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**Thursday, February 10, 2005**

**Chair**

**Mr. David Chatters**

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## Standing Committee on Access to Information, Privacy and Ethics

Thursday, February 10, 2005

● (0905)

[English]

**The Chair (Mr. David Chatters (Battle River, CPC)):** Good morning, everybody.

Thank you for coming out. This morning the order of business pursuant to Standing Order 108(3)(h) is a study on the funding mechanism of the offices of the Information Commissioner, the Privacy Commissioner, and the Ethics Commissioner.

We have with us this morning as witnesses: Mr. John Reid, Information Commissioner; with the Office of the Ethics Commissioner, Mr. Bernard Shapiro; and with the Office of the Privacy Commissioner, Jennifer Stoddart, the Privacy Commissioner.

Thank you for coming, folks. It's a delight to have you back again.

Before we get started, I just have a word for my colleagues on the committee. Our study is strictly on the funding mechanism for the three offices before us today, so I would ask everyone to focus on the issue of funding. I know there are all kinds of issues in these three offices that we would be most interested to pursue, but our time is tight, so we want to focus on the issue of the study, if you could, please.

Other than that, if we do run short of time and you have extra questions, we will certainly encourage you to write the questions down and give them to the clerk. The clerk will submit them to the appropriate office and ask for a response to your questions.

With that, we'll start first with statements.

We'll start with Mr. Reid.

**Hon. John Reid (Information Commissioner, Office of the Information Commissioner of Canada):** Mr. Chairman and members of the committee, I'm grateful that you've undertaken the study into the manner in which certain officers of Parliament are funded, the Information Commissioner included.

During my previous appearance I expressed my concern and frustration at not being given by the government adequate resources to carry out my statutory mandate. I also emphasized that no officer of Parliament wants a blank cheque. We should have to justify our resource requests and account for expenditures. Yet I also expressed my view that there's an inherent danger in allowing the government, against whom we investigate complaints, to have total control over our resources. There can be no true independence from government of the day as long as it controls the resources of officers of Parliament. Your decision to inquire into this fundamental concern, which all officers of Parliament share to one degree or another, is one

that is long overdue. I'm delighted that you are undertaking it and I will assist your deliberations in any way I am able.

I want to say how much I'm looking forward to hearing from my colleague, the Ethics Commissioner, because his office has a funding mechanism that is independent of the government of the day. He turns to the House of Commons to justify his resource requests. I believe that's a model that should be explored for the rest of us. I do add a caution, however. When there's a majority government, even parliamentary funding mechanisms may not entirely insulate officers of Parliament from efforts of the government to weaken them through resource starvation. However, at least it will be members of Parliament collectively who take that decision, not a collection of ministers at the Treasury Board—and that is an important distinction.

It's for that reason the Auditor General has recommended a blue-ribbon panel of experts be set up by Parliament to review the resource requests of officers of Parliament. There are some attractive features to this that the committee may wish to take up with the Auditor General. In my view the best solution would be the one that is the simplest and the most transparent.

In the interests of full disclosure, I must tell you that I come to you in the midst of a crisis of underfunding in my office. The workload of complaints against government far outstrips our ability to give acceptable service, the service levels being set by a parliamentary committee shortly after the access act was created. That was that there should be no longer than a four-month gap. The backlog of incomplete investigations in my office is now at a level that would take all of my 23 investigators a full year to dispose of, without, of course, doing any work on any new complaints coming in the door.

Last year the average time it took to complete an investigation was some nine months, at least six months longer than is reasonably acceptable, and the reason is simply inefficient resources. Every internal efficiency gain has been exploited. We simply don't have enough investigators to do a labour-intensive job. As well, my office has no research, no policy, no training, and no public education or communications staff. We have gone down from two assistant commissioners to one deputy commissioner. We've gone down from two officers responsible for the operation to one. So we have slimmed down our administration. We have eliminated all of these positions to throw every possible resource we have into the conduct of investigations.

Consequently, my ability to assist this committee, other committees, parliamentarians, and Canadians who seek my help is every bit as compromised by lack of resources as are my office's investigatory functions.

You've heard all of this from me in my last appearance and you heard it in my most recent request to Treasury Board for an increase in base funding of some \$2 million to put the office back on a sound financial footing.

Since my last appearance, Treasury Board ministers have made a decision. It was a refusal to give even \$1 to increase my office's base funding. To add insult to injury, it approved the hiring of 5 investigators for 16 months to attack our backlog. Of course, a funding commitment of such a short-term duration is a recipe for failure. There's simply no possible way to attract investigator-calibre people to such a short-term job. There's no way to train, security clear, and deploy them in such a short time period to effectively tackle such a large backlog of cases. It takes us three years to train an investigator. I have money in my budget for a year and a half.

As well as giving no approval for additional permanent investigators to deal with the incoming onslaught that is creating the backlog, the government ensured that the incoming workload would continue to overwhelm us and the backlog would continue to grow. This is the reality on the ground of which my independence is being undermined by resource starvation and why a more independent arrangement is sorely needed.

• (0910)

Thank you.

**The Chair:** Thank you.

Mr. Shapiro.

[Translation]

**Mr. Bernard Shapiro (Ethics Commissioner, Office of the Ethics Commissioner):** Mr. Chairman, Committee Members, first I want to thank you for having invited us today to participate in your proceedings. I unfortunately must leave at 10 a.m. this morning, but my colleagues, Ms. Rondeau-Parent, Director of Communications and Parliamentary Relations, and Ms. Robinson-Dalpé, Director of Corporate Services, will remain available until the end of your meeting, to provide you with any further information. I only have a few words to say with respect to our funding mechanism.

[English]

With respect to this process for my office, we have provided you with a fact sheet outlining its key elements. As you can understand, the process was developed in the context of a legislative intent to create an Office of the Ethics Commissioner that is, and is seen to be, independent of both government and the public service, with at the same time an appropriate mechanism of accountability.

The legislation chosen by Parliament was to grant my office parliamentary status, establish the Ethics Commissioner as an officer rather than an agent of Parliament, and to define the budgetary approval process through the Speaker of the House of Commons.

As a result, the Office of the Ethics Commissioner is not considered a department as recognized by the Financial Administration Act, and the staff relations legislative framework for my office is the Parliamentary Employment and Staff Relations Act rather than the Public Service Staff Relations Act, which applies to many other groups.

Finally, my office is excluded from the jurisdiction of the Federal Court, and I am granted the House's privileges and immunities. The arrangement is therefore a package designed, as I've already suggested, to establish the independence of the office from government and to remove it from any relationship to, or responsibility for, the public service.

Although I had no role in the development of the legislation, the funding mechanism established by the legislation, and our direct reporting relationship to Parliament through the House of Commons, seems to me to be an entirely appropriate reflection of the aims of the legislation.

I'd like to thank you for your attention this morning. My colleagues and I would be willing to respond to questions at your convenience. I look forward to working with you on the 2005-06 main estimates, which will be referred, of course, for your review.

Thank you.

• (0915)

**The Chair:** Thank you.

Ms. Stoddart.

**Ms. Jennifer Stoddart (Privacy Commissioner, Office of the Privacy Commissioner of Canada):** Thank you very much, Mr. Chair.

We're very pleased to be here. We too have an opening statement. I hope members will bear with me. It's perhaps slightly longer. Our funding situation is perhaps slightly more complex at the present time, so I thought it might be useful to put it down and pass over it before you ask me questions.

The question we are looking at today is of course extremely important, given the necessary independence of an officer of Parliament who is an ombudsman, who also has oversight functions, and who, as a result, like our office, has been granted the important status of an officer of Parliament. We're here today to comment on the rationale for independent funding of offices of Parliament and to comment on the potential alternative mechanisms for this. In short, the structural independence appropriate for the functions we fulfill calls for an arm's-length funding mechanism based on objective and expert analysis. This is our position.

I would also like to share a few insights on the governance structure under which we currently operate. If I may, I would like to start by providing some context regarding the current accountability regime of the Office of the Privacy Commissioner of Canada, our relationship with the Treasury Board Secretariat, and some of our unresolved financial challenges.

First of all, on our present accountability regime, as set in our legislation the Office of the Privacy Commissioner produces an annual report covering activities under both of our statutes, the Privacy Act and PIPEDA. As well, consistent with the federal government approach to performance planning and reporting, we table, as do departments, a yearly report on plans and priorities in the spring and a departmental performance report in the fall. Since 2003-04—this is a new development—our annual financial statements are audited by the Office of the Auditor General. I am pleased to say that we have been given a clean bill of health.

Our office has also created an external advisory committee that brings together varied and public administrative expertise as well as senior experience in serving the needs of Parliament and parliamentarians. This committee meets once or twice a year to discuss emerging priorities and strategies. Drawing from their unique professional experience and vantage points, each member of our advisory committee has played a seminal role in helping shape our institutional renewal strategy.

These accountability documents and the management representations that ensue from their tabling at the House of Commons and the Senate assist, we think, in informing parliamentarians about salient privacy issues. They also provide an opportunity to canvass parliamentarians' views on priorities and strategies. In addition, they help Canadians understand what their national institution is doing to protect privacy rights and to educate the public and private sectors about their privacy responsibilities.

I will continue with the current funding mechanisms.

[Translation]

Let us now discuss the current funding mechanisms for the Office of the Privacy Commissioner.

At present, our Office, like all federal government departments and agencies, negotiates its budget with the Treasury Board Secretariat which then makes a recommendation to the Treasury Board ministers. There is, however, a fundamental difference. Officers of Parliament or agents of Parliament, are, by design and by institutional arrangement, independent in setting their Plans and Priorities. There is therefore a seeming contradiction between the independence necessary to carry out our functions and our

institutionalized financial dependence on government. Despite all of this, we must demonstrate probity and integrity in the management of the public funds granted.

From 1983 to 2001, the Office was funded to fulfil its responsibilities under the Privacy Act. The budget for 2001-02 was 4.4 million dollars. With the enactment of the Personal Information Protection and Electronic Documents Act, also known as PIPEDA, the Office receive an additional amount of 6.6 million dollars per annum, but only for three years. The three-year limit on the approved funding recognized the fact that it was not possible to reliably forecast the workloads and resource requirements necessary after the full promulgation of PIPEDA. This law came into force incrementally from January 2001 to January 2004.

While the original intent was that this Office would have submitted to Treasury Board by October 2004 a solid business case for securing stable long-term funding, organizational issues which have been well documented in the recent past have not allowed us to meet the target. From an operational perspective, there was also a high degree of uncertainty surrounding the forecasting of future workloads and related resource requirements resulting from full implementation of PIPEDA. In the absence of long-term funding and a cogent business plan that would clearly articulate where investments were needed, Treasury Board has continued to fund PIPEDA on a year to year basis from 2004 to 2006.

Let me clearly state that we have very good working relationship with the Treasury Board Secretariat. As I have mentioned in our previous appearances before this committee on our Main Estimates and Supplementary Estimates, our Office is closely working with Treasury Board Secretariat to determine the appropriate level of funding required to carry out our mandate.

Let us now move on to the matter of a funding mechanism which parallels the OPC's independent status.

Let me outline some reasons for which the funding of the Office of the Privacy Commissioner should in fact be independent. In addition to the fact that we are an Officer of Parliament, we must consider the very nature of our ombudsman role on privacy issues for the public and private sectors. As an ombudsman and oversight agency of government for Parliament, we investigate and audit other federal departments and agencies. The necessary independence of our role as an ombudsman has been recognized by the Supreme Court of Canada in the 2002 Lavigne decision which states that we are "... independent of the government's administrative institutions..."

Let us now turn our attention to alternative funding and governance models. Ms. Sheila Fraser, Auditor General of Canada, recently stated before us in referring to her own office that:

...valid questions can be put to us about our budgets, our spending, our priorities and the way we select our audits. However, I am fully convinced that those questions should not come from one of the organizations that we have to audit. Therefore, there should be an independent mechanism to make sure that we go through a rigorous review, but not by someone that we are auditing.

The similarity of our functions would strongly suggest a similar funding approach. Alternative funding mechanisms which would allow for greater financial independence of our Office should be explored.

I now move on, before concluding, to the matter of governance and funding of Parliamentary Officers.

• (0920)

[English]

Although we haven't studied in detail all of the possible alternative financial mechanisms that could be appropriate for offices of Parliament, we've conducted a very cursory conceptual review of the options being proposed by the Auditor General, and the U.K. model, the current model being used in Canada for the Senate ethics office and the Ethics Commissioner, and the concept of a blue-ribbon panel.

We agree in principle with the latter approach. Key governance issues, however, to our mind, need to be addressed. While terms of reference and operational modalities have yet to be defined, our office supports the concept of creating a blue-ribbon panel. The concept of a blue-ribbon panel model is aligned with the need for independence for our office and, doubtless—although I don't presume to speak for them—other offices of Parliament. It is designed to provide a well-functioning accountability and transparency regime. Also, this approach does not require legislative changes, and it is an avenue we would favour at this point in time. Other models could also be envisaged based on the respective experiences of the United Kingdom, New Zealand, Australia, as well as those of provincial jurisdictions in Canada.

In closing, Mr. Chair, I would like to reiterate that our office's most immediate priority is to stabilize its resource base and to complete our institutional renewal strategy. The cooperation with the Treasury Board now rests on a solid footing and we wish to complete our business plan with a formal submission to the Treasury Board this summer.

The Office of the Privacy Commissioner will continue to work within the current framework but is very interested in discussing alternative models. Serving Parliament and the public interest requires no less from all of us. We hope to try to continue to meet the best needs of parliamentarians and Canadians.

So thank you for your attention during this presentation. I'd be happy to answer your questions.

• (0925)

**The Chair:** Thank you very much, commissioners.

I think that gives us a pretty good basis to start the questioning with. Clearly, there are two different types of funding before us—and certainly some suggestions as to other models we might use, so I think that is a good starting point.

We'll start with Mr. Tilson.

**Mr. David Tilson (Dufferin—Caledon, CPC):** Thank you, Mr. Chairman, and thank you all for coming again.

I'd like to pursue what the chair has just raised. All three of you talked about other jurisdictions, particularly Commissioner Reid, who made some comments on the funding of British Columbia and Alberta, which I understand has a committee of the specific legislative assembly and the commissioner in between the two. Between the commissioner and the committee, they come up with

something. I'm just picking that as an example; that's what we're all here for, to hear your observations about other jurisdictions.

Since Commissioner Reid has already made some statements on that, perhaps you could elaborate on some of those other areas.

**Hon. John Reid:** The system in British Columbia and Alberta involves commissioners going to the committee with their work plan for the coming year. The committee then holds hearings as it deems appropriate and then makes decisions. I raised the question of the control of the government of the day. In the case of Commissioner Loukidelis of British Columbia, when the government determined that it was going to cut spending, it cut his budget by a significant amount too, equal to what happened.

I should also point out that the committees in both Alberta and British Columbia are responsible for the appointment of the commissioners. They will send out the requests for CVs, they will hold the necessary hearings, and they will select the candidate who becomes information and privacy commissioner. So the model in British Columbia and Alberta is one where the members of parliament, sitting in committee, control the selection of the commissioner and then take on the responsibility for the appropriate funding of those offices.

**Mr. David Tilson:** If I could just pursue that, one of you—I don't know which one—made a comment on the distinction between a minority government and a majority government.

**Hon. John Reid:** I did that.

**Mr. David Tilson:** I'd like you to comment on that as well, because the same applies to committees, whether it's the House of Commons or the legislature. It's the same in a committee.

**Hon. John Reid:** It is different in a committee. The reason is that when the ministers sit as ministers, they sit as the government. When members of Parliament sit, they sit as members of Parliament with an interest in government but also an interest in legislative matters. The government of the day will have its majority and in the end it will have its day, but it doesn't necessarily have its day as it does when it acts as the ministers and the Treasury Board. There's quite a distinction.

As a parliamentary officer, I much prefer to have my budget set by members of Parliament. If there are complaints that then come in about my inability to meet the demands that are imposed on me by my statutes and by the workload coming in, then members of Parliament take on that responsibility.

With all due respect, it's very difficult for the government to play both roles as the funder and as the people who are being investigated. I think there's a certain friction that must take place under those circumstances. On balance, therefore, I prefer to have members of Parliament take on the responsibility of funding, rather than have it in the hands of the government.

**Mr. David Tilson:** Commissioners Shapiro and Stoddart, could you comment on that?

**Mr. Bernard Shapiro:** I'm not going to comment on that comment, but I think there is a difference.

**Mr. David Tilson:** I know you don't like to do that, but I'd like to hear your comment on that general philosophy.

**Mr. Bernard Shapiro:** On treating either the agents or the officers of Parliament differently—there apparently is a distinction, and I'm not always clear on what it is, but I have some material on it if you'd like to see it—they both need to be treated differently from the case of a normal government department. It makes no sense. Otherwise, the legislative intent will not in fact be realized and it won't be seen to be realized.

In terms of the model used, there are lots of different ones available. I only know the ones that have been used in various jurisdictions relative to ethics-type commissioners, and they are all over the law. But it's very rare that the case of an ethics commissioner or someone with roughly those responsibilities is treated in the same way as other government departments, because an ethics commissioner is always seen to become an agent of government rather than an agent of the legislature itself. So there are lots of different models out there, but we don't have the time this morning to go into them in detail.

I should point out that I'm satisfied with the arrangement, because I think the arrangement I have works well in this context. It's not that there aren't disadvantages, because there are and the committee should be aware of them. For example, the disadvantage of setting up the Ethics Commissioner as a separate parliamentary employer makes recruitment and retention very much more difficult from what it would be in the public service. Accessing common services turns out to be nightmare. On just trying to find advice, no one in government can give you advice because you're independent. Trying to access advice turns out to be both expensive and difficult, since the government is not famous for inducing cooperation between various agencies.

So there are some disadvantages, but those are outweighed a great deal by the advantages the system has, in my view.

• (0930)

**Mr. David Tilson:** Commissioner Stoddart.

**Ms. Jennifer Stoddart:** As I tried to explain in my presentation, we are concerned with the structural financial dependence that we have on Treasury Board, although as I say, given our rather unique situation, we have nothing in particular to complain about at this present time. But there is a structural dependence—

**Mr. David Tilson:** Except you all say you don't have enough money, right?

**Ms. Jennifer Stoddart:** We are in the process, yes, of putting together a submission in which we will doubtless ask for more money.

**Mr. David Tilson:** And you're right, you have—

**Ms. Jennifer Stoddart:** I must say that at this point we haven't been refused anything we have asked for.

**Mr. David Tilson:** I understand that, and I'd like to pursue that a little bit, because you really have already commented on this issue.

Everybody says they don't have enough money, whether it's people from health care or whoever. There's never enough money for anything. My question to all three of you is, whether your workloads go up and down, should one talk about hiring more staff or more assistant commissioners? Or should one look at perhaps outsourcing

things, as perhaps Commissioner Shapiro has done in one issue? Is that an option, outsourcing?

**Hon. John Reid:** In the case of the Information Commissioner, it's not. The reason is that everybody in my office has to have some of the highest security clearances in the government. Security is absolutely, fundamentally, important to us. The documents we deal with are all those that are in conflict between the government and elsewhere. We have documents with the highest security clearances. I cannot allow any of those out of the office, and I cannot allow anybody who has not been secured at the highest possible level to touch those.

**The Chair:** Mr. Tilson, you're out of time.

**Mr. David Tilson:** I'm finished, apparently.

**The Chair:** If the other two commissioners have a thought on that one, I think it's important.

**Ms. Jennifer Stoddart:** I come back to the point that we have an independent role. Our roles take us into positions of potential difference with the government of the day. Our role is recognized legally as being one of administrative independence, yet we are financially dependent. We're like unfinished business.

We don't have the financial independence that mirrors the independence of functions that we must carry out by law.

As for outsourcing, I have slightly different functions from the Information Commissioner. Not everything that I do, or that my staff does, takes a top security clearance, so yes, we could look at outsourcing or other ways of running the office more efficiently. We're doing that now.

**Mr. Bernard Shapiro:** There is a distinction, of course, between the level of funding and the way in which it's arrived at. The issue we began by discussing was the one on the appropriate process for establishing and being seen to establish the independence of the officers or agents of Parliament. It is a different issue for how much money is provided to do the work. It is true that one often feels there's never enough. It's a general feeling. I actually have to say that our office is only a few months old, so we don't have a lot of experience to deal with, but we have a sufficient budget.

The way we are trying to deal with the variation in workload certainly does occur in a variety of different ways. We do some outsourcing where we're uncertain about the future, which is what we've been doing to legal assistance at the moment. There is some multi-skilling where people who are engaged in task one, when the period gets heavy, can do task two or three when that load goes down. It can take up the others, and you don't have anybody idle. That's the way in which we're trying to do it. We have multi-skilling in the office so as to take up the highs and lows of particular workloads.

• (0935)

**Mr. David Tilson:** Thank you.

**The Chair:** Mr. Laframboise.

[Translation]

**Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ):** Thank you, Mr. Chairman.

If I understand correctly, your respective situations are very different from each other. In my view, you all have the very important mandate of defending the interests of the people, and you should be independent.

In what are your situations different? Mr. Shapiro, you have told us that your service is a new one, that it is just a few months old. Ms. Stoddart, in your shop, there was quite a major overhaul. You are therefore in the midst of a complete reorganization. Mr. Reid, you are perhaps the only one to be enjoying a stable situation and an established structure. You made it very clear to us that you lack funding.

I believe you will all reach the same stage, the same conclusion: you are going to be lacking in funding, and it will your case as well, Mr. Shapiro. Today, such is not the case. I understood, through the course of your presentation, that you are not asking us for money. It seems that things are going rather well.

You are not asking for money either, Ms. Stoddart, even though that might happen before the end of the year.

**Ms. Jennifer Stoddart:** We will be making such a request in approximately six months.

**Mr. Mario Laframboise:** But if I understood correctly, you are not asking for money today for the next budget.

**Ms. Jennifer Stoddart:** During the course of the next fiscal year, we are going to be making a request of Treasury Board for the following budget. Our requests are a little bit behind because of the reorganization.

**Mr. Mario Laframboise:** Perfect. I hear you loud and clear.

This is why I will devote most of my time to you, Mr. Reid. In your office, you have a one-year backlog. You are dependent upon the government, who is telling you that it will not give you a single cent more, apart from a small budget to cover a few investigators for a period of 18 months. This is what I understood. Am I right? Have they authorized this budget, or will you have to pay these investigators out of your present budget?

[English]

**Hon. John Reid:** We were asked to submit supplementary estimates, which we did. We received some money back. In the original decision by Treasury Board, the money was tied to hiring investigators to deal with backlog. It takes us three years to train an investigator. When we hire an investigator we ask them for a guarantee they will stay with us for five years, because at that point we break even in our cost of education and training. I have money for a year and a half. I will have to go out and hire people, but it's very difficult for me to hire people of the quality I need when I can guarantee to pay them for only a year and a half, and they won't be able to produce very much in that year and a half because of the training they have to undergo.

I will do it. I don't have any choice, because my circumstances are so bad.

What I look for is money that deals with the responsibilities I have to conduct these investigations. Over the last four years I have gone from a backlog of about four months to one that's a full year. There's an increase in the workload coming in the door of about 5% per year.

That means if I have a stable staff, my backlog is going to climb by that much, and it does. Clearly, I have been unable to convince Treasury Board over six and a half years that there is problem, even though Treasury Board has done at least two, maybe three of what they call A-base reviews and has agreed that I have a problem. But there are no solutions to those problems.

The question is, who should bear the responsibility? My preference is for members of Parliament to bear that responsibility, not the government. Therefore, I would seek to see us move from the Treasury Board, from the government, funding us to the House of Commons, through committees, funding us. I think that is the fairest way to do it. Then members can make their determination as to what the levels of funding should be.

I agree with Mr. Tilson that there is always a funding requirement. I agree that it can never be 100% met. But it shouldn't be to the point where my backlog is growing at the rate it is.

●(0940)

[Translation]

**Mr. Mario Laframboise:** And all the more so given that these are complaints from citizens. It must be clearly understood that you are dealing directly with the public and that you must supply answers. If you are unable to respond to the complaints, then we have a transparency problem. I understand that full well.

Madam Stoddart, even in your office, the complaints have been piling up over the course of your reorganization.

**Ms. Jennifer Stoddart:** I have already accumulated a backlog. These are complaints made by citizens with relation to personal information on them held by the government. I have quite a sizeable backlog.

**Mr. Mario Laframboise:** You will most certainly be able to respond to them at some point, but you will need money. That is the crux of the problem.

Mr. Shapiro, you seem to be satisfied with having to report to Parliament, but the Auditor General was suggesting a blue-ribbon panel of experts. It seems that that would suit you, Madam Stoddart. Could you tell us what advantage there would be to having a blue-ribbon panel that could make recommendations to the government?

**Ms. Jennifer Stoddart:** I believe that a blue-ribbon panel could assist a parliamentary committee. Clearly, Parliament is alone in being able to approve supply. It is very clear that it is Parliament that decides.

Given the specialization of the various Officers of Parliament, the complexity of their tasks, the fact that each one of them works in a different field, we could have different experts. In our case, we are greatly influenced by things such as evolving technology. The Auditor General probably has public accounting problems. For our part, we are involved with issues relating to the international circulation of personal information, to the contribution of technologies, to ways of countering the negative effects of these trends, etc. Experts in the specific field could guide us to see if, yes or no, our requests are reasonable and appropriate given the specialized context within which each of us is supposed to be defending the rights of Canadians.



**Mr. Mario Laframboise:** And what about you, Mr. Shapiro? Do you not believe that you could one day find yourself in the same situation?

[English]

**Mr. Bernard Shapiro:** It is certainly very easy to imagine. I think I'm in my honeymoon period, you could say, and I benefit from that.

But let me say something very important about transparency. There are two kinds of transparency that we have to be concerned with. One is whether or not we are delivering the goods in a reasonably efficient manner. Are the expenses appropriate? Can you be audited and have a clear bill of health—all those kinds of things? Do you have your expenses on the web? Things of that sort make it easy for people to see what you're doing and how you're doing. That's very important. So that's one kind of transparency.

There's another kind of transparency. It's whether you're in fact responding to their legislative intent. It is very easy for anyone to decide what you should do and then not provide the resources to enable it to be done. That's downloading. Everybody's always downloading on someone else, including probably myself—I'm not sure. I think it's appropriate to get that in the right balance, so Parliament can be satisfied that an efficient job is being done and resources are not being wasted, but the public can see that you get a response in a timely manner. The easiest way to undermine all of these efforts is to not respond in time. I don't have an exact definition of time, but if you have four months as a legislative requirement and you're doing it in a year, you're failing, through no fault of your own.

It's easy to spread the blame around. Everybody blames someone else for this. That's what you have to get over. The mechanism has to be such that the people in charge of the objectives for the office are the same people who provide the resources for it and demand the appropriate auditing, so it's transparent.

[Translation]

So it is a matter of transparency.

[English]

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

You can see that we're already developing a dilemma, with the suggestion that a parliamentary committee be charged with the responsibility for determining a budget, but we don't have the expertise to determine what level that should be. So you begin to see the dilemma.

Mr. Lee.

● (0945)

**Mr. Derek Lee (Scarborough—Rouge River, Lib.):** Thank you.

This is a fascinating exercise, and I don't for a moment doubt your good-faith intentions here in trying to regularize what, from your point of view, may not be the way it should be. But in the end, if all the members of Parliament sitting around this table do decide how much money your organizations get specifically, with precision, in votes of this Parliament, we make the decision based on recommendations that come forward through a process. The only true independent organization out there that we've been told we can't muck around with is the courts. The courts' need for money every

year goes to Treasury Board. I accept that it pretty much gets rubber-stamped, but even the courts go to Treasury Board.

So the question isn't who decides how much money you're going to get to spend, or how big or small your empires or your hardworking organizations will be; the question is who does the spade work, the work-up, on how much money you should have.

You've expressed discomfort in going to people you have to otherwise scrutinize, in terms of privacy, access, ethics, or something else. I guess the ethics package is not involved in this. I understand that discomfort, but don't you think that inevitably all of us, even the MPs around here, have budgets for our offices? There's a limit to growth in government, so we're all accountable. Is it just the discomfort factor of having to go to people you have to otherwise scrutinize from time to time? Is that the only issue here, or do you think Treasury Board is really lousy at making decisions about restraining the growth in departments and making sure the tax dollars are spent the right way?

Ms. Stoddart or Mr. Reid.

**Ms. Jennifer Stoddart:** No, I think Treasury Board, from what I can see, is very competent in doing what it does. That is not the issue, and it's not, I would say, a question of discomfort. Certainly, in our case our relations with Treasury Board are very good. It's been very helpful in trying to put the office to rights in the aftermath of the events you know.

The issue—currently for me anyway—is structural. We are recognized to have powers and they have been recognized by the courts, and that fact gives us an unusual amount of independence. We're recognized as being necessarily independent for our job of investigating privacy issues, for example, within the government. Our office has a private sector role too, but I don't think that comes into play here.

We do not report to ministers, as do department heads. We have a great deal of autonomy, yet we remain financially dependent, with no intermediary mechanism that could help us, even though, as you rightly point out, we are all funded by Parliament in the end. That is our democratic system. We have no intermediate mechanism that could help us set up an appropriate budget, whatever it is, as a suggestion to Parliament, a mechanism that would then reinforce the necessary independence we have rather than continuing to reinforce an existing financial and institutional dependence.

**Mr. Derek Lee:** So the real issue is independence, the principle of independence, not the money.

I don't want to pigeonhole you.

**Ms. Jennifer Stoddart:** No, but at this time I can't complain about money.

**Mr. Derek Lee:** Mr. Reid has a much different issue because Mr. Reid is always chasing government departments—always, always, always. He is in a much more adversarial position, I think, from time to time than most of the others.

Anyway, Mr. Reid, you have a comment.

**Hon. John Reid:** I have two comments. First of all, there's an officer of Parliament you should really investigate, one I would recommend strongly to you, and that is the Chief Electoral Officer of Canada. In particular, look at the financing mechanisms that are in place for him. He basically determines what he requires and sends an invoice, and it's paid. I'm not suggesting we go that far, but if you wanted to use that as an example, that's one I would—

• (0950)

**Mr. Derek Lee:** Oh, if we're talking empires, I'd like to talk to him too.

**Hon. John Reid:** What I want to say is that the question for me is simply this: I have a statutory mandate. My mandate comes from that statute. It forces me to do certain things.

Parliamentary committees have told me in the past that I have to meet certain service standards. The ability to meet those service standards is not in my hands; it's in the hands of the people I investigate. So the question is, if my performance is deteriorating the way it is, who should have responsibility for that? Should it be the minister—the government, and they do—or should it be members of Parliament directly?

I agree with you that members of Parliament do vote. However, one of the things members of Parliament cannot do in the process is increase spending directly. That is controlled absolutely by the ministers.

I don't have a problem with that, but when you come to dealing with the independent officers whose agencies have been created in the last 25 or 30 years, you have to seek ways of being able to provide them with enough independence from government to do the job members of Parliament want them to do. I'm before you to say I can't do that job.

**Mr. Derek Lee:** I must be close to the end of my time.

I think we all realize this is an issue of some significance. There are half a dozen to ten parliamentary organizations and agencies out there that are fueling themselves with taxpayer money, using different mechanisms. It's quite a hodgepodge. I think Parliament is actually looking for something that would provide reasonable discipline in the spending of money but provide some element of parliamentary independence, some separation of the functions Parliament has chosen to undertake, like the functions you do, as separate from the other governmental functions. Hopefully, what we're doing here today will feed into the generation of that type of mechanism.

**Hon. John Reid:** Let me give you a suggestion.

The point has been made about how do we do accountability in a parliamentary committee? How do we get the expertise and whatnot?

The easiest way to get that expertise is to get the Treasury Board documents that we all file and to get the Treasury Board decisions that are given, which continue to be cabinet documents. Why shouldn't there be an exception for you to review the material that we present to Treasury Board in our normal accountability technique, so that you can see what actually is there and what decisions are taken? Why shouldn't members of Parliament have that kind of control over their own agent?

**Mr. Derek Lee:** You can give us those documents.

**Hon. John Reid:** I cannot; they are cabinet documents.

Now, what I do—

**Mr. Derek Lee:** Excuse me. They're not cabinet documents until you give them to cabinet, and even then, they remain your own, and this committee is fully capable of bringing in any government record before or even after it goes to cabinet.

**Hon. John Reid:** You may recall the experience we had—

**Mr. Derek Lee:** You've done a wonderful job here of submitting to the Treasury Board hegemony.

**The Chair:** We'll pursue that a little more, but Mr. Shapiro has to leave and Mr. Broadbent has some questions.

**Mr. Derek Lee:** Thank you, Mr. Chairman.

**The Chair:** Mr. Broadbent.

**Hon. Ed Broadbent (Ottawa Centre, NDP):** Thank you.

I say to my good colleague, Mr. Lee, as usual, a general statement claiming to explain everything ends up not explaining what you were dealing with at all, which is this point about Parliament ultimately approving.... The point with all of the budgets, and the point has been well made by Mr. Reid, is that we as parliamentarians can't increase budgets. That's one thing we can't do. So it gets right back to the contradiction that all of these people, with the exception of Mr. Shapiro, are in the oxymoronic position of supposedly being independent but getting their budgets from the people they're criticizing.

I have a couple of points and would like to ask both Mr. Reid and Ms. Stoddart what they think of Mr. Shapiro's arrangement. Do we really need another blue-ribbon committee and to delay it another two years? Would you comment? As you understand the arrangements Mr. Shapiro's office has, would they seem to work for your two offices?

**Hon. John Reid:** I would willingly submit to that.

**Hon. Ed Broadbent:** You would willingly submit to that.

**Hon. John Reid:** It's got to be better than the present circumstances. I accept what Mr. Shapiro says, though, that it's not going to be a bed of roses. There are going to be problems too.

• (0955)

**Ms. Jennifer Stoddart:** Before pronouncing on that, I'd like to look in detail at Mr. Shapiro's arrangement and exactly how it's different. We have two statutes that describe our roles and functions.

What I know in coming here today is that the idea of having a blue-ribbon panel, where this committee, for example, could make a recommendation that could then be taken to Treasury Board to be included in the main estimates, is an avenue that doesn't take any legislative modification. It wouldn't change any of the other issues.

Mr. Shapiro has a different status than my office does, from the two statutes that describe our functions and roles. So I would reserve my answer on that.

**Hon. Ed Broadbent:** I have a quick observation on that. I don't know why you would want to preclude legislative change, if it may be required to give you the kind of independence that Mr. Shapiro's office has. It may; I don't know. It seems to me in principle that it could require legislative change. It seems to me from the arguments you have made in a straightforward way that the key point is that your institutional role, like Mr. Reid's, requires the kind of independence Mr. Shapiro has. And if it requires legislative change, why not?

I, for one, would be more comfortable if this committee adopted a motion and simply requested the government to bring back and act.... Instead of setting up a blue-ribbon committee, we could set up certain parameters that we think should be met in terms of independence, give the government six months to act, and let it come back and tell us how it has to be done. I'm just saying this as opposed to setting up a blue-ribbon committee that will have hearings, go all around, consult, submit its report, and then the government will have four months to reply. Protect us. Protect us from that.

I also want to make a comment on Mr. Reid. From what we've heard, Mr. Chairman, I think—

**The Chair:** If you have a question for Mr. Shapiro, you should go there.

**Hon. Ed Broadbent:** I wanted to know if he had any comments—and I suspect I know the answer—in terms of his own experience and his knowledge of the mandates of his two colleagues who are with him today.

Do you see any way in principle why your fiscal arrangement, if I can put it that way, would be inappropriate for the offices of your colleagues?

**Mr. Bernard Shapiro:** I don't see any way in principle that would make it inappropriate. In each case, one would have to examine carefully what the supporting statutes were, to make sure the case became a consistent package. I don't see any reason in principle why it wouldn't be helpful.

**Ms. Jennifer Stoddart:** May I reply to the honourable member? I'm not necessarily against legislative change. I just think—

**The Chair:** Excuse me.

Thank you for coming, Mr. Shapiro.

Go ahead, Ms. Stoddart.

**Ms. Jennifer Stoddart:** In terms of a flexible, simple way to give us more de facto financial arm's-length autonomy in the setting of our budgets, it seems to me that the idea of having an advisory group that doesn't necessarily have to go across the country holding hearings or whatever—I didn't think of that—is something that could be put fairly quickly into practice. For that reason, to the extent that we've looked at this, we think this is a good idea.

On legislative change, given the differences between all the officers of Parliament, we do very different things. We have different

statutes. Legislative change would probably be a long and very winding road, so it was just in that spirit that I said that.

**Hon. Ed Broadbent:** Could I ask you, Mr. Reid, when your appointment ends?

**Hon. John Reid:** My appointment ends on July 2, 2005.

**Hon. Ed Broadbent:** One of the classic techniques of any government of dealing with someone they want to get rid of is to start with budgets. Because you have been, in my view, a very effective person in your job, in doing what you're supposed to do, do you have any reason to believe you're having...? This is including the fact that since you last appeared you went to Treasury Board. We've already heard, the last time you were here, how badly you're underfunded in terms of doing your job. You've gone to Treasury Board since then, with zero response.

**Hon. John Reid:** No, I did get some money.

**Hon. Ed Broadbent:** Oh, you did get some.

**Hon. John Reid:** I said I got money for five investigators for a year and a half to do backlog, but I had problems with that. That's okay.

● (1000)

**Hon. Ed Broadbent:** Anyone may want to comment on this, but do you have any reason to believe part of the difficulty you're having is that from what you've heard from government members, especially at the cabinet level, they just feel one way of getting you to leave—well, now they're going to wait until your term is up—is to starve your budget? If you don't want to answer that, I understand.

I'm just saying one of the problems in government, Mr. Chairman, is that this is the way of governments. I repeat that I don't care what party is in power, but one way of getting someone who has a serious, long appointment for independence is to starve his or her budget. Then they aren't going to hang around.

If you want to comment, go ahead, Mr. Reid. If you don't, I understand.

**Hon. John Reid:** I can simply say that I have a term of seven years and it comes to an end on July 2. I'm not leaving before that.

Now, there are two points here. First of all, the Information Commissioner can be reappointed by the government for an indeterminate term should the government so choose.

**Hon. Ed Broadbent:** Have you been asked?

**Hon. John Reid:** No, but I am letting you know that I'd be interested in sticking around for another couple of years.

Secondly, when Ms. Stoddart was appointed, there was considerable debate in the government operations committee as to what role the parliamentary committee responsible should play prior to the nomination by the government. That's something you may want to take into account in your study.

In the normal course of events, with my term ending on July 2, you may want to give some consideration to what role you should play in terms of the appointment of a new commissioner. I think that's an important consideration in this whole question of independence. As you know, the procedure right now in the Access to Information Act and the Privacy Act is for the government to make a nomination. It then comes before a parliamentary committee. In the cases of Alberta and Saskatchewan, it is their committees that issue the notice, do the interviews, and make the determination. You may want to consider that kind of a possibility or some kind of hybrid.

**Hon. Ed Broadbent:** Thank you, Mr. Chair.

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

Mr. Bains.

**Mr. Navdeep Bains (Mississauga—Brampton South, Lib.):** First of all, thank you very much for coming.

I've heard the comments—and it's unfortunate Mr. Shapiro had to leave—and really the two areas that I think we've been trying to touch upon have been transparency and accountability. Those have been the two underlying issues or areas of concern.

Mr. Shapiro indicated that in how he defines transparency, the first component has to do with the fact that there's a response in a timely fashion to concerns that have been outlined. The second is that the intent of the statute is being followed.

I know there have been conspiracy theories that have been highlighted here, but above and beyond those, from your experiences, do you feel the process presently in place is transparent and accountable?

**Hon. John Reid:** I don't believe the Treasury Board process is transparent at all. Last year, when the budgetary process was going on, we were called before the parliamentary committee of government operations about the financial situation. We were asked to give the documents that we had given to Treasury Board to justify our spending.

We had an e-mail exchange with the Privy Council, which said we could not give that documentation out. My deputy commissioner was before the committee, at their request, and told them that, and they said, "Well, we are sending a letter to the Privy Council and you will be here tomorrow at 9 o'clock with those documents."

The Privy Council clerk can declare, by issuing a certificate, that these documents are ultra vires of the committee. He did not issue that certificate, so we were able to give the documents.

So they're Treasury Board documents. Anything they have is covered by the cabinet confidence of section 69. If you could have those documents, you could have an awful lot of transparency into the financing of my offices and the argument and the business case I make to Treasury Board.

The last time I was here, I basically gave you most of the material verbally, but it's far more important for transparency's case for you to have the actual documentation, the actual decision, and the reasons Treasury Board made that determination.

**Mr. Navdeep Bains:** In your opinion, over your seven-year period, do you think the situation is in accordance with what my colleague mentioned? Has there been any indication that you're being pushed aside, or that you have been ignored, or that they're trying to starve your budget?

• (1005)

**Hon. John Reid:** My understanding, from talking to my predecessor, John Grace, is that the Information Commissioner always has a difficult time. Mr. Grace also served a long term as Privacy Commissioner before he translated into Information Commissioner. He said it was always easier to get money if you were the Privacy Commissioner than if you were the Information Commissioner.

**Mr. Navdeep Bains:** Ms. Stoddart.

**Ms. Jennifer Stoddart:** I guess with that useful distinction... That is the voice of experience, and I'm the new kid on block.

Mr. Bains, you're talking about concerns about transparency and accountability. Since I've taken over this job, I spend most of my days on issues of transparency and accountability in another sense, so I am not concerned that our doings will not be transparent and accountable enough. Certainly I would feel free, if the committee thought it relevant or I thought it important, to put that before this committee to say, "I've gone to Treasury Board for this amount. These are all my arguments. Treasury Board has told us this, roughly for this." It's my understanding that's something I could do and share with you.

That is not so much the focus of my concern as looking at—because we've been asked to give you our opinion—the issues of structural independence and the possibility that, long term, even if the Privacy Commissioner perhaps has a less difficult role, in some senses, than the Information Commissioner, we also have extraordinary powers, we also have some statutory independence by the conditions of our employment, and so on, and all these have been recognized by the courts in order to do things that are not necessarily always welcome. So in that context, if we are looking at the schemes, I think it would be appropriate to look at a greater degree of structural financial independence.

**Mr. Navdeep Bains:** Could you very quickly comment?

**The Chair:** Your time is up.

It would highlight that there obviously is a problem—two officers of Parliament, with the same funding formula, and one has less problem getting funding than the other. Obviously there's something wrong there.

Mr. Epp.

**Mr. Ken Epp (Edmonton—Sherwood Park, CPC):** Thank you, Mr. Chairman.

I'd like to begin by making a couple of comments. One is that I really regret that the Ethics Commissioner was not able to stay for the committee. I hope that in no way reflects the importance of appearing before the committee.

The second comment I would like to make is that I wonder who it is that keeps the Treasury Board accountable, because they give themselves money. It's a rhetorical question.

**The Chair:** There's nobody here to answer it, though.

**Mr. Ken Epp:** No, there isn't.

**The Chair:** But they're coming.

**Mr. Ken Epp:** Yes, they're coming.

I would like to pursue a little bit this idea of the blue-ribbon committee, and also the difference in the funding between the three officers we have here today.

I don't understand why it's an advantage for the Ethics Commissioner to, first of all, go to the Speaker with the funding requests, which are then taken to Treasury Board, or the other two, who take theirs to the Treasury Board directly. It still goes to the Treasury Board and is still, ultimately, going to appear in the estimates, and that's a function of whether or not the government says we're going to put this into the estimates. I would like you to explain to me why that would be an advantage, particularly the Information Commission and the Privacy Commissioner. Why do you think you'd like to go to that model? Or do you really prefer an overseeing blue-ribbon committee for all of you?

**Hon. John Reid:** I think—and I can be corrected—the model is that the Ethics Commissioner submits his budget to the Speaker, and it then goes to the internal economy committee. No?

Does it go directly to the Treasury Board? Perhaps you could explain the details.

**Ms. Lyne Robinson-Dalpé (Director, Corporate Services, Office of the Ethics Commissioner):** The way we proceed is that the Ethics Commissioner establishes his budget based on requirements and operations and then submits it to the Speaker of the House. It's then transmitted from the Speaker directly to Treasury Board. It doesn't go to the Board of Internal Economy; it goes straight from the Speaker of the House to Treasury Board.

**Hon. Ed Broadbent:** But the Speaker is elected by the House.

**Hon. John Reid:** And presumably there are negotiations between the Speaker and the Ethics Commissioner before the budget goes forward.

**Ms. Lyne Robinson-Dalpé:** There are some discussions, yes, at which point.... This year, being the first full year of operations for 2005-06, there were some negotiations. We submitted our estimates to the Speaker with some justification as to why we wanted to request these resources for these particular operations, and we will re-evaluate next year with the committee as to what requirements are needed on a yearly basis.

• (1010)

**Mr. Ken Epp:** If I could get this into focus, please, because my time is just about up here, why do you think it would be an advantage to go through yet another hoop in getting your presentation to the Treasury Board?

**Hon. John Reid:** I suspect it has to do with our perception that recommendation from the Speaker of the House of Commons would have much more power than just a suggestion from the Information Commissioner. It would be much more powerful. Presumably, the Speaker would do due diligence on what we requested and carry on the necessary negotiations with the House of Commons staff to make sure that what we were asking for was certainly proper.

**Mr. Ken Epp:** Do you agree with that?

**Ms. Jennifer Stoddart:** I don't disagree with Commissioner Reid's observations, but I said I would like to look at the implications of Mr. Shapiro's model in greater detail before we take a position on it. One of the questions I wonder about is, given that we enforce the laws of Parliament, what is the role of the other house of Parliament in this? I don't know.

The blue-ribbon panel wouldn't determine the level of funding; it would be for Parliament to determine the level. I think why I'm interested in the blue-ribbon panel concept is that we are increasingly dealing with issues that take a tremendous amount of focused expertise, notably in the area of technology, privacy, and so on. A panel of experts could then advise you as to the appropriate level of funding.

That's my interest in that model.

**Mr. Ken Epp:** Thank you.

Please put me on the list for the next round, Mr. Chair. I have a lot more questions.

**The Chair:** Sure.

Ms. Jennings.

**Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.):** On the issue of the blue-ribbon panel as a possible option for assisting or guiding Parliament in the levels of funding that our agencies or officers should have, have you considered the fact that there is something similar that already exists with the judiciary? Notwithstanding that, we have experienced at times the opposition creating or attempting to create a whole media scandal over the salaries that are paid to our judges, etc., and it is a possibility that could happen if a blue-ribbon panel were set up to guide Parliament, to make recommendations to Parliament for the funding that your agencies, as parliamentary agencies, or officers should have. Nothing precludes that.

The Conservative Party has been particularly vocal in the eight years that I've been on the Hill in denouncing the recommendations made for increases to the judiciary. What would stop them from doing the same thing? Have you considered that?

**Mr. David Tilson:** You agree to that original—

**The Chair:** It's part of the accountability mechanism, I might add.

**Hon. Marlene Jennings:** I find it interesting that Mr. Epp finds so much interest in the blue-ribbon panel when he's a member of a party that continually denounces the recommendations made by the blue-ribbon panel for our judiciary.

I won't put you on the spot, officers.

**Mr. David Tilson:** If we're going to take shots at parties, I'm prepared to take shots at this party over here.

**The Chair:** Where are we going on this?

**Hon. Marlene Jennings:** I won't put you on the spot, officers.

I would like to come back to the suggestion Mr. Reid has been making about the process that is in place in B.C. and Alberta, where the MLAs sitting in committee or MNAs sitting in committee select the candidates. What is the process for receiving the candidatures? Is it published publicly?

**Hon. John Reid:** In the case of British Columbia and in the case of Alberta, they published ads across Canada. They received representations from across Canada for those positions. The committees then worked through the applications, made a short list, interviewed five to seven people each, and then made their determination.

**Hon. Marlene Jennings:** That's very interesting.

Ms. Stoddart, you've had experience being a parliamentary officer, but at the provincial level.

• (1015)

**Ms. Jennifer Stoddart:** Yes, it's not perhaps conceptually—

**Hon. Marlene Jennings:** I would be interested, and it might be helpful to the members of this committee, to understand this. How was the funding mechanism undertaken when you were an officer of the Quebec legislature?

**Ms. Jennifer Stoddart:** Yes. The term “officer of Parliament”,  
[Translation]

Officer of Parliament

[English]

I don't think is paralleled exactly in the Quebec legislation. I was access and privacy commissioner in Quebec for three years. As for other people holding similar functions—the president of the Quebec human rights commission, and so on—these are positions to which you are named by government upon approval of two-thirds of the National Assembly. It's perhaps a slightly different nomination process.

The budget, however, of the

[Translation]

Access to Information Commission

[English]

was part of the ministry,

[Translation]

Department of Relations with Citizens and Immigration.

[English]

It was part of this budget. The budget did come through a minister, as our budget technically now comes through the Minister of Justice. However, under the Quebec equivalent of the Financial Administration Act, we didn't have to render accounts to the minister. We rendered them directly to the National Assembly.

However, the term

[Translation]

Officer of Parliament

[English]

is not one that is used in the Quebec context.

This is a long answer, but I'll come to the more direct answer to the honourable member's question.

In the Quebec model, you have to give a five-year report on how the legislation is working and what should be done to improve it. In the five-year report, the commission of which I was president at the time, brought down in 2003,

[Translation]

recommended this organization report directly to the National Assembly.

[English]

In our five-year report of 2003, we did in fact recommend that the Quebec

[Translation]

Access to Information Commission

[English]

also be directly responsible to the National Assembly and have its budget as part of the National Assembly of Quebec's budget, as did, for example, the lobbyist commissioner.

My understanding, and very recently tabled legislation that is now before the Quebec National Assembly, which I looked at very quickly, is that the Government of Quebec has not accepted that recommendation. It accepted many other recommendations, but it has not accepted that one.

I have no further information on why it didn't. The current president of the Quebec

[Translation]

Access to Information Commission, Me Jacques Saint-Laurent

[English]

who was here for a federal-provincial meeting, could probably enlighten you more. It's my understanding that Quebec has decided not to go along that path at the present time.

**Hon. Marlene Jennings:** Thank you very much.

**Ms. Jennifer Stoddart:** Thank you.

**The Chair:** Before we get to Mr. Hiebert, each member can use their allotted time however they choose, but I would certainly caution members not to take partisan shots across the table. It will make it very difficult to come to any consensus on any issue if we spend our time doing that.

Mr. Hiebert.

**Mr. Russ Hiebert (South Surrey—White Rock—Cloverdale, CPC):** All right. I have a couple of questions and I'd like some brief answers, if possible.

The first one is for the representatives from the Ethics Commissioner. The last time the Ethics Commissioner was here, he stated that there was only one current investigation. Can you tell me how many investigations are currently under way?

**Mrs. Micheline Rondeau-Parent (Director, Communications and Parliamentary Relations, Office of the Ethics Commissioner):** There's only one, and I think you're referring to the Sgro investigation.

**Mr. Russ Hiebert:** Right.

**Mrs. Micheline Rondeau-Parent:** This is the only official request for examination that has been received. You're still up-to-date, yes.

**Mr. Russ Hiebert:** So far you're working on only one investigation.

**Mrs. Micheline Rondeau-Parent:** Yes.

**Mr. Russ Hiebert:** Mr. Reid, I'm very interested in the suggestion you made about the appointment process going through committee, and I think this might be a way that Parliament could remedy the democratic deficit, or the constitution of power that currently exists within the Prime Minister's Office. I was wondering if you could share with us, again briefly, what your appointment experience was and how you think a committee appointment process would be better.

**Hon. John Reid:** My appointment was a total series of fortunate events, from my point of view. What happened in this case was that there was a recommendation that had come down from the Prime Minister's Office. There had been a consultation with the opposition House leaders, and that name was not accepted, so the individual withdrew the nomination. There was then nobody in place, and my name came up through the then Conservative Party, and then it was sort of seconded by the NDP. Because there was no consensus among House leaders, the House leaders invited me to appear before the government operations committee, with no nomination from the House leaders and no nomination from the government.

At the conclusion of that hearing, the committee indicated that I would be an acceptable candidate. At that point the government took on the nomination and moved it to the House of Commons, and the House of Commons then had a vote on the issue. After it had voted positively in favour of my candidature, I then moved over to the Senate, where I had a Senate hearing, and that was done as well. After that, the government issued the necessary orders in council.

My appointment was a complete exception to the normal pattern, which is that the government comes down with a nomination, it goes then to committee, then to the House, then to the Senate, and then out. In my case it was, in effect, a committee of the House of Commons that made the selection.

• (1020)

**Mr. Russ Hiebert:** Do you think that's a preferred method of making this decision?

**Hon. John Reid:** I believe that should be the preferred method for all officers of Parliament, or agents of Parliament, because we are there to do things that the Parliament of Canada has determined should be done specifically for Parliament. Therefore, Parliament should take a larger role in the appointment process and in the funding process.

**The Chair:** Your time is up.

Actually that's very interesting, Mr. Hiebert and Mr. Reid, but we're here to talk about funding. Down the road we do plan to do a

study on the Privacy Act, and that kind of questioning would be more appropriate when we're discussing the act and how we might recommend changes to the act. So try to hold it to funding.

**Mr. Russ Hiebert:** Had I had more time I would have gotten to the funding.

**The Chair:** Sure. We'll have more time.

Mr. Laframboise.

[Translation]

**Mr. Mario Laframboise:** Thank you.

Ms. Stoddart, in answer to an earlier question from a colleague, you mentioned that your reasons have more to do with the independence you would like to have than with budget issues. However, it is mainly a matter of money, especially when one provides a service to the people. Let me explain: if I understand what you said correctly, you need to be independent and to be able to call on a committee of experts for all sorts of reasons. We do not always have the technical knowledge required by new technologies or to provide the services required by very specific groups of citizens. So you need to call on experts to make recommendations to you.

So it is precisely a matter of money. Mr. Shapiro explained very clearly that transparency is not only a matter of saying to the people that we are going to deal with the problems that arise, that we are going to create the Office of the Information Commissioner and the Office of the Privacy Commissioner or the Office of the Ethics Commissioner, but also of providing you with the funding you need to do the job. But what we are seeing at this time is that the Liberal government is literally strangling you. Maybe it is not strangling you yet but that will come, you said it earlier. In your case, Mr. Reid, it is very clear. This must stop. We must find an independent way to ensure your ability to operate. It is not a question of money, but you need to be able to do your job for citizens.

I would like you to tell me if my reasoning stands up. If so, I am behind you. You need legislation to make you independent and, furthermore, there should be a blue-ribbon panel to give us advice in order for us to make recommendations to Parliament.

**Ms. Jennifer Stoddart:** I think this is a perfect summary of what Commissioner Reid and myself have said.

We do have, Sir, legislation that makes us independent. Having almost the same powers, we are like twins. However, under financial legislation, we are not financially independent. Our powers are those of an independent officer in terms of our mandate. However, we often deal with situations that require investigating the government.

**Mr. Mario Laframboise:** Mr. Shapiro, for his part, enjoys this financial independence. Is that correct?

**Ms. Jennifer Stoddart:** It seems to be the case, although I have not really examined his model in depth. What we wish for is a model that includes a more objective process to determine our funding levels.

**Mr. Mario Laframboise:** In order to serve citizens better and in timely fashion?

**Ms. Jennifer Stoddart:** Yes, and as Commissioner Reid mentioned, in order to fulfil our mandate.

• (1025)

[English]

**The Chair:** Mr. Lee.

**Mr. Derek Lee:** Mr. Reid, the government has been working on some legislation to revise the ATI envelope. It's actually a big initiative, but I haven't seen the final product yet. It's taking much more time than I would have thought. However—

**Hon. John Reid:** My office has not been consulted on that, but we hear it's coming.

**Mr. Derek Lee:** You'll want to maintain your independence.

**Hon. John Reid:** I'm always prepared to be consulted on something that affects—

**Mr. Derek Lee:** I've done some work on it, just as an MP. If you haven't been consulted, then you can't answer my question on whether you're aware of anything in the proposals that would alter the funding mechanism.

**Hon. John Reid:** I have no knowledge.

**Mr. Derek Lee:** Nor do I, so I'll stop there.

**Hon. John Reid:** I'm glad to know I'm in the same boat as you.

**Mr. Derek Lee:** Perhaps one should regard this as an opportunity, when the drafts.... If there is some consultation with you at some point, that issue can be inserted into the legislation, if appropriate.

That's my question, which I couldn't ask.

Thank you, Mr. Chairman.

**The Chair:** Thank you.

Mr. Tilson.

**Mr. David Tilson:** I'm coming away with a number of questions for the committee to consider.

The first one is the most glaring interpretation. My question at the end will be whether I've interpreted these issues correctly, or if there are any others.

First, all commissioners are created equal, but it seems that some are more equal than others. Spending is controlled by the minister. It's conceivable that this committee could not get Treasury Board documents because they could be deemed to be cabinet documents. The members of Parliament cannot increase budgets. Treasury Board isn't transparent at all. Now you all didn't say that; one of you said that.

Is my interpretation of the messages you've given to us correct? Do you disagree with those interpretations, or are there any other issues that I have left out?

**Hon. John Reid:** We have no minister, in effect, who goes before us to defend us at Treasury Board. Nominally we go through Treasury Board, through the Minister of Justice, but he is not an advocate for us. One of the things I like is the fact that I would have an advocate, if we went through the House of Commons structure, in the form of the Speaker. But at the present time we have to go there on our own. There's nobody on the Treasury Board who has what one might call an administrative interest in our well-being. It is important, because in the Treasury Board operation there are certain kinds of trade-offs that take place, but we have no minister in cabinet

who basically feels that he has a responsibility to make sure we are looked after in the normal course of events.

**Mr. David Tilson:** Commissioners.

**Mrs. Micheline Rondeau-Parent:** As far as the Ethics Commissioner is concerned, as my colleague said previously, our estimates go directly to the Speaker, and it is the Speaker who then takes them to the Treasury Board. There is no direct relationship between our office and the Treasury Board. We do not have an implication either, in terms of a cabinet document, as far as the Ethics Commissioner is concerned. We're strictly within Parliament.

**Mr. David Tilson:** Are there any other issues we should wrestle with that I've left out?

**Mrs. Micheline Rondeau-Parent:** Maybe my colleague would like to add something on that.

**Ms. Lyne Robinson-Dalpe:** Right now the transition has brought a lot of issues to the table. Moving from being a government entity to being a parliamentary entity has created a lot of irritations, but we're gradually struggling through it and seeing there are more advantages to being on this side, within Parliament, than within the government.

**Mr. David Tilson:** Commissioner Stoddart.

**Ms. Jennifer Stoddart:** Yes, I think you have resumed very well some of the elements of the situation of officers of Parliament.

I'll come back to the usefulness in our case of having some outside advice. I would submit that we have a role that has a different content from, for example, that of the role of the Commissioner of Official Languages, who structurally has almost the same role as ours. My role has, I think, a technical component that is not in Commissioner Reid's role, so in that case it would be interesting to have some outside advice on these technical issues.

• (1030)

**Mr. David Tilson:** Thank you, Mr. Chairman.

**The Chair:** Mr. Broadbent.

**Hon. Ed Broadbent:** Mr. Chairman, I think this has been a very interesting discussion, to a substantial measure, of course, due to our witnesses here today.

I'll leave it up to you whether any one of your comments on these. Two key things are of interest to me in addition to the list of management issues our colleague has provided. One, there's the appointment process of officers of Parliament, which seems to be typical of the way Parliament has evolved, a kind of hodgepodge right now. It might be worthwhile for us to look at and consider a common process for appointing officers of Parliament. The second is the financial autonomy question, the financial independence of each of these officers.



Maybe this is directed as much to my colleagues who will be speaking after me as it is to the people before us, but maybe an appropriate parliamentary mechanism for this would be to have an appointments committee of the House of the Commons, one whose membership might vary from time to time according to the officer they were looking at for appointment. One of the things we should look at as a committee, maybe, is making two recommendations, one about at least the consideration of the establishment of an appointments committee of the House of Commons and one about officers of Parliament achieving financial autonomy, at least vis-à-vis the government, with accountability back to Parliament and not to the government.

So if we could, let's look at the autonomy issue and the appointments issue, because there is an overlap of concern in these two things. If you want autonomous people, there is a selection process that's important and there are mandate questions that are important, but there is also the financial structure within which they are working that's important if they're really going to function in an autonomous way.

Mr. Chairman, I'm thinking out loud here at this point in the discussion. I think these issues are all ones we've touched upon, and I for one would be interested if we could maybe come to some consensus on these two matters.

I don't know if any of our witnesses want to comment on this or not. If not, I understand that, and it's something that maybe we as a committee can just pick up on later.

**The Chair:** No comments? Nobody on the government side?

Mr. Lee.

**Mr. Derek Lee:** I just wanted to reassure Mr. Tilson that if there was some document he and colleagues on the committee wanted to see, I wouldn't foresee any barriers in getting it.

**Mr. David Tilson:** That isn't what we heard today.

**Mr. Derek Lee:** Well, I'm not a witness here, but I'm just saying that if you wish to collaborate on an order for a document, I'll be happy to do it.

**Mr. David Tilson:** You should be asking Commissioner Reid.

**Mr. Derek Lee:** Mr. Reid works for the House of Commons; that's us. Mr. Reid would be only too happy to share a document under an order from the committee in the House, so I don't see an obstacle.

**Mr. David Tilson:** Mr. Chairman, perhaps I'm out of order in commenting, but he addressed his comments to me. Mr. Reid said we may not be able to get certain documents. You mentioned a certificate.

**Hon. John Reid:** I have here an order from the Treasury Board on my budget. It's covered by section 69. I cannot share it with you. The documents I send to the Treasury Board become covered under section 69. That means they are cabinet confidences. Parliament does have a way of getting these out. You can order me to provide these documents. Send a copy of that to the clerk. If the clerk chooses not to issue a certificate, then I can happily provide you with these documents. But until that takes place, I cannot share them with you because they are cabinet confidences.

•(1035)

**The Chair:** It would appear that you're both correct.

**Mr. Derek Lee:** I would say, Mr. Chairman, that neither myself as an MP nor the House has ever submitted to an obstacle imposed by government. If it is explicitly provided for in a statute as an obstacle to Parliament obtaining information, I will accept it. In my view, it doesn't exist in this case. I respect Mr. Reid's obligation to comply with the law as written. Parliament has another set of laws it operates on. Mr. Reid works for us. If he chooses not to disclose to us what we've asked for, that is his situation. In any event, I was only indicating my willingness to provide whatever cooperation was necessary, if needed, to get whatever documents we actually need to see.

**The Chair:** It's all very hypothetical at this point. If the committee decides they want these documents, we could make that request and see where it goes.

**Mr. Derek Lee:** Great. Thank you.

**The Chair:** Mr. Epp.

**Mr. Ken Epp:** Thank you.

I want to pursue this independent body aspect. The Auditor General has suggested that there should be an independent, blue-ribbon committee. Would any one of the three of you—and maybe we should bring in the language commissioner and the environment commissioner—object to having a single, albeit very powerful committee that would oversee the budget requests you have and justify them to the Treasury Board?

**The Chair:** Who would pay for this blue-ribbon committee? Where would their funding come from?

**Mr. Ken Epp:** Their funding could come from the committees, and that way they would automatically have a positive feedback system to receive favourable results.

**The Chair:** That wasn't the suggestion of the Auditor General, however. The Auditor General had a different suggestion.

**Mr. Ken Epp:** I know. This is tongue-in-cheek, Mr. Chairman.

Do you have a response to that?

**Ms. Jennifer Stoddart:** Our response is we are favourable in principle to the idea of a blue-ribbon panel. But as I said in my submission, we have not as an office considered all these different possibilities as much as others, for obvious reasons. I'm very preoccupied with other issues at the present time. I think, honourable member, that we have to look very closely at the technicalities, such as who's on it, who names it, and how it functions. The kind of expertise that's appropriate for the Auditor General may not be appropriate for the Privacy Commissioner or the Commissioner of Official Languages. How do you deal with that? Do you have different members who are called up? I don't know. I think there are a lot of details. So I'd say yes, in principle, but the devil is in the details.

**Hon. John Reid:** I'm prepared to go the route of a blue-ribbon panel if that's required, but my preference is simplicity and transparency. You should see the documents I send to Treasury Board, and members of Parliament should be able to pronounce on whether or not they're appropriate.

**Mr. Ken Epp:** In your view, would that then preclude the necessity of a blue-ribbon panel?

**Hon. John Reid:** I don't have policy issues the way the Privacy Commissioner does. My job is basically to do investigations as to why information has not been given to citizens. Therefore, my focus is on doing work. The policy issue that is of great interest to me is document management within the Government of Canada. That's an issue for which I have outsourced a certain amount of the policy thinking because I don't have it in-house. It's one that I find is fundamental to the ongoing question of good government in Canada, as well as the question of being able to have a vibrant access regime and privacy regime as well.

My point would be that you should see all of my documents I submit to Treasury Board, and you should be able to pronounce on them. That for me would be the appropriate blue-ribbon committee.

**Mrs. Micheline Rondeau-Parent:** On behalf of the Ethics Commissioner, I'd like to mention two things. First of all, we do have parliamentary status, as Dr. Shapiro said earlier today. Our vote, for example, in the estimates is already a parliamentary vote. It appears under Parliament as opposed to being a separate vote from the other offices. So I think that's one thing to keep in mind.

That being said, I think it would be for Parliament, then, to decide how to deal with their own parliamentary vote. Other than that, we will consult with Dr. Shapiro. If he has any opinion, he'll convey it to the committee.

• (1040)

**Mr. Ken Epp:** What would the Ethics Commissioner do if, for example, he were to come under the resource pressures that the Information Commissioner now has? How could you get a response in a timely fashion if you had a big backlog?

**Ms. Lyne Robinson-Dalpé:** Basically, the mechanism we would use, and that we used for supplementary estimates last year, is to go through the Speaker of the House and to Treasury Board. It doesn't have to be deliberated. It just has to be justified and approved by the Speaker of the House. So that's how we proceed. It's a very straightforward process.

**Mr. Ken Epp:** So if you have a friendly Speaker, you're okay. If you have an unfriendly Speaker, you are in real trouble.

**Ms. Lyne Robinson-Dalpé:** Again, it depends on the Speaker, who represents the interests of the House of Commons. Basically, I wouldn't think it would be in his interest to pursue a decision that is not favourable. I'm not saying if it's radically different. Then, yes, of course, it would be raised.

What we've tended to do in the last correspondences that we've referred to the Speaker was to provide copies to the chairs of both committees that we report to, keeping them informed as to what's going on in the office. That way, again, we demonstrate transparency in what we're doing.

**Mr. Ken Epp:** That's voluntary; it's not required.

**Ms. Lyne Robinson-Dalpé:** Exactly.

**Mr. Ken Epp:** Okay.

Thank you, Mr. Chair.

**The Chair:** Does anybody on the government side have anything to add?

**Mr. Derek Lee:** Yes, Mr. Chairman, I do.

**The Chair:** Okay, Mr. Lee.

**Mr. Derek Lee:** I respect the principle of transparency, but my experience in government leads me to think that we also have to develop the art of saying no. With all due respect to the Ethics Commissioner, this is all brand new. Nobody's going to be saying no to some of the start-up costs involved here. You're actually still on a kind of honeymoon.

I don't believe the House has the financial infrastructure yet that could accommodate all of these organizations in developing this art of saying no or saying yes. That's what we're looking at here. Perhaps we'd love, as a House of Commons or as a Parliament, to be able to accommodate all of these financial operations, but we're not geared up to do it. So we're not there yet.

If we're going to report on this, probably a wish for the future is that if we're going to invent these organizations for good public policy purposes, we should also invent the financial wherewithal and mechanism that would properly fund them, and also build in the art of saying no, because we can't operate in an unrestrained fashion in funding government. We learned that in the 1970s and 1980s.

Thank you.

**The Chair:** Good. Are there any comments on that? Okay.

Mr. Hiebert.

**Mr. Russ Hiebert:** I'd like to make a personal request to Mr. Reid, that he provide us with his business plan, and that he provide us with his submissions to the Treasury Board from this past year, and that they provide us with their decisions and their reasons.

**Hon. John Reid:** I will undertake to communicate that request to the Clerk of the Privy Council and report back to you.

**Mr. Russ Hiebert:** Thank you.

Is that request clear?

**Hon. John Reid:** That's clear.

**The Chair:** That would, of course, be to the clerk of the committee.

**Hon. John Reid:** Yes.

**Mr. Russ Hiebert:** Further to the backlog that you're experiencing, you've gone from a four-month to a 12-month backlog in four years.

**Hon. John Reid:** Yes.

**Mr. Russ Hiebert:** Could you explain to us whether this backlog is a result of more requests or perhaps a result of greater resistance and delays from departments? How would you explain the backlog, the increase?

**Hon. John Reid:** It takes place for three reasons. The first reason is that there are simply more requests coming into the system. This year the total number of requests coming in to the Government of Canada for information is approximately 29,000. When I started seven years ago, the figure was about 18,000 or 19,000. There's a steady increase of about 2% to 3% every year. We get approximately 9% of those as requests, so the volume itself is a factor.

Second, when I came in the proportion of easy cases was about 40%. These were delays, where the government had not met the 30-day delay. That went down to 14% and took a lot of pressure off, but now it has gone back to about 18% or 19%. That tells me that the departments are under some stress as well in trying to meet the law.

Third, there has been a high degree of complication in some of the requests that have come in. There's the amount of time and effort, for example, we've had to spend on the court cases that were brought against us by the former Prime Minister. These were all extraordinarily complex cases in themselves, so the complications are getting greater as well.

The dilemma I have is that my office's investigatory staff, who are the heart and soul, is still fixed at 23. I can't move beyond that, so I am unable to cut into the backlog and I am unable to cut into the new work coming in.

I have received from Treasury Board money for five investigators for a year and a half. By that time they'll be half trained. The risk I take with the government money is that Treasury Board will see fit to extend it for at least another year and a half so that we can at least try to break even on it. That's the risk. If Treasury Board determines not to do that, then it will have been a waste of a significant amount of government money.

• (1045)

**Mr. Russ Hiebert:** I'm just wondering, if it takes three years to train somebody, how you will be able to decrease the backlog in the short term at all.

**Hon. John Reid:** I can't. All I can do with five people is bite into it and start the process, and that's what I try to do. If I'm lucky, the five people, when I have them trained, will actually be biting into the backlog in the sense of allowing us to not grow the backlog any more. In other words, they'll be dealing with that 4% to 5% increase I'm dealing with each year.

**The Chair:** Mr. Laframboise.

[Translation]

**Mr. Mario Laframboise:** Mr. Reid, I find you are very quick to dismiss the notion of a blue-ribbon panel. I am aware you are dealing with a backlog of complaints, an intolerable situation. Nevertheless, in order to convince any government, very often one needs to call on experts in some areas. In your business, it would be experts in human resources management and experts in the conduct of investigations. These could make up a select committee and make recommendations, stating that with the staff you have available they would be unable to do the job that is expected of you. They could also specify what resources are needed to do the job properly.

To you, Madam, obviously you are in a better position thanks to the new technology. So if they do not give you more resources, it is because they believe you are able to do more with whatever staff you

have. This is surely the reason they give you. I for one am not convinced that you can do that.

I am happy to hear you are going to seize Treasury Board of this issue. I look forward to its answer. We have a major problem on hand and we need to invest whatever is required to resolve it. Maybe we need to refine all this analysis. I would like to be able to continue with this work with the cooperation of all commissioners in order to find a solution. As I said, I like the idea of having independent experts, people who are not MPs and not caught up in politics, coming out with a statement that there is a job to be done and a service to be provided to the people but that you are unable to do that with the staff you have available. This is why I would urge you not to dismiss too quickly this idea.

[English]

**Hon. John Reid:** I don't reject the idea of a blue-ribbon committee. I think there are certain things for which it can be very useful. In my case I don't have the policy questions the Privacy Commissioner has to deal with, nor even the Auditor General. I would welcome a blue-ribbon committee that looked into my finances, and I'd welcome one that looked into my operations. We could give them a good start, because we provide such an enormous amount of material on that to Treasury Board that we could basically overwhelm them with all the material we have developed over the years.

So don't feel that I am opposed to the concept of the blue-ribbon committee, but my need for that kind of advice is more limited than might be that of the Privacy Commissioner or even the Ethics Commissioner, because I tend to deal with things that are pretty hard and fast and straightforward. They are dealing with things that are a little more ambiguous and less defined than the work I do.

• (1050)

[Translation]

**Mr. Mario Laframboise:** This is why I suggest a blue-ribbon committee for each commissioner rather than one huge complex committee. In your case, a very small committee of a few experts making recommendations would probably be suitable while in the case of Ms. Stoddart, it might be a more complex and technical undertaking.

People in government are already confused by the fact that there are two types of commissioners. So, if there were four or five, these people would be totally lost.

[English]

**Hon. John Reid:** Yes.

**The Chair:** Thank you.

We're running out of time and we have two more names on the list, so could you keep it fairly short?

Mr. Bains.

**Mr. Navdeep Bains:** Very quickly, just to follow up on a question that was asked earlier in terms of the backlog, do you have a mechanism or process in place that helps to prioritize the requests so that you're able to differentiate between what might be considered a high priority versus maybe a routine request? Is there any type of mechanism in place, in light of the fact that you can only take a small bite into it, so that you can at least—

**Hon. John Reid:** My law does not give me any alternatives. It basically doesn't say that I can set a priority; it doesn't say that I can say, "These requesters have a higher status". But in point of fact, there are things we do tend to prioritize. They tend to be things that people have an urgent need to get. For example, if somebody has a court case with the Government of Canada, we would tend to prioritize something like that.

**Mr. Navdeep Bains:** So if there were an urgent request or a request you felt needed a timely response, you could facilitate that in a reasonable fashion?

**Hon. John Reid:** We would try to facilitate that as much as we can. We dislike doing that because of the nature of the law, but we do it because it has to be done.

**Mr. Navdeep Bains:** Exactly. The reason I asked is that when one assumes a backlog, one is under the impression they have to wait for an extended period of time, but there are instances where certain requests are done in a timely fashion.

**Hon. John Reid:** That's correct.

**Mr. Navdeep Bains:** That's it.

**The Chair:** Mr. Broadbent.

**Hon. Ed Broadbent:** Mr. Chairman, if I'm last on your list, I would simply like to forego the opportunity. But once our guests leave and we have thanked them, I would just like to raise a question briefly that comes out of this hearing about where we might proceed on some of these questions.

**The Chair:** Okay.

Ms. Jennings.

**Hon. Marlene Jennings:** I have a very brief question.

Mr. Reid, you talked about how your investigators require three years in order to actually be efficient, capable, etc.—

**Hon. John Reid:** That's when they're producing a full year's work.

**Hon. Marlene Jennings:** Yes.

Could you provide this committee with a job description of your investigators and the minimum abilities, training, etc., you require from them to actually be eligible to apply for the position?

**Hon. John Reid:** I'd be delighted.

**Hon. Marlene Jennings:** Thank you.

**The Chair:** Great.

Okay. I think we've got the list and we're doing well.

I'd certainly like to thank our witnesses today. I think most of all, you've provided us with some real tough questions for the Treasury Board officials when they arrive at the committee, if nothing else. So I do appreciate your time, and thank you very much for coming.

Mr. Broadbent, just before we adjourn, if you want to....

**Hon. Ed Broadbent:** Mr. Chairman, just as a future agenda item for this committee, I for one would find it useful if we spent some time and began the discussion of the officers of the House who report to this committee by looking at how they were appointed and at the financial structure and accountability of their organizations to see if we might come up with some recommendations. Whether it's a blue-ribbon committee, which I have questions about, or some other, I would like us to have the opportunity to discuss those questions if we can.

**The Chair:** Sure, and in fact at our next meeting on February 15 at 9 o'clock, we have officials from the Office of the Commissioner of Official Languages and the Office of the Chief Electoral Officer, who are also officers of Parliament.

So I think we're going where you want to go on that, with respect.

The meeting is adjourned.







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