



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

43rd PARLIAMENT, 2nd SESSION

Standing Committee on Environment and Sustainable Development

EVIDENCE

NUMBER 016

Monday, March 8, 2021

Chair: Mr. Francis Scarpaleggia



Standing Committee on Environment and Sustainable Development

Monday, March 8, 2021

• (1610)

[*English*]

The Chair (Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.)): Welcome. We got started a bit late. As Mr. Albas mentioned, I planned to go to 6 p.m. but there was no unanimous consent, which is Mr. Albas' right, of course. We can continue as long as we have quorum, as long as we have four members, including the chair, and two opposition parties are represented. We'll have to see what happens at 5:30 p.m., but my intent is to go to 6 p.m. even if some members have to leave, as long as we have quorum.

I would like to welcome our witnesses.

This is the 16th meeting of the House of Commons Standing Committee on Environment and Sustainable Development. Today, pursuant to Standing Order 108(2) we're meeting by virtue of a motion adopted by the committee on February 1. The committee is meeting on its study of the commissioner of the environment and sustainable development.

To ensure an orderly meeting, I would like to remind everyone of the following rules.

Members and witnesses may speak in either official language. Interpretation services are available. You have the choice to listen in either official language. You'll see there's a little icon at that bottom where you can choose English or French. You don't have to change the icon when you switch languages.

Before you speak, please wait until the chair recognizes you. All comments should be addressed through the chair. When you are not speaking, please put your mike on mute.

Today we will have two panels, essentially each 55 minutes long. I would like to welcome our first panel of witnesses who will have five minutes of opening remarks followed by rounds of questions from members. Today we have with us Paul Fauteux, attorney, and accredited mediator and arbitrator. We have Corinne Le Quéré, professor, climate change science, University of East Anglia. We have Richard Lindgren, counsel, Canadian Environmental Law Association.

We'll start with Mr. Fauteux.

[*Translation*]

Mr. Paul Fauteux (Attorney and Accredited Mediator and Arbitrator, As an Individual): Thank you very much, Mr. Chair.

Thank you for this opportunity to contribute to the committee's work.

I served the Government of Canada as a diplomat and senior executive from 1980 to 2010. I have since been practising law, mediation and arbitration with CMKZ.

International environmental law was one of the connecting threads of my career from 1981, when I prepared the adoption by the United Nations of a program for the development of environmental law, to 2004, when I left my position of director general of Environment Canada's Climate Change Bureau.

So I am sensitive to the role that the commissioner of the environment and sustainable development could play—a role I believe is underused—in ensuring that Canada's policies are up to the environmental challenges facing our planet, with the climate emergency being first and foremost among them.

Therefore, I welcome MP Collins' initiative to dedicate today's hearing to the possibility of the commissioner of the environment and sustainable development becoming an officer of Parliament. There are many reasons why I think this is an excellent idea. Given time constraints, I will briefly mention only four.

First, it was the original idea. The position was originally conceived as independent when the Liberal Party promised it in the 1993 election. But when the Chrétien government created it two years later, it placed it in the Office of the Auditor General, as a subordinate appointed by the auditor general.

Second, history demonstrates the limits to the effectiveness of the commissioner's work that arise from his subordination to the auditor general. You will recall the conflict that very publicly opposed Auditor General Sheila Fraser and Commissioner of the Environment and Sustainable Development Johanne Gélinas in 2007. The latter was publicly presenting her devastating report on the federal government's record on fighting climate change, when she learned through the media that the former had just ended her mandate. Ms. Gélinas insisted on tabling her own report with parliamentarians and defending and explaining it herself. That same year, your committee adopted a motion recommending that the commissioner be made an officer of Parliament, supported by the Liberal Party, the Bloc Québécois and the NDP, but the Harper government didn't act on it.

Third, the chronic underfunding that has plagued the Office of the Auditor General for 10 years now also limits the commissioner's effectiveness. As Karen Hogan stated last May: "Resource constraints strain our ability to fulfill our mandate at the level we would like it to be." From 2010 to 2020, the Office of the Auditor General went from 27 performance audits per year to 14. This lack of resources, which hinders Ms. Hogan's work, hinders even more so the work of her subordinate Mr. DeMarco. The next federal budget should ensure that these two functions are carried out by two officers of Parliament, each with predictable and permanent funding consistent with their mandate.

Fourth, and in my opinion the most important reason to finally make the commissioner of the environment and sustainable development, 26 years after the creation of the position, an officer of Parliament is the urgency of climate action.

Let's be clear. The results achieved by successive Canadian governments in the fight against climate change, as opposed to their promises, are a national disgrace. Every time Canada has set a target to reduce its greenhouse gas emissions, it has missed it because the emissions have continued to rise.

It is far from certain that the strengthened federal climate plan, announced last December, will enable Canada to meet its agreed upon target under the Paris Accord to reduce its greenhouse gas emissions by 30% from 2005 levels by 2030.

• (1615)

In fact, the 2021 edition of the climate change performance index shows that, not only does Canada remain firmly at the bottom of the pack, but its relative position is slipping: while last year, only six of the....

The Chair: I apologize for interrupting you, Mr. Fauteux, but your five minutes are up. You will understand that our time today is limited. You will certainly have an opportunity to add information when answering questions.

Mr. Paul Fauteux: Very well, Mr. Chair.

The Chair: Ms. Le Quéré, go ahead.

Prof. Corinne Le Quéré (Professor, Climate Change Science, University of East Anglia, As an Individual): Thank you, Mr. Chair.

Good afternoon, everyone. Thank you for having me today.

[English]

I will pick up where Paul Fauteux left off. I have three points to make. They are all related to climate action.

My first point is that it is clear that the governance of climate action in Canada is not working and needs to evolve. Canada has not achieved its climate objectives over the past 20 years. As part of my research, I keep track of carbon emissions, the primary driver of climate change. Of the G7 countries, Canada is the only country whose emissions are not decreasing. They are 20% above the 1990 level. In the last decade, they have risen again. Emissions decreased in at least 43 countries while their economies grew. Climate policies are working in other countries, but they are not working in Canada. Therefore, the governance of climate action needs to be

considerably strengthened. In the documents that I submitted, you have a graph of the G7 countries.

My second point is that strong climate governance is good for governments. I want to share here my experience of working with France. In 2018, France established the High Council on Climate, whose main task is to evaluate the government's climate strategy. I chair this high council. I can testify to the positive influence it has had. As soon as it was installed, it helped clarify the debates in France and the focus on the issues that really mattered.

The high council has provided robust evidence and increasingly specific information on blockages to progress, which the government has been able to act on. It has provided transparency and accountability. It has increased public support for climate action. The council in France and similar independent bodies provide mechanisms to ensure that expert voices are heard. They provide the justification and legitimacy needed to put forward ambitious actions, should governments wish to.

My third point is that we know what good climate governance looks like. We now have from around the world a lot of experience of countries where it has worked. The U.K. Climate Change Committee, on which I sit, is the oldest of such committees, and the U.K. has been the most successful in meeting its climate targets. In fact, its emissions have decreased 28% in the last 10 years alone. Canadian emissions increased by 3% during that time period.

Based on experience in other countries, here are the things that have been demonstrated to work: annual reviews of progress made by a fully independent body; a direct voice to Parliament; a duty from government to respond to these progress reports annually; interim goals that are set well in advance; five-year carbon budgets used by the U.K. and France to fix their levels 15 years in advance, providing clear signals to businesses and the public; and the provision of advice to rectify policies should they not meet their target.

A strong support team is needed to deliver these tasks. That is a team that has expert technical, scientific, social and economic expertise that is needed to unpack the issues. That is a team that has sufficient and protected resources, and that can determine and conduct their own work program.

The motion discussed today, to make the commissioner of the environment and sustainable development an independent officer of Parliament, goes in the direction that has worked in other countries. It would be a first step toward putting in place the governance needed to guarantee—and here I say "guarantee"—that Canada's climate targets are met.

Thank you.

• (1620)

[*Translation*]

The Chair: Thank you, Professor Le Quééré.

We now go to Mr. Lindgren.

You have five minutes.

[*English*]

Mr. Richard Lindgren (Counsel, Canadian Environmental Law Association): Good afternoon, Mr. Chair, and members of the committee.

My name is Richard Lindgren. I'm a staff lawyer at the Canadian Environmental Law Association, CELA. I'd like to thank the committee for this opportunity to speak to an important question: Should the commissioner of the environment and sustainable development become an independent officer of Parliament? In CELA's opinion, the answer to this question is yes, based on our involvement and our experience with the environmental commissioner of Ontario under the province's environmental bill of rights, EBR.

In taking this position, CELA is not being critical of the excellent work performed by the federal commissioner over the years. To the contrary, we greatly appreciate the reports tabled by the federal commissioner within its current mandate, as I explain more fully in the brief that I filed with the committee last Friday afternoon.

By way of background, CELA was appointed to the minister's task force that helped to draft the environmental bill of rights here in Ontario. I was honoured to be CELA's representative on the task force. Very quickly, the task force ran into the question of how we can best ensure environmental oversight and accountability under the EBR. The office of the provincial auditor general was considered as an option. We also considered using the courts or legislative committees to hold the government accountable for environmental matters under the EBR. But in the end, the task force recommended that the EBR should establish the environmental commissioner as an independent officer of the Ontario legislature.

We also recommended that the EBR should contain a broad list of powers, duties and functions for the environmental commissioner, and these task force recommendations were included in part III of the environmental bill of rights when it was enacted in 1993 by the Ontario legislature. Thereafter, I think it is fair to say that the environmental commissioner made full use of its powers under the EBR to not only conduct environmental audits but to also advocate for improvements in Ontario's environmental law and policy framework.

Overall, we regard the environmental commissioner's 25-year track record under the EBR as positive, effective and transformative.

Unfortunately, the Ontario government abolished the office of the environmental commissioner back in 2018, despite considerable public opposition and concern. Nevertheless, CELA recommends that consideration should be given to reconstituting the federal commissioner as an independent parliamentary officer. If this recommendation is acted upon, it would have to be done by way of new legislation, not more amendments to the Auditor General Act.

In addition, Mr. Chair, there are five fundamental factors that need to be addressed if the federal commissioner's office is going to be recast as an independent office.

One, the commissioner should be appointed in a non-partisan manner by Parliament for renewable fixed terms and should only be removable for cause by Parliament.

Two, all the commissioner's duties, responsibilities and obligations should be clearly entrenched in law.

Three, the commissioner must enjoy the same power as the Auditor General to compel production of documents, obtain access to information and examine witnesses.

Four, the office will need to be staffed with senior and experienced persons with training and expertise in various disciplines.

Five, the office will need sufficient budget allocations from Parliament in order to fully carry out its statutory mandate.

In conclusion, CELA recognizes that there may be pros and cons associated with restructuring the federal commissioner as an independent officer. However, based on the EBR track record in Ontario, we maintain that the advantages outweigh any perceived disadvantages.

Those are my opening remarks, Mr. Chair. I look forward to your questions.

• (1625)

[*Translation*]

The Chair: Thank you, Mr. Lindgren.

We will begin the first round of questions with Mr. Albas.

[*English*]

Mr. Dan Albas (Central Okanagan—Similkameen—Nicola, CPC): Thank you, Mr. Chair.

Thank you to all our witnesses for making the time to be with the committee to talk about this important topic. Obviously, time is limited, given that this is only a one-day hearing.

I will start by asking a question to our witnesses just in general.

First of all, in terms of the work done by the Auditor General overall, I would say it is very much a trusted institution. I would also say that the environment commissioner has been doing very good work in spotlighting many things under federal control, even doing some work on the climate initiatives of different governments.

Has there been any issue with the work done by either the Auditor General or the environment commissioner that you can recall?

I'd like to hear from all three panellists, please.

Mr. Richard Lindgren: Mr. Chair, perhaps I'll start, and then my fellow panellists can jump in.

I would say there's consensus that the federal commissioner has duly and properly exercised his or her mandate under the legislation. The problem is that the mandate is limited. If you have occasion to look at the website of the Auditor General and the federal environment commissioner, there's an express recognition that the merits of government environmental policy are not examined, reviewed or discussed by the federal environment commissioner. Instead, they simply track what the government proposed to do and what it ended up actually doing.

That's important. It's important to hold government feet to the fire. However, I certainly envision an independent environmental commissioner who has more of a policy role. That's consistent with the earliest versions or conceptions of an independent environmental commissioner. He or she should be able to critically review the sufficiency or the merits of government policy, and not just simply do after-the-fact money-for-value audits or performance audits.

Mr. Dan Albas: Mr. Lindgren, before we go to the next witness, I want to ask you about that point.

When we have discussions about what government should do, we have the government and then we have the House of Commons, various members, whether they support the government or are opposition. My understanding, though, is that through public accounts Parliament decides what the measure should be, and then we check with the Auditor General and the environment commissioner on whether that is being done.

By suggesting that the environment commissioner should be put in a role of actually defining under what terms those decisions are made, are you not suggesting that it would supplant politicians and electoral accountability?

Mr. Richard Lindgren: No, and I look to the Ontario experience to support my position.

It's obviously up to Parliament to decide what policies, programs, and so on, get implemented, but I think the parliamentarians would definitely benefit from the expert policy review and critique that might be provided by an independent parliamentary officer.

Ultimately, MPs are still making the decision on policy, but the credibility and the effectiveness of that policy would be enhanced if you had an expert independent officer providing advice.

Mr. Dan Albas: Okay. Maybe we'll move to the other witnesses, but my experience here has been that we always hear about a democratic deficit where members of Parliament....

I'm all for getting better information and then having a debate about those things. I think anything that supplants members of Parliament from that role of debating policy is dangerous.

Maybe we'll move to the next witnesses, because I'd like to hear from them as well.

• (1630)

Prof. Corinne Le Quéré: If it's not the job of the commissioner of the environment and sustainable development to check that Canada meets its climate target, then whose job is it? If that person has made it his or her job, then how come the climate targets are not achieved?

Mr. Dan Albas: That's a great question.

With all due respect, members of Parliament do come to a decision. The government does end up presenting a plan. We then count on the Auditor General and the environment commissioner to report on whether those goals are being met.

That's the question here. It really should be elected officials who represent the public who should be having these debates, and we should then be reviewing whether those resources are being spent in order to achieve what the laws that we pass come forward with.

Prof. Corinne Le Quéré: Not being involved in Canadian politics, I cannot answer your question. All I can say here is that from my experience working with other countries, clearly there is an issue with the governance and how the trajectory of emissions is being verified in Canada. My understanding is that this is the person who should be verifying that Canada meets its objectives.

Mr. Dan Albas: Again, though, we have an environment commissioner to evaluate whether or not we are actually making substantive progress. Why not have a jobs commissioner, if we're going to start having someone who actually starts proposing things?

At the end of the day, quite honestly, I think that it's elected officials who need to be presenting the concerns of Canadians and government then needs to bring forward goals and programs to do it.

I appreciate you saying you don't know Canadian politics as much. I wish more witnesses were as frank.

Maybe we'll get the other witness to—

[*Translation*]

The Chair: Mr. Albas, your time is up.

We will continue with Ms. Saks.

[*English*]

Ms. Ya'ara Saks (York Centre, Lib.): Thank you, Mr. Chair.

Thank you to all our witnesses who have joined us here today to discuss this informed process.

I'm rather new to this committee and to Parliament. This conversation about the role of the commissioner of the environment is quite important to me, given that I was only elected a few months ago. I appreciate all of you being here to give me a better understanding of context.

I'm by no means a Conservative, but I do think that when we're proposing new roles or changing the existing structures we need to carefully consider what already exists, what works well, what we need to improve—which is in part why we're here today—and whether the wholesale conversion or minor changes that some of you have already alluded to are best suited to addressing the concerns.

I would like to point out that the government did include permanent funding in the 2020 fall economic statement towards the Auditor General for the environment commissioner's work, which is an added layer to this discussion.

My understanding is that the officers of Parliament operate independently of the government. They have protected budgets, their own staff and report directly to Parliament. From what I've seen so far, the current commissioner of the environment has those powers and is housed within the Auditor General's office in the structure that we've discussed.

When we're looking at the commissioner's current role, what do you see as working well already? What isn't working? What could be improved upon?

I'd like to start with Mr. Lindgren.

Mr. Richard Lindgren: I appreciate that there has been a recent budget or cash infusion to allow the commissioner to do some additional work. That's great. That might translate into an increased number of performance audits and related work. That's commendable. As Mr. Fauteux pointed out earlier, the number of audits and reports have declined somewhat over the long term. We're hoping that, on a go-forward basis, this funding is going to be secure and will allow the commissioner to do more good work.

However, as was pointed out earlier, the mandate is limited. It's not a policy review. It's not an opportunity for the environment commissioner to identify shortcomings or gaps in federal environmental law or policy framework. That's where I think this needs to go. It's kind of like the Wayne Gretzky quote that says don't go where the puck is; go to where it's going to be. I think that's what we need to do for the environmental commissioner. Let's not just do after-the-fact evaluations of whether sustainable development targets, plans or time frames have been met. That's important, but it's not enough.

That's why I think we need to think outside the box in terms of reformulating the role of the federal commissioner.

• (1635)

Ms. Ya'ara Saks: Thank you for that.

I have an added layer to that question and then perhaps we'll go to Mr. Fauteux. I can see he wants to step in as well.

I hear what you're saying, but there isn't a level of trust. My colleague, Mr. Albas, alluded the work of the Auditor General and the fact that these audits do need to be removed from policy for that reason—so they can be trusted audits. I'm a little bit concerned that we can veer into the politics when we start to discuss policy. It affects the impact of the commissioner's work.

Mr. Richard Lindgren: I'll answer briefly, then perhaps Mr. Fauteux could jump in.

I would have to disagree with the premise of your question. If your suggestion is that you can't do environmental or performance auditing and perform a policy role, I think that's manifestly untrue. I don't think we have to look any further than what the environmental commissioner did here in Ontario for 25 years. For a quarter of a century, that office successfully combined both an auditing function and a policy function.

I don't accept the premise that it's one or the other. You can do both.

Mr. Paul Fauteux: I would certainly agree that you can do both, and to harken back to Mr. Albas' concerns about democratic deficit, I don't think, and certainly I haven't heard any suggestion by any of the three panellists today, that the power of decision-making should be given to the commissioner. The commissioner would hopefully be, under a new, improved and strengthened mandate as an officer of Parliament, an independent expert providing advice to Parliament, to government and potentially to the public.

Much has been said, and, Mr. Lindgren, you alluded repeatedly to the limited nature of the mandate. The mandate as it currently stands is a line and a half in the Auditor General Act, more specifically subsection 15.1(2), and it says that the commissioner helps the Auditor General to comply with his functions with respect to environment and sustainable development.

It is an extremely narrow mandate that has produced, unfortunately, limited results, and picking up on Dr. Le Quéré's examples of what has worked elsewhere in countries that have succeeded in reducing their emissions as opposed to Canada, I think we should look to those examples. She mentioned the U.K. and France. New Zealand also has an independent commissioner of the environment directly reporting to Parliament who has been doing excellent work and whose mandate is much broader than the commissioner's currently is in Canada. I think that would be another useful model.

Thank you.

The Chair: You have only about 15 seconds, Ms. Saks, for a comment.

Ms. Ya'ara Saks: Okay—

The Chair: Or did somebody say something? Was it Madame Le Quéré?

Prof. Corinne Le Quéré: Yes, I would just say some things that are missing include expertise and capacity to hire your own staff, the people you need to do your job, and there is no conflict in doing policy and also doing an examination of what's happening.

The Chair: Thank you.

[*Translation*]

I now give the floor to Ms. Pauzé.

Ms. Monique Pauzé (Repentigny, BQ): I would like to thank our guests, as well.

I also want to point out that the briefing notes prepared by the Library of Parliament researchers are very clear and provide a lot of information.

As we have seen, several discussions were held on the commissioner's powers and mandate from the position's creation, in 1993, to the events that occurred in 2007, which Mr. Fauteux reminded us of. Given the environmental issues that have been growing steadily for 20 years, I think it is fair to say that the commissioner should be able to act independently and objectively, in keeping with his role of environmental steward. Perhaps we should do away with the strict logic of auditing.

Ms. Le Quéré spoke at length about what happened in England and in France, which was very interesting. That said, I will seek Mr. Fauteux's opinion.

In your view, what should be the mandate of the commissioner of the environment and sustainable development once he has become a high official of the Canadian Parliament?

Mr. Paul Fauteux: Thank you for the question, Ms. Pauzé.

The mandate should be very broad, given how much catching up Canada has to do after decades of climate inaction.

By the way, the first international climate conference was held in Toronto in 1988. So the Government of Canada should have taken action a long time ago. I think this inaction is a reason to give the commissioner a strengthened mandate.

I brought up the example of New Zealand. New Zealand's commissioner of the environment has a very broad mandate, and I recommend an equally broad mandate for our commissioner. That mandate includes the following elements: investigating any issue that could have or has had a negative impact on the environment; assessing the capacity, the performance and the effectiveness of the government's environmental management system; and providing advice and information that will help people maintain or improve the quality of the environment.

Under such a mandate, the Canadian commissioner could provide his advice on bills and recommend legislative amendments, as his New Zealand counterpart has been doing for a very long time.

• (1640)

Ms. Monique Pauzé: I will stop you here, Mr. Fauteux, as I have only six minutes and would like to put a question to Ms. Le Quéré now.

We always say that a commissioner has a stewardship role. In this context, Ms. Le Quéré, I would like you to tell us about the principles of the commissioner's independence and objectivity and explain how they could be reconciled with his role of steward of the environment.

Prof. Corinne Le Quéré: The important thing is that recommendations be realistic and based on evidence, scientific or other. In my experience, it is also important to have an engagement with the stakeholders—the public and businesses—that will implement environmental protection measures.

When we say that independence is protected, that does not mean not talking to anyone. On the contrary, it means listening to all the stakeholders and, by then drawing on clear evidence, making recommendations that separate constraints from choices. At that point, it is up to the political decision maker to decide, but while taking into account the constraints that protect the environment and the objectives.

Ms. Monique Pauzé: Thank you.

Do I have any time left, Mr. Chair?

The Chair: You have about a minute left.

Ms. Monique Pauzé: Very well.

I will come back to Mr. Fauteux.

The auditor general says there is a boundary between management and policy. However, that boundary seems rather porous to

me, as the Auditor General Act leaves it to his discretion to determine where the boundary is.

Based on your observations and your knowledge, Mr. Fauteux, is that prerogative of the auditor general not exercised to the detriment of the commissioner's current independence, if there is such independence, of course?

Mr. Paul Fauteux: I will not comment on the way the auditor general does his job, especially in the exercise of his role of the commissioner's supervisor. I will rather say that experience shows that the commissioner would be much more effective and would contribute much better to that climate governance described by Professor Le Quéré if he was removed from the Office of the Auditor General and thereby freed from the constraints specific to auditing.

The Chair: I apologize, Ms. Pauzé, I misled you; you have another minute left.

Ms. Monique Pauzé: I have another minute left? So I will continue.

I am coming back to Ms. Le Quéré.

In your document, you insist on climate action governance, which is necessary for Canada and which must inevitably be strengthened. We know that a legislative measure on the climate will be studied—Bill C-12.

Could you talk to us about the importance of having an independent commissioner of the environment? How will Canada benefit from reviewing the commissioner's role and powers through a bill such as the one on climate?

Prof. Corinne Le Quéré: When it comes to the auditing and monitoring of public policy, it is really important for the individual to have a direct and clear voice in Parliament. In addition, the government must have the obligation to respond to any recommendations or observations.

What is more, the commissioner should have a very broad independence enabling him to manage his own team, as well as his agenda. That would enable him to issue more specific, more useful and more orderly recommendations.

The Chair: Thank you.

Ms. Collins, go ahead.

• (1645)

[English]

Ms. Laurel Collins (Victoria, NDP): Thank you so much.

Just to start I want to thank all three witnesses. From what I heard in your comments so far, when it comes to this debate between purely auditing and a more expanded mandate that would review the merits of government policy, all three of you seem to be very much on the side that this role needs to be broadened. One of the pieces brought up by our Conservative colleagues, and potentially a concern from our Liberal colleague as well, was just about whether or not this is justifiable within the framework of our Canadian democracy.

Now, it's the duty of the language commissioner to protect the language rights of Canadians. We already have these kinds of structures and independent officers who are doing more this reviewing of the merits of the government policy work. One of the pieces is around looking backwards. That's the auditing function. The other is looking forward.

I was wondering if we could start with Mr. Lindgren talking a little bit about that function of looking forward.

Mr. Richard Lindgren: I think that was one of the major strengths of the environmental commissioner here in Ontario. Again, you're not just looking backwards or retrospectively. You're trying to identify where we need to go. For example, in 2009, the environmental commissioner was given the additional duty, by the legislature, to review and report upon energy conservation, climate change, mitigation, greenhouse gas emissions reductions, etc. Armed with that new mandate, I think the environmental commissioner did a great job in identifying the types of policies, programs, etc., that need to be in place if we're serious about addressing, mitigating or adapting to climate change. That's a good, positive example of where putting that kind of mandate into law really resulted in some excellent work on behalf of the environmental commissioner, in terms of bringing not only the government, but also the public along in terms of the things that need to be done.

Ms. Laurel Collins: Mr. Fauteux, could you either expand on that or talk a bit more about how the work the commissioner would differ if they were to become this independent officer of Parliament?

Mr. Paul Fauteux: I might point again to the example of New Zealand, which I think has a lot of interesting lessons for Canada. Madam Pauzé referred to Bill C-12, which would be Canada's first climate law. New Zealand has had such a law in place for a number of years. It was initially recommended by their commissioner for the environment. I think that's an excellent example of proactive policy advice. This was not policy-making, obviously. This was from the point of view of an independent officer of Parliament, with his own dedicated budget, with his own ability to set his agenda and hire expert staff and make expert recommendations. Certainly, New Zealand parliamentarians seemed to think this was very valuable input to their debates in the adoption of that law.

More recently, the commissioner for the environment in New Zealand has recommended amendments to the law. It's been in place for a number of years, and therefore there has been some experience gained. He has evaluated the experience gained in the first few years of implementation and made recommendations accordingly. I think the parliamentary debate is all the richer for it.

Ms. Laurel Collins: Thank you so much.

Madame Le Quéré, we've heard that there was a specialized group, called the commissioner's group, that supported the work of the environment commissioner. We've heard concerns about the resources that group had and that it had effectively been disbanded. You spoke a little bit about the real importance of [*Technical difficulty—Editor*] people with specific expertise integral to the commissioner's work.

I'm wondering if you could talk a little bit more about that and if you've heard anything about the Canadian context and the lack of resources and skilled folks.

Prof. Corinne Le Quéré: Yes, indeed, resources and experts are critical. If you want to guarantee that your climate objectives are met, you need to do a trajectory scenario or at least an assessment of what the options are. For this, you need people who know what they're doing in terms of their resources. I mean, the U.K. Climate Change Committee has 24 full-time staff who do that. That's a substantial team. These are people who have been selected specially for doing this task. It is their main job.

Yes, to my understanding, the office of the commissioner now does not have nearly that amount of people, and the expertise is not specific to what is required for examining the environment.

• (1650)

Ms. Laurel Collins: Thank you so much.

Mr. Lindgren or Mr. Fauteux, this is the same kind of question. Would you agree that in assessing environmental risk and doing this kind of more expanded mandate we need a unique blend of scientific, technological and economic policy expertise? To your knowledge, does the current office have that expertise and the specialized skill sets to do this work?

The Chair: We're out of time. Perhaps Mr. Fauteux or Mr. Lindgren would like to answer that at some other opportunity.

Mr. Jeneroux, you have five minutes.

Mr. Matt Jeneroux (Edmonton Riverbend, CPC): Thank you, Mr. Chair.

To the witnesses, thank you for being here.

Before I get to my questions, I want to address a comment that was made by Ms. Saks. She said she's certainly not a Conservative.

I welcome you to consider it at any point in time, Ms. Saks. We're a friendly bunch over here. Don't write it off so early into your parliamentary career.

To the witnesses, help me out here a little bit. I've been listening along and trying to see the worthiness of expanding this role.

Mr. Fauteux, I heard you say, well, New Zealand's done it. There's the ability to hire staff, evaluate efficiency, give advice on bills and amendments, and make more specific recommendations.

Following up on some of Ms. Collins's comments, looking into the future, I guess, how would an expanded environment commissioner role, under under Bill C-12, make a difference in terms of the role that exists today?

Mr. Paul Fauteux: I'm happy to have a first crack at that.

As Madame Le Quéré indicated, there is a great challenge ahead of Canada to basically reverse the current trend from emissions increase to emissions decrease. In that context, I think the contribution that could be made by an independent officer of Parliament who had a budget and ability to hire expert advice would be invaluable.

The constraints that are sadly imposed on the Auditor General are imposed as well on the commissioner. The Auditor General does not have a budget that allows her to do her work. Leaving the commissioner for the environment under the Auditor General ensures that the current insufficiency of resources that applies generally to the Auditor General continues to apply to the commissioner for the environment.

With the inability to hire sufficient staff, with the inability to carry out the appropriate audits and verifications, let alone the inability to make any policy recommendations on a go-forward basis, the commissioner is really not contributing much in terms of helping Canada in its challenge of meeting its international commitments to greenhouse gas emission reductions.

Mr. Matt Jeneroux: I would love to hear from the other two witnesses. Is the adding of more staff essentially a solution, in your mind?

Mr. Paul Fauteux: Well, it's really part of the solution. First and foremost is independence: taking the commissioner for the environment out of the Auditor General's office, giving him autonomy, giving him the same kind of reporting relationship that the Auditor General has towards Parliament; that the Commissioner of Official Languages has towards Parliament; that the commissioner for public service integrity has. All of the other officers of Parliament report directly to Parliament. They have their own budgets, they have their own ability to hire staff, and they are thus better equipped to contribute to Parliament's work.

Mr. Matt Jeneroux: Madame Le Quéré.

Prof. Corinne Le Quéré: It all hinges on the power that you want to give—and the protected power you want to give—to these people who protect the environment. At the moment, they don't have that power. It's really clear.

To meet climate objectives, Canadians have to invest tens of billions of dollars each year for the next 30 years. This is public and private investment. It's a huge challenge; it's a huge opportunity. It has to come with a governance that makes sense, given the challenge that is in front of us.

• (1655)

Mr. Matt Jeneroux: Mr. Lindgren, I don't know whether you want to weigh in.

The Chair: Do so very briefly, Mr. Lindgren.

You have about 30 seconds.

Mr. Richard Lindgren: Thank you.

While I would agree with everything my fellow panellists just said, I think it's borne out by the track record here in Ontario. The reason the environmental commissioner was so successful here is that he had an independent mandate, he could set his own priorities, he had his own budget, he could hire his own staff. That's why he garnered so much public support as he conducted himself under the EBR over the years.

The Chair: Mr. Longfield.

Mr. Lloyd Longfield (Guelph, Lib.): Thank you, Mr. Chair, and thank you to the witnesses.

I'd like to build on Mr. Albas' points, as well as Madame Paupé's, concerning the independence and objectivity that comes with the Office of the Auditor General.

I'm vice-chair of the public accounts committee and have had many interactions with the Office of the Auditor General as well as with the commissioner of sustainability. In both cases, they're the scorekeepers. They're really almost divorced from policy but are asking what the result of the policy is. It's to keep those functions separated.

Mr. Lindgren, I think you were heading down the road of having some type of advisory body or some group that actually looks at the policy, vis-à-vis having those with the measuring sticks say whether policy is effective or not.

Could you comment on external bodies, such as the Impact Assessment Agency or others, that could advise government on policy and on having measurements come through the Office of the Auditor General?

Mr. Richard Lindgren: I think if you're referring to the Impact Assessment Agency of Canada, that's an implementation body that's independent but confined to the Impact Assessment Act implementation.

I'm not sure you get much policy analysis or review from that body.

Mr. Lloyd Longfield: No, excuse me, I was saying like the Impact Assessment Agency, which is an independent organization.

Mr. Richard Lindgren: I had occasion to read the committee's transcripts from its November meeting in which the former interim environmental commissioner testified that really this was a policy decision back in 1995 to make the federal commissioner only an auditor, and subordinate to the Auditor General.

I would just simply say we've seen it run its course and maybe it's time to revisit that policy decision some 25 years later. Some things have worked but some things need to be improved, and as I say, based on the Ontario environmental commissioner experience, there is a role for policy advocacy that should be housed within an independent environmental commissioner at the federal level.

Mr. Lloyd Longfield: When I was reading your testimony, I was thinking.... I'm from Ontario, and I actually knew both of the previous commissioners, in fact one of them ran against me in Guelph for a federal seat.

They did get into policy a lot, and I think to their detriment, when the provincial government really thought they were being addressed by them in terms of policy versus finding other ways to manage policy.

The danger of getting into politics is that one of the things as we're looking forward is 2050 goals, 2030 goals. We have to get through the changes in the political cycle through some type of an independent oversight, and I think that's what we're discussing today.

We will hear from the new commissioner and we will hear from the Auditor General. Both of them have said in the other committee that they like the structure, they like the way that they can work with the provinces and territories.

Maybe I could pivot onto provinces and territories with Mr. Fauteux on the New Zealand example, and whether there's some types of jurisdictional questions we have that they don't have.

• (1700)

Mr. Paul Fauteux: New Zealand is not a federal state as is Canada, but the mandate of the New Zealand Parliamentary Commissioner for the Environment, as I said, is very broad and it addresses local as well as central government. It makes recommendations to the Government of New Zealand but also to local councils, to private enterprise, to community associations, to Maori organizations, to the indigenous people of New Zealand.

They don't have federal-provincial dynamics but they nonetheless do have different orders of government and different groups in society to which the commissioner can provide advice—

Mr. Lloyd Longfield: Have you looked at advisory councils—sorry to interrupt but I only have 30 seconds left—that include indigenous and include territories, as we would in Canada?

Mr. Paul Fauteux: I haven't looked at it specifically, but I do believe that the commissioner for the environment could in his, hopefully newly expanded role, do the kind of outreach that Madame Le Quéré was highlighting the importance of, which would include stakeholders across Canadian society. In other words, you wouldn't just be talking to Parliament, you'd be talking to Canadian society including—

Mr. Lloyd Longfield: And Canada is a very complex place as we all know.

Thank you.

[*Translation*]

The Chair: Thank you.

Ms. Pauzé, you have the floor for two and a half minutes.

Ms. Monique Pauzé: My question is for Ms. Le Quéré, Mr. Fauteux or Mr. Lindgren.

Earlier, Ms. Le Quéré painted a rather bleak picture of the situation. If Canada was to change nothing and maintain the status quo, what would happen to its image internationally?

Prof. Corinne Le Quéré: It is pretty clear that, by maintaining the current structure, Canada is not likely to achieve its 2030 objective. It already does not have a good reputation in terms of climate, so I don't think things will improve if it does nothing or does too little.

Bill C-12 is a good step, but it is not strong enough to overcome the challenges. This opportunity to strengthen the structure should be seized or at the very least considered seriously.

Mr. Paul Fauteux: I fully agree with Ms. Le Quéré, but allow me to add something. Of course, the decision to either keep the commissioner within the Office of the Auditor General or make him an officer of Parliament is not the most important element that will influence Canada's image internationally. What is important in this respect is to know whether or not we will achieve our targets. In fact, there is tremendous uncertainty regarding our ability to reach our current objective for 2030. As for the target planned for 2050, let's not even talk about it. So it is in the broader context of

urgency of taking action for the climate that we should consider the place of the commissioner of the environment and sustainable development within the organization.

I will use this opportunity to make a suggestion. As Mr. Lindgren was saying, things have been this way for 27 years, and it is not working very well. This could be an opportunity to give the commissioner a new title, as was done for the minister and the department six years ago. In other words, he could become the commissioner of the environment and climate change.

The Chair: Ms. Pauzé, you have 15 seconds left for a comment.

Ms. Monique Pauzé: Perhaps Mr. Lindgren would like to add something.

[*English*]

The Chair: Mr. Lindgren, be very quick, please.

Mr. Richard Lindgren: Thank you.

All I will do is fully endorse and support what Mr. Fauteux has just said. I have nothing meaningful to add.

The Chair: Ms. Collins.

Ms. Laurel Collins: Thank you, Mr. Chair.

I want to quickly start with Mr. Fauteux.

You were cut off right before the end of our conversation about the resources and the expertise, and to your knowledge, whether the current Office of the Auditor General has that capacity in important, specialized work.

Mr. Paul Fauteux: The answer is sadly no, because the commissioner of the environment has suffered from what I mentioned is the chronic underfunding that has been afflicting the Auditor General for the last 10 years. In the same way that the number of audits per year has gone from 27 to 14, resources have shrunk across the board in the Office of the Auditor General, and the commissioner of the environment has not been protected from that shrinking of resources.

Whereas 10 years ago there was expert staff working full time with the commissioner of the environment, he no longer has that capacity, or at least not to the extent he used to, and now he has to go and find people to do specific jobs because they are not attributed to him on a full-time basis, and they do not have the expertise that is required to carry out the commissioner of the environment's work.

• (1705)

Ms. Laurel Collins: Thank you so much.

I'll quickly go to Mr. Lindgren.

One of the things that Mr. Longfield had mentioned was the possibility of having some of this review of government mandates and policies in an advisory body function. The government has recently struck a net-zero advisory body. I'm curious about your thoughts, if that were the solution the government went with.

Maybe just talk about some of the dangers and some of the losses when it comes to the important work around the biodiversity crisis, the threats to fresh water, the impact on environmental health of human beings, that kind of thing.

Mr. Richard Lindgren: First of all, I'm a very strong believer in multi-stakeholder advisory panels or committees. It's a very important and credible source of information to government decision-makers. In fact, when I was on the environmental bill of rights task force, that in and of itself was an advisory committee that provided advice to the government of the day on whether we should have an EBR and what should be in it.

My concern about sloughing off some of these important duties to an unelected advisory panel, committee, council, or however you care to frame it, is that it will lack the profile, the legal powers and the functions that I would assign to an independent officer of Parliament.

There is room for advisory panels and councils, and so on, but we really need a stand-alone, high-profile, fully effective, independent officer of Parliament who's minding the environmental store.

The Chair: Thank you.

Mr. Redekopp, you have five minutes.

Mr. Brad Redekopp (Saskatoon West, CPC): Thank you; and thank you to all the witnesses for coming today.

As I'm listening to all of this, my fundamental question is that it almost sounds as though, if we were to go ahead and split this single department into two, magically there would be a whole pile of extra resources that would come, that would allow us to hire extra staff and would allow all this research and work to be done.

From the witnesses, is that what the expectation is, and is that realistic in the environment today?

Mr. Paul Fauteux: If I may start, I'm not counting on magic. I don't think it would magically happen. There would, obviously, need to be some exercise of political will to devote an adequate level of resources to the Auditor General for the Auditor General to carry out her important work and to the commissioner of the environment so he could carry out his important work. There's nothing magic about it. There's definitely something to be said for independence and autonomy as a prelude to adequate financial resourcing on a predictable, long-term basis.

Mr. Brad Redekopp: But if we look at history, you can argue whether climate is more important than finances, and we won't do that here, but arguably financial spending and accountability is a very big issue for government, and yet it seems like there hasn't been enough funding and enough resources for that.

What is there to lead you to think there would be not only funding for that but enough resources to do the other as well?

Mr. Paul Fauteux: I think the COVID crisis and the extraordinary government expenditures we have seen in the last year have shown us all that, where there is a will, there is a way.

Mr. Brad Redekopp: That's a great point, too, because does it not make sense that we would have to do an incredible amount of audit work on all of that excess spending and extra spending that was required because of COVID?

Mr. Paul Fauteux: That makes perfect sense, and that's a great job for the Auditor General.

Mr. Brad Redekopp: My background is accounting, and I know there's a lot of complexity in the way that books are kept in terms

of the government. It seems to me that advising on policy is a very different skill set than looking into the numbers and whether there was value achieved for the policies that were defined.

I guess I'm just curious whether there are any comments on that and, if you have a separate department, can you have all those skills in one place?

Mr. Richard Lindgren: Perhaps I will start off.

I think the answer is that you're right in the sense that giving the federal environmental commissioner both an auditing and a policy role will require a good skill set within the commissioner himself or herself and also within the staff. That's why I truly believe—I forget who said this earlier, but one of the panellists indicated—that you would need a good multidisciplinary staff in order to carry out these expanded duties. That, obviously, will require a sufficient budget as well.

I will take an extra step and say you're in good hands. I've known Mr. DeMarco for a number of years, and I'm fully confident that he will be able to carry out his role within the current mandate, but the question is whether it should be expanded, and if so, how and to what extent.

• (1710)

Mr. Brad Redekopp: I can almost hear Madam Hogan sitting in the background, but that's exactly what we have, a multidisciplinary team of people right now. It seems to me that duplicating that in another department is just going to create overlap and excess spending.

What do you think about that, Madame Le Quéré?

Prof. Corinne Le Quéré: Yes. I think you need specific expertise to answer questions on the environment. You're right that you need policy expertise to provide policy advice, but identifying the policy need can be done by the same people who do the verification, for example, and then your advisory board that has just been put in place can be put to work to help identify and help shape the choices and the policy to be put in place.

I don't see that there is a contradiction here. I do see, though, that keeping things at status quo does not give the specific expertise you need to tackle environmental problems. It gives general expertise on how to write a policy, which is not enough to have policies that work until 2050.

The Chair: Thank you.

We will go to Mr. Saini for five minutes.

Mr. Raj Saini (Kitchener Centre, Lib.): Thank you, Mr. Chair.

Thank you to all the witnesses who have come today.

I want to ask a very general question so we can bring all your suggestions to some finite place.

Can each one of you describe what would need to be changed to implement the suggestions you have recommended today?

We'll start with you, Mr. Lindgren.

Mr. Richard Lindgren: You better go to somebody else; I hear my dog barking.

Mr. Raj Saini: Okay. How about Mr. Fauteux?

[Translation]

Mr. Paul Fauteux: I will speak in French, if that's okay with you.

The commissioner of the environment and climate change, as I recommend he be renamed, should have an autonomous and substantial budget that would enable him to have access to the scientific expertise needed under his mandate. He should also decide on his own what public and private organizations to report on. In addition, he should have the authority to obtain from departments and other public organizations all the information required for his investigations. Parliamentarians and Canadians should also be able to challenge him. Finally, he should have freedom of speech. All those recommendations should apply as soon as the commissioner would be considered an officer of Parliament and an independent officer of Parliament.

[English]

Prof. Corinne Le Quéré: We would need all feet in the same direction, control of staff, a budget that is sufficient, protected and our own, our own work program and accountability to Parliament, with government having a duty to respond.

Mr. Raj Saini: Mr. Lindgren.

Mr. Richard Lindgren: Thank you, sir.

I would only add that all of that would need to be set out in specialized, stand-alone legislation. This can't be done by tinkering with or amending the Auditor General Act. The new, independent federal commissioner needs his or her own statute, with all of the duties, functions and responsibilities set out.

To the point that was raised earlier, "Isn't this just pure duplication of what the Auditor General does?", the answer is no. We're trying to give the federal commissioner a functionally different role, one that will extend or expand into policy. That's something that the Auditor General cannot and will not do under the existing legislation. It's not a duplication at all.

Mr. Raj Saini: We know that the commissioner will have an audit function and a policy advocacy role.

Should that be mixed? How should that work its way through?

Mr. Richard Lindgren: As long as it's set out in the legislation, I would leave it to the commissioner and his or her staff to determine the priorities.

Mr. Raj Saini: Which legislation in particular are you talking about?

Mr. Richard Lindgren: I'm talking about the new legislation that would be required. You just can't tack this on as an afterthought to the current Auditor General Act. This is going to require new, specialized legislation.

Mr. Raj Saini: Okay.

Mr. Fauteux.

Mr. Paul Fauteux: I fully agree with Mr. Lindgren.

I would just point out that technically, article 15.1 of the Auditor General Act should be abrogated and replaced by this new, stand-alone legislation creating this new position—an independent officer of Parliament called the “commissioner for the environment and”—with hope—“climate change”.

• (1715)

Mr. Raj Saini: Should the policy and advocacy roles remain with the same person, or should they be divided?

Mr. Paul Fauteux: There's a policy recommendation or policy advisory function. Let's be quite clear. This is not policy decision-making. It's policy advice.

Yes, I believe that policy advice could be provided and a policy implementation assessment function also carried out. As Mr. Lindgren indicated earlier, this would require both a mix of skills in the person of the commissioner and different, specialized skills on the policy advice side and on the policy implementation assessment side among his or her staff.

Mr. Raj Saini: Would the environmental auditing be done by the commissioner or by the Auditor General?

Mr. Paul Fauteux: It would be done by the commissioner if it had to do with the environment and climate change.

Mr. Raj Saini: Mr. Lindgren.

Mr. Richard Lindgren: I agree.

That's precisely how it played out in Ontario. The environment commissioner played both the auditing and policy roles.

Mr. Raj Saini: Okay.

Ms. Le Quéré.

Prof. Corinne Le Quéré: This is exactly how it works in the U.K. and France, with much success.

Mr. Raj Saini: You've mentioned France and the U.K., but are there any other countries that have thought this through, that we may be able to look at and study?

Mr. Paul Fauteux: I mentioned New Zealand. They have thought this through and I recommend that their experience be studied. They do integrate that combination of policy advisory and policy implementation assessment roles.

Mr. Raj Saini: Can anybody think of—

That's it, okay.

Thank you.

The Chair: We have time to name one more country, if anybody wants.

Prof. Corinne Le Quéré: There are Denmark, Sweden and Finland.

The Chair: Three countries, yes. We're just on time.

I just want to thank the witnesses for an excellent discussion. A lot of insight was gained.

I've been informed that there's another meeting after ours, so we can't really go much beyond 5:45. That will give us one round, with some opening comments from Ms. Hogan and Mr. DeMarco.

Thank you again to the witnesses for your time. It's greatly appreciated and we've benefited a great deal from it.

Ms. Hogan, you wanted to take some time to present, and Mr. DeMarco, I'm told you want a little less time.

Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC): I have a point of order, Mr. Chair.

The Chair: Yes.

Mrs. Cathy McLeod: I just want to confirm, if there's no unanimous consent to continue, what your plan is. I also want to confirm, if there is a decision by this committee to continue after the time this meeting was to end, that there will be no ability to entertain motions or anything of that sort.

The Chair: Yes, that's my understanding. We can continue as long as we have four members representing two opposition parties.

There is no intention, as far as I know, for anyone to present any motions.

Mrs. Cathy McLeod: Chair, I understand that you do need unanimous consent to continue. I just want to clarify that.

The Chair: Let me clarify that myself. I thought I had clarified it, but I will just double clarify if you just give me a second.

Mrs. Cathy McLeod: Thank you.

The Chair: You can move to adjourn the meeting if you wish, but if that's defeated we don't need unanimous consent to continue to 5:45 p.m.

The ball is in your court, if you want to move—

Mrs. Cathy McLeod: Okay.

I know that in other committees I've been on, when they have agreed to go overtime, they have typically adopted a motion that there will be no motions past the regular time. Again, I know we're short of time, so I hate to take time, but I think this is important.

The Chair: Okay, that's a good point, Ms. McLeod.

I assume there's unanimous consent that there will be no motions in this meeting after we pass 5:30 p.m.

Does anyone object?

Ms. Collins.

Ms. Laurel Collins: Given the testimony we just heard, I was intending on moving my motion. I was hoping to do it before 5:30 p.m., but we are getting very close to that time now. This is a time at which I can move my motion because it's apropos of the topic, but I also don't want to move it before we've heard from our next witnesses. I'm just at a little bit of a loss.

• (1720)

The Chair: You could always give notice of motion for a future meeting.

Ms. Laurel Collins: I have given notice of motion for this.

The Chair: Oh, okay. You've given notice, and you'd like to move it. You can always move it at another meeting, as I understand it.

Ms. Laurel Collins: Just to clarify, at, say, the next meeting we have, at the very beginning of the meeting, I could move the motion, and we could have this discussion?

The Chair: Yes, you could, as far as I understand.

Ms. Laurel Collins: Great.

The Chair: That's been confirmed.

Why don't we hear from Ms. Hogan and Mr. DeMarco, and then have one round of questions, and we'll be done.

Mr. Peter Schiefke (Vaudreuil—Soulanges, Lib.): I have a point of order, Mr. Chair.

The Chair: Yes, go ahead, please.

Mr. Peter Schiefke: Thank you.

I was just wondering if it was the committee's intent to keep the other witnesses here while the commissioner—

The Chair: No. They're free to go if they wish.

Prof. Corinne Le Quéré: Are we allowed to stay? If we are, I—

The Chair: If you wish, yes. I don't see why not. You can stay if you wish, but if you have other matters to attend to please feel free to do that.

Ms. Hogan.

Ms. Karen Hogan (Auditor General of Canada, Office of the Auditor General): Mr. Chair, thank you for inviting us to appear before the committee today.

I'm pleased to introduce Jerry DeMarco, our new commissioner of the environment and sustainable development, who joined the office of the Auditor General on February 1. Mr. DeMarco previously served as commissioner of the environment within the Office of the Auditor General of Ontario. Before that, he oversaw several administrative justice organizations at the federal and provincial level. He holds a law degree and master's degrees in environmental studies, management and science. It is an absolute honour to have Mr. DeMarco joining our office.

I am also accompanied by Mr. Andrew Hayes, deputy auditor general and a former interim commissioner of the environment and sustainable development.

Mr. Chair, I recognize that the issue before us today is one of policy and, therefore, that it falls entirely to the discretion of the legislature. However, I would like to take this opportunity to convey the merits of having the commissioner of the environment and sustainable development within the Office of the Auditor General of Canada.

The OAG applies exacting auditing standards to provide Parliament with objective, fact-based information that it can use to hold government organizations accountable to Canadians. This applies to all our audits, including those of the commissioner. We are auditors, not advocates.

Operating under the Auditor General Act, the commissioner has broad access to all the government information required to conduct his work and is required to report directly to Parliament. The commissioner's reports are referred to your committee in support of its accountability function.

Since the creation of the commissioner role in 1995, the OAG has built an expertise in environmental and sustainable development issues, through a diverse professional staff with backgrounds in biology, environmental sciences, environmental law and economics just to name a few. While you may be used to seeing the commissioner's influence in performance audits, the environmental expertise is leveraged across all of the OAG's work, including financial audits and special examinations of Crown corporations.

For example, in our review of the financial statements, we audit the government's liability for contaminated sites. When auditing corporations like Atomic Energy of Canada Limited, our scope includes environmental considerations and their impact on the corporations's financial results and business processes.

[*Translation*]

We view this synergy of expertise across our office as a strength. I want to note that two provincial legislative audit offices, in Ontario and Quebec, have either a commissioner of the environment or a commissioner of sustainable development.

At a time when issues relating to the environment are so closely entwined with social and economic factors, it's important that we not work in silos. By leveraging and integrating our environmental and sustainable development expertise across all our work, we can address issues more comprehensively and holistically.

This need for better integration has prompted the office, in recent years, to weave into all its audit work the United Nations' sustainable development goals, which Canada adheres to. As Canada is faced with responding to various crises, such as climate change and biodiversity loss, and is called on to foster sustainable development across government decisions, the office's integrated approach may serve as a model for working horizontally to address cross-cutting issues.

The volume of all our performance audit work, including the work carried out by the commissioner, was affected as the office dealt with funding constraints. With our office's new permanent funding announced in the 2020 fall economic statement, I can assure you that the tide will turn. In fact, starting this year, the commissioner will present several audit reports per year.

Lastly, the office enjoys an enviable reputation nationally and internationally and is considered a leader in public sector environmental auditing and in auditing the implementation of the United Nations' sustainable development goals. Our expertise is sought by auditors the world over.

Mr. Chair, I'll now turn to Mr. DeMarco to close these remarks.

• (1725)

Mr. Jerry DeMarco (Commissioner of the Environment and Sustainable Development, Office of the Auditor General): Good afternoon.

I also wish to thank the committee for inviting us.

Since I'm new to this position, I may not be able to answer all your questions today. However, I can assure you that I'm greatly committed to my new role as the commissioner of the environment and sustainable development. I look forward to working with this committee and all parliamentarians to support you in keeping the government accountable on environmental and sustainable development issues.

Mr. Chair, we're now ready to answer the committee's questions.

The Chair: Thank you, Mr. DeMarco.

I want to congratulate you on your appointment. We look forward to your future appearances before the committee.

I don't know which Conservative member will be speaking in the first round. Is it Mr. Albas or Mr. Redekopp?

[*English*]

Mr. Dan Albas: Mr. Redekopp, I believe, was supposed to lead off this round.

The Chair: Okay. Go ahead, Mr. Redekopp.

• (1730)

Mr. Brad Redekopp: Thank you for coming today and congratulations, Mr. DeMarco, on your appointment. We're looking forward to working with you and hearing more from you.

I do want to follow up on some of my lines of questioning from when you folks were visiting with us last, which I think was back in March and November of 2020. During those meetings in March and November, I asked about some specific government programming and the ability or inability to do your job as a monitor when the government plays shell games with ministerial responsibility through horizontal transfer.

As an accountant, it seems to me that horizontal transfer is a great strategy to hide money and confuse people. For example, with the supplementary estimates (B), the environment department transferred \$3.3 million to the Department of National Resources to plant trees, and also \$5.2 million to Crown-indigenous relations for plastic waste. To me, this gets to some of the complexities that you get into when you're auditing. The numbers can get rather confusing.

If you recall, Madam Hogan, in November I asked you whether, if the minister is failing to take responsibility for climate action, the government is purposely moving towards this type of obfuscation to avoid accountability.

You said:

The government is definitely moving in a direction where there is a lot of cross-organizational push for programs to be delivered in such a fashion.

Madam Hogan, first of all, do horizontal transfers make it easier or more difficult for your department to complete its auditing tasks?

Ms. Karen Hogan: Thank you for the question. I will see if Mr. Hayes who was auditing environmental manager just recently would like to add to it.

As funds move horizontally, we follow that dollar. It doesn't really matter where it ends up. Whether we include one department or many departments in our audit, it is still something that we can cover.

The issue that we're seeing with horizontality is really having an organization or one department that is the lead and cannot necessarily compel another department to do something, as each deputy head is responsible for the funds and the programs under their discretion. What complicates the matter is ensuring that proper action is taken and that everyone plays their role, but it doesn't complicate our audit efforts.

I don't know, Andrew, if you wanted to add anything to that.

Mr. Andrew Hayes (Deputy Auditor General, Office of the Auditor General): I'll simply say that the importance of clear accountabilities in the context of horizontal initiatives is critical, and that's been something that we have commented on as an area for improvement in places like climate change audits and sustainable development audits.

Mr. Brad Redekopp: You mentioned sustainable development audits. I was just actually looking at the one in 2020 where you did an audit of the Federal Sustainable Development Act. What I saw there was that you looked at 12 different departments. It's a program where the Minister of the Environment has overall responsibility for the entirety of government and yet you had to look at 12 different departments like fisheries, Health, Indigenous Services, National Defence and so on.

One of the findings that you mentioned was that the audit found consistent failure on setting targets or meeting set targets, as departments do not report to the Minister of the Environment, which is accountability, which is what you just mentioned.

I guess when I look at this, that's exactly what I see. I see a minister responsible for an outcome without having authority over the spending. As an auditor, how can you gauge the effectiveness of a

program when you can't tie the spending authority to the program responsibility?

Mr. Andrew Hayes: I'm not sure if you want Ms. Hogan to start or if you want me to start.

Mr. Brad Redekopp: You can go ahead, sure.

Mr. Andrew Hayes: In those cases that we have examined where there are horizontal initiatives, what we see is that the various departments and agencies that contribute feed information to the lead department. The lead department has to rely on the information that it receives from the other departments. At a fundamental level, the coordination becomes a challenge without the ability to compel or to direct in the horizontal context.

Mr. Brad Redekopp: Ms. Hogan.

Ms. Karen Hogan: I'm not sure if I have much to add other than to say that this is where a possible solution would be. Either a central agency needs to play that role, or some clear accountability needs to be put into horizontal projects in order to ensure that one department can compel another.

I think that would be a possible solution that we've identified through audits over time.

Mr. Brad Redekopp: As you look forward then, is this an area where it would be helpful to have fewer of these transfers, more of these transfers? What is the specific solution? Is that it—to have some ability to compel from ministers?

Ms. Karen Hogan: I think that what I suggested is probably one solution. Again, it really is our role to identify gaps and issues, to engage in a good debate and then to ensure that something is done to improve outcomes going forward. The fundamental decisions really rest with the legislature and deputy heads.

The Chair: You have time for a comment, Mr. Redekopp.

Mr. Brad Redekopp: Looking ahead to Bill C-12, does it not have the same issue, where it's going to be a massive bill that affects all departments? How is an audit going to take place with something like that?

Ms. Karen Hogan: I do not know all the nuances of Bill C-12—my apologies—but yes, I think it's a horizontal issue. Unless that fundamental issue is addressed about having someone accountable and not just gathering information, we'll see similar issues going forward.

The Chair: Interesting.

Mr. Schiefke.

[*Translation*]

Mr. Peter Schiefke: Thank you, Mr. Chair.

[*English*]

Mr. DeMarco, congratulations on your appointment as Canada's new commissioner of the environment and sustainable development and for your 25 years of service in the environmental field.

[*Translation*]

Thank you for joining us this afternoon.

My constituency, Vaudreuil—Soulanges, is located in Quebec. I know that my constituents are keeping a close eye on the progress made in this area.

For example, I kept an eye on the adoption of the Quebec government's Bill 44. The bill calls for the creation of an advisory committee to advise the minister and the government on the fight against climate change. The committee must be made up of independent experts who mostly come from the scientific community. In addition, Quebec's sustainable development commissioner, under the authority of Quebec's auditor general, has been given the new responsibility of reporting annually on their recommendations.

Can you describe how the role and responsibilities of Quebec's commissioner differ from your role and responsibilities at the federal level? Could some aspects of the Quebec commissioner's role be used to strengthen the federal commissioner's role?

• (1735)

Mr. Jerry DeMarco: Thank you for the question.

[*English*]

I'm going to answer that in English because it requires a bit of terminology that I'm not up to speed on in French.

The models used at the federal level, at the Ontario level and at the Quebec level for the commissioners are in the same class. They are all situated within an auditor's office. The witnesses that you heard from earlier today spoke of other models that, for example, New Zealand uses. There are other subnational models in the state of Victoria and in the Australian Capital Territory.

There's a range of models out there. The differences between the federal model, Quebec's and Ontario's are relatively minor. I'm not aware of the new bill that you're speaking of in terms of the changes that are coming, or could come, in Quebec.

For the most part, my role as commissioner of the environment and sustainable development is relatively similar to the Ontario commissioner of the environment and to the Quebec sustainable development commissioner.

Mr. Peter Schiefke: Thank you for that, Commissioner.

I am very happy that you brought up other jurisdictions. It's a good segue into the next question that I have for you.

We're looking at ways to strengthen your role as commissioner, to improve upon it. I am wondering, in the same spirit as the previous question, if there is any way that we can borrow from other jurisdictions, local or international. I'm interested in hearing more about the ways in which commissioners in other jurisdictions play their important role.

I know you're new in this role. Perhaps this question would be for you as well as for Ms. Hogan.

I find that Bill C-12, Commissioner, offers an interesting case study to look at with regard to what other countries are putting in place in terms of independent oversight and as we're seeing more countries joining the pledge to have an accountable process towards net-zero emissions by 2050. We know that in the U.K., for example, the climate change committee has an independent statutory

body that has been established to keep track of the U.K. government's goal to achieve net-zero emissions by 2050.

Our government's Bill C-12, in addition to enabling the commissioner to play an oversight role, would require the minister to set up a net-zero body to provide advice on pathways to net zero.

Are there any other jurisdictions around the world that provide for this kind of oversight by having a commissioner and an expert panel to keep the government accountable, and are there any other ways you think we could strengthen that?

Mr. Jerry DeMarco: You heard from the witnesses in the first hour, who spoke extensively to that issue. There are models in Europe, as well as in Australia and New Zealand, that you could look to.

I would probably advise that you carry out an evaluation of the effectiveness of those models, because there is no one-size-fits-all way of doing this. There are a lot of different approaches available. In terms of best practices, you can certainly look at some of those jurisdictions.

In my previous role at the Ontario level, I took part in a performance audit of Ontario's climate change plan. The 2019 report from that included, in an appendix, an extensive analysis of best practices in the climate change area in particular.

Do recall that the intent of the role of commissioner of the environment and sustainable development isn't to silo environmental and sustainable development issues in a manner that isolates them from economic and social issues. If you look at the 17 UN sustainable development goals, you can see how cross-cutting and horizontal those issues are, so there is an advantage to looking at these things in a more integrated manner. There are also advantages to the more specialist approach.

I'd be happy to carry out whatever role is assigned by the statute, but I do advise that you look carefully at the effectiveness of all of those models before landing on any changes to the current one used in Canada.

• (1740)

Mr. Peter Schiefke: Thank you, Commissioner.

Mr. Chair, how much time do I have left?

The Chair: You have about 20 seconds.

Mr. Peter Schiefke: Okay. Well, I will leave it to one of my fellow colleagues to continue their questioning.

The Chair: Thank you, Mr. Schiefke.

[*Translation*]

Ms. Paupé, you have six minutes.

Ms. Monique Paupé: Thank you, Mr. Chair.

I want to thank Ms. Hogan and Mr. Hayes for joining us again. I also want to congratulate Mr. DeMarco on his appointment and welcome him back.

Ms. Hogan, you have extensive experience in the Office of the Auditor General. You know the issues. You said that the office plays a significant role when it comes to the United Nations' sustainable development goals, which Canada adheres to. However, a witness told us earlier that the governance of climate action in Canada isn't working; that Canada has never achieved its objectives over the past 20 years; and that, of the G7 countries, Canada is the only country whose emissions aren't decreasing.

I have two questions about this.

First, I want to know why you're advocating for the status quo under these conditions.

Second, in an interview with the *Toronto Star*, Mr. Hayes said that the commissioner is chronically underfunded and that no auditor is assigned exclusively to environmental issues. Does this explain why Canada is failing to achieve its objectives?

You said that you like the current structure. I like effectiveness. It's the 21st century. Given what we're going through with climate change, we need an effective structure.

Ms. Karen Hogan: Thank you for the question.

I'm advocating for the status quo because I believe that the Office of the Auditor General is more effective because of its independence. All individuals, including the commissioner, are independent from the government. The office has extensive access to information that other officers of Parliament don't have.

You referred to individuals who focus exclusively on environmental performance audits. Everyone in the office can work on performance audits. That said, we have specialists and experts who, while supporting other office initiatives, primarily focus on the commissioner's reports. I can't tell you exactly what percentage of their work this amounts to. This integration approach takes into account the sustainable development goals. The approach promotes the consideration of environmental and sustainable development issues during the analysis or audit of all the programs, not just the environmental programs.

Ms. Monique Pauzé: Ms. Hogan, I'll go back to what the three witnesses told us earlier, which is that this doesn't work. That's why I'm wondering why we're unable to consider another option.

Can you tell us, for example, what percentage of the Office of the Auditor General of Canada's budget is currently devoted to the commissioner's work, or what percentage has been devoted to it over the past 10 years? If you don't have this information in front of you, you can send it to the committee. As they say, funding is always key.

Ms. Karen Hogan: Our role is really to look at the government's actions and to help Parliament monitor the government's actions. We don't carry out these actions. However, we help Parliament put pressure on the government to take action in order to reach its targets.

Obviously, I don't have on hand the percentage of our budget devoted to the commissioner's work over the past 10 years. We make sure that we look at the key parts of the government. We have many employees, and the vast majority of them carry out several tasks. A few employees focus on one specific task, but it's very difficult to

determine. It will take us a little while to find the information that you're asking for, but I can give you the details later.

• (1745)

Ms. Monique Pauzé: Yes, please do. We'll need them.

Earlier, Ms. Le Quéré, who sits on the Climate Change Committee in the United Kingdom and the High Council on Climate in France, listed the key components of good climate governance, such as annual reviews, an independent body and objectives. She emphasized aspects that have proven successful elsewhere, including in the United Kingdom, starting with the independence of the commissioner.

Mr. DeMarco, you served as the environmental commissioner in Ontario, an independent position. Can you tell us about your experience in Ontario?

Mr. Jerry DeMarco: I want to thank the member for the question.

[English]

I'll, again, revert to English just so I make sure that I cover all of the terminology necessary to answer that interesting question.

Yes, I'll speak of both my limited experience at this level, which comprises five weeks, and my previous experience at the Ontario level.

There are two questions there. There is the debate that's going on today about the role of the commissioner and then there is the larger debate about what laws and policies and structures are needed for effective climate governance and implementation of targets, including the Paris target and so on.

We're here, more specifically, to speak about the former rather than the latter.

The Chair: Thank you.

Mr. Jerry DeMarco: Having said that, I do reiterate what I said to Mr. Schiefke, which was that one of my reports at the Ontario level does go into best practices in terms of climate change governance.

The Chair: Ms. Collins has the honour of the last question today in this hearing, which she proposed.

Ms. Collins, go ahead, please.

Ms. Laurel Collins: Mr. Chair, how much time do I have?

The Chair: You have six minutes, but anything you can do to make it shorter would earn you brownie points.

Ms. Laurel Collins: Thank you to the witnesses.

We've been having this discussion about the potential of having the commissioner of the environment review the merits of government policies and their mandate and really the question of those that are forward-looking versus backward-looking.

Maybe first I'll go to Mr. DeMarco.

Congratulations on your appointment. As you are new to the role, I'd really like to hear from you on whether you see a benefit to having some kind of forward-looking evaluation of environmental policies in addition to that really important backward-looking auditing work.

Mr. Jerry DeMarco: Certainly it's an important role. Whether you can have that role fit comfortably in an auditor's role is a question that I'm sure some of you will be debating. There are pros and cons to the various different models, but the typical auditor role includes extensive powers to obtain information and access to government officials all the way up to cabinet confidences and so on. Typically a policy advisory body does not have that ability. To the extent that you are envisaging a commissioner who does all things, I'm not aware of any model that has that extensive a suite of powers including all of the typical auditor's powers plus essentially the same powers that a policy-making or policy advisory body would have.

Ms. Laurel Collins: I'm sorry to interrupt, Mr. DeMarco, but I have a limited amount of time.

We heard from previous witnesses about examples from Denmark, Finland, and New Zealand as well as about the previous Ontario version of the environment commissioner doing some of that both forward-looking and backward-looking work. I'm just curious. It sounds as though, from what I heard you say, that forward-looking evaluation work is important. You're not certain what model we need, but I just want to focus in on that forward-looking evaluation piece.

Mr. Jerry DeMarco: Yes, that is a critical role in the formulation of wise policy and the subsequent implementation of that policy. It's just a question of where you're going to situate that role. Is it just within government? Is it within an independent officer of the legislature? Is it in a panel of advisers? There are all sorts of models out there. I should clarify, though, that the previous Ontario model did not involve full auditing powers for the commissioner plus the policy evaluation and recommendation roles. It had the latter but it did not have the typical Auditor General's powers of access to information. The other models in Europe are more particularly associated with just the climate question. Recall that our office is looking at sustainable development writ large and at environmental issues across the board. Those issues are slightly different from just climate governance.

• (1750)

Ms. Laurel Collins: I'll move on to the question of resources, staffing and the current structure that exists.

Ms. Hogan, currently, if the Office of the Auditor General is under-resourced, just in the hierarchy for decision-making, you have the ability to take [*Technical difficulty—Editor*] and kind of move

them to a different department if that's required. This is in no way a criticism. I'm just trying, really, to clarify that ultimately decisions about which staff are doing what fall to you as the Auditor General. Is that correct?

Ms. Karen Hogan: We see this globally when it comes to budget allocation. Yes, that does fall to me, but since the commissioner of the environment is an assistant auditor general within the office, all members of the senior management team play a role. Mr. DeMarco has some of the scientific expertise that he needs. I know he's told me that he wants to hire some more, and he has the skills, capabilities and money to do so, so he can hire the individuals he wants. He has looked at the team we have, and he would like to add to that.

Ms. Laurel Collins: Sorry to interrupt, Ms. Hogan. I'd just like clarification on that point, because that was going to be one of my questions. We have heard from the previous witnesses and from others that the Office of the Auditor General hasn't recruited explicitly environmental experts in several years. Have you given permission to hire additional environmental experts? Is that correct?

Ms. Karen Hogan: Absolutely. We've hired some recently, and Jerry has asked that we make sure to set aside a full-time equivalent space to give him more resources, and we've done that. We can also contract out for some expertise that he might need, which would be very particular and might not be needed for the long term. Like any other assistant auditor general, he has the freedom to do that. He enjoys the benefit of being able to come and speak to Parliament. He has, in consultation with me, the freedom to pick the topics he would like to look at and the areas he looks at, so he is very independent.

Ms. Laurel Collins: I'm sorry to interrupt....

Do I have another minute, Chair?

The Chair: You can make a very quick comment and then we have to stop. We have resource constraints in the House.

Go ahead for 10 seconds, Ms. Collins.

Ms. Laurel Collins: That's okay, Mr. Chair. Thanks so much.

The Chair: Thanks. I appreciate that very much.

I want to thank Ms. Hogan, Mr. DeMarco and Mr. Hayes for being here this afternoon. I know we'll have the opportunity to see each other again, and I really look forward to that.

Thank you, committee members, for your incisive questioning. We'll see everyone again on Wednesday for the minister and senior officials.

Thank you again and have a good evening.

The meeting is adjourned.

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

SPEAKER'S PERMISSION

The proceedings of the House of Commons and its committees are hereby made available to provide greater public access. The parliamentary privilege of the House of Commons to control the publication and broadcast of the proceedings of the House of Commons and its committees is nonetheless reserved. All copyrights therein are also reserved.

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

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

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

Also available on the House of Commons website at the following address: <https://www.ourcommons.ca>

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

PERMISSION DU PRÉSIDENT

Les délibérations de la Chambre des communes et de ses comités sont mises à la disposition du public pour mieux le renseigner. La Chambre conserve néanmoins son privilège parlementaire de contrôler la publication et la diffusion des délibérations et elle possède tous les droits d'auteur sur celles-ci.

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

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

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

Aussi disponible sur le site Web de la Chambre des communes à l'adresse suivante :
<https://www.noscommunes.ca>