



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on Government Operations and Estimates

OGGO • NUMBER 022 • 1st SESSION • 41st PARLIAMENT

EVIDENCE

Tuesday, December 13, 2011

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Chair

Mr. Pat Martin

Standing Committee on Government Operations and Estimates

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• (1530)

[English]

The Chair (Mr. Pat Martin (Winnipeg Centre, NDP)): I see the clock at 3:30. I'm going to call the meeting to order. This is the 22nd meeting of the Standing Committee on Government Operations and Estimates.

Today, pursuant to Standing Order 111.1(1), we are here to consider the certificate of nomination of Mario Dion to the position of Public Sector Integrity Commissioner, which was referred to our committee on Wednesday, December 7, 2011.

I see that Mr. Wallace would like the floor.

Mr. Mike Wallace (Burlington, CPC): Yes, I have a small point of order, Mr. Chair. We know the bells are going to be ringing at 5:15, so why don't we move the committee business in camera at 5 o'clock?

I want to remind the chair that in our committee we had agreed that for the committee business.... Whether you agreed or not, the committee agreed that the committee business would be in camera, so that should have been listed on the agenda. But at 5 o'clock instead of 5:15 would be my change.

Mr. Mathieu Ravignat (Pontiac, NDP): What committee are you referring to that agreed to this?

Mr. Mike Wallace: This committee. We could take another vote if you'd like that to happen, but the committee business is always in camera in this committee and should be in all committees.

So there you go.

The Chair: Well, you've heard Mr. Wallace's recommendation regarding the study of future business for the committee.

It is true that we had 15 minutes set aside, from 5:15 to 5:30. Now that we know bells will be occurring, are we in agreement that we will conclude our interviewing of Monsieur Dion at 5 o'clock and have 15 minutes of an in camera meeting to discuss future business?

Mr. Mathieu Ravignat: Well we're certainly not agreed that it should be in camera.

The Chair: I see. Then we'll have to put that to a vote.

First of all, all those in favour of dealing with future business at 5 o'clock? Do we have agreement on that?

(Motion agreed to)

The Chair: Thank you.

There's been a motion that it be held in camera—

Mr. Mike Wallace: All future business in camera.

The Chair: That's a non-debatable motion.

Mr. Mathieu Ravignat: I'd like to have a recorded vote on that, for sure.

The Chair: A recorded vote has been called for.

An hon. member: The same as the last vote.

Mr. Mathieu Ravignat: Let's record it again. I'm not debating it; I'm asking for a recorded vote.

Mr. Mike Wallace: Excellent: you're taking away from your time with Mr. Dion. So let's record the vote.

Good thing we have the Integrity Commissioner here.

The Chair: We have advice from the clerk that the normal routine motion that we go in camera is non-debatable and the vote is held right away. When you're moving a motion that all future committee business shall be debated in camera, that constitutes a substantive motion; therefore, notice would be required.

So we can deal with it for today: it will be in camera as of 5 o'clock. But if you want to make that motion and have it formal that all future committee business shall be in camera, you'll have to serve notice. That's my ruling.

Mr. Mike Wallace: Okay. But we're in camera today.

The Chair: We'll be in camera today at 5 o'clock.

Mr. Mike Wallace: All right.

The Chair: Agreed? Okay.

Mr. Mike Wallace: Point of order.

The Chair: One more point of order.

Mr. Mike Wallace: On behalf of the committee, I want to wish you a very happy birthday today. There you go.

The Chair: Oh, wow....

Mr. Mike Wallace: You're 39 again. It's unbelievable.

The Chair: You're trying to soften me up for the rest of the meeting, aren't you?

Mr. Mike Wallace: Oh, no. We'll get into it later.

The Chair: That's very kind. Thank you for your kind wishes. I appreciate it.

Mr. Dion, we are sorry to have kept you waiting. We are very happy to welcome you here. We look forward to your opening remarks and then to asking you some questions.

You have the floor, sir.

Mr. Mario Dion (Interim Public Sector Integrity Commissioner, Public Sector Integrity Canada): Thank you, Mr. Chairman.

I have prepared some opening remarks. I guess the main purpose is to situate some of the subject matter currently being looked at in the Office of Public Sector Integrity.

[*Translation*]

I am very honoured that the Prime Minister proposed appointing me to the position of Public Sector Integrity Commissioner as the result of an advertised process held this summer. As you know, the incumbent of this position is an agent of Parliament, and that is why I am here this afternoon: to give honourable members an opportunity to consider me for the position, to answer their questions and to see if they are willing to place their trust in me.

The Office of the Public Sector Integrity Commissioner was created in 2007 under the Public Servants Disclosure Protection Act. The Office provides a safe and confidential mechanism enabling public servants and members of the public to disclose wrongdoings committed in the federal public sector. The act protects from reprisal public servants who have disclosed wrongdoing and those who have cooperated in investigations.

If my appointment is approved, my allegiance will be to Parliament and I will execute my duties of implementing the act in a completely independent and objective manner. In fact, I will continue to approach my work in the same way I have since becoming the interim commissioner exactly one year ago. This is essential, not only because the act so decrees, but also to inspire trust among those who do witness wrongdoings and who must make a difficult decision as to whether to blow the whistle. I strongly believe in the objectives of the act expressed in its preamble and I fully intend to be a key actor in giving life to its provisions in the manner intended by Parliament.

In fact, it has been only four years since the office was created as a result of the Accountability Act. It has already processed a few hundred files, but its existence, its role and the inherent limitations of its powers are not yet very well known, both within the public sector and by Canadians at large. In addition, its credibility was seriously undermined last December when the Auditor General's report was published, describing the office as being inadequately organized and questioning the reliability of its decision-making processes.

• (1535)

[*English*]

As interim commissioner over the last 12 months, I think I have taken appropriate steps to increase the office's effectiveness and thus improve its image and especially its credibility. I have taken on three essential priorities in order to re-establish harmony in the office and to cultivate its credibility.

There was a lot of doubt about the validity of the work that had been done since 2007, so the first priority was to seek a third-party

review of all the files—the 228 files that had been concluded by my predecessor—to have them reviewed quickly by a completely independent body to determine whether there were some deficiencies. If there were deficiencies, I would then be authorized to have a new look at the decisions made by my predecessor. We retained Deloitte to review those files and gave them a deadline of March 31 to complete the review. They did, and it had to be done not only rigorously but quickly. They confirmed to me at that time that one third of the files contained some deficiencies that needed to be rectified. We kept the complainants and disclosers informed throughout the process and clearly explained to them why their files would be or would not be the subject of a review.

Deloitte found 70 files that had some degree of deficiency, and I have now made decisions based upon which six full-fledged investigations out of these files will be conducted. Seventeen files that were previously closed without any further action will be re-evaluated for their admissibility under the act. I believe that within the next six months all of these files will be concluded one way or another: with a case report being filed if there's a case of wrongdoing, with a case being referred to a tribunal, or with the conclusion being reached that allegations are not founded.

This is what I've referred to simply as the cleanup operation, which we had to undertake a year or so ago because of the doubt that was cast by the AG report of December 2010.

The second priority was to staff in a permanent fashion. There were many vacant positions when I became the interim commissioner. Several individuals were on secondment or on temporary assignments, so I had to evaluate each and every one who was there and determine who would stay and who would go elsewhere, and then staff the positions. We did that. We also created some key management tools that until that point had not existed. We have now implemented a modern management structure defining the responsibilities of each staff member at every stage of the process. The AG had said the office was not properly organized, so I focused on organizing the office.

On March 31, 2011, we adopted a policy and procedures manual, building on the work that had been done by my predecessor but completing it, polishing it, and making sure that it was adequate to guide the staff in the execution of their duties. We also created an approach to training incoming staff. We have more than doubled within the existing budget the number of staff directly involved in case analysis and investigations by realigning resources and making full use of our salary budget.

We've also explored a number of alternative approaches to reducing red tape and streamlining our process. We're making full use of a recently revamped case management system, which allows the deputy commissioner and me to track the progress of each file in real time.

● (1540)

[Translation]

I am pleased to report that, in spite of a marked increase in incoming cases over the last year, we did not accumulate a backlog. We are constantly improving towards our goal of completing the analysis of incoming cases according to newly adopted service standards, which require that admissibility reviews be completed within 45 days in the case of disclosures of wrongdoing, in addition to meeting the statutorily mandated 15 days applicable to allegations of reprisal. So that was our second priority, which focused on solidifying the capacity to deal with cases by fully staffing the office with qualified individuals, while remaining within budget.

The third priority was to re-establish dialogue with our key partners. To that end, I have established a permanent advisory committee that includes three NGOs directly interested in the work of our office: FAIR; Accountability for Canadians; and Democracy Watch. The committee also includes the presidents of the two largest public service unions, Public Service Alliance of Canada and Professional Institute of the Public Service of Canada, as well as representatives from the Association of Professional Executives of the Public Service of Canada, or APEX, the Treasury Board Secretariat, and the tribunal created under the act in order to review cases of reprisal.

I am convinced that the dialogue with our partners is now reopened and that the quarterly meetings will ensure ongoing consultation and feedback on a number of important issues such as the development of policies to guide decision-making. The committee will be asked to contribute to the development of these policies from start to finish.

Our greatest challenge continues to be how to respond to criticism that no case of wrongdoing has yet been the subject of a case report to Parliament and that too few cases have been referred to the tribunal.

[English]

That's the number one criticism. We have yet to file a case report in Parliament about a well-founded case of wrongdoing.

At this stage, what I can say is that we have 115 files currently active, 35 of which are the subject of an in-depth investigation as we speak, which is two and a half times more investigations than there were back in December 2010.

My role is not to prejudge, of course, the outcome of an investigation. The Commissioner of Public Sector Integrity is a decision-maker who must rely on findings as they come up in the results of an investigation. But I think, mathematically, that it is quite fair to suggest that out of those 35 investigations, something will come out in the near future.

[Translation]

My role, as an independent officer of Parliament, is not to achieve a certain quota, but to investigate and determine the validity of each case. I must analyze each case objectively, draw a conclusion and take the appropriate steps under the law.

[English]

As are critics, I am very impatient to be able to submit valid cases to the attention of Parliament. We have already referred two cases to the tribunal on public servant protection, and I'm very impatient to refer more, but they have to be validated under the act. This is my obligation, and I intend to carry it out if my appointment is approved.

I'm convinced that my extensive experience in the federal justice sector will continue to help me with the type of leadership I hope to provide to the office. Frankly, I completely believe in the mission conferred on us by the act. I fully appreciate the importance and the potential of the office. I know that I will be able to process cases objectively by applying a number of past experiences, including my legal training, which is quite relevant to the exercise of these duties.

I would like to assure you that there is no risk that my knowledge of the federal administration will make me partial to senior management. Rather, it has given me knowledge of the culture in which the alleged acts could have taken place. I ask you to place your trust in me and to allow me and my team to fully implement the act over the next seven years.

If Parliament approves my appointment, I intend to pursue a number of key priorities that are consistent with and in furtherance of the same objectives: accessibility—to our office, real accessibility is key; competence—and I've already addressed some of the steps we've taken to increase the competence with which we carry out our mandate; and accountability to Parliament.

I have already alluded to my determination to develop policies to guide decision-making by the commissioner in order to demystify how and why decisions are made, and to inform the general public about the act, which currently is not well known. Considering how difficult it is to come forward and blow the whistle, I will also be looking at concrete ways to better assist in a true and practical fashion public servants and members of the public who are reflecting on whether they wish to avail themselves of the avenues provided by the act.

In conclusion, I am confident that by learning the lessons of the past and implementing more concrete steps, we will finally succeed in providing what Parliament first anticipated back in 2007.

Thank you very much for your attention, Mr. Chairman. I would be pleased to answer any questions your colleagues may have for me.

● (1545)

The Chair: Thank you very much, Mr. Dion, for your opening remarks.

We have until 5 o'clock.

The first questioner for the NDP will be Alexandre Boulerice. Go ahead for five minutes, please, Alexandre.

[Translation]

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Thank you very much, Mr. Chair.

Mr. Dion, thank you for being here with us today.

I would first like to congratulate you on the quality of your French. It is nice to see someone appointed by the Prime Minister's Office expressing themselves so well in French. It is refreshing.

[English]

Mr. Mike Wallace: I take my comments back now.

[Translation]

Mr. Alexandre Boulerice: Since it was created, your office has been through some very tough times under the disastrous management of the former commissioner, Ms. Ouimet, the subject of a scathing report by the Auditor General.

It was discovered that, of the 228 whistleblower cases she had received, only seven had been investigated. Her work was so difficult and so controversial that it undermined the public's confidence in this new office, in existence since only 2007. We think this is very serious, because confidence is probably the most important factor in ensuring the office operates smoothly and ensuring that whistleblowers are protected and feel comfortable embarking on the process. Yet, Ms. Ouimet got away with a golden parachute: \$354,000 in severance pay, \$53,000 in benefits she had not used, and 28 weeks of salary worth \$137,000.

Did you work with Ms. Ouimet? I would like to know if you worked with her and if you had a job in the office at that time.

Mr. Mario Dion: No, I did not.

Mr. Alexandre Boulerice: When did you arrive?

Mr. Mario Dion: In fact, I was in my living room, surfing the web, when I saw the Auditor General's report. I read it. It is not very long, only about 12 pages.

I thought it was rather strange. It is rare to see such a negative report. I was retired, but I had expressed an interest in perhaps working on certain files. That is when I was contacted and offered the position of interim commissioner. I did not even know that the act allowed for the appointment of an interim commissioner. That is how it happened. I had had no previous contact with Ms. Ouimet or with the office, except as chairperson of the Parole Board of Canada. Ms. Ouimet once came to give a presentation to our executive committee on the new legislation. Apart from that, I had not had any connection to the office.

• (1550)

Mr. Alexandre Boulerice: Thank you for the clarification, Mr. Dion.

You had to review 228 disclosures of wrongdoing. You had to work not only on the new files coming in, but also on the old files.

How do you view Ms. Ouimet's management? What observations can you share with us today, based on your experience?

Mr. Mario Dion: Of course, I had people working with me. First of all, there was Deloitte, as I mentioned earlier. I also had two special advisors who had never had any previous contact with the office. I looked at the material in each of the files. I think that many of the problems can be attributed to the learning curve. When the legislation was passed, everything had to be created from scratch. Such an office had existed in the past, but the rules of the game had changed completely. In about half of the problematic files, in about 70 of the 228 I mentioned earlier, mistakes had been made in the first

two years of the office's existence, in 2007-08 and 2008-09. Over half of the problems came from the first two years.

Indeed, there was a lack of rigour. There was not enough training. Perhaps some of the staff was incompetent. That was the biggest problem, in my opinion, in light of the files I saw.

Mr. Alexandre Boulerice: You have already begun making some changes. What measures will you put in place to ensure the necessary rigour under your watch, to encourage public servants who have something to report? They must feel comfortable saying something and not feel like they are jumping into a process that will fall flat or like they are running straight into a brick wall. I understand that quotas are not necessarily the answer, because if there is nothing to report, there is nothing to report, and we cannot invent these things. However, if people feel like things never go anywhere, public servants will not have the confidence to sound the alarm.

Mr. Mario Dion: I will address this chronologically.

We will begin by using our website more in order to inform everyone, including public servants and the general public, about the steps and method to follow.

At this time, 35 people work in the office, compared to 19 when I arrived, and our budget has not changed. Indeed, our budget has not gone up. We hired people with very specific skills, through a very exacting process. There were sometimes 60 candidates for a position. There were several interviews and a reference process. It was very rigorous. These are permanent positions. It is not a question of someone coming for three months and then returning to their previous position after that time. Rigour means longevity, and longevity means training. We adopted a much more concerted approach regarding training all our staff. There are three levels of work. Accordingly, the key words are "recruitment", "training" and "quality control", for now there is a full-time deputy commissioner, and that is his sole responsibility. He must ensure quality control before a file gets to the commissioner. That did not exist in the past.

Those are the kinds of steps we are taking. We decided to conduct random checks. Every year, we will take a random sample of files and hand them over to someone who will be able to anticipate potential problems.

[English]

The Chair: Mr. Dion, I am sorry to interrupt you. Perhaps you can continue in the context of another question.

Now, for the Conservatives, we have Mr. Jacques Gourde.

[Translation]

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

Mr. Dion, thank you for being here and congratulations on your appointment.

Canadians expect the person appointed to your position to be very competent. We looked at your curriculum vitae, which is quite impressive. Furthermore, as you said earlier, you agreed to come out of retirement in order to go back to work and serve Canadians. You have an impressive background. This is a relatively new position, since it has existed for only four or five years, and identifying all the issues is not easy. It is a rather tricky position. How will your extensive experience help you succeed?

Mr. Mario Dion: As I was saying earlier, I have always worked in the area of justice, in the broad sense. I am a lawyer by training. I chose law and I enjoy this area. The person in this position has an opportunity to enforce legal provisions. We have our own bible. This is the first time I am working in a position in which everything is written in black and white; everything that guides our decision-making comes from a single piece of legislation. It may not be the best organized piece of legislation, but we know how Parliament would like us to proceed.

My legal training is the first asset that prepared me for this position. There is also the fact that I practised law for about 10 years, at the beginning of my career. Furthermore, I also managed cases at the Department of Justice. I was responsible for the justice department's activities in the Quebec region. We dealt with thousands of files. When I became deputy minister, we had to resolve issues related to Indian residential schools. We had 16,000 active files dealing with lawsuits. Thus, I have a little experience in organizing work in a legal context and in processing files. I very much enjoy these kinds of things. I was in a similar situation as chair of the Parole Board of Canada: there were 17,000 decisions to make every year. I had to manage this stream of decisions.

As for the third and final aspect, I think I am naturally a very compassionate person. Over the course of my career, I have often worked with underprivileged clients, in particular, former students of residential schools and inmates. According to the documentation and information I have received since becoming interim commissioner, in many cases, the people involved are going through a difficult time and need to be treated with consideration and compassion. We are not dealing with just a file; we are dealing with people's lives, often people who have been made vulnerable. That was also the case with former students of residential schools, at the Parole Board, and in some cases, at the Department of Justice.

Those are three aspects that come to mind.

• (1555)

Mr. Jacques Gourde: When you started, a team was in place. Are you going to make any staffing changes? What skills will people working with you need to have?

Mr. Mario Dion: That varies according to the position. Since we are part of the federal public service, we have to follow the same rules as every federal department and agency. We have an administrative staff. Some are there to ensure that we are complying with the Financial Administration Act and all the provisions that govern the offices.

We also have analysts. An analyst has to have analytical ability and training. He or she has to know how to write and communicate. One of the problems in many of the 70 files is that the decisions were not properly documented. Shortcuts had been taken and the reasons

for the decisions were not clearly written. People in that position need to know how to analyze and write and to be thorough. They are supported by a small legal team. There are currently three lawyers who work closely with the analysts to help them with the legal side of things. Diligence is essential.

As far as compassion is concerned, I intend to explore concrete avenues such as putting someone in charge of assisting people who come to the door. It would be someone who is not involved in the decision-making process. I think it is important not to mix compassion with objectivity. I am considering ways we can help people through this rather complicated process. The law is complicated. The individual or the public servant might need help filing the claim. This is nothing new. That approach was used for the Indian residential schools claims. People helped former students fill out their forms properly so that their claim would not be denied on the basis of its presentation.

[English]

The Chair: I'm afraid your time is up, Jacques.

Thank you, Mr. Dion.

Now, for the NDP, we have Mathieu Ravignat.

[Translation]

Mr. Mathieu Ravignat: Thank you for being here Mr. Dion.

[English]

Mr. Dion, let's be honest; you know as well as I do that Canadians' confidence in your office is shaken. It's shaken because of what happened in the Ouimet era, as we could call it. Also, I understand you've examined all cases of wrongdoing left behind by Ouimet, and you have found no instances of wrongdoing. Is that the case?

Mr. Mario Dion: No, it's not. Out of those 70 cases I mentioned, six will be the subject of a full-fledged investigation. They have yet to be fully investigated, and we have 17 that we will study further. It's possible that 23 cases that were closed will actually lead to a finding of wrongdoing or to a finding that reprisal has taken place.

• (1600)

Mr. Mathieu Ravignat: From the 228 that Ouimet found, we're down to six. Is that essentially what you are saying?

Mr. Mario Dion: We're down to 23.

Mr. Mathieu Ravignat: You can understand why Canadians are not.... It's difficult for them to believe there was not one instance to date, in the 228, where we have found absolutely nothing wrong in the Ouimet period.

Mr. Mario Dion: The literature would suggest that it has been the experience in some other countries that the ratio of well-founded wrongdoings is very low. In the U.S., something like 2% of the cases that were reported were found to be well-founded. That's one explanation.

I work on a case-by-case basis. I don't care about percentages. We look at each and every case to determine whether it fits within the mandate. There are several cases that are rejected because they simply do not fit, and this doesn't apply to those cases.

We have to follow the law, essentially. Something has to be a wrongdoing as defined. Something has to be a reprisal as defined.

Mr. Mathieu Ravignat: Perhaps I can ask another question then. How in these circumstances do we restore the faith of Canadians in your office?

Mr. Mario Dion: Essentially, we can do that by better explaining what is covered, what the limitations are, how to go about lodging a complaint, and how to consult prior to lodging a complaint so as to situate and express, as well as possible, the actual complaint that you would like to pursue.

Mr. Mathieu Ravignat: So you admit, Mr. Dion, that you've essentially inherited a broken system.

Mr. Mario Dion: No, I think we have inherited a very young system, still in its infancy. With that, we have to explore how to make it work. I am convinced we can make it work. That's why I've agreed to come out of retirement and make it work. It is feasible. There's no question in my mind.

Mr. Mathieu Ravignat: Could you expound on how?

Mr. Mario Dion: Basically, we can make it work by providing adequate tools—real tools—and face-to-face opportunities to meet with disclosures, and by having somebody who knows what he or she is talking about to give advice to disclosures as to how to go about putting their case forward, and also to tell them right from the first meeting if something does not fit within the act. You tell them right there, even before they table anything.

Our role is not to stop complaints. Our role is not to pursue a complaint that isn't valid. Our role is to make sure those complaints that are valid go forward.

We can make it work through tools and a practical approach. That's what I would foster. As well, there is education of a general nature for public servants and members of the public, with our limited means, where we explain the statute.

We're not the only avenue, by the way. There are a number of avenues, such as the Human Rights Commission, for instance, or the Public Service Labour Relations Board. My reading of many of the 228 files indicates this is a very complex web of redress mechanisms that people do not fully understand. We have to better educate, basically, on what it is, what it isn't, where to go, and how to do it, and do this in a practical fashion.

I don't have a desire to reject anything. I don't have a desire to organize something so it will go forward. I'm not an advocate. I'm supposed to be somebody who makes decisions as to whether something does or doesn't fit within the act.

The Chair: You have about 40 seconds left, Mathieu.

Mr. Mathieu Ravignat: Perhaps you can expound particularly with regard to what, at this time, will be the procedures put in place in order to look at what I would call the record of mismanagement when it comes to the Ouimet cases. How are you going to go forward practically to solve these cases?

Mr. Mario Dion: We've done it already. I have made a decision in each and every one of the 70 files that were found to be defective, except for two that are still to be completed because they were huge. We will complete them soon. We're talking about 23 volumes.... Somebody had to go through 23 volumes of documentation on one of them.

We've done that. I think the so-called Ouimet era will be behind us within the next few months.

The Chair: Your time is up, Mathieu. Thank you very much.

For the Conservatives, we have Bernard Trottier. You have five minutes, please, Bernard.

[*Translation*]

Mr. Bernard Trottier (Etobicoke—Lakeshore, CPC): Thank you, Mr. Chair.

Mr. Dion, I also want to thank you for being here. I enjoyed listening to your frank and very clear responses. It is easy to see that you are more of a businessman than a bureaucrat.

I have some questions about your past experience. You have been the acting Public Sector Integrity Commissioner for a year now. Before holding that position, you had more than 30 years' experience in the public sector.

Would you say that despite your experience in the public sector, you are capable of distancing yourself enough from wrongdoing committed within the public sector?

• (1605)

Mr. Mario Dion: This is an officer of Parliament position. Throughout my career, I learned what it means to be an officer of Parliament: it is someone who acts on behalf of Parliament. That person has to be completely independent because of the nature of the duties. Legal training helps us to understand what it means to be independent and the need to be impartial. I think the time I spent in the 8 or 10 different places I have worked in over the course of 30 years gives me a good idea of the operations, the way of thinking and the culture of the public service. Nonetheless, I cannot speak to the rest of the public sector, because I have never worked outside the public service.

I know how the different levels of management operate, act and see things. I have quite a bit of experience with that. I started as a student and then I had an LA-01 position, a position for lawyers just starting out and I worked my way up to deputy minister, or DM-02. I have seen how DGs and ADMs approach things at different times and in different departments. When we are talking about reprisals, it is helpful to recognize certain behaviours. I have seen a lot in my experience. Sometimes there are subtle ways of taking retaliatory measures. I have seen it all before, which allows me to recognize and understand the modus operandi of someone who has decided to do something wrong.

This also allows me to understand financial controls. I was responsible for human and financial resources at the Department of Justice. Understanding public financial management and human resource management is important when it comes to dealing with wrongdoing. I spent several years doing that.

I have benefited from my knowledge while being very careful to maintain real independence, real objectivity and the appearance of objectivity. I was twice appointed acting commissioner for six months each time. There were three occasions when I indicated that I could not handle a particular file out of concern for the appearance of partiality based on the fact that I knew the “accused”. I made it clear from the outset that I would not be touching the file, that I had no opinion and that the deputy commissioner would deal with it. That will be my approach in the future as well.

Obviously I know people. The circle of friends is more limited than you might think, even as a senior public servant. The circle is getting smaller with people leaving on retirement. My contemporaries are starting to retire.

Mr. Bernard Trottier: Outside of that, Mr. Dion, would you say that your opinions on the public service, and your office in particular, have changed over the past 12 months?

Mr. Mario Dion: It has not really changed. As I said last night before the Senate in committee of the whole, I have seen the entire workload. There are all sorts of files. There are small files, large files, files to do with human resources, financial files, etc. There is a range of behaviours and situations.

We have to remember that there are 400,000 people in the federal public service. I am not surprised in the least that we have 115 files. My opinion of the public service is no more negative than it was 12 months ago. The situation is normal for such a large public sector.

Mr. Bernard Trottier: Would you say the public sector is changing and that people are more and more comfortable with the disclosure process when they know how it works?

Mr. Mario Dion: When it comes to the legal aspect, we are not the only option. In every department, there is a senior officer appointed by the deputy minister to handle these cases. When individuals want to disclose what they consider to be wrongdoing, an act that they witnessed, they can disclose it to their supervisor, as stipulated under the act, to the senior officer at the department or agency or to our office.

Every year, for the past four or five years, the Treasury Board tables a report on the disclosures within the departments and agencies. The numbers are going up. People are starting to become familiar with the legislation. It has been only four years. There has been change, but the legislation is far from achieving its full potential.

[English]

The Chair: Thank you, Bernard. Your time has expired.

Thank you, Mr. Dion.

For the Liberals, John McCallum. You have five minutes, John.

•(1610)

[Translation]

Hon. John McCallum (Markham—Unionville, Lib.): Thank you, Mr. Chair.

Thank you for coming this afternoon, Mr. Dion.

[English]

I understand that at the Senate last night you were asked about potential conflicts of interest—you have friends and associates in the

public service—and you said you would very clearly take action to prevent even the appearance of any such conflict.

I notice that you also spent some time working at Sussex Circle. I don't know if you think there is a potential there, among either former colleagues or clients, but what would be your attitude to potential conflicts of interest arising from that period of your career?

Mr. Mario Dion: That period of my career was a total of 18 months. I think it's important to understand that it was only 18 months. I think I carried out two projects under the aegis of the Sussex Circle. They were two short-term projects of ten days each with two clients.

Of course I have to include that one of the things I said right in December 2010 was that we needed a firm to do the individual files. I said that Sussex was obviously out of the question.

We went through a competitive process, and we called on forensic auditing firms to do it. The morning of my appointment, December 14, I resigned, of course, from the Sussex Circle, and I will continue to exercise prudence vis-à-vis any involvement directly or indirectly with former clients or with the Sussex Circle.

Hon. John McCallum: Thank you.

This is not your fault at all, but the Auditor General mentioned that it was a fairly substantial problem in the act that you aren't allowed to talk to people outside the public sector. In terms of the reputation or the limited number of cases that you've produced, is this inability to speak to people in the private sector a major factor? Would it impede your investigations in 10%, one third, or two thirds of the cases? How important is that?

Mr. Mario Dion: Off the top—I did not do an analysis whatsoever—I would say it would be 10%.

Hon. John McCallum: Thank you, sir.

Mr. Mario Dion: I'm very concerned with the fact that in several files I had the distinct impression that somebody was able to evade the situation simply by taking their retirement, by leaving the public sector.

In one case we even had a person who went to a satellite, publicly funded organization outside the public sector and then became untouchable. I have no evidence that they did it voluntarily, but I know that they became untouchable through an action on their part after a complaint had been launched.

Hon. John McCallum: That sounds like a problem.

Mr. Mario Dion: Yes.

Hon. John McCallum: I know you said you reached out to a number of open-government organizations, such as Democracy Watch and FAIR. It seems they're not entirely happy with your possible appointment. Can you explain to me what you think their major objections are and what your response would be?

Mr. Mario Dion: Their view, and I understand their view and respect their view, is that unless you're an “outsider”—i.e., somebody who has never worked in the public sector—there is a risk that you will not be objective, that you will tend to favour former colleagues or friends.

That's it in a nutshell. I think they've said relatively positive things about me, except insofar as I am a member of a class of people who they believe should not be the Public Sector Integrity Commissioner.

Hon. John McCallum: I suppose the other side of that coin is that if you come from the public sector, you have more knowledge of how the system functions.

Mr. Mario Dion: And you can take preventative steps, and you can understand the psychology much more than can somebody who comes from outside.

Hon. John McCallum: Thank you very much.

The Chair: You have 45 seconds left, if you can think of anything else to fill the time.

Hon. John McCallum: The questions and the answers were so crisp and concise that it is the end of my turn.

Thank you.

The Chair: I see you've managed to achieve what you set out to achieve. That's very good.

For the Conservatives, we have Scott Armstrong for five minutes.

Mr. Scott Armstrong (Cumberland—Colchester—Musquodoboit Valley, CPC): Thank you, Mr. Chair.

Mr. Dion, thank you for being here.

In your time as interim commissioner, after taking over what was highly criticized.... And it's highly political right now and politically toxic that you've gone in and taken this on. It's a huge challenge, and I wish you the best of luck.

In your interim role and based on the experience you have had so far, you talked briefly about some structural changes you've already made—for example, the spot checks. You might want to elaborate a bit more on those and maybe talk a bit about what further structural changes you are planning to make now if you are successful in getting the permanent role, which we assume you will be. Can you elaborate on those, please?

•(1615)

Mr. Mario Dion: I'm not planning any further structural changes at this time, because I think the organization needed and still needs some stability. So unless there is a reason.... There will be changes in the future, obviously, but none that are required at this point in time. I think we're merely starting to implement the management model we created in the last year. The spot checks are one example of one thing that we have not done yet, except insofar as before, with the 228 files concerned.... We've done that. We've done more than a spot check: we've reviewed each and every one of them.

I don't anticipate any big change except the help and assistance from somebody not involved in the decision-making change in any way. We will do that. We will define the type of person we're looking for. We will staff the position, because I think it's required. We need a person who has an approach in a certain compassionate way: access to justice is what I'm talking about.

We're meeting with officials of *le protecteur du citoyen*, the ombudsperson in Quebec. They've been in existence for 40 years. They've done things in the recent past about access to their services. We want to see what they've done. We'll do the same with some of

the other provinces and territories to define a model, an approach. That's lacking: it doesn't exist per se at this point in time. It's not done in a rigorous fashion.

But on everything else, I think we'll keep working with the structure and the people we have, and we will reassess in a year's time or two years' time. The main objective is to change the image of the office through action: coming up with actual cases of founded wrongdoing, with actual reprisal cases going to the tribunal. I think this will speak more than anything else.

Mr. Scott Armstrong: Thank you.

Canada is well known across the world for our democratic structures and principles and our institutions. Even though you're a young institution, which is growing in Canada, there are probably some things you could bring to other countries, other nations around the world, to demonstrate how this office can be effective. Do you have any ideas on how you can help other countries implement offices that are similar to what you're implementing?

Mr. Mario Dion: When I was appointed interim commissioner, I always used the analogy of how the house was on fire so I focused on extinguishing the fire. I didn't think much about the world and the neighbourhood and so on. If I am appointed in a permanent fashion.... There was some work done at the international level by my predecessor. I will read these files because I will have time to devote to it. I didn't in the first 12 months.

Mr. Scott Armstrong: Great, so that's something that may be a goal for the future.

Mr. Mario Dion: I think there will be room to do that, there's no question.

Mr. Scott Armstrong: If you could put yourself ten years into the future and look back at the accomplishments that are going to be made over the next several years, can you tell me what you would expect to accomplish over the next decade?

Mr. Mario Dion: We've done focus groups recently, and it's clear that 80% of public servants do not even know we exist. So ten years from now, I would like to make sure that the vast majority of public servants are aware that we exist and aware of what we can do and of what the act can do for them. That will be my first objective.

I would like to see a tribunal dealing with 15 cases at the same time, because the volume will be there. If we're known, there will be a volume. Four hundred thousand people: it's a large public sector. So a tribunal...the machinery is there and it's awaiting the cases. We have two cases. The chair of the tribunal is extremely determined as well to make this work. Justice Martineau is the chairman.

So case reports to Parliament would become a bimonthly affair. Every two months or so, there would be something coming up to Parliament. It's not that I wish wrongdoing to happen; I'm just being realistic. With 400,000 people and \$250 billion a year, I don't think it's too much to anticipate this type of volume ten years from now.

Mr. Scott Armstrong: Right.

How much time do I have left?

The Chair: About seven seconds.

Mr. Scott Armstrong: Thank you very much, Mr. Chair.

The Chair: That's just time to say thank you.

Thank you, Scott.

Now we're back to the NDP and Denis Blanchette. You have five minutes, Denis.

[*Translation*]

Mr. Denis Blanchette (Louis-Hébert, NDP): Thank you, Mr. Chair.

I also want to thank our guest, Mr. Dion.

We have spoken at length about your first 18 months, but I would like to talk about the next seven years.

During your time as acting commissioner, you have plugged holes, if you allow me to use that expression. You consider that the holes are sufficiently plugged and that the processes are all set.

I would like us now to take a closer look at the last paragraph of your presentation. What commitments are you prepared to make to us to ensure that the organization is dynamic, that it restores the trust of the Auditor General and also of the public servants and the public? So far you have essentially addressed the concerns of the Auditor General, but now we are talking about the public, especially public servants.

What do you intend to do? What are your specific commitments?

• (1620)

Mr. Mario Dion: I am focusing on having greater transparency than there has been in the past. Earlier, I mentioned that we will adopt a series of policies. We will explain how we reach our decisions. For example, the legislation provides that the commissioner may refuse certain claims, in certain circumstances. We will adopt policies that will specify the circumstances under which the commissioner will not usually deny claims. We will provide a list of the cases. We will indicate what the commissioner usually expects. We have to educate the claimants on what they can expect. This will be published on the Web. We will adopt these policies in consultation with the advisory committee in order to get the opinion of the unions, the Treasury Board and the NGOs. We will post them one by one on the Web.

Mr. Denis Blanchette: The Auditor General's report indicates that the commissioner was reluctant to conduct investigations into the disclosure of wrongdoing and to refer complaints about reprisals to the courts. How will you settle this matter?

Mr. Mario Dion: There were seven investigations in the beginning. Mr. Boulerice talked about the seven investigations under my predecessor. Today, there are 35. I am not so reluctant to conduct investigations. I am less reluctant now because we are sufficiently staffed; we have doubled in size.

Mr. Denis Blanchette: As far as staffing is concerned, there has been a high turnover. Four years after the launch of this agency and you still have not filled all your positions. What do you plan to do about that?

Mr. Mario Dion: There are still two positions for a total of 37.

Mr. Denis Blanchette: You have 35, not 45.

Mr. Mario Dion: There were never 45. In theory we had the capacity to hire 45, but I prefer to have fewer people who are qualified over having more people who are less qualified.

Mr. Denis Blanchette: I got that figure from the annual report.

Mr. Mario Dion: In June, I had not thought this through. There are currently 35 people and we have two positions left to fill.

Mr. Denis Blanchette: We were talking about your future commitments. You spoke of transparency. What else can we expect?

Mr. Mario Dion: I believe we need to educate and support potential claimants, as I was saying earlier. We need to provide support that is not technical in nature. That is what I am considering for the future for people who have nothing to do with decision making. I am talking about people who know the workings of the office.

We cannot tell someone how to go about this process and turn around two weeks later and tell them that their claim is inadmissible. It cannot be the same person. In the past, sometimes it was the same person.

Mr. Denis Blanchette: How much time do I have left Mr. Chair?

[*English*]

The Chair: You have one minute, Denis.

[*Translation*]

Mr. Denis Blanchette: You mentioned the act. You said it was your bible, but that the bible is far from perfect.

We know that the legislation will be reviewed. Based on your experience, can you tell us what would help you fulfill your role better given the fact that, as a legal expert, you quite like respecting a specific legal framework? In the meantime, you want to be able to finish your work.

Mr. Mario Dion: First, I want to say that I do not think I said the act was imperfect. I said that the act was poorly organized. That is not exactly the same thing. In fact, the sections are scattershot, but once you find the section you are looking for, it reads well and there is no problem.

I have some ideas. I have compiled a few ideas on things that might be worth considering changing when the President of the Treasury Board launches the five-year review of the legislation.

The Liberal Party representative, Mr. McCallum, spoke earlier of the private sector and the fact that it cannot be touched. When the time comes, section 34 will probably end up on the list of things that I will suggest to the parliamentary committee or the resource that the President of Treasury Board will retain for the review. That is an example.

• (1625)

[*English*]

The Chair: Thank you, Mr. Dion, and thank you, Denis.

Now for the Conservatives we will go to Mr. Peter Braid. You have five minutes, Peter.

Mr. Peter Braid (Kitchener—Waterloo, CPC): Thank you, Mr. Chair, and happy birthday.

The Chair: Thank you.

Mr. Peter Braid: Thank you very much, Mr. Dion, for being here this afternoon. Thank you also for your leadership in this role and for your public service over the past 30 years.

I have some questions that emanate from your presentation remarks at the beginning of our meeting.

Mr. Dion, you mentioned one of the first things you did after you assumed this role was to conduct a review of the previous 228 case files. Are you confident that review was impartial, objective, and effective?

Mr. Mario Dion: I would say it was, absolutely.

First I defined the grid that would be used. But what are you checking for? Deloitte provided us with a group of five very competent professionals, at different levels, who were entirely devoted to doing this. They delivered it on time.

Step two was to take the 70 files. I had two senior lawyers who had not been involved in the office previously in any way, shape, or form, who took each of the 70 and recommended a course of action to me in light of all the facts of these cases. We also had case conferences on each and every case. So I was sitting here, and the two senior lawyers were giving me their advice in writing, but we were discussing them as well, so I could ask every question about every aspect of the file before actually making a decision. We were rigorous. I was objective too, because I had no prior association with the office.

When I was appointed I had no idea whether we would find that 5% of the files had a problem or 75%. I had no preconceived idea, and I was prepared to live with the results. So I'm absolutely confident in the objective, independent, and rigorous nature of the exercise.

Mr. Peter Braid: Thank you.

I'm going to change gears now. You also explained in your remarks that you've adopted new service standards, requiring the admissibility reviews to be completed within 45 days. What percentage of your cases are you hoping to complete within that timeframe? Is there a percentage associated with that?

Mr. Mario Dion: We're aiming for at least 85%.

Mr. Peter Braid: Okay.

Mr. Mario Dion: And the performance appraisals of those responsible will be based on achieving that objective.

Mr. Peter Braid: Excellent. That's always a good motivation.

Now, is this too new for us to have any results yet, or do we have any initial results with respect to this service standard?

Mr. Mario Dion: I don't have results yet, because we started that only in September. We had to deal with the backlog before we could do that.

Mr. Peter Braid: Great. Thank you.

My third question deals with the importance of outreach in education, and you've referred to this a couple of times. I understand entirely why it's important to make sure there is awareness of the role and the mandate of your office within the federal government. You

also mentioned that it's important to educate the general public at large. Could you explain why that's the case?

Mr. Mario Dion: Under the act, a member of the general public can also disclose. The criteria and the conditions are somewhat different, but members of the public have access to this act as well if they witness a wrongdoing as defined under the act.

I would venture to guess that a small proportion of 34 million Canadians actually know they have this right under the act, so I have to find an economical, effective way of reaching those Canadians.

Mr. Peter Braid: You and I just have, right now.

Mr. Mario Dion: That's right, on CPAC as we speak.

Voices: Oh, oh!

Mr. Peter Braid: That's right.

Lastly, I'd like to learn a bit more about your process with respect to investigations. Could you just explain how the process works, and how you ensure the investigations conducted by your office are fair and comprehensive and timely?

Mr. Mario Dion: First of all, only the commissioner can decide to undertake an investigation. When somebody makes a complaint, it's analyzed, and a recommendation is made to me as to whether to conduct an investigation. If I agree with the recommendation and we launch an investigation, it's assigned to one of our six professional investigators, two-thirds of whom were recruited after December of last year. They have areas of expertise. Some are more at ease with financial matters; some are more at ease with HR matters, and so on. They prepare an investigation plan, which they submit to the director of operations, also recently recruited. We have a person at the executive level 1, EX-01 level, who is the director of operations. That person assigns cases, reviews investigation plans, including milestones and dates, and decides who will be interviewed about what, and so on.

This is part of our case management system, so I'm able to follow on a daily basis, if I wish, what's happening in every investigation—from a process point of view, but not from a substance point of view, because I should not reach a conclusion before it's over.

• (1630)

The Chair: Thank you, Peter.

Thank you, Mr. Dion.

The next round is the NDP's round, but I have asked to share a couple of minutes, as the chair's prerogative, because I will confess a particular interest in this matter. In fact, over ten years ago my dear friend, the late Reg Alcock, and I worked on this very committee in trying to form Bill C-25.

My concern now, Mr. Dion, is that I was on the committee when Christiane Ouimet sat where you're sitting now, and she sounded pretty good too. We all approved her with some enthusiasm. In actual fact, we failed whistle-blowers profoundly. I mean, as much courage as it takes to be a whistle-blower...we promised them a safe place and we failed them, and it infuriates me, having been dedicated to this issue for as long as I have.

I have a letter here that was written to me by a former integrity commissioner, Mr. Keyserlingk. He says, "...I am frankly appalled about the government appointment yesterday..."—this was a year ago—"of Mario Dion as interim PSIC...". Nothing to denigrate the qualifications of Monsieur Dion, he says, but he believes that once again we have appointed a senior manager, a deputy minister from the public service, and in a six-page letter he goes on to explain why that is a disastrous idea.

The only empirical evidence and the only actual experience we have of appointing a senior public servant to this position has been a catastrophic failure, and may have poisoned the well for a generation of public servants. Because who would come forward now? Let's say you're lying awake at night as a public servant who has some knowledge of some wrongdoing and asking, "Should I risk my family's future and my income by coming forward and telling my story, or should I just zip up, shut up, and stay quiet?" They look at what happened to those 220 or 230 people who did come forward—they got screwed—and if I were a public servant, my conclusion would be "I think I'd better just shut up, keep doing my job, and let this wrongdoing continue".

It may take a generation before public servants can actually trust your office.

I know that's more of a comment than a question, but I am really, really concerned that we're ignoring the advice of a former integrity commissioner, even though I have no problem with your qualifications or your integrity as a person, and I'm sure you were an excellent public servant. Maybe it's just a serious mistake to appoint a senior public servant. I mean, those are your friends who you have to rat out. If somebody comes to you and says he knows a deputy minister over there in the Department of Justice who is taking the car home on weekends, that's the guy you used to work with.

Mr. Mario Dion: I would like to make a few comments too. I haven't seen the letter that you are mentioning, Mr. Chairman, and I have not met Dr. Keyserlingk, ever. I've heard his name, of course, and I know of him, but we have never met. He has expertise on matters of ethics, and I know that too.

The fact is, as I alluded to a few minutes ago, the number of complaints is on the rise. People are coming to our office and they are coming more—40% more since the beginning of this fiscal year than the year before. So this is one measurement of the fact that some confidence does exist on the part of some, in spite of the events of last year. It will take time. I fully agree with you that it will take years to build. When we say "rebuild the confidence"...I'm not sure it was ever there.

It's a long-term process. These matters are very sensitive. People will judge on evidence much more than they will ever judge on words. When we have several case reports and we have people who are reprimanded or whose employment is terminated because they took reprisal actions, this will speak more than anything I can do on the Web or in speeches.

•(1635)

The Chair: Thank you, Mr. Dion.

There is only a minute and a half left, so I have to give it to my colleague, Alexandre Boulerice.

[*Translation*]

Mr. Alexandre Boulerice: Thank you, Mr. Chair.

Mr. Dion, you indicated in your presentation having created a standing advisory committee made up of three NGOs that are directly interested in the work of your commission, namely FAIR, Canadians for Accountability and Democracy Watch. I would like those people to be heard so that we can have every point of view and every question in order to make an informed decision. I am moving a motion.

[*English*]

The Chair: Are you making a motion, Alexandre?

Mr. Alexandre Boulerice: Yes.

Mr. Mike Wallace: A point of order, Mr. Chair.

The Chair: We have a point of order.

Mr. Mike Wallace: He's making a motion to add witnesses under the public sector.... I thought that's what we were going into committee business for at five o'clock. Is that not correct? That's what you indicated to me.

The Chair: That is correct.

Mr. Mike Wallace: So is it not appropriate that if he wants to move to see further witnesses regarding this issue that it be done under committee business?

The Chair: I don't know. That was the subject for committee business when we go in camera at the conclusion of our interviewing the witness.

Mr. Mike Wallace: So we will not be supporting any motion that doesn't do that.

The Chair: Let me ask the clerk if his motion is in order to add witnesses to the witness list.

The ruling of the clerk is that because he had the floor, and because he's making a motion in the context of the subject matter we're currently studying, no notice is required. Therefore his motion is in order.

So the motion is to hear the witnesses FAIR, Democracy Watch—

[*Translation*]

Mr. Alexandre Boulerice: And Canadians for Accountability.

[*English*]

Mr. Mike Wallace: Point of order.

The Chair: We have another point of order.

Mr. Mike Wallace: Do we not have an obligation to print who are going to be witnesses for us on the actual agendas for the meetings prior to the meeting actually starting?

The Chair: Well, as I understood Mr. Boulerice's motion, his motion is not to hear the witnesses now—

Mr. Mike Wallace: Oh, I thought it was to hear them today.

Mr. Alexandre Boulerice: No.

The Chair: The motion would be to add them to the witness list, which I agree was the subject matter of the meeting we were about to have. Mr. Boulerice had the floor and he's moving this motion now, which is that these three NGO organizations be heard as witnesses in the context of the study of the consideration of Mr. Dion as the Integrity Commissioner.

Is that...?

[*Translation*]

Mr. Alexandre Boulerice: That is right.

[*English*]

Mr. Mike Wallace: I have one more point of order, then. If you're accepting his motion as legal, am I allowed to move a motion to move in camera to deal with his motion?

The Chair: It would be if you had the floor.

Mr. Mike Wallace: I was just asking a question.

The Chair: Well, my understanding would be that if I recognized you and you had the floor, then yes, your motion would be in order to move in camera right now.

Mr. Mike Wallace: Then after he moves the motion, is his time up, or do we move...? Since we're in time-allocated time, does his motion then...? Do we wait until the next speaker? Does that hit the floor and then we have an open debate on it, or do we go to the next speaker on the list?

This is unique what he's doing here, Mr. Chair. We do have members on the actual speakers list, do we not? So if he's moving his motion within his five minutes, we move to the next speaker, I would think.

The Chair: Let me—

Mr. Mathieu Ravnignat: I would add that you weren't on the speakers list.

The Chair: You don't have the floor. It's a point of order.

Mr. Mike Wallace: It's a point of order—

Mr. Mathieu Ravnignat: Oh, okay.

Mr. Mike Wallace: —and the point of order is to deal with the orders of the day.

The Chair: Are there any more speakers on Mike's point of order before I rule on his point of order?

Mr. Mathieu Ravnignat: I'd like to speak to his point of order.

The Chair: Mathieu, and then Ron.

Mr. Mathieu Ravnignat: I don't see what the big issue is. All he's doing is moving that we hear some witnesses. What's the problem? It's another example of the “shut up” government, right? All we want to do is have the ability to hear out some very competent witnesses on this issue. So I don't see how this is an issue and why it can't go ahead now as a motion.

Mr. Mike Wallace: Can I respond on my point of order?

The Chair: No, you can't. We have a speakers list.

Ron Cannan.

● (1640)

Mr. Ron Cannan (Kelowna—Lake Country, CPC): Thank you, Chair.

I wanted to clarify just in respect of our witness if we could wait until five o'clock and have this discussion—it's just another 20 minutes—rather than have the debate in front of the witness, who has kindly given up his time.

Mr. Mathieu Ravnignat: I don't see what the problem is with having a debate in front of—

The Chair: You don't have the floor, so you don't have the right to have any opinion, frankly.

Mike Wallace.

Mr. Mike Wallace: In response, my point of order was that we had agreed at the beginning of this meeting that we would interview the potential candidate for the Public Sector Integrity Commissioner and then we would go in camera to talk about future business. What's happening—

Mr. Mathieu Ravnignat: Point of order. We actually didn't—

The Chair: You can't call a point of order on a point of order. We have a point of order on the floor.

Mr. Mike Wallace: So what is happening, Mr. Chair, is that they're circumventing the decision of the committee on the agenda by moving a motion during the interview time they have. If they wish to do that, we should automatically move to the committee business portion of the meeting.

The Chair: Okay. You had two points of order. The first one was does he have the right to move the motion in the context of his questioning? My ruling is yes, after consultation with the clerk. Your second point of order is that as soon as he moves his motion, can you then move to go in camera? My ruling is yes, because as soon as he moves his motion, it's open for debate.

Mr. Mike Wallace: Okay, that's what I wanted to know.

The Chair: Any of you could be given the floor in the context of that debate, and you may, at that time, choose to move in camera—

Mr. Mike Wallace: I appreciate that clarification.

The Chair: —which will be non-debatable and would be voted on immediately.

Mr. Mike Wallace: Thank you very much.

The Chair: Alexandre, you have moved your motion, then, that those three NGOs be added to the witness list in the context of this examination. The motion is in order. Is there any debate on the motion?

Mr. Scott Armstrong: I move we go in camera, please.

The Chair: The debate on the motion has been undermined by a motion to go in camera, which is non-debatable and should be voted on immediately.

Is there a point of order?

Mr. Alexandre Boulerice: Yes, a point of order.

[Translation]

If we vote to hold our meeting in camera, then my motion is moot. I therefore withdraw it.

[English]

Mr. Mike Wallace: So who's playing games, really?

The Chair: We're hoisted on our own petard here, in that you need unanimous consent to withdraw the motion.

The motion has been made to go in camera, unless we have unanimous consent.... Do we have unanimous consent for Alexandre to withdraw his motion?

Mr. Mike Wallace: We're not playing games like that.

The Chair: John, are you waiting to intervene, or are you voting in favour of—

Hon. John McCallum: I'm supporting the withdrawal.

The Chair: Good, we're back in business.

Alexandre, you probably had about 15—no, you were out of time.

Mr. Alexandre Boulerice: No, I have nothing. I have no time.

The Chair: You were out of time. You're always mischievous, anyway, when we do give you time.

The next speaker, then, is Ron Cannan. Ron, are you ready to take the floor?

Mr. Ron Cannan: Thank you, Mr. Chair. In the spirit of bilingualism, *bonne fête*. Happy birthday to you.

I just wanted to pick up on your line of questioning, Mr. Chair.

Mr. Dion, you definitely come with high qualifications, in looking at your résumé. You've spent many years in the public sector and worked very closely with some high-ranking public servants, including at the Department of Justice and the Treasury Board. Maybe you could clarify—to give some certainty and confidence in your position—what policies, plans, checks, and balances you have in place that will help keep you truly independent and impartial.

Mr. Mario Dion: First of all, now that I have a much better understanding of my actual role than I did a year ago, I've taken concrete steps to not attend any luncheons or group meetings involving heads of agencies, deputy ministers, or CEOs, as defined under the act, to avoid any impression on the part of anyone that I'm being cozy with anybody who might be the subject of a complaint currently or in the future.

For each case that comes in, I have access to the case management system, so I can flag it the moment a case comes in, if I sense that there is a reason to recuse myself. I have done that systematically and I'll continue to do that.

At the end of the day, it's an act of faith, of course. People have to trust my judgment and my commitment to taking the adequate steps quickly, when such a conflict arises. But I'm fully committed to doing it. I started to do it, I've done it, and I think it's essential to building the confidence we are talking about.

• (1645)

Mr. Ron Cannan: That's very encouraging. Thank you for that.

You report to Parliament on an annual basis?

Mr. Mario Dion: Yes.

Mr. Ron Cannan: So what's your reporting timeline?

Mr. Mario Dion: I reported, as a matter of fact, on June 14, when the first annual report was tabled. The act says that we have, essentially, 90 days after March 31, if Parliament is sitting, to table our annual report. The act also provides the commissioner with the authority to table special reports at any time on any matter, if there is something of significant importance that cannot wait for the annual report. It has never been used, but it's a tool that could be used if the situation warrants it.

I hope that, if my appointment is approved, I will be called periodically to appear before this committee and the Senate committee, as part of our education exercise as well. It's a sure way to keep one honest, and I think it's a valuable tool that should be used.

Mr. Ron Cannan: Following up on my colleague's question about the additional six, or potentially 23, investigations you're embarking on, could there be an additional or supplemental report, then?

Mr. Mario Dion: It's possible, yes, depending on the timing. Because if we can deal with it in the next annual report, then there is no problem.

Mr. Ron Cannan: Could you refresh for the committee again your overall budget and your employee structure?

Mr. Mario Dion: The office has had consistently since its inception \$5.3 billion. They were planning a staff complement of up to 45, according to some documents tabled in the past. We currently have a staff strength of 35, with two vacant positions to be staffed, for a total of 37.

As for how it's organized, we currently devote eight FTEs to what I call corporate services—i.e., infrastructure, IT, IM, HR, finance, and so on and so forth. The rest of the FTEs—or full-time equivalents—are used for core business, for the program itself. The operations unit itself has a current complement of 16 people, and a planned complement of 18, who do nothing but handle cases at the analysis stage, the investigation stage, and the report stage. I hope this clarifies it for you.

Next year we will make a contribution to the government's effort to eliminate the deficit. I soon will be writing to the Speaker of the House about this if my appointment is approved. Our budget will therefore be reduced by close to \$300,000 in 2014-15.

Mr. Ron Cannan: That's excellent.

I think I have about 30 seconds, so I have one last question to ensure confidence. Because of the sensitivity of information and confidentiality, if one of your employees breaches that information, what are the consequences of that breach?

Mr. Mario Dion: It's a statutory obligation under section 44 and it could constitute a reason for discipline, I would think, without any hesitation. The emphasis we place on confidentiality is very high. We have an alarm system. We have security procedures. Every evening, every file is locked up. There are spot checks to make sure they are locked up properly in an approved device. We take this very seriously, because it's another pillar of creating the confidence we're talking about.

The Chair: Ron, you're over your time now. Thank you very much.

For the Liberal Party, John McCallum. Five minutes, John.

Hon. John McCallum: Thank you.

I'd like to pursue a little more the discussion we were having about the Democracy Watch and FAIR view not to appoint a public servant, reinforced by our chair's view and the letter he read, versus what was said about the other side of the coin—that public servants have experience, they understand how the system works, the culture, etc.

Now, you had a lot of turnover of employees, right? One possible compromise would be to hire a number of senior people in your group from outside the public service. Then you would have both points of view within the organization. Do you think there is merit in that? Were any of the people that you did hire...did they all come from the public service, or were some from outside?

Mr. Mario Dion: Since I've been there, we've conducted a number of staffing actions. Many of the competitions, including the competition for the deputy commissioner and the competition for the executive director, who is in charge of anything that is not core business, were open to members of the public. We had people from outside the public service who applied and were duly considered but did not become the final qualified candidate.

So efforts have been made to do that. I strongly believe that we should do that. In fact, an offer also was made to NGOs to send a representative for selection boards for the deputy commissioner position. I believe there should be outside involvement in selecting key people who work in the office, but you cannot essentially create.... Some people have to apply and some people must have some qualifications in order to join the office.

I did not do a complete review of the 35, but I believe we do have pretty young people who come from outside the public service, because it's either their first or their second job. But in the senior ranks, we don't have people who have spent most of their careers outside.

• (1650)

Hon. John McCallum: Well—

Mr. Mario Dion: But I believe it would be a way to keep a balance.

Hon. John McCallum: Yes.

Another thing I think you mentioned—perhaps it was in your Senate testimony—was that you reached out to Democracy Watch and FAIR and you set up regular meetings.

Mr. Mario Dion: Yes.

Hon. John McCallum: That would be another way to bring in outside viewpoints, non-public-service.

Mr. Mario Dion: In fact, shortly after my appointment, back in January or February, I had several meetings with David Hutton and a few meetings with Allan Cutler, separately, to get to know them, because I did not know them. I came from another sphere, if you wish.

They agreed when I suggested the creation of a permanent, multipartite advisory committee of which they would be a part. They attended the first three meetings, which in my view were very successful, to foster a dialogue among all those involved in implementing the act, including the Treasury Board, the tribunal—not the judges, but the executive director of the tribunal—APEX, which represents EX managers within the public service, and so on and so forth.

I have done that and I intend to continue that. It was my idea to—

Hon. John McCallum: I guess that's a good idea, but it has its limitations, because presumably those outside people certainly can't get any information on the specific cases before you.

Mr. Mario Dion: That's right. We have section 44, which constitutes an absolute bar on any discussion of any case.

The Chair: You have one minute.

Hon. John McCallum: Okay.

On a different subject, I think you said you had three cases before tribunals.

Mr. Mario Dion: We have two.

Hon. John McCallum: And you have zero before Parliament.

Mr. Mario Dion: That's right.

Hon. John McCallum: I'm not quite sure how that works. If a certain decision is made by a tribunal, does that mean it then goes to Parliament?

Mr. Mario Dion: No. There are two streams. Under our act, somebody can come to us to disclose a wrongdoing. We investigate and we come to a conclusion. If the accusation of wrongdoing is found to be well-founded—and wrongdoing is essentially a contravention of a statute, gross mismanagement, or misuse of public funds—and we conclude that wrongdoing has taken place, this act gives us the teeth to make public a report to Parliament describing the wrongdoing, the fact that it happened, and our recommendations to avoid the reoccurrence of the same situation.

The second type concerns complaints of reprisals. Somebody says, "Because I made a protected disclosure, bad things have happened to me in my employment. My job has been terminated. I've been demoted. I don't do overtime any more", and so on. If we find this complaint is well-founded, our mechanism is to refer it to a tribunal, to judges who have the authority to impose sanctions.

Hon. John McCallum: Thank you.

The Chair: Thank you, Mr. Dion.

Mike Wallace, you have five minutes.

Mr. Mike Wallace: Thank you, Mr. Chair.

I want to thank our guest for coming today and for handling all of these great questions.

I have a basic question for you. You mentioned in your presentation and in your résumé that you came out of retirement to do this particular job. You've been doing it for one year now. As an individual Canadian, what motivated you, what made you decide it was important for you to come back out of retirement to work in this integrity position?

Mr. Mario Dion: Frankly—and I mean it—I read the act when it came out, and I believe this is an important tool. I was very concerned when I read the AG report. I saw a disaster, essentially, described. Madam Fraser was extremely credible. I took for granted everything she wrote in her report and I said I think I can contribute something to this.

I was not looking for full-time work, by the way. I wanted to make a contribution. PCO offered me the job of interim commissioner. That was not part of my plan. Then I started doing it and implemented the three aspects I talked about. I took pleasure in doing it. I think we will achieve some significant results. That's why I've applied for the job of permanent commissioner. It's as simple as that.

It wasn't the initial intention. Six months ago I had no intention of applying. But I did decide to apply, because more and more I'm convinced we will make something good of this.

•(1655)

Mr. Mike Wallace: When did you become the actual interim commissioner? What was the date?

Mr. Mario Dion: It was December 20, 2010.

Mr. Mike Wallace: It was one year ago.

Mr. Mario Dion: Yes.

Mr. Mike Wallace: In that timeframe—and you don't have to tell me—other than the minister, were members of Parliament from any party contacting you to see what was happening? Did you get any feedback or any inquiries from anybody in Parliament on what was happening with the Integrity Commissioner?

Mr. Mario Dion: No. Do you mean interference, or do you mean—

Mr. Mike Wallace: Oh, no. I mean to see the work you were doing, to see what you were doing to make improvements based on the Auditor General's report. Did anybody contact you from the back bench on that?

Mr. Mario Dion: I did contact your predecessor, Chair, to offer a briefing. Your predecessor took me up on it, so I met with him and gave him a briefing.

Mr. Mike Wallace: You gave him a briefing.

Mr. Mario Dion: I also offered briefings to a few other people before the election and since the election, but I have yet to brief anybody else.

Mr. Mike Wallace: Okay.

I wasn't aware of the advisory committee that you put together. Could you tell me—I think you did, but I want to be sure I understand—who was invited and who participates on that?

Mr. Mario Dion: I did not bring the material with me, but it's relatively easy to remember. It's chaired by me. It's an advisory committee, so it's not a decision-making body. The role is to provide the commissioner with advice.

The deputy commissioner is a member, as is the executive director. So there are three from Public Sector Integrity Canada, three from the so-called unions—I mean PSAC, the Professional Institute of the Public Service of Canada, and APEX, Association of Professional Executives of the Public Service of Canada, which is not a union but it's an association of employees. The Treasury Board Secretariat sends an ADM, Ross MacLeod, who is responsible for the area we're talking about. We also have the executive director of the tribunal attending and we have two senior officers from departments, who were picked from among the best, according to the advice I was given. I wanted them to be involved as well to have a voice at the committee.

Am I forgetting anyone? It's multipartite, government and non-government. Part of my reason for doing it that way was that I wanted the Treasury Board to hear what FAIR has to say about certain things and what PIPSC might have to say, because we're all in this together.

Mr. Mike Wallace: So there are outside groups that are part of this advisory group?

Mr. Mario Dion: That's right. They are a part—

Mr. Mike Wallace: Does everyone have an opportunity to contribute to what will be on the agenda at those meetings?

Mr. Mario Dion: Yes.

Mr. Mike Wallace: How many of those have you held since you've taken office?

Mr. Mario Dion: We've had three meetings.

Mr. Mike Wallace: If I heard you correctly, you intend to continue that advisory role, if you're fortunate enough to be appointed commissioner.

Mr. Mario Dion: January 31 is the next appointed meeting.

Mr. Mike Wallace: So that would be yes.

Mr. Mario Dion: We have an agenda.

Mr. Mike Wallace: I think those are my questions.

Thank you very much for coming today.

Mr. Mario Dion: Thank you.

The Chair: Thank you.

We are down to two minutes before five o'clock, and that is the end of the second round. I think we would just thank Mr. Dion for being with us today and for his frank and honest presentation.

We wish you the very best. Thank you for being here, Mr. Dion.

Mr. Mario Dion: Thank you very much.

[Translation]

Thank you everyone.

[English]

The Chair: Thank you.

We're going to suspend the meeting for 30 seconds while we go in camera, which means clearing the room of everyone other than committee members and staff.

Mr. Mathieu Ravignat: Before you do that, Mr. Chair, I do not recall actually having voted to go in camera.

The Chair: The clerk reminds me that it was part of an agreement made at the beginning of the meeting.

You have no recollection of that?

Mr. Mathieu Ravignat: What agreement?

We all agreed to go ahead at 5:05 to committee business, but we did not agree to go in camera. They may have lifted up their own hands, but we didn't vote on the motion.

Mr. Mike Wallace: I'll move that we go in camera if he needs it on the record.

We have no issue with it. Wait until he sees what happened in the last Parliament, which he wasn't here for. It will be interesting to see how many times the NDP put us in camera on issues.

I'm moving it, if you need it.

An hon. member: We need it.

An hon. member: How many times?

Mr. Mike Wallace: Every meeting, my friend.

The Chair: To clarify that, at the beginning of this meeting, when we agreed to move the time for committee business from 5:15 to 5 o'clock, we also agreed that it would be done in camera.

● (1700)

Mr. Mike Wallace: That's my recollection of it.

The Chair: That's my recollection of it, Mathieu.

I don't think we really need a vote, because we know what the outcome of the vote would be.

Mr. Mathieu Ravignat: If that's your ruling, then that's fine.

The Chair: Thank you.

We will suspend for 30 seconds.

[*Proceedings continue in camera*]

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