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Chair

Mr. David Chatters

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● (0910)

[*English*]

The Chair (Mr. David Chatters (Westlock—St. Paul, CPC)): Let's get started, ladies and gentlemen.

Pursuant to Standing Order 108(3)(h), we'll continue our study on the reform of the Access to Information Act.

Our witnesses this morning are Canada's information commissioner, John Reid, and with Mr. Reid this morning his deputy commissioner, Alan Leadbeater, and general counsel Daniel Brunet.

We'll begin with your statement, Mr. Reid, and then we'll go to questions and answers.

Please go ahead.

Hon. John Reid (Information Commissioner, Office of the Information Commissioner of Canada): Mr. Chairman and members of the committee, I'm grateful for the opportunity to give evidence before you concerning the reform of the Access to Information Act.

Each year I include on the first page of my annual report to Parliament a quote of some words of wisdom or interest relating to the right of access. Last year I quoted from John Bryden's speech on second reading of his private member's bill, Bill C-462, an Act to Amend the Access to Information Act. This is the quote:

> This initiative of bringing transparency andaccountability to government has always been aninitiative of all members of the House, regardless of party. It has not been an initiative of government.

All members of Parliament, but especially the members of this committee, should never lose sight of Mr. Bryden's message.

The right of access arose from backbench and opposition ranks. No government enjoys the rigours of transparency and accountability imposed by the right of access, and no government will nurture and strengthen the Access to Information Act without persistent encouragement from non-front-bench members of Parliament.

For this reason I was deeply disappointed when the Bryden bill did not proceed into committee with the full wind in its sails of a unanimous, recorded vote of support at second reading. An intervening election changed all that, and now we are left with an undertaking by the Minister of Justice in his appearance before you on April 5, 2005, asking you to support his comprehensive framework to review the Access to Information Act.

Can this government, any government, be trusted to avoid the temptation to make a reform process self-serving? Will a government's comprehensive framework be an irresistible opportunity for government to seize back from citizens the power to control what and when information will be disclosed?

These are concerns with foundation. The government has in its hand a report of a task force of insiders that is replete with recommendations on how to make the Access to Information Act work better for government and the public service rather than for citizens. I drew my concerns in this regard to Parliament's attention in a special report tabled in September 2002, copies of which have been made available to you all. I fear this task force report will be the blueprint for the government's reform of the Access to Information Act, rather than the blueprint set out in the Bryden bill, which garnered such widespread support in the House.

Members of the committee deserve the gratitude of Canadians for being proactive in guiding reform of the Access to Information Act. Canadians cherish the right to get the facts on any subject and to get the truth when governments are suspected of rewarding friends, punishing enemies, putting self-interest above public interest, or simply using secrecy in paternalistic ways. We sometimes lose sight of it here inside the Queensway, but Canadians grasp and hold dear the profound advance in our democracy made in 1983 with the passage of the Access to Information Act.

Every non-insider review of the Access to Information Act in the past 20 years has come to the same conclusion: narrow the scope of exemptions, broaden the coverage to include new records and institutions, make the system speedier, reduce fee barriers, strengthen the powers of oversight, and make government more accountable for its obligations under the act. This committee will quickly come to the same conclusions. You already have, by voting for the Bryden bill.

Your real task is to hold the government's feet to the fire to ensure this Access to Information Act is strengthened, not weakened. Your task is to sniff out and unmask any wolf in sheep's clothing. I don't intend in these remarks to give you my wish list for reform; that is set out in the special report to Parliament to which I referred earlier and of which you all have copies. Of course, I will endeavour to answer any questions you have.

However, permit me a few additional moments to mention the urgent need for you to consider in your deliberations the troubling shift, especially at senior levels in government, to an oral culture. A right of access, no matter how strongly worded, will be of little effort if there are no records showing what decisions were made, what action was taken, who called the shots, and who knew.

The overall creation and management of records in the federal government is in crisis. It is this crisis, more than any defect in the Access to Information Act, that puts at risk the public's right to know, to challenge, to participate in, to influence, and ultimately to hold to account the government. I urge you to make information management reform a key element of your Access to Information reform work.

Thank you, Mr. Chairman.

The Chair: Thank you, Mr. Reid. It's an excellent blueprint of where we want to go. Of course, as you know, to get there is a bigger challenge, but we'll certainly do our best.

We'll go to questions.

Mr. Tilson.

Mr. David Tilson (Dufferin—Caledon, CPC): Thank you, Mr. Chairman. Welcome back to the committee. We all wish you well.

Commissioner, as you indicated, we did have Minister Cotler appear before us. We talked about the Bryden bill. I'm sure Mr. Broadbent will have more to say because there was a big brouhaha as to why it hasn't happened. Some members of the committee expressed a certain amount of disappointment in the bill not coming.

My understanding is that there's supposed to be a review of the Access to Information Act every five years. I don't think that's been completed since 1993. I believe the Attorney General of Canada has an obligation to pursue that review. It doesn't appear to have happened. I could be wrong, but I think that's the last time it was looked at. It is strange, whether it's that issue or whether it's the review or the stalling of the Bryden bill—and that's exactly what it is. It's a stalling of the bill. I don't know whether we're unanimous, but certainly a large number of committee members are most upset that the government hasn't come forward.

I would like you to comment on this review business, as to whether you know anything about that, whether that is being done, or whether there have been any initial stages as to whether it's been done and, more importantly, who should do it.

● (0915)

Hon. John Reid: Mr. Chairman, there was one mandated review of the Access to Information Act that was in the original act. It provided for a review of the act after three years. That review was mandated to the parliamentary committee. It did that review and produced a report called Open and Shut. It had a series of recommendations to alter the act. None of those were ever taken up by the government. The only other review of the act that has taken place was the task force report, which reported in 2002, but there has been no other mandated review of the act.

The justice committee, to which the Information Commissioner reported, after it had done Open and Shut, never took up the challenge of looking at the whole act again, so it basically died, until the government took the initiative of setting up the task force in 2002. I looked at the task force and was somewhat horrified at what I read. That caused me to produce my special report to provide the other side.

In terms of the Bryden bill, as I understand what Mr. Bryden did over time, he produced about seven or eight versions of his bill. He did this because he would go around to the government and to members of Parliament and he would negotiate and discuss. So if you take a look at his bills over time, there's really quite an evolution in what he did.

The last version of the bill was the version, I believe, that came out of the ad hoc committee that he created and on which Mr. Lee was a prominent player, and that was the bill. So if you look at Mr. Bryden's bill and you look at the work of the ad hoc committee, what you will find is that between the report of the task force and my comments on the task force, you've had a very good debate on the issues that have to be determined. Mr. Bryden's bill is the one that fits somewhat in the middle, where it certainly doesn't satisfy the government. In my judgment, it doesn't go far enough in openness. That's a brief history of the Bryden bill and how it got there, and where we are today.

The government has decided that it's not prepared at this stage to produce legislation. It has asked a lot of questions. If you go back and look at the three reports—the Bryden bill, my report, the task force—all those issues have been debated, and I don't think there are any particular mysteries. There is a philosophical difference. If you take the task force report, which seems to animate the view of the minister, it calls for more protection, more secrecy, less openness. My view is that you go a long step further to more openness in the system. Those are the competing interests: are you for more openness or are you for more secrecy?

The Acting Chair (Mr. David Tilson): The minister provided us with a briefing paper when he appeared before us, although it arrived at the time of the meeting, so we really didn't have the time to question him on that.

I don't know whether you've had an opportunity to look at that paper and whether or not you have any comments on it.

Hon. John Reid: I think I said I thought it was animated by the spirit of the task force report, which is more towards the secrecy side of the equation. It does not offer any significant opening up of additional documents or additional organizations to the Access to Information Act.

The Acting Chair (Mr. David Tilson): I expect this committee is going to be dealing with this whole topic in the weeks ahead. I don't know whether you'd be prepared to provide us with any written comments specifically on that paper and on the direction the committee should go in.

● (0920)

Hon. John Reid: I think you will find that the report I did is very clear.

Mr. David Tilson: Nothing has changed since then?

Hon. John Reid: Nothing has changed since then, though I have some additions I would like to add to it. But I think if you look at the section in it where I deal with my views on what reform should look like, you will find that I have tackled almost every point that is in the minister's paper and have provided the judgment of my office as to which way I believe reform ought to go.

For example, there are some things about Mr. Bryden's bill that I don't like. I don't like, for example, this concept of the constitutional exclusion. I don't know what it means and therefore I don't like it. I don't like the way he approached, for example, cabinet documents. I much prefer mine, but I prefer Mr. Bryden's to the minister's.

What I will do is take this out and put it in a form for you that will look something like a bill. In my suggestions, we have provided some preliminary drafting of how certain sections might look, and we can certainly put those into that kind of format for you.

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

The Chair: Mr. Laframboise.

[*Translation*]

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

Mr. Commissioner, your preliminary presentation is heavily charged. You told us:

> Canadians cherish the "right"to get the facts on any subject and to get the truth whengovernments are suspected of rewarding friends, punishingenemies, putting self-interest above public interest [...].

Which probably means that you now have more requests than before for access to information, doesn't it?

[*English*]

Hon. John Reid: What we see happening in terms of the total system is that there is an increase of about 2% to 3% every year and an increase of about 2% to 3% of complaints coming in to my office. There is an increase that has been going on for some time.

When I came into the office I think the total number of requests going into the government was about 22,000. It now approaches 30,000, so in six and a half years there has been a significant increase in the number of requests and in the percentage increase in requests.

[*Translation*]

Mr. Mario Laframboise: I've been reading the framework document. Like you, I would have thought the government would have presented, if not a bill per se, at least a draft bill so that we could discuss it.

Finally, the government chose to let the debate go on. The minister's position is clear. He is even telling us, in his document, to take our time. He is asking us not only to examine it, but also to take our time.

Mr. Commissioner, it so happens that time is a problem for you. You need a reform as quickly as possible. Is that the way I should understand everything you've said?

[*English*]

Hon. John Reid: That's correct, Mr. Chairman. I have two reasons. The first reason is that my term is coming to an end. The second reason is I've been struggling for reform of the act since I came into this job and I would like to complete that job. However, I also want to say that I anticipated the minister would bring down a version of the Bryden bill with the changes the government would like to see, so I was surprised when he brought down a consultation paper.

[*Translation*]

Mr. Mario Laframboise: I'm also surprised that the rate structure was questioned in the framework document. In your documents, at least those I've read, you recommended not to increase the rates. There is a certain amount to be paid. I'd like you to explain us how it works. You seemed to think that the present rates are reasonable and that we're already charging enough to the citizens when they want to file a complaint.

[*English*]

Hon. John Reid: My judgment about the fee barriers is that it was put into the Access to Information Act as a token of goodwill to show you were serious. There was no fee barrier put into the Privacy Act because what you were looking for was your own information. I've come to the conclusion now that the fee barrier should be removed; the $5 should be removed.

Why should it be removed? Because it costs the government about $25 to $50 to cash the cheque. It doesn't make any sense for you to have a fee barrier that's costing the government revenue. The government says it wants to do this for revenue purposes, but that's not the way the system operates.

Secondly, if you take a look at the costs that are imposed by the government when you go through the process, you see $5 bought you five free hours of search. I would say for 95% of the applications going into the government, that five hours was certainly enough to make sure you got the information you were looking for. After that, there was a charge of about $10 an hour for the search costs.

The other fee structure was how much it cost to reproduce the material, and that was always based on how much it cost for the photocopying. The figure now is about 20¢ a page. I think those are reasonable costs and could be maintained, but you have to do an analysis to make sure it's not costing you more to collect the money than the amount of money you're collecting.

● (0925)

[*Translation*]

Mr. Mario Laframboise: That's it. We have to facilitate access for citizens. If we raise the rates, some people might not even be able to afford to ask for an answer to their question. I know that. The government is telling us to take our time. Instead of giving you money directly to help you deal with your backlog, and so on, it seems we're being led towards a reform including an increase in rates. At the end of the day, your commission would have to generate its own profit to hire staff. The problem with delays would not be corrected and there might be less requests because people couldn't afford to file them. If the rates were increased, we would become less transparent and the information would be even less accessible.

I also suspect the government wants a new commissioner, by the way. I hope you will stay, but when we listen to them, we hear them say that if they raise the rates, there will be more money coming in and that a new commissioner might organize the work better. I don't believe any of that. I think you immediately need the necessary sums. And you also need a reform to reach your goals. Am I mistaken?

[*English*]

Hon. John Reid: I totally agree with you.

The Chair: Thank you.

Mr. Lee.

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

It's good to see you again, Mr. Reid.

I was personally disappointed that the government didn't choose to proceed by putting forward a bill, and it seems to have proceeded with a framework. The framework is somewhat helpful for us in looking at the broad picture, but to most of the members around the table, it really doesn't move us down the road too far.

Would you agree, in terms of looking at the subject and assessing where all of the various interests are and how they should be sorted out, that we've actually done all the work that needs to be done? I'm sure you think you've done all your work, but do you think the various players in this government—Parliament, your office, and other public interest players—have all done their homework now? Are we ready to proceed? Is there anybody with some work still to do on this?

Hon. John Reid: I can't think of any additional work that has to be done.

Mr. Derek Lee: That was my own view of it. I just wanted you to confirm that.

There still is some balancing of interests to be done. As I've worked on this previously, as other colleagues around the House have worked on it, it's clear that we must come to a decision collectively on where we balance the various interests—the interest, for example, in administrative efficiency or efficacy. We have to make a decision about how you go about providing the access, how much money you charge or whether you do charge money, what the most efficacious way is in balances of interest in relation to what we'll call non-disclosure—for example, of security matters, commercial confidentiality, and those kinds of things.

All of those balancing issues have to be done. Is there any one or two of those that you would want to flag for us as being preeminent, having to do with the essential health of the access system? In that balancing exercise, which of those, if any, do you think might be the most critical?

● (0930)

Hon. John Reid: I think when you look at it there are not too many questions that haven't been examined in depth. But let me give you what I would call my top five ideas.

First, let's expand the coverage of the act to all crown corporations, all officers of Parliament, all foundations, and indeed to all organizations that spend taxpayers' dollars or perform public functions.

Second, let's establish the “cabinet confidence” exclusion. Let's make it an exemption, subject to review by the information commissioner, and let's examine and narrow its scope.

Third, I think we have to establish a duty on public officials to create the records necessary to document their actions and decisions.

Fourth, we should provide a general public interest override for all exemptions. That is to say that the public interest should triumph the secrecy of government in those cases where it clearly does.

Lastly, make all exemptions discretionary and subject to an injury test.

I think doing those five things would bring the act into the 21st century. It would bring the act up to the standards of the best acts in Canada, which are Alberta's and British Columbia's, and it would be a significant reform.

Mr. Derek Lee: That's a good list. Thank you for that.

As we sit here now with only a framework to work with, there's not a lot of traction for members of Parliament or the House, so we have to make a decision about whether we take a look at the framework—in other words, continue the dance that's gone on here for the last five or ten years.... I say that not disrespectfully, because we do have an Access to Information Act and the thing is sort of working. It has some kinks; it can be improved, but it's been working for 20 years or so.

We have three options. We can wait for a government bill—although Mr. Martin's bill was withdrawn in good faith here on the assumption that a government bill would be coming forward, there is the option of having another private member's bill come in fairly quickly. Then there's the possibility for the committee itself, working from a particular framework it chooses, to quickly develop a bill and put it into the House.

We're in a minority Parliament; we may or may not have a lot of time. We might have a month, a week, a year, two years. Is there an option there? You're a former parliamentarian; you're still a parliamentarian at heart. Of those three options, would you counsel us to do nothing or to do something, and if the latter, which route should we take?

Hon. John Reid: I would say that you could take the Bryden bill and mark it up; you could take the Bryden bill and work through it. There's no restriction on the nature of a report that a committee can make to the House of Commons. There have been committees that have produced draft bills. You have access to the law branch of the House of Commons. We certainly would be prepared to help you in any way we can in formulating that.

I would say you're far better to come out with a form of legislation, because it's clear the government does not have enough confidence in where it is to produce draft legislation, or even to produce legislation based on Mr. Bryden's thing. So I would advocate using Mr. Bryden's bill as a skeleton and marking it up as you see fit.

● (0935)

The Chair: Your time is up.

Mr. Derek Lee: Thank you, Mr. Chatters.

The Chair: Mr. Broadbent.

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

I will say at this point, as I've indicated to the chair and to my colleague Mr. Lee, that I have a proposal to make at the end of the meeting today that will move in the direction of one of the options he has proposed that I think perhaps we can get an agreement in this committee on.

My question for you, Mr. Reid, is this. I listened with care to the five points you made. My colleague, the member for Winnipeg Centre, who has taken over Bryden's bill, assures me that all five points are included. Your five areas of concern are included in that draft bill.

My question to you is, given that you said—as part of your opening statement, I believe, or perhaps in response to one of the earlier questioners—that the question of access to cabinet documents was something you thought the bill now in the name of the member from Winnipeg Centre doesn't go far enough in addressing, could you elaborate on that?

Hon. John Reid: Yes. The problem we have now, that cabinet documents are an exclusion from the act.... That means you can ask for them, and the government can give them to you, but if there's a conflict between your right to ask and an investigation done by the Information Commissioner, the Information Commissioner cannot see them. That means of all the documents we deal with we cannot see the original documents, so we have no idea what those documents contain or don't contain that was asked for. There has been a history of the government hiding material that should have been available for access in cabinet documents. Discussion papers are a classic example, because they were a specific exemption to the exclusion of cabinet documents, and to protect those documents they were put into the cabinet documents.

It was only when we went to court in what was known as the Ethyl Canada case, where we were able to win the case, that the federal court ordered these discussion documents to be severed from the cabinet document and made available. Even then, now that we can see the material, there is still a struggle going on between us and the Privy Council over what should come out. It may well be we will have to go back to court again to settle these. The point I'm trying to make is that cabinet holds onto these documents with great enthusiasm.

We have looked at what all the Canadian provinces do. Every Canadian province makes the cabinet documents part of the Access to Information Act. That is, they are not excluded. That means when somebody asks for those documents, the Information Commissioner in that province can see the documents and ascertain whether they fit the criteria or not. We do not have that, so my proposal, which is laid out quite extensively in my report, is to give us that same right.

Mr. Leadbeater would like to say something about this.

Mr. J. Alan Leadbeater (Deputy Information Commissioner, Office of the Information Commissioner of Canada): Mr. Broadbent, to come back to the Bryden bill, the Bryden bill recommended that this become a mandatory exemption rather than an exclusion. That's good, but it did not have the provision for disclosure of the discussion material—background, analysis, discussion of policy options, and so forth. We need that. Also, it had no waiver criteria. We need waiver criteria consistent with the notion that all exemption should be discretionary and that discretion should have to be exercised fairly.

● (0940)

Hon. Ed Broadbent: Thanks for that answer, but it leads me to the conclusion that if we get around to discussing the bill the minister had promised to present and then for whatever reason changed his mind about, and if the committee finds a way of getting around to using it as its focus for attention for reform, I'm sure we'll want to invite you back for detailed comment on that legislation.

I just have one final question. We had an interesting discussion when the Minister of Justice was here about the construction of trucks. The minister had a preference, if I understand his argument—and I always want to be fair to a minister outlining an argument before I attack it.... He wanted the committee to have the "best possible truck" to consider in all its ramifications before we proceeded. Therefore, the "best truck" metaphor was used to justify his reopening the whole issue through his discussion paper. Some of us thought we already had the truck—imperfect, yes, but better a truck that's on the lot and that you can deal with than an anticipated truck down the road.

I wonder if you'd like to comment on trucks in this sense: if I understood your earlier answer, you would recommend to this committee to do our job as mechanics with the truck we have—namely the bill that's in the name of the member for Winnipeg Centre—and get on with the job and improve or modify it, taking into account some of the concerns the minister himself might have raised, as well as concerns you raised, and not use the broad-ranging, open-ended discussion paper he has proposed for us to begin with. I just want to hear you confirm once again that that's your judgment.

Hon. John Reid: I want to say, Mr. Chairman, that I am always careful talking about trucks and cars with the former member from Oshawa.

I think you have two trucks in play. The first truck is the existing Access to Information Act and the second truck is the Bryden-Martin bill. I think those are the ones you should operate on. You should have no concerns about the issues not having been properly debated; they have been debated—ad nauseam. The government has produced a very thick report; I have produced a smaller report; Mr. Bryden and his committee have produced a certain amount of information as well. You have all the data you require to make decisions.

Hon. Ed Broadbent: Thank you. Like you, I think we should go with the existing truck.

The Chair: Thank you, Mr. Broadbent.

Ms. Jennings.

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Thank you, Chair. Thank you very much, Commissioner Reid, for your presentation and your advice. Before I ask my question, I'd just like to point out that there's a glaring error in your presentation on page 5, in the first paragraph's last sentence, which says: "We sometimes lose sight of it here, inside the Queensway...." I believe you may wish to have said "inside the national capital" or....

We're not in Toronto.

Hon. John Reid: I accept the definition, because there is a Queensway in Toronto, and at one time in my life I used to live on that Queensway.

Hon. Marlene Jennings: I want to come back to your suggestion, which I find quite intriguing. Your suggestion is based on your affirmation that all of the contentious issues, in terms of how to go about balancing competing rights and how to determine the correct balance, have already been the subject of a great deal of debate from all stakeholders, and that therefore this committee, and indeed the government itself, should be in a position, with that debate having occurred, to present a solid document that would reform the Access to Information Act.

Taking that as the basis for your suggestion that this committee, rather than conduct a whole study based on the framework the minister has proposed to the committee and tabled, actually take the Bryden act, or, if we wish to call it so, the Bryden-Martin act, and use the recommendations you give and other stakeholders give to redraft it, to improve it, let's say.... If we take that suggestion, I want to come back to the issue where you say to expand coverage to all crown corporations, all parliamentary officers, indeed anyone who has a clear legal mandate to act on behalf of the government....I assume that would include public-private partnerships, for instance. More and more we see the federal government and other levels of government developing actual legal partnerships with NGOs, for instance, in the private sector to carry out a function that previously was carried out by public servants.

And then you would create exemptions. I'd like to hear you talk a little bit more about how to create that exemption when we're dealing, for instance, with crown corporations that operate in a competitive world. How would we define that exemption to ensure that business information would not be made public and therefore put into jeopardy perhaps the role of that particular crown corporation? Or how would we ensure that an NGO that has had to compete through public tender to get a contract to conduct or fulfil a particular service that previously was handled by public servants in a particular ministry is not then put at a disadvantage vis-à-vis their own competitors, who then may compete the next time and use...? I'd like to hear—and I think it would be of benefit not just to this committee, but to anyone who's listening in or who's following the work of the committee....

● (0945)

Hon. John Reid: Mr. Chairman, section 18 of the Access to Information Act provides more than ample protection for those kinds of cases. In point of fact, the Business Development Bank comes under the Access to Information Act.

When it comes to information requested that belongs to third parties or is personal information, it is exempted and severed under the act. Section 18 is a very powerful clause that goes a long way to protect that kind of commercially sensitive information. There are also clauses that deal with the economic protection of the government. Where the government has investments, it can be protected.

So if you take a look at some of these cases and then look at the act, you will find that a lot of these questions really do not come up, because there are very powerful sections that go a long distance toward providing that kind of protection. What I have always said to people who have asked about this is, “Show me the business case that is not covered by the act”. You know, you get very few of those.

I will say, for example, that we have drafted, at the request of the Department of Justice, a clause that would deal with some of the problems that officers of Parliament would have, because we have investigatory records and whatnot that require a certain amount of protection. It's not rocket science; it's pretty straightforward and, in my judgment, relatively easy to do.

The real question is determining what is the level of protection that you want to offer and determining the impact of the public interest override and determining the level of an injury test.

So it's fairly straightforward.

Hon. Marlene Jennings: Thank you.

The Chair: Mr. Epp.

Mr. Ken Epp (Edmonton—Sherwood Park, CPC): Thank you very much.

Thanks again, Mr. Reid, for appearing before our committee. We always enjoy your interventions and presentations.

I have a couple of questions with respect to fees. I think you indicated in your report that fees should probably be waived, because they're such a minuscule amount of the cost. If there were no fees at all, is it your perception that there would be an increase in the number of requests? And in view of the fact that responding to these requests costs, say, a thousand dollars on average in terms of people time, or whatever it is, to do the research and the report and all of that, do you think you would perhaps be putting each government department to considerably increased costs? Would there be more frivolous requests than if you had a small fee structure, just as a way of weeding out those requests that people really want versus the ones they just want to make to try to keep people busy?

Hon. John Reid: I've looked at the fees from the point of view of what they are.

There are three fees. There's the $5 fee, which is not a barrier to anybody, and was not in 1983 either; there are the fees for extra search time over five hours; and there is the fee for copying and producing. These fees are not a barrier at the present time. They are relatively insignificant and relatively modest in terms of the costs. So I don't see the fee structure in the Access to Information Act as a barrier, but more as a cost to the government, because there are well-defined costs for the government to cash cheques and to collect money. Consequently, you save revenue by not collecting the $5, if I can put it that way, because it costs you about $25 or $30 to cash the cheque. So when you stop collecting the $5, you immediately start saving $25 to $30 a cheque.

● (0950)

Mr. Ken Epp: Okay, but that's the part I'm challenging. If you removed the fee, it seems to me you might get a lot of frivolous requests, which, at a thousand dollars an hour in actual costs, are going to increase the costs to the department. So even though it may cost a small amount of money to process those fees, it may be an investment worth making.

Hon. John Reid: I'm sorry, I misunderstood you at first.

I have recommended that there be a section in the act dealing with frivolous and vexatious requests, as a protection against the kind of abuse you have outlined. I should warn you, however, that the Province of Ontario has a similar section, which has been used but once in 10 years; you don't get many frivolous and vexatious requests. I have seen a few requests come through that I have thought were maybe frivolous and some that were maybe vexatious, but I have also been able to watch and see how that information was used, which was not in a frivolous or vexatious way. I think the task force report indicated that Canadians are very careful users of the system and do not abuse it; consequently, most of the requests are for limited amounts of information, with the average being about 80 pages.

So this is not a society that uses and abuses this kind of right; it's used very carefully and with caution and moderation.

Mr. Ken Epp: Okay.

My last question, since I'm sure my three minutes are almost up, is that I wonder what your response would be to requiring departments to keep records. You mentioned in your presentation today that one of your concerns is that we've become a verbal organization, rather than one that keeps records, specifically to keep people from finding out what happened.

How can you possibly legislate and determine that the notes taken in Cabinet, for example, are accurate and complete, so that when somebody asks for them afterwards, you can determine that in fact they should be released or not be released? You'd almost have to have someone there at those meetings to determine whether written records were taken properly. I find that to be an almost impossible task.

Hon. John Reid: If you look at records throughout the governmental structure, as we do, there are only two places where you will find records kept on an ongoing basis, and those are the Cabinet and Parliament. Anywhere else in the Government of Canada, the provision of records or minutes of meetings and decisions taken is very much a hit-and-miss possibility.

I believe that unless we tackle this problem, the quality of government is going to deteriorate, because in a large structure like the Government of Canada you simply cannot operate without keeping appropriate records of decisions taken and the reasons for those decisions being taken. What we have to start doing is mandating that kind of record-keeping, and then we will have a tool by which we can proceed to judge the public service's record-keeping. Even the task force recommended that something be done, because they recognized that there was a significant problem here. They said it should be approached on the basis of policy.

To give credit where it's due, Treasury Board has worked very hard and in my judgment has brought out a policy, called the management of government information, but it has not put into place any mechanism to make sure departments pay attention to it and follow its diktat. So the policy exists, but we have to find a way to make sure it is followed.

Mr. Ken Epp: Thank you very much, Mr. Chairman.

The Chair: Thank you.

Mr. Powers.

Mr. Russ Powers (Ancaster—Dundas—Flamborough—Westdale, Lib.): Mr. Reid, I have two quick questions.

Maybe this is just a given, but one thing that you didn't touch on is access to information relating to dialogue between provincial, territorial, and municipal officials and the federal government. I didn't hear that reference at all, but I would think that now and over the last number of years, the increasing relationships, whether they are partnerships or whatever the discussions may be, are perhaps governed under the various legislative acts of the provinces and territories and municipalities, or whatever the case may be.

Could I have your comments on this? I think the ability to access those would certainly help in rounding out, as it were, the total picture or analysis.

● (0955)

Hon. John Reid: This is one of the black holes of the Access to Information Act. There is a section saying that those kinds of documentation are exempted from the act, so you can't say that we can see these to judge whether or not they are proper or not—but you can't get them out. Normally what happens is we always insist that they go back to the partners and ask them to release the information. Generally speaking, the partners all say no, so there's an enormous amount of federal-provincial material now sitting out there and covered by an exemption on both the provincial and federal sides in both acts.

Mr. Russ Powers: Obviously that's one of the areas—

Hon. John Reid: That's one of the areas you should look at.

Mr. Russ Powers: —that perhaps we need to look at in this interrelationship.

My second question has to do with the reference in your remarks —which you started to continue in response to the last question— that "The overall creation and management of records in the federal government is in crisis".

Could you expand upon that comment?

Hon. John Reid: Yes. We find that decisions are taken and there are no minutes; there's no explanation. We go into government offices and say, "Well, why are you doing this?", and they say, "Well, that's the way we've always done it." Then we ask, "Have you tried to change it?", and they say, "Yes, we have." And then when we ask, "Why didn't you change it?", they say, "Because we can't find the original decision and the original records; we don't know why it got there."

So it becomes much more of a gamble to change when you don't know why the process was put into place.

This is common. Departments have what we call morning meetings, in which they discuss the issues of the day they will be facing. There are no minutes kept, yet decisions are taken at these meetings. The department has no control over its own activities, because there are no minutes put out of the decisions they took at these meetings.

Once you have this oral culture at the top, there is a tendency for it to go down the whole system, because that's the way it's done by the people at the top. When that happens, it becomes very difficult to understand what you're doing and why you're doing it, but it also has something to do with the lack of accountability and the inability to track what is actually going on throughout your structure in a policy sense.

Mr. Russ Powers: I think we've got two things here. One is a process scenario; in other words, the dictum of basically creating the records is not there.

Could I ask about the physical records? Notwithstanding what you want, and the fact that a process to get what you want may be lacking, are there areas of insufficiency from the standpoint of your getting access to the records that will assist your investigations?

Hon. John Reid: I became interested in this subject when I looked at the number of additional searches that we were forced to impose on departments to make sure they had acquired all of the records. The question is also about the creation of records, and it's also about keeping the files.

The government itself, or the senior civil service, felt they had a problem and commissioned one of the outside think tanks to do a study of the quality of advice they were giving to Cabinet. The study concluded that because of the inability to access records and because the records were not being kept, the advice they were giving to ministers was not as good as it ought to have been and should have been.

Mr. Russ Powers: Thanks, Mr. Chair.

The Chair: Thank you, Mr. Powers.

If we need an example of what you're saying, certainly in the current situation in which the government is spending $80 million on a public inquiry, we know that if records had been kept there would be no need for this inquiry. So it's pretty plain.

Mr. Hiebert.

Mr. Russ Hiebert (South Surrey—White Rock—Cloverdale, CPC): Thank you, Mr. Commissioner, for being here this morning.

My questions follow along the line you've been hearing. On page 3 of your opening remarks, you ask a question that many Canadians are asking right now: “Can this government...be trusted to avoid the temptation to make the reform process self serving?” A little later on you comment about the “troubling shift...to an oral culture” and how “Our right of access, no matter how strongly worded, will be of little effort if there are no records showing what decisions were made, what action was taken, who called the shots and who knew.” You've talked about the fact that this happened at the top and that it's worked its way throughout the bureaucracy, the regular meetings that are taking place and that no minutes are being kept.

My first question is, do you know how other countries deal with record-keeping and how they avoid an oral culture of secret decisions?

● (1000)

Hon. John Reid: I have talked to quite a few information commissioners from other countries, and, generally speaking, I find that their record-keeping is much superior to ours. I think one of the reasons for that is that they are still more paper-based than we are; we're in a hybrid base now, where we're partially electronic and partially paper, and we haven't gone all the way. But they have a different kind of approach to handling records in those societies. In North America we tend to be much less careful about our history and our past; other countries tend much more to be custodians of their past and what has gone on.

Secondly, I think their legislation tends to be more focused on protecting records; ours is not. We always took for granted that we had a good paper system, and in fact I would say we did have a good paper system until the late-1970s, when it began to deteriorate.

Mr. J. Alan Leadbeater: Could I just offer a quick observation, Commissioner?

A lot of this in other countries, especially in the United States, for example, is handled through the archival requirements. There is a legislative requirement in the United States that records be created. In this country, the national archivist is not an officer of Parliament, so does not tend to take an enforcement role in these things, because it's more difficult for a person who is part of the government administration to be involved in enforcement. Those two factors combine to make, in this Canadian system, less pressure for good records management.

Mr. Russ Hiebert: It sounds like we need two things. We need to complete the transition from a paper-based culture to an electronic culture, or commit ourselves to one or the other. Then we also need somebody to have the ongoing responsibility, perhaps a national archivist, to provide some teeth to those measures.

The other thing you mentioned was the fact that unless there's a way to make sure the policy is followed, any policy we have, even at present, is useless.

Can you comment on how you would make that transition, first of all, from where we are right now to where we want to be, and how we could provide some teeth to make sure these records are actually kept?

Hon. John Reid: The transition is well under way from paper to electronic, with all of the possibilities and difficulties this entails. In the business of electronic information there's a saying: once you make your information digital, it's good for forever or five years, whichever comes first. So there are certain problems.

That being said, since this is where we're going, we clearly need to create some legislative understanding as to how we're going to deal with material in the digital domain. It basically all has to be transformed about every five years as the new storage systems come into play, as the equipment changes, and as the software changes. This has become a real burden. You should understand that the national archivist and librarian has a very interesting factory out in Gatineau where we do this. We're one of the leading exponents of this worldwide.

But we have to do more auditing as to what departments are actually doing. While Treasury Board has the responsibility for the management of government information, the question I always pose to them is, when are you going to start auditing what goes on in the departments to make sure this policy is actually fulfilled? To which Treasury Board says, that's not my responsibility; that's the responsibility of the deputy minister. My view is that those people who bring forward a policy have a responsibility to make sure it is followed.

● (1005)

The Chair: Thank you. Your time is up.

Mr. Boulianne.

[*Translation*]

Mr. Marc Boulianne (Mégantic—L'Érable, BQ): Thank you, Mr. Chairman.

Welcome to Mr. Reid and his team.

You have mentioned several times, as well as my fellow members of Parliament, that the committee's role—and our role as members of Parliament—was important on this issue. You've reminded us of very important tasks we have to take care of. On page 6, in particular, in a very terse sentence, you said: "Your task is to sniff out and unmask any wolfin sheep's clothing!" Of course, it's a very appropriate thing to say these days.

You've also said that we needed a strong act, and that we should reinforce it instead of weakening it. We've received a framework document from the minister last week. Do you really think the act will be reinforced, and not weakened? Do you think the minister is sincere and truly wants to reinforce the act to unmask the wolves in sheep's clothing?

[*English*]

Hon. John Reid: The way I've looked upon this is that the government is a participant in the debate, that it has its own views. As members understand from the quotation I gave from Mr. Bryden, it is the members of this committee who have to make the final judgment. You have to look upon me as a person with his own views as well. You have to listen to what I say and what the government says and what anybody else says, and then make a judgment as to which way you want to go.

In my view, there are two philosophies competing here. There is the philosophy the minister has taken from the task force report that there should be significant increases in secrecy. I have the philosophy that there should be significant increases in openness. It will be the committee that makes the determination as to where that balance should be. That is your responsibility. So I'm here as an advocate for an extensive increase in the amount of material that would be made available to Canadians.

[*Translation*]

Mr. Marc Boulianne: I would like to go back to one of my colleague's questions. Are you optimistic about the future of this issue?

[*English*]

Hon. John Reid: Mr. Chairman, that's a good question. I'm disappointed that the minister proposed more study, or more delay, rather than coming forward with a bill.

It's also disappointing to me that those proposals, as supported by the government framework document, are in my judgment, for the most part, pro-secrecy and anti-effective oversight in nature. In my judgment, no change to the Access to Information Act would be preferable to the changes supported by the government in the framework document; that's where I'm coming from.

Now, let me give you a very quick run through them. These are the pro-secrecy, anti-oversight proposals in the framework document: to allow secrecy to protect the dignity of the individual; to extend secrecy to advice given by consultants; to extend a 20-year blanket of secrecy to audit papers; to extend secrecy to information covered by any—any—evidentiary privilege; to exclude from access the records held in ministers' offices and the Prime Minister's Office, which we're in court over now, as you know; to retain the open-ended, never-ending, ever-expanding secrecy permitted by section 24 of the Access to Information Act, the clause where you can say something is a secret in the legislation and you can put it into the Access to Information Act and take it totally out, which have increased in number from about 40 to 60 in the last 10 years or so; to make it easier for the government to extend the 30-day response time; to make it easier for the government to use fees to deter access; to allow government to refuse to process frivolous, vexatious requests; to reduce the time within which complaints to the Information Commissioner may be made; to remove the Information Commissioner's power to punish acts of contempt; to remove the Information Commissioner's right to see records alleged to be of solicitor-client privilege, or other privileges; to give witnesses the right to counsel; and that there be no general public interest override and no reduction of class test exemptions, and that there be inadequate expansion of coverage.

On the other hand, there are some proposals to improve the act. There are three: to broaden the public interest override in subsection 20(6) only; to narrow the cabinet confidence exclusion to reflect court interpretations of the existing statute, that is, the Babcock decision; and to provide a duty to assist requesters. The law being what it is, it is beyond me why we should have a decision to provide assistance to requesters, but there it is.

So basically, it's as I said. The framework document follows the philosophy of the task force to limit access. The government document is an advocacy document, from that point of view.

My proposal is that you expand it significantly—and I also am an advocate. Mr. Bryden has tried to provide the middle ground.

● (1010)

The Chair: Thank you.

[*Translation*]

Mr. Marc Boulianne: Thank you, Mr. Chairman.

[*English*]

The Chair: Mr. Tilson.

Mr. David Tilson: Mr. Commissioner, I don't know whether you have a copy of Bill C-201 with you, Mr. Martin's bill, which I gather is a copy of Mr. Bryden's bill.

I'd like to talk about your interpretation of a couple of clauses there, specifically pages 14 and 15, which are clauses 31 and 32 of the bill, where it talks about what a record is and then about the disclosure of records. Specifically, proposed subsection 6.1(3) states that:

> For greater certainty, this section applies to Members of the Senate and the House of Commons.

So I guess my first question is, do you interpret this clause as meaning that the bill would have the Access to Information Act apply to members of the Senate and members of Parliament?

Hon. John Reid: I believe so.

Mr. David Tilson: So then I ask the question—and I appreciate that reports have been done all over the place, which I may or may not have read. But that troubles me specifically. Members of Parliament, members of the Senate, have constituents who come in off the street. They talk to us about problems they're having, and members of Parliament may or may not make notes. If that's what this means, that members of Parliament must disclose minutes or notes on what their constituents are talking to them about—very personal matters perhaps—is this a problem?

Hon. John Reid: I don't think that's the interpretation I would put on the clause.

Mr. David Tilson: That's why I asked you to read what "record" means.

Hon. John Reid: The clause is very clear. Paragraph 6.1(2)(a) says that it applies to the Senate, the House of Commons, and the Library of Parliament as if they were government institutions, but it only deals with the financial administration of those institutions. So we're not talking about the materials generated by members of Parliament in their dealings with clients and constituents, their political or personal materials, but only things dealing with the financial materials.

In point of fact, the House of Commons produces for members of Parliament an annual accounting of your expenditures for travel, hospitality, running an office, and whatnot, and it publishes on a regular basis its own financial statements. What this would do is take those public documents and put them into the ambit of the act.

● (1015)

Mr. David Tilson: I hope you're right that this is indeed what it means.

Hon. John Reid: It's something you may want to take further legal advice on, but I remember when I read it, I was a supporter of, when the act went through, that members of the House of Commons not be part of it because it was there to protect the interests of the constituents.

I've always felt that one should be able to write and talk to one's member of Parliament in total confidence.

Mr. David Tilson: Absolutely, but this means subclause 6.1(3), which says, "for greater certainty, this section applies to members of the Senate and the House of Commons" should perhaps be tidied up. Perhaps the whole section should be tidied up, because there's no way constituents are going to want to come and talk to us if they know what they say is going to be blabbed all over the place.

Hon. John Reid: Well, I think it's subclause 6.1(1) that basically says you can only have the right to access records respecting the financial administration of the institutions, period.

Mr. David Tilson: I agree, and I hope you're right. That's all I'm saying.

Hon. John Reid: The other thing I would point out is that the government holds tremendous client records, and they're all protected under the Access to Information Act's privacy sections, which are connected to the Privacy Act. None of that material goes out. It's protected under the Privacy Act.

In some ways, coming under the Privacy Act gives you more protection than you have now.

The Chair: Thank you very much.

Mr. Lee.

Mr. Derek Lee: Thank you.

I have two quick items, just to get them on the record.

Following up on Mr. Tilson's line of questioning, MPs are not part of the government.

Hon. John Reid: That's correct.

Mr. Derek Lee: Nor are senators, and access to information generally focuses on the government, getting access to government things. So a case could be made that all of Parliament should be treated somewhat differently.

Had you thought of the difficulties of enforcement in relation to access to MPs' records over the privilege impediment? In other words, MPs will probably use privilege rigorously to protect the interests of Parliament and the parliamentary purpose. I want to suggest that any mechanism to impose access and enforce it might be met with a privilege argument. So if the Access to Information Act doesn't address privilege explicitly, it's not going to be able to overcome that obstacle. Has this been considered in your analysis so far?

Hon. John Reid: Mr. Chairman, I have taken the view that Parliament should not be part of the Access to Information Act.

Mr. Derek Lee: That's a good start, but now let me go backwards.

In my view and experience of national security areas, where I've been fairly involved over the last 15-plus years, the foreign partners of Canada would have absolutely no appetite to begin sharing information with Canada on security matters if access were to be in the hands of an access commissioner. In other words, they would want to see the total exemption of national security matters and not have these matters judicative, or discretionary, in the hands of an access commissioner. Had you considered that interest in making your recommendations?

Hon. John Reid: We deal with security material all the time, and we have for 22 years, or for as long as the act has been there.

Mr. Leadbeater.

Mr. J. Alan Leadbeater: The exemption that's currently in the legislation is discretionary, with injury tests based on national security, the defence of Canada, the intelligence work of the Government of Canada.

Mr. Derek Lee: Are you happy with that current arrangement?

It stays?

Mr. J. Alan Leadbeater: Yes, and the government is too. There has been no recommendation that it be strengthened or that the commissioner's powers be weakened in that area. It's worked well for 22 years.

Mr. Derek Lee: That's great. Okay.

Thank you very much.

The Chair: Mr. Laframboise.

[*Translation*]

Mr. Mario Laframboise: Thank you very much, Mr. Chairman.

You gave my colleague a very appropriate answer earlier. You're saying you'd rather keep the present act than have the framework proposed by the minister. Is that it, in short?

In his document, the minister seemed to say there are big shells—Crown corporations in particular—, seven of which would be very hesitant because of issues like commercial secret or competition. VIA Rail is one of them. Have you examined that?

● (1020)

[*English*]

Hon. John Reid: One of the examples is the CBC, but it's interesting to note that the first committee that investigated the act, and which produced a report called Open and Shut, recommended that there be an exemption for the CBC to protect its journalists. I would accept that.

I think if we look at the business cases of the crown corporations not covered by the act now, I'm sure we can find easy ways to deal with any concerns they have. One of the arguments they always raise is the fact that, "Well, we're in competition with the private sector, which doesn't have any of these problems dealing with access". But that's not true, because any publicly traded corporation has a whole range of access issues to deal with; they are already under the federal PIPEDA legislation and have to deal with personal privacy. Last weekend there was a discussion in the papers of how Wal-Mart had to produce a whole series of papers for its labour unions.

So the private sector also has access issues that it has to deal with, and I don't feel that putting the crown corporations under this access legislation will cause them a competitive disadvantage at all.

[*Translation*]

Mr. Mario Laframboise: I agree. Personally, I thought the government was presenting its framework very quickly. There were even translation errors in the French text. The government simply didn't have time to take care of the access to information issue. It probably was not a priority. That's what I understood. Do you get the same feeling from your discussions with the governement?

[*English*]

Hon. John Reid: I have the feeling the government presented itself as an advocate for a particular view of what the act should be in the future. In my judgment, it has not come to you to say, this is the way it should be, but it has been much more tentative than that and has come to argue against a philosophical point of view that there is too much secrecy in the system, arguing instead that there is not enough secrecy in the system and that there should be more protection of government documents from the citizens of Canada. I'm an advocate for the other side of that argument; I believe there should be a significantly increased amount of information going out.

From the point of view of the committee, I think you should look at yourselves as the people in the middle who are going to make the decision where that philosophical divide is going to be bridged; that is your responsibility.

[*Translation*]

Mr. Mario Laframboise: Thank you.

[*English*]

The Chair: Thank you, colleagues. That brings us to the end of the list, unless someone else has a question.

Thank you, Mr. Reid, for your presentation. As usual, it was very frank and very open; we appreciate that. I think it'll help us get to where we want to be.

We have just another item of business, colleagues, before we leave. Mr. Broadbent asked to be able to table a notice of motion. It's up to the committee whether the committee chooses to deal with it with unanimous consent. If not, we have a meeting on Thursday to deal with it at your pleasure.

Also, I would like to mention that we have Mr. Bryden scheduled for next Tuesday before committee.

With that, Mr. Broadbent.

Hon. Ed Broadbent: Mr. Chairman, the clerk's going to pass out the motion.

The effect of this motion is consistent with the discussion it seems to me I've heard from all parties, that there was a preference for members of this committee to deal with Bill C-201 as opposed to the government's discussion paper. The essence of my motion is that if it's adopted by the committee and then goes into the House and is accepted, the committee could start to focus on Bill C-201.

I understand and respect the rule that there is 48 hours' notice, unless people want to proceed with it now, but I'm quite happy to proceed with it at the next meeting.

● (1025)

The Chair: I guess the first thing we have to do is determine whether there is unanimous consent to move this motion today, or do we want to wait till Thursday?

Mr. Ken Epp: Just before we do that, in view of the fact that this is a report to the House, I think the wording in the very last...instead of saying referred to "this committee", it should say "the committee". That's just a little technical thing.

The Chair: Yes, okay.

Are there any comments on...?

Yes, Derek.

Mr. Derek Lee: Most members will be somewhat supportive of the principle lying behind the motion. It's an interesting approach procedurally. I personally am not sure it's a dog that will hunt, in the House. It certainly makes a point, and maybe Mr. Broadbent and his team have done some more work on it, but I would prefer not to actually adopt it now. I'm happy to receive it now without notice and to deal with it at the steering committee, and to deal with the motion in due course, with or without modifications. That would be my position: we wouldn't actually vote on it today, but we would start taking it under consideration and deal with it when Mr. Broadbent chooses to actually push the button on it.

The Chair: Okay, so we don't have unanimous consent.

Mr. Derek Lee: No, I'm consenting to receive it without notice, but in terms of debating it or voting on it, I would prefer that it be postponed.

The Chair: Okay. It's being deemed moved then, and we'll discuss it on Thursday.

If we want to.... We have some time.

Go ahead, Mr. Tilson.

Mr. David Tilson: It's on another topic, Mr. Chairman. Have we finished this?

The Chair: I'm not sure we're finished this yet, so you'll maybe want to hold that.

Mr. Hiebert.

Mr. Russ Hiebert: Mr. Lee has put forward a recommendation to delay it and have it discussed by.... You named a subgroup or something—a subcommittee?

Mr. Derek Lee: I just want to tell Mr. Hiebert I didn't ask to delay anything. The motion has just been presented to us, so it is not delay, Mr. Hiebert. Do we understand that?

Mr. Russ Hiebert: Yes.

Mr. Derek Lee: Thank you. Now—

The Chair: Just to clarify, Thursday's meeting is not of the steering committee; it's the full committee in camera.

Mr. Russ Hiebert: That was going to be my point, Mr. Chair, that I think this is an issue that should be discussed by the full committee, not by a steering committee. I'm wondering if Mr. Lee could explain why he would not want it dealt with at this time.

Mr. Derek Lee: Well, I did explain. What we're going to end up doing now, Mr. Chairman, is getting into debate on the motion itself. I have questions that may not be answerable now. If it's the will of the committee to start debating this now, that's fine, but I thought we could be better prepared to deal with it at a future meeting.

The Chair: No, I think the point is taken. If there is to be some in-depth discussion on the motion, it will perhaps be better done on Thursday in the committee. You'll get an answer to your question, of course, on Thursday.

Mr. Laframboise.

[*Translation*]

Mr. Mario Laframboise: I, for one, would need a 48 hour notice. I'm not sure the motion is acceptable procedurally. I wish to advise you that the leaders' office needs time to check that. We agree on the principle, but we have to make sure we don't propose something that would be rejected by the leaders' office anyways.

[*English*]

The Chair: That's fair enough. The motion is deemed moved. The discussion and a vote, if necessary, will take place on Thursday.

On another matter, Mr. Tilson.

Mr. David Tilson: I just want to advise the committee that I'm appearing before the liaison committee today, and this committee does not now have plans for travel.

● (1030)

The Chair: Okay.

I think that's all the business.

Mr. Lee.

Mr. Derek Lee: Mr. Chairman, in your recent absence members missed you terribly. On behalf of all the members, I just want to say it's great to have you back in the chair for as long as you're able to do that. In your absence we decided to reduce our sentiments to writing, so we've prepared a card for you, which I will pass to you after the meeting. But on behalf of all members, I want to express that sentiment. It's great to see you in the chair today.

The Chair: Thank you very much. I appreciate that sentiment. I also missed you and am glad to be back.

The meeting is adjourned.

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