even manage to contact Ms. Ouimet, the neighbours for their part had no difficulty reaching her.

The objective of my amendment is clear and simple, just like my colleague's main motion. I am going to finish drafting my amendment, Mr. Chair, and show you where we want to include it. I was frustrated Tuesday and I am even more so today, when I see that we the members of Parliament cannot obtain information, while the neighbours are talking amongst themselves and talking to Ms. Ouimet. This is passing strange.

•(1605)

[*English*]

As was said, “One neighbour told iPolitics that she had a conversation with Ouimet last week”.

[*Translation*]

**The Chair:** Thank you.

[*English*]

Thank you for giving us the indication of where you'd like to have that. I appreciate your desire to explain why you've moved that amendment, but as some members will probably say, that goes to your explanation, let's go to the substance of the motion, because that's what we're speaking to, and he's proposed an amendment....

Allow me to speak for a moment while the clerk and the staff situate it in an appropriate place so that you can read it. But I think colleagues have heard his amendments, or his proposals, and if they'd like to speak on them, that's great.

I think I had Mr. Christopherson...no, I didn't have you first, actually, but go ahead.

**Mr. David Christopherson:** You're breaking my heart here, Chair.

**The Chair:** Yes, I know.

**Mr. David Christopherson:** I thought I was first in your—

**The Chair:** No, I was just looking at the list—

**Mr. David Christopherson:** Am I on?

**The Chair:** Yes, you're on.

I've got you on, and then Mr. Saxton.

**Mr. David Christopherson:** I'm on? Good. I'll be very brief.

Actually, I was just asking if the mover of the motion would be kind enough to make his amendments in two parts—an amendment and an amendment to the amendment—simply because I'm with him on the letter of resignation and any signed agreements. I think those are very pertinent to our work.

I have a problem with the 14th. Number one, I think it's a bit tight in terms of fairness to the people who have to actually deliver these things. Secondly, I'm with Mr. Saxton: the briefing with Mr. Walsh really is not tied to these documents at all or this motion, so it seems to me that we could put a more reasonable date in there, still go ahead with Mr. Walsh, and then go on. I don't think we lose anything. So I disagree with the notion that these documents would form a relevant part of our briefing with Mr. Walsh at this time.

**The Chair:** Just so that I keep it clear in my mind while I go to others, you're not in disagreement with the amendment, but you are with the date.

**Mr. David Christopherson:** Yes. I'm trying to find a way to support the main motion, to support the idea of the two letters—I seek your help—but I do want to be able to cast my negative vote on the date change—

**The Chair:** On the date side. Okay.

**Mr. David Christopherson:** —because I don't agree with that piece.

**The Chair:** Thank you.

**Mr. David Christopherson:** So I'll leave it with you to structure it in such a way that I can vote that way. That's all.

**The Chair:** Okay.

Mr. Saxton—

**Mr. David Christopherson:** That's why you get the big bucks, Chair.

**The Chair:** Yes.

Mr. Saxton.

**Mr. Andrew Saxton:** Mr. Chairman, may I pass the mike to my colleague, Mr. Kramp, please?

**The Chair:** Sure. It's not a problem.

Mr. Kramp.

**Mr. Daryl Kramp:** Thank you, Chair.

I have another amendment I would like to make, Chair. Would you prefer to finish the proposed amendment? What would be the order of procedure in order for me to present another amendment that would be acceptable to the chair?

**An hon. member:** [*Inaudible—Editor*]



**Mr. Daryl Kramp:** No, to the original amendment.

**The Chair:** Thank you, Mr. Kramp. I really do appreciate what you're trying to do to help the committee and to help the chair and the process along. Let's deal with the one that's here first, okay? Then we'll come and take yours.

• (1610)

**Mr. Daryl Kramp:** That's fine.

**The Chair:** Mr. Saxton.

**Mr. Andrew Saxton:** Mr. Chair, along those lines, I'd like to ask this of my colleague, Madame Faillie.

You want the documents up to February 8. In fact, the former commissioner resigned on October 18. I'm just wondering why that date is not October 18 and why it's extended to February 8? February 8 is an arbitrary date, whereas October 18 is a real concrete date. That's when something happened.

**Ms. Meili Faillie:** February 8 is Tuesday, when I proposed the motion.

**Mr. Andrew Saxton:** I know, but it's an arbitrary date.

**The Chair:** So it's just a question of information on why one date was chosen as opposed to another. It's a little bit like asking, as well, or making it a comment as well that the 14th is an arbitrary date that might not necessarily fit into the calculation. Is that what you're asking: why the 18th and not the 17th or the 19th?

**Mr. Andrew Saxton:** Yes. I would expect that date to be the date on which she resigned, unless there's a very compelling reason why it shouldn't be that date, which is October 18, 2010.

**Mr. David Christopherson:** There is—

**Mr. Andrew Saxton:** Okay. I'd like to hear it.

**Mr. David Christopherson:** If I may, Chair, it seems to me that the reason I'm supporting that date being in there is that if there were any follow-up contact from those central agencies upon her resignation, I'd like to see it. I'd like to know exactly what the central agencies do when there's an abrupt resignation like that. I'd like to see the follow-up material, if there is any.

**The Chair:** Okay. I think we're okay with that. Now I'm just going to ask Monsieur D'Amours this, because Mr. Christopherson was kind enough to ask me if I could make it easier for him to distinguish one from the other.

On your date of the 14th, are you flexible on that date?

[Translation]

**Mr. Jean-Claude D'Amours:** Yes, Mr. Chair, I am flexible concerning the date. I suggest that we put in February 19 rather than Monday February 14. In my opinion, it would be reasonable that we receive the documents by February 19.

[English]

**The Chair:** Okay. I think the main concern was that Monday might be a little too tight. Also, it wouldn't likely have an impact on what the law clerk would provide by way of information from a procedural point of view for the committee. Whether the subsequent day or two days afterwards or three days afterwards...it's already contained, I think, in the spirit of the motion: get us the information

so that we can deal with it once we have the legal and procedural parameters before us.

Mr. D'Amours has removed the 14th as the date. Okay? Let me read the amended motion so that you can see where the amendments fit in. That's important. I'd like to read it rather slowly so that our interpreters have it, and that will be the record.

[Translation]

I am going to read the motion in French so that the interpreter can give us a precise translation in English. Agreed?

Pursuant to Standing Order 108(1)(a), with regard to the report by the Auditor General on the Public Sector Integrity Commissioner of Canada, the committee asks the Treasury Board of Canada Secretariat, the Privy Council Office, the Canadian Human Rights Commission and Status of Women Canada to produce all correspondence between their offices and the Office of the Public Sector Integrity Commissioner of Canada for the period from April 30, 2009 to February 8, 2011;

[English]

This is the amendment:

[Translation]

“in addition, that a copy of the letter of resignation and of any agreement between the Government of Canada and Ms. Ouimet following her resignation...

[English]

That's the amended part. It continues:

• (1615)

[Translation]

I will continue: “ [...] and that these documents and files be submitted to the committee in both official languages for the meeting of February 19, 2011.”

**Mr. Jean-Claude D'Amours:** We should say “prior to February 19, 2011” because there will not be a meeting on February 19.

[English]

**The Chair:** *Merci.*

That's the amended motion.

I'm going to call for a vote on the amendment of Monsieur D'Amours.

Those in favour?

[Translation]

**Mr. Jean-Claude D'Amours:** Mr. Chairman, could we hold a recorded vote, please?

**The Chair:** Very well.

[English]

Unless, of course, all colleagues just simply say “yes”.

**Some hon. members:** Yes.

(Amendment agreed to)

[Translation]

**The Chair:** The amendment carries. So we do not need a vote. I am going to move now immediately to the main motion as amended.

**Mr. Jean-Claude D'Amours:** I am asking for a recorded division.

**The Chair:** No, I am going to put the same question.

Do all the members accept the motion as amended? Yes?

We have the unanimous consent of all of the members of the committee. No vote is necessary.

Thank you, colleagues.

Mr. Kramp, you had a question.

[English]

**Mr. Daryl Kramp:** Yes. Thank you, Chair.

In the spirit of trying to move this case forward, I'm hoping to get the same kind of collegial cooperation from my colleagues that we've just afforded.

My apologies to our invited guests today. I'm very sorry to keep you in abeyance. I would hope that we would get through this as quickly as possible.

I have an amendment that I would like to make, Chair, accompanied by a disclosure form, which I will table for the chair, that comes from the office of the public sector.... It's documentation. It's right there. My amendment comes directly from the actual form that is here for you. I have this here, and I will deposit that with you, Chair, should you wish. It's a federal government document.

So we would certainly—and we could—support the motion by Madame Faille with this following amendment. Where it says on this document “from the Office of the Public Sector Integrity—

**Mr. David Christopherson:** A point of order, Mr. Chairman.

**The Chair:** Mr. Kramp, one moment, please.

**Mr. David Christopherson:** We've already passed the main motion.

**The Chair:** We dealt with Madame Faille's motion as amended already—

**Mr. David Christopherson:** Yes, we already passed it. So this is an amendment to what...?

**Mr. Daryl Kramp:** No. We dealt with Mr. D'Amours' motion, not Madame Faille's motion.

**Mr. David Christopherson:** Yes, we did. We did.

**Mr. Jean-Claude D'Amours:** The motion of Madame Faille.

**Mr. Daryl Kramp:** No.

**Mr. Andrew Saxton:** Our understanding is that we dealt with Mr. D'Amours' motion, and that's why Mr. Kramp stood down—

**Mr. Daryl Kramp:** Mr. Chair, if you'll recall, I said I had an amendment to make—

**Mr. Andrew Saxton:** And you said to wait until we dealt with Mr. D'Amours' motion.

**Mr. Daryl Kramp:** Yes, Chair; you said to wait until we dealt with that.

[Translation]

**The Chair:** Very well, but I asked the question in French, and in French everyone was in agreement to pass the motion as amended.

[English]

**Mr. Daryl Kramp:** That was Mr. D'Amours' motion.

**The Chair:** No, Mr. Kramp, I asked for a vote on the amendment.

Initially we asked if there was going to be a recorded vote, and government members said no need, because we agree.

I then called for a vote on the main motion as amended. I asked if colleagues had the same disposition and would accept it.

[Translation]

I said that in French, and everyone was in agreement. I don't know what we have to do.

[English]

Mr. Kramp, the reason that we didn't go to your amendment was that we were going to deal with that first.

Mr. Christopherson.

**Mr. David Christopherson:** On a point of order, Mr. Chair, I agree with you. We did approve the amendment and we did approve the main motion. But I, as one member, don't want to walk away with that and the government—a whole caucus—feeling that they just misunderstood.

So I would propose to my colleagues that, number one, we start being a little more finite. This has happened before where we're unclear; even if it's a quick show of hands, it provides that line. I would urge that we kind of get back to that. It helps us make things crystal clear. I won't get into it here—I can't in public—but we had the same issue come up at steering committee.

Chair, I would ask you, and I would support any motion or attempt that would have us do this, to go back and recognize that the amendment to the amendment passed, that the main motion is still before us, and accept Mr. Kramp's right to place an amendment on that main motion, just in fairness. I don't see anything to be gained the other way other than for someone to feel like they've been tricked or had. That's no way to operate.

So I'm quite prepared to accept that the amendment has passed, the main motion is in front of us, and therefore Mr. Kramp—and any other member—is entitled to place a motion of amendment in front of the main motion.

● (1620)

**The Chair:** Mr. Christopherson, thank you for attempting to be very helpful.

Obviously, as you know, there's never an intention to mislead anybody.

I guess, Mr. Kramp, when I saw you with the paper, I wondered what it was you wanted to table.

We can do this one of two ways. As Mr. Christopherson has suggested, I can ask the committee for the same unanimous consent to reopen that decision, and I can give you an opportunity to present an amendment.

Or—and I will ask colleagues for consent on this as well—you could move it as a motion on its own. I have no problem with this at all. I think colleagues are disposed to accept it.

So how would you like to proceed? We want to be collegial and we want to get this done.

**Hon. Navdeep Bains:** Mr. Chair, this is not a point of order—

**The Chair:** Go ahead, Mr. Bains.

**Hon. Navdeep Bains:** —but the reason I want to speak on this is that when Mr. Kramp did allude to it earlier on in the conversation, my understanding was that, when I signalled to you as well, Chair, saying let's deal with the amendment that Mr. D'Amours was dealing with first, the amended motion would be voted on; that then we would go back to that main motion, which was being amended; and that Mr. Kramp then had the intention of providing, I believe, his amendment.

So there was a genuine misunderstanding, and from my point of view, I think that's where we should stand. I agree with Mr. Christopherson: I think there was genuine misunderstanding.

When Mr. Kramp alluded to the fact that he wanted to make an amendment, he was alluding to the fact that he wanted to make an amendment to the amended motion. And we wanted to vote on that first. That's how I interpreted it as well, Chair, when I was speaking to Mr. Kramp off the record and not through you.

**The Chair:** Mr. Bains, thank you very much for that.

I'm going to ask for the unanimous consent of the committee just to reopen things so that we have that vote.

The amended motion is now the main motion. Madame Faille's motion as amended by Monsieur D'Amours, which everybody has accepted, is what Mr. Kramp is going to address with his amendment.

Mr. Kramp, you have the floor. You've given me these documents. Please tell me what you'd like me to do with them before you give us your amendment, just so that I'm aware.

**Mr. Daryl Kramp:** I would like you to table them with the committee in case anybody wishes to look at them.

**The Chair:** I'm the only one who sees what's here. Do you want to take a moment to tell everybody what it is that I'm holding?

**Mr. Daryl Kramp:** Yes. It is a disclosure document. It's the rules of disclosure from the Ethics Commissioner's office.

I will read from the document, and I would just propose that this would be part of the motion.

**The Chair:** Do you want this to be distributed to everybody?

**Mr. Daryl Kramp:** It's on the back page, actually. I'm reading from the back page.

We could support the motion by Madame Faille, where it says in this document from the Office of the Public Sector Integrity Commissioner of Canada that:

The disclosure process is confidential. Your identity and other information provided to the Office of the Public Sector Integrity Commissioner when making in good faith a disclosure about a wrongdoing will be protected to the extent possible under applicable laws. Such information obtained or created by the Office of the Public Sector Integrity Commissioner in the course of an investigation into a disclosure cannot be released under the Access to Information Act or the Privacy Act or the Personal Information Protection and Electronic Documents Act. This information is held in Personal Information Bank PSIC PPU 005 and you have the right to access this information in accordance with the Privacy Act.

What I'm saying is that this committee uphold the intent of this document and ask for further guidance and clarification from the Privacy Commissioner of Canada. What we're asking for with this, basically, is to have the Privacy Commissioner comment on this document before this committee. As such, then, I would suggest that it be added to Madame Faille's motion, and we would support that motion.

•(1625)

**The Chair:** All other colleagues are at a disadvantage because they don't have what I have in my hand. Mine is only in English.

Mr. Kramp, I can have you sit with the clerk in a moment to see exactly what that amendment is and what your intent might be.

I'm holding onto several of these things. I've just heard your last comment and I'm trying to see where everybody else is at. I think if someone were to be quizzical for a moment, to try to see exactly where we're going and what you want to do, I think that would be understandable.

Colleagues, if you will bear with us for a moment, we will suspend while we get that sorted out. You don't have to go anywhere.

•

\_\_\_\_\_ (Pause) \_\_\_\_\_

•

•(1640)

**The Chair:** Colleagues, if you don't mind, please take your places around the table.

I'm looking at the clock, and I feel uncomfortable, on your behalf as well, for the fact that we've had witnesses who had planned to come here and have waited this long for us to go through our deliberations. It's taking a few minutes to try to coordinate what the main motion might be.

Given that we may be here for a little longer, I thought that as a courtesy I would ask colleagues around the table if they would allow me to give the witnesses the opportunity to leave, with our apologies for having taken this amount of their time. I don't think we'd like to keep them any longer. They're welcome to stay, of course, but I think it would be unfair for us to ask them to stay and maybe be here until 5:30.

We'll try to make arrangements at another time. We appreciate that you have been this patient with us.

I've consulted with just some colleagues during a discussion here. If there's anybody who thinks that's an inappropriate action on the part of the committee, please say so. Otherwise, I'll thank all of our witnesses for their time.

Mr. Saxton.

• (1645)

**Mr. Andrew Saxton:** Mr. Chair, there is another option that we haven't discussed, and that is just tabling the motion and then asking our witnesses to go ahead. I propose that.

**The Chair:** Thank you.

**Mr. David Christopherson:** There's a problem with that, though. The motion has timelines in it and we need to get the main motion passed.

**Mr. Andrew Saxton:** Yes, but I think—

**Mr. David Christopherson:** So you're willing to pass that and then do what with your motion...?

**Mr. Andrew Saxton:** With our amendment included.

**Mr. David Christopherson:** Oh well, no, that's going to require some discussion.

**Mr. Andrew Saxton:** I'm just trying to—

**Mr. David Christopherson:** I appreciate that, though, Andrew. That was really good of you, really—

**The Chair:** Thank you for being helpful, Mr. Saxton.

**Mr. Andrew Saxton:** I'm just trying to—

**The Chair:** Those who wanted to leave a couple of minutes ago appreciate the fact that you delayed them another two.

All right. Thank you very much, witnesses—

[*Translation*]

**Mr. Jean-Claude D'Amours:** Mr. Chair, I have a brief comment. To reply to Mr. Saxton, if the members of the government party had at least had the courtesy of having copies made in both official languages, that would have been better.

**The Chair:** Very well. I always speak on behalf of the members but this time, I think that I can speak on behalf of all my colleagues. I thank the witnesses for their patience.

[*English*]

All right. We have—

**Mr. Earl Dreeshen (Red Deer, CPC):** Mr. Chair, perhaps before the witnesses—

**The Chair:** Mr. Dreeshen, one moment, please.

Okay. Mr. Dreeshen, you have the floor.

**Mr. Earl Dreeshen:** Thank you, Mr. Chair.

Basically my only point was that we do have the opening statement from the Auditor General in our hands. I'm just wondering what we should be doing with it. It does talk about it not being for publication and so on, so what do we do with this?

**The Chair:** I'm sorry. I thought we were going to be dealing with

**Mr. Earl Dreeshen:** Should we endeavour to keep this private? Should we endeavour to keep this, which was going to be her notes here, confidential?

**The Chair:** Oh, okay. I think that was distributed in anticipation of it being public and all of their comments.... I guess we keep it among ourselves until—

**Mr. Earl Dreeshen:** Yes, that was my only point.

**The Chair:** I don't think they were going to say anything that wasn't intended for the public, but in fairness to everybody, for the documentation that was distributed, if you'd keep it to yourselves for your own consumption and not for widespread use, it would be appreciated.

**Mr. Earl Dreeshen:** Okay. Thank you.

**The Chair:** That was a good point. Thank you, Mr. Dreeshen.

We now have the motion. I'm going to read it. I'm going to read Mr. Kramp's amendment where—

**A voice:** [*Inaudible—Editor*]

**The Chair:** No. Actually what we were doing was trying to coordinate what Mr. Kramp was going to put down for us so that we could do essentially what we've done with Mr. D'Amours. I'm going to read it into the record. I'm going to do it very slowly and in that way you can have an indication of what it is we're discussing.

• (1650)

**Mr. David Christopherson:** On a point of order, Chair, I found that motion to be so complex that I need it in front of me to see the exact words being used.

**Mr. Daryl Kramp:** The clerk has simplified it.

**Mr. David Christopherson:** That's great, but until I have something in front of me, I don't consider myself to be prepared.

**The Chair:** I think one of the problems we have right now is that it is in one language only. If the committee is prepared to waive the rules about distributing documents in both official languages, I can send some of our staff to get a copy of the English version only. We can then read it into the record and the translation will come through the reading. I can't do that unless the committee decides unanimously to waive this.

Would you like me to ask the committee for that?

**Mr. David Christopherson:** We should ask.

[*Translation*]

**The Chair:** Ms. Faille.

**Ms. Meili Faille:** You are going to read the motion and we are going to listen to the translation?

**The Chair:** If you will, I intend to have Mr. Kramp's amendment copied and to read it in English with the amended motion so that the official and correct translation can be given to us by our interpreters.

[*English*]

Otherwise, I'm going to have to read it.

**Mr. David Christopherson:** You're asking for permission to do that and then circulate it in English only, right?

**The Chair:** Then I could have this copied, just the English version, and circulate the English version so that those who are unilingual English.... Otherwise, I have to read it and have the translators go through it. I have to do that anyway.

[Translation]

Mr. Nadeau.

**Mr. Richard Nadeau (Gatineau, BQ):** Mr. Chair, I just want to make sure that we are talking about the same thing. These people are interpreters and not translators. There is a difference. Interpreters render the gist of what is being said, whereas an accurate translation focuses more on words, the proper rendering of the words. As far as I know, we are in Canada and we have to ensure that both official languages, French and English, are respected. I think it would be good to have this document translated properly and have it become a working document. Otherwise, we may be dealing with maybes and nuances and we will not be respecting both official languages, French and English, nor translation and interpretation.

[English]

**The Chair:** *Je suis désolé, monsieur Christopherson.* I asked that—

**Mr. David Christopherson:** Well, Chair, I hear your dilemma, and I sympathize. I certainly respect absolutely my colleague's right to have it translated properly and to have it circulated as an official document. I accept and respect that entirely, but I hope that everyone would respect my right to have a motion in front of me so that I can look at the exact wording in either language and so I know what I'm voting for and I can defend it. That's my problem.

It's a little bit complex and there are some nuances to the motion. I'm not trying to stand on technicalities here, but I would like to see every word that's in there because we may have quite a debate coming, and I don't feel equipped for that unless I have the wording of the motion in front of me.

Chair, I don't want to make your life complicated, and I realize this does, but you're into a situation of rights versus rights and it seems to me the losers in this case are going to be time and efficiency. But I don't know how else to get out of this unless we pass the main motion as amended and then give Daryl the right to place a stand-alone motion. Even if it is technically an amendment, we would see it as a stand-alone and deal with it at the next meeting. That would allow us to have the timelines that are in the main motion here carried.

I would ask the Conservatives to bend a little extra to help us given that we sort of went out of our way. I'd hate to see the main motion lost with its deadlines in there because we were good enough to open it up, got ourselves caught up in some technicalities, and then when 5:30 comes along, we won't have passed the main motion. That would be a real loss.

• (1655)

**The Chair:** Mr. D'Amours.

[Translation]

**Mr. Jean-Claude D'Amours:** Mr. Chairman, I agree entirely. We have to have the document before us in both official languages. I made a small sarcastic comment before, but that is reality. This has always been the case. We want both documents in both official

languages before accepting them. If I understood correctly Mr. Chairman, a document was tabled earlier and I think it was in one language only. On that, if that is the case, we had said previously that Mr. Kramp could table a stand-alone motion. We could work on the main motion, Ms. Faillie's motion with the amendment or amendments I have presented. During that time, Mr. Kramp will have the opportunity to have his motion translated and to submit it on Tuesday. Then we will be able to study it, analyze it and vote on it.

[English]

**The Chair:** I appreciate these interventions. I'm going to entertain these other two and then I'm going to move on.

Mr. Kramp, and then Mr. Saxton.

**Mr. Daryl Kramp:** Thank you, Chair.

Once again, with respect to my colleagues, I can assure them that I absolutely have the greatest respect for the duality of languages, and if I were to be presenting a motion I would certainly have prepared it accordingly, with the respect for our second language. I only wish I could speak the language or had that capacity the way you do, but I respect that totally, and if it were to be a motion brought forward, I definitely would have done that. But this came off the floor per se, as an amendment. As such, we aren't afforded that luxury, so it's not a question of disrespect for a language.

When I brought it forward, I did realize just in bringing it forward that it is lengthy, and with the cooperation of the clerk, who has rewritten this in a very abbreviated form, I would respectfully just ask for the right to read that form into the amendment now. It's pretty clear. It's pretty short, it's pretty clean, and it's pretty simple, and you can either agree or disagree. If you don't agree with that premise, then I guess we just have to carry on with some additional discussion.

But if the chair would permit me to read the form it's in, or if the chair wishes to read the form that was provided to him by the clerk in her work to really abbreviate this, I'd be pleased.

**The Chair:** Thank you.

Mr. Saxton.

**Mr. Andrew Saxton:** I think we'll let Mr. Kramp read it since David is *d'accord avec ça*.

**The Chair:** Okay. Are you now moving the amendment?

**Mr. Daryl Kramp:** I would love to move that amendment, yes. Thank you, Chair.

[Translation]

**Ms. Meili Faillie:** They only want to table the amendment?

**The Chair:** Yes, the amendment.

**Ms. Meili Faillie:** We have no document in front of us. Is this a version that was amended by the clerk?

**The Chair:** Yes it is an amendment modified by the clerk to solve the complexity issue.

**Ms. Meili Faillie:** You are going to limit the discussion on the motion so that we can vote on it before 5:30 p.m.?

**The Chair:** I think that the matter is quite simple. In my opinion the members of the committee can make a decision quite quickly. It's a matter of saying yes or no. Perhaps we will have comments, but I am going to be very strict regarding their duration. So if you are in agreement, allow me to tell you if you have spoken too long. I want us to hold a vote on the amendment and the main motion afterwards, and to wrap everything up before 5:25 p.m.

**Ms. Meili Faille:** At 5:25 p.m.

**The Chair:** All of the members have to give their consent. I invite Mr. Kramp to submit his amendment.

• (1700)

**Ms. Meili Faille:** I agree.

[English]

**The Chair:** *D'accord?*

**Mr. David Christopherson:** As long as we vote by 5:30—I just don't want the clock to be run down.

**The Chair:** No, I'm not going to allow that to happen. If there are any interventions they will be very quick and I'll call the vote.

Mr. Kramp, please read your proposed amendment.

As I understand it, for those of you who have a sheet of paper in front of you, if you'll take a look at Madame Faille's main motion, after the words "February 19, 2011", I guess, Mr. Kramp, that is where you want to begin with your amendment.

**Mr. Andrew Saxton:** Did we agree on February 19? I thought it was February 24.

**The Chair:** We agreed with that already.

Go ahead, Mr. Kramp.

**Mr. Daryl Kramp:** Thank you, Chair.

The following would hopefully appease everyone. It would say, after 2011:

and that the Privacy Commissioner be invited to provide guidance and clarification with respect to any potential privacy concerns the committee may encounter with respect to the disclosure of documents and records requested, including the rights found in the disclosure form for all public sector employees of the Office of the Public Sector Integrity Commissioner of Canada.

**Mr. David Christopherson:** Could you read it again?

**Mr. Daryl Kramp:** I will read it one more time, with the chair's permission: and that the Privacy Commissioner be invited to provide guidance and clarification with respect to any potential privacy concerns the committee may encounter with respect to the disclosure of the documents and records requested, including the rights found in the disclosure form for all public sector employees of the Office of the Public Sector Integrity Commissioner of Canada.

We're basically covering the fannies of the members here and/or this committee in general by protecting them from any potential wrongdoing at any time from overstepping their boundaries. That is the purpose of that. I think it's pretty straightforward, clear, and simple. We are simply inviting that commissioner to come here and give us some advice, the same way as we would invite Mr. Walsh to give us some advice.

**Mr. David Christopherson:** [*Inaudible—Editor*]...thinking, because you've said. Again, that's why the wording matters. It's to provide advice on "any potential privacy concerns" the committee may have. Does that mean...?

Daryl, are you looking to have the commissioner come in and give us a briefing? Is that all we're talking about? You want that to happen before we go any further?

**Mr. Daryl Kramp:** Yes—

**The Chair:** Hold on. Before he answers, David is asking a question that I think is important for all of us to understand.

David, again, please.

**Mr. David Christopherson:** Yes, I'm thinking...what the hell was the question...? I was asking if the essence of your motion is to have the Privacy Commissioner come in and give us a briefing on some guidelines on how we would approach these things. So my question would be... What I'm trying to get past is that we're always adhering to the privacy laws. If we have a concern, we go to the experts, as we are going to Mr. Walsh on summonses and our options. So if there's a privacy concern, we usually deal with it. I'm just trying to understand why we would pass a blanket motion like this when we haven't in the past. That's all.

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

Mr. Young.

**Mr. Terence Young (Oakville, CPC):** Thank you, Chair.

As a member of Parliament, I support this amendment. I think it's very, very important. I have to say that if I were a member of the opposition, I would want this amendment. I'll explain why I would want this amendment.

Just going back to the public sector disclosure act, it assures people who come forward with a truth or an issue or a concern about the integrity of something happening within their federal workplace that the disclosure process is confidential. This is the assurance they get. After a disclosure about a wrongdoing, made in good faith, your identity and other information provided to the Office of the Public Sector Integrity Commissioner "will be protected"—and then it has say this—"to the extent possible under applicable laws".

That's us: "to the extent possible under applicable laws". Because it recognizes that Parliament and parliamentary committees can ask for such things.

We saw the previous commissioner—

Sorry, Mr. Chair?

• (1705)

**The Chair:** Mr. Young, shorten it, please.

**Mr. Terence Young:** All right. I won't read the whole thing, but let me tell you what the effect would be. Without this amendment, the effect would be that some very intelligent, experienced, and committed civil servants will simply not bring anything forward to the Public Sector Integrity Commissioner unless they want to see their names all over the newspapers three months or six months hence.

Effectively you'd be saying to them: "By the way, you will have no certainty of privacy. Parliament can and may discard this assurance. If you choose to disclose information that you deem important for good governance in Canada, you take your chances. You may be on your own". That's the message we would be sending to civil servants who might otherwise report things.

As I say, particularly if I were in the opposition, I would want civil servants to report potential wrongdoing. This would kill it. It would gut the act.

Thank you.

**The Chair:** Thank you, Mr. Young.

Are there any other comments?

Mr. Christopherson.

**Mr. David Christopherson:** Chair, again, if you're ruling on interpretation of the motion, I realize the wording is perhaps a little simpler, but it's still not 100% straightforward.... Is the essence of the motion that, if we pass this, before we hear any witnesses, we will bring the commissioner in to give us a sense of guidelines and we can ask any questions...? Is the reason, if I could ask, that this is being put forward by the government members—Mr. Kramp in particular—because we're dealing with confidential records?

Is it that we're dealing with people who believed they were being protected when they were whistle-blowing, and since we're in that whole world, let's understand what the guidelines are about privacy issues before we start hearing from anyone so that we can stay within the rules when we're colouring? Have I got it right?

**Mr. Daryl Kramp:** Exactly.

**The Chair:** Colleagues, I said we were going to limit debate, and I see us going back and forth all over the place.

Mr. Kramp, the intent has now been asked about a couple of times. It is one where we are talking about relying on a resource, on a specific legislation having to do with privacy. I think all members are conscious of that and they support it. If the intent was to get it on the record, it's on the record.

The intent, as Mr. Christopherson has asked—I think on behalf of everybody—is to have the Privacy Commissioner here. I'm not sure that would have needed an amendment. But to get that across, one of the very first things I can take from this committee today, right now, without having to vote on the amendment or a main motion is that it is the committee's intention that the clerk or the chair ask the Privacy Commissioner to appear before this committee next Tuesday, along with Mr. Walsh, to give us the appropriate guidance on any material we may receive.

Mr. Kramp, if that was your intention, then I think we can do that without having to vote on the amendment. But if it is your intention to vote on the amendment because this is what you want to do, then that's it.

I think we've clarified that. I said I wanted to end everything.

Monsieur D'Amours, you will have to be very brief, and then I'm going to call for the vote on the amendment.

[*Translation*]

**Mr. Jean-Claude D'Amours:** Mr. Chair, I don't understand why we have to include that in the main motion, as amended, submitted by Ms. Faille, when it does not concern witnesses. The motion is asking that we be given specific information. It has nothing to do with knowing whether the information to be provided by witnesses

who will appear before the committee is personal or not. The purpose of the motion is to obtain information.

Moreover, my amendment was asking that two points be added, that is that we receive a copy of the letter of resignation and of any agreement that may have transpired between Ms. Ouimet and the Government of Canada. I think that the wool is being pulled over our eyes so that we not obtain some of the information we are trying to obtain. We don't want to hear witnesses, we want to receive information on a specific matter. We want documents. I don't know why they are trying to make us believe that someone will have to explain to us whether or not we have the right to receive certain documents. I am asking that these documents be given to us. It's not complicated. I don't understand why someone should have to tell us whether or not we have the right to have documents or not. We need these documents in this committee.

• (1710)

[*English*]

We need those documents and that's what we request. It was in my amendment, and now I think we should go to the main motion of Madame Faille that includes my amendment.

**The Chair:** Well, before we go there, we have to vote on the amendment that's on the floor.

In the spirit of the collegiality that developed about an hour or so ago, I think, Mr. Kramp and colleagues, if those issues arise—and you've already agreed that you'd like to have the Privacy Commissioner here before us to give us some guidance—when the committee receives the documentation, pursuant to her advice, and if the documents provided are in any way—how shall I put it?—compromising, the committee still has another possibility.

In those instances, because we would be asking the Privacy Commissioner to come forward, the committee could go in camera and protect the identity and the personal information. That's yet another option the committee has.

I'm not taking you there. I'm just giving you an indication, Mr. Kramp, of where the committee would be going if we were to do this right now. The committee is going to have to make its own decision. The first decision has to be on the vote on the amendment, unless, of course, you decide to withdraw it.

[*Translation*]

**Mr. Jean-Claude D'Amours:** Mr. Chairman, I have one last point to make.

**The Chair:** No, there are two final points.

[*English*]

**Mr. David Christopherson:** Chair, I have some sympathy for Mr. D'Amours' concerns, but I've also worked with Mr. Kramp for many years and never has there been any occasion when what he said differed from what he did or what he was prepared to back up, including deals that were in place for months.

But I do understand Mr. D'Amours' concern. Let's be open about it. The concern is that there's an attempt to put in a filter that may deny the committee documents or people that we would otherwise get.

Might I suggest, Chair, in the interests of trying to be helpful, that out of respect for Mr. D'Amours' concerns, we deal with the amended motion separately. Then we can deal with Mr. Kramp's motion as a stand-up or simplify it even further, where we just make the case that we will bring in the Privacy Commissioner at the same time as we're bringing in Mr. Walsh: that we're going to get a briefing on the legality of summonses and what we do with the absent former commissioner and at the same time we would take advice from the Privacy Commissioner on parameters of privacy questions, issues, and documents that we might request.

If we did it separately, that would allow Mr. D'Amours to feel that nothing in here is going to be filtered out, and we would still allow Mr. Kramp to place what is probably an advisedly good move in front of the committee. I hope that's helpful, Chair.

**The Chair:** Well, thank you for taking us back to where we were about an hour ago—

**Mr. David Christopherson:** Well, it's often the case, isn't it—

**The Chair:** —but it's an important exercise.

**Mr. David Christopherson:** —that where you started is where you end up?

**The Chair:** Mr. D'Amours.

[*Translation*]

**Mr. Jean-Claude D'Amours:** Very briefly, Mr. Chair.

My last point is that when we discussed Mr. Walsh's appearance, we simply set aside the motion I submitted Tuesday and we said that we were going to invite him. I don't understand why this should be in the main motion. We will invite him to appear before the committee and this person will explain what should or should not be done. I don't know why this is included in this motion. I thank Mr. Christopherson who is willing to deal with the amended motion separately, but I still wonder why we are doing that when we said Tuesday that we would invite Mr. Walsh. We did not introduce a motion on that and we did not say that we would include it in my motion, which will be going to the House. We simply said that we would invite him.

• (1715)

[*English*]

**The Chair:** Thank you.

You can have one last comment, Mr. Kramp.

**Mr. Daryl Kramp:** Thank you, Chair.

I just don't understand why we have a dilemma. I would love to support Madame Faillie's motion.

Let's get the witnesses here, add an amendment that puts in a layer of protection for the committee and adds to the integrity of where we're going, and support Madame Faillie's motion with that amendment. Over. Done. Bring in the witnesses.

What is the problem with that?

**Mr. Andrew Saxton:** Call the vote.

**The Chair:** Yes, we're just talking about documents.

Okay. Those in favour of Mr. Kramp's amendment, please say yea.

**Some hon. members:** Yea.

**The Chair:** Those not in favour, please say nay.

**Some hon. members:** Nay.

**The Chair:** Okay. Just one second.

Colleagues, I'm going to vote nay.

(Amendment negatived)

**The Chair:** I'm not going to explain the vote, but I think all of the intentions of Mr. Kramp and his colleagues on that side of the table are ones that members on this side of the table have already agreed that we should accomplish. One of the very first things—

**Mr. Daryl Kramp:** Are you voting against the Privacy Commissioner coming in?

**The Chair:** No, we're not. The Privacy Commissioner will be invited here. So—

**Mr. Terence Young:** Chair, sorry, but I'm interested—

**Mr. Daryl Kramp:** Are we done, then?

**The Chair:** No. We now have to vote on the main motion.

**Mr. Terence Young:** I'm interested in your—

**The Chair:** I just gave you the explanation.

**Mr. Terence Young:** I'm interested in your rationale, but it sounded you were talking about the merits as opposed to what is status quo. I just wanted to be clear on that.

**The Chair:** No, I didn't say anything. I just said that I think colleagues have already made an accommodation for the intentions that Mr. Kramp outlined, and so—

**Mr. Andrew Saxton:** Can you explain what those accommodations are?

**The Chair:** No, I'm going to go to—

**Mr. Andrew Saxton:** Can you explain those accommodations, Mr. Chair? Because you just made a comment and we'd like you to back it up.

**The Chair:** We're going to have—

**Mr. Andrew Saxton:** No, just back up. You said there was an accommodation—

**The Chair:** You know, Mr. Saxton, if you ask for the question, I've got to give it to you and you've got to listen, and—

**Mr. Andrew Saxton:** I want the answer, not the question.

**The Chair:** —the answer is that colleagues have already agreed to have the Privacy Commissioner here. We're going to invite the Privacy Commissioner. We are dealing with documents; we're not dealing with individuals. And after the consultation with the Privacy Commissioner, we will then proceed according to the advice that we will receive from the experts. That's what all colleagues agree and I'm voting with that.

Thank you.

We'll move to the main motion. Those in favour of the main motion as amended? Those against?

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



**The Chair:** That's carried.

**Mr. David Christopherson:** Point of order, Chair.

**The Chair:** Okay.

**Mr. David Christopherson:** My point of order is a question in terms of procedure. Do I understand that your wording is such that you believe that you have majority support to invite the Privacy Commissioner in? Is that what I heard you say?

**The Chair:** I thought I had the consensus of everybody because I—

**Mr. David Christopherson:** Yes, I just wanted to be clear.

**The Chair:** Yes. I had the consensus. I looked around the table. I asked people before, during the debate, and I asked if anybody objected. I asked Mr. Kramp whether that was his intention.

I believe, Mr. Christopherson, that you asked him on two occasions.

Everybody seemed to agree that we needed to have the Privacy Commissioner here. We are going to invite the Privacy Commissioner. I have no doubt that the Privacy Commissioner will be here along with Mr. Walsh, maybe contemporaneously, but certainly within that same time slot that we've set aside on Tuesday. Then we take it from there.

Thank you very much, colleagues.

**Mr. Daryl Kramp:** Chair, now that you have made it very clear that you are going to do that, and it is now here, then I would support Madame Faille's motion, but unless that was clear before, I couldn't do that. That was the intent of the amendment taken through, but let it be shown, Chair, if you wish a unanimous approval of Madame Faille's motion, I don't care. We would support that, but only if you have the commitment to go forward.

**The Chair:** You know, Mr. Kramp—

**Mr. Daryl Kramp:** I'm taking you at your word. That's fine. Your word is fine, and I can take you at your word, but what proof do we have when you approach it in that manner?

**The Chair:** Mr. Kramp, if my word's good enough, then it's good enough.

I thank you. I guess you're saying that there is unanimous support for Madame Faille's amended motion. Even though it had already carried, we now want to make it unanimous. Mr. Kramp, you're a gentleman and a colleague.

Thank you.

The meeting is adjourned.

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