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—
Chair

Mr. David Tilson

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Tuesday, May 9, 2006

• (0905)

[English]

The Chair (Mr. David Tilson (Dufferin—Caledon, CPC)): I call the meeting to order.

This is the Legislative Committee on Bill C-2, meeting number three. We are studying An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

We have some guests this morning. However, before we do that, I'd like to give the report of the subcommittee that met yesterday, since we are, in that report, talking about some procedural matters. You should have it before you. I'll read it and then I'll ask for a motion.

This is the first report of the subcommittee on agenda and procedure:

The Subcommittee on Agenda and Procedure of the Legislative Committee on Bill C-2 has the honour to present its first report.

Your Subcommittee met on Monday, May 8, 2006, to consider the business of the committee and agreed unanimously to make the following recommendations:

1. It was agreed, — That the Committee authorize the Clerk to contact witnesses and attempt to find groupings that reflect the overall desire of each party, and that each grouping be focused by subjects to the extent possible;
2. It was agreed, — That the final time limit for the submission of witness list and for witness requests to appear expires at 5:00 p.m. on Tuesday, May 10, 2006, after which witnesses may be invited to submit a brief in writing;
3. It was agreed, — That, whenever possible, all Committee meetings for the purpose of hearing witnesses be televised;
4. Pursuant to the motion of the Committee on May 3, 2006, the following motions have been referred to the Committee for its consideration:

That each witness or group of witnesses have a total of 10 minutes in which to make an opening statement;

That the limit on speaking times for Committee members be limited to 5 minutes, with the exception of the questioning of witnesses.

An error was pointed out to me. On item number 2, I said May 10; it should be May 9, which is today. To be clear on what the subcommittee recommended, it was that the time limit for the submission of the witness lists and requests expire today at 5 p.m.

I'm open for discussion and a motion.

Mr. Sauvageau.

[Translation]

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Chairman, Ms. Jennings has just pointed out to me that there is a problem with the translation. The English version of the text speaks of the subcommittee having made a unanimous recommendation, yet the French version makes no mention of unanimity.

Was it only the English-speaking members of the committee who were in unanimous agreement, or was it the subcommittee as a whole?

[English]

The Chair: You're referring to item number 1. Is that what you're referring to?

[Translation]

Mr. Benoît Sauvageau: Mr. Chairman, the paragraph preceding Item N° 1 states the following:

[English]

“Your Subcommittee”—our subcommittee—“met on Monday, May 8, 2006, to consider business”—

The Chair: You're right.

Mr. Benoît Sauvageau: —“and agreed unanimously”—

The Chair: You're right. We'll change that.

[Translation]

Mr. Benoît Sauvageau: You are going to change it? Thank you very much. I can see that we are going to get along famously.

[English]

The Chair: I don't know. Someone will have to change it when we make a motion. You have to have a motion to vote on this thing somewhere. Presumably, whoever makes the motion will fix that up.

I'm waiting for something to happen, ladies and gentlemen.

Mr. Sauvageau.

[Translation]

Mr. Benoît Sauvageau: I will table a motion to the effect that the English and French versions should be consistent with one another. But that is all I am moving.

[English]

The Chair: Thank you.

(Motion agreed to)

The Chair: Okay, let's have a chat about this report. Does someone have some comments or a motion?

Madame Jennings.

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Yes, on point 2, where it says: “It was agreed, — That the final time limit for the submission of witness list and for witness requests to appear expires at 5:00 p.m. on Tuesday, May 10, 2006 after which”—

The Chair: I corrected that to May 9. It was a typing error, Madam Jennings, that's why I corrected it.

• (0910)

Hon. Marlene Jennings: But the correction in the date is not the issue. The issue is that it is being proposed that Tuesday, May 9, at 5 p.m. be the final deadline for any member of this committee to propose witnesses. I'm sorry, but I cannot agree with that.

I've never been on a committee where we put a deadline, because as our hearings go forward on legislation, many times it's almost invariable that members think of other people to whom we need to address an issue that no one had foreseen or thought about. So to simply exclude the possibility of continuing to propose witnesses as the hearings of this committee go on is wrong-headed. I don't think it's efficient or acceptable. We would be handcuffing ourselves.

When it was proposed, I understood that Tuesday, May 9, at 5 p.m. was the deadline for the different parties or members to propose the first series of witnesses, but there would continue to be the possibility of adding to those lists.

The Chair: Mr. Tonks.

Mr. Alan Tonks (York South—Weston, Lib.): I don't see anything here with respect to motions and the submission of motions. I'm just wondering whether that particular clause we're talking about was confused with motions, as opposed to witnesses.

The Chair: Mr. Poilievre's correct. You can continue on.

Somehow we have to have some sort of procedure. Is anyone going to move this report? I presented the report, but it seems to me we either approve it or amend it, or we don't approve it. I have to have some sort of procedure.

Mr. Poilievre.

Mr. Pierre Poilievre (Nepean—Carleton, CPC): I move the report.

The Chair: So there's a motion on the floor to adopt or approve the report.

Ms. Jennings, are you suggesting an amendment to paragraph 2?

Hon. Marlene Jennings: Yes, I am. It is that the time limit for the submission of and—

Mr. Pierre Poilievre: On a point of order, Mr. Chair. I was next on the speaking list, and I don't know how the list got changed around. If she has an amendment, then she can do it when she actually gets to her turn on the speaking list.

The Chair: We'll get to you. She still has the floor.

Hon. Marlene Jennings: Excuse me. Thank you, Chair.

I propose the following amendment to point 2 of this draft first report: "That the final time limit for the submission of a preliminary witness list and for witness requests to appear expires at 5:00 p.m. on Tuesday, May 9, 2006, after which witnesses may be invited to submit a brief in writing."

[Translation]

In French, it would read as follows:

That the final time limit for the submission of the preliminary witness list and for witness requests to appear expire at 5 p.m. on Tuesday, May 9, 2006, after which witnesses may be invited to submit a brief in writing;

[English]

The Chair: Okay, we'll deal with this amendment.

Mr. Poilievre is next on the amendment.

Mr. Pierre Poilievre: Before I begin my comments, can I get a point of clarification? Is the member suggesting through this amendment that after the deadline of Tuesday at 5 p.m. we continue to accept submissions, but only written submissions? Is that an accurate characterization of the amendment?

Hon. Marlene Jennings: I think that upon the expiry date of May 9, members of this committee can continue to propose further witnesses, and further individuals may continue to request to be heard.

Mr. Pierre Poilievre: Okay, that answers my question.

I'm opposed to this, and I'm curious as to why this was not brought up at the subcommittee. It appears Ms. Jennings is now opposed to the decision that was reached by the committee, which had the support of her own member.

I'm curious as to why the Liberal delegation would want to alter the roles now from what they agreed to yesterday before a subcommittee. I think that the public is going to be watching this committee to ascertain if members are really serious about bringing in this Accountability Act and getting the job done or whether we're going to pass motions that are deliberately designed to extend the time period to keep discussion going and to waste away the days. That, in my view, is what is going on here.

We have a deliberate effort to keep an ongoing, never-ending debating society going on here, as long as humanly possible. There's no reason why we can't anticipate which witnesses we want to hear from. There's no reason whatsoever why we can't sit down—we've already had a week to do it—and decide which witnesses we're going to want to hear from so that the clerk can get busy planning the witnesses and when they will be coming before this committee.

I guess if there are members of this committee who want to deliberately delay the passage of this law for their own partisan interests, then so be it, but the public will recognize that for what it is.

• (0915)

The Chair: For clarification.

Hon. Marlene Jennings: Yes, thank you.

The member opposite talks about how in the subcommittee there was agreement of all of the members, including a member of this party. In fact, regardless of what happened in the subcommittee last week, this committee in whole adopted what I just proposed as an amendment, firstly.

Secondly—

Mr. Pierre Poilievre: On a point of order, Mr. Chairman, she's just added herself to the speakers list. Is there a speakers list?

Hon. Marlene Jennings: No, I'm clarifying a misstatement, and that's a very polite way of qualifying what the member, Pierre Poilievre, stated. He misstated what actually happened last week in this committee.

The Chair: Mr. Poilievre, please. Ms. Jennings has the floor.

Hon. Marlene Jennings: As well, I'd like to clarify that proposing a deadline for a preliminary list of witnesses is in no way impeding the work of this committee any more than a proposal of preliminary lists on the part of the Conservative Party during the public accounts committee hearings on the Auditor General's report on the sponsorship throughout the hearings was an act of impeding.

The Chair: Thank you.

You've heard the point of clarification.

Sir, I'm going to have trouble with your name. The chair is having trouble with a lot of names.

You have the floor, sir.

Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.): Thank you. The point was already made.

The Chair: Mr. Petit, go ahead, please.

[Translation]

Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC): Mr. Chairman, when an amendment is tabled, it has to be clear so that we can all understand it. It also has to be seconded. At the moment, we are discussing various peoples' opinions. The following process has to be observed for an amendment to be adopted by the committee: the amendment must first be seconded; next, it is debated; and, after everybody has given his or her opinion, the question is called; and, once that is done, we turn our attention back to the main motion. If we do otherwise, we will get mixed up.

[English]

The Chair: Mr. Petit, we're debating item number 2 in the report, and that's the way we're going to go.

I have Ms. Jennings again on the list. Are you finished, Ms. Jennings, or do you have some more comments?

Hon. Marlene Jennings: Yes, I have one more comment, which is that the amendment I am proposing to this draft report is consistent with the decision that this committee made. It might even have been a unanimous vote; I do not recall.

But in any case, there was a vote and it was adopted last week. Therefore, I am simply bringing this report back to reflect what the committee decided on, firstly.

Secondly, my amendment in no way is aimed at impeding—

The Chair: Just for clarification, the chair's recollection is that there was no motion. There was a consensus that the reports be in by Monday, which was the day before yesterday, for consideration. Yesterday there was a motion made by the subcommittee, which has been reported in item 2.

We'll check the minutes, but I don't recall the motion you're talking about. There was a consensus. The consensus was for yesterday.

• (0920)

Hon. Marlene Jennings: May I?

The Chair: Sure.

Hon. Marlene Jennings: Thank you for the clarification.

If in fact it was a consensus, it was very clear.... If you check the transcripts, I believe you will see very clearly that members of this committee made it very clear when discussing the issue of a list of witnesses to be proposed by members of this committee that any deadline would simply be a preliminary deadline; it would not be a final deadline.

The Chair: Okay. Well, we got a report from that subcommittee, and that's where we're going, so we're starting to repeat ourselves—

Hon. Marlene Jennings: Therefore, I'm simply making this proposal.

Mr. Pierre Poilievre: I have a point of order. This is a substantive motion that Ms. Jennings is putting forward. This substantively alters the decision of the subcommittee. Given that it is substantive, she does need 24 hours' notice.

It is not a housekeeping motion; it is not a friendly amendment. Mr. Chair, this is a substantive motion.

The Chair: Mr. Poilievre, we're trying to amend this report. There's no substantive motion. The amendment is in order.

I have Mr. Tonks.

Mr. Alan Tonks: Thank you very much, Mr. Chairman.

First of all, may I, on my own behalf, assure Mr. Poilievre that I personally have no hidden agenda or desire to unnecessarily prolong the deliberations of this committee. I think in that respect I speak on behalf of all the committee. I'm not sure where that inference is drawn from, but I'd just like to put that on the record.

The second thing is that it was my recollection—and sometimes I wonder whether I was at the same committee—that we were really concerned about notices of motion. We had a long discussion about that.

The matter of witnesses, I thought, was according to the established process. I chaired the environment committee last term, and we did from time to time hear from a witness about whom the committee was motivated to say, "Well, you know what, that really comes under somebody else's jurisdiction. We'd like to put them on the witness list." Never at any time, in any committee that I have sat on, was it the approach that we would truncate the process and not allow for that kind of flexibility on the part of the committee.

So, Mr. Chairman, if the intent of the amendment—and I'm not even sure what it is—is to leave it open to the flexibility of the committee without prejudice and without any relevance to what is suggested as the motivation, I think we should be as flexible as we possibly can, especially in hearing from the public, because that's the nature of committee work.

The Chair: Monsieur Sauvageau.

[Translation]

Mr. Benoît Sauvageau: I just wanted to make a small correction. No unanimous decision was made by the subcommittee yesterday. I asked you the same question on this four times, and on four occasions, you gave me the same answer: you said that if we were unable to reach a unanimous decision, the matter would be referred to the full committee for discussion. Therefore, when Mr. Poilievre states that a unanimous decision was reached at yesterday's in camera meeting, I, with regret, believe that he is mistaken — an innocent mistake, I am sure.

[English]

The Chair: Well, that's what we're doing. We're having a little debate here.

Does anyone else have any comments on the amendment?

Mr. Martin.

Mr. Pat Martin (Winnipeg Centre, NDP): I think I was on the speakers list, and I wasn't identified.

The Chair: Oh well, you are now, sir.

Mr. Pat Martin: I don't think I've ever been on a committee where there's an open-ended list of witnesses. I can't imagine how we could operate if, on some whim and notion, at the end of hearing one group of witnesses we decided, well, we should probably hear this group as well, or that group as well. That's why there's always—a finite agreed-to list of witnesses, subject to unforeseen events or unanimous consent, where we might decide it's absolutely crucial that we expand the list to include one extra special person.

But the idea that you can keep sending in names and adding to the period of time that we dedicate to hearing witnesses is a guarantee that you'll undermine and hijack this committee into endless, fruitless naval-gazing, and I declared when I first got here that I wouldn't be a part of that.

In fact, I'm inclined to serve a notice of motion at the end of this speech that we do not meet in televised rooms, because I'm embarrassed that the people of Canada are witnessing this kind of grandstanding already. It's started already. I mean, what we predicted, our worst fears, are here; they've been realized. We have nothing but grandstanding and pontificating about how our party embraces accountability more than your party does, without any—I don't think—sincere interest in getting started on this committee. I don't sense it.

I don't think we should be televised if that's all we're going to be doing. We should be behind closed doors and getting this stuff out of our system, at least.

● (0925)

The Chair: If there are no other questions, I'm going to ask that we're clear as to what the amendment is, Ms. Jennings.

Hon. Marlene Jennings: It is as follows:2. It was agreed, — That the final time limit for the submission of a preliminary witness list and for preliminary witness requests to appear expires at 5:00 p.m. on Tuesday, May 9, 2006, after which witnesses may begin to be invited to submit a brief in writing.

Mr. Pierre Poilievre: Mr. Chair, I have an amendment to the amendment.

The Chair: Okay.

Mr. Pierre Poilievre: I move that additional names added to the list after the deadline must be unanimously supported by committee members to be included.

The Chair: We have an amendment to the amendment.

Mr. Pierre Poilievre: Yes, and I'll speak on my amendment. The reason we need this amendment is that if Ms. Jennings is sincerely interested in having a flexible system that allows members to expand the list on a need-be basis, then clearly members of this committee—

Are you on the list?

Mr. Benoît Sauvageau: No, I have a point of order.

[Translation]

Was Mr. Poilievre's motion in favour of limiting speaking time to one minute adopted?

[English]

Mr. Pierre Poilievre: I don't know what motion you're speaking of.

The Chair: We haven't got to that yet. It's going to get better.

Please continue.

Mr. Pierre Poilievre: The reason is that if there is some legitimate reason to add a name to the speakers list, I'm sure committee members will not object to adding that name. If we find there is some additional need to add a new witness, then we'll add a new witness. We'll just do it unanimously. But what we don't want is for one or two committee members to have the power to extend the witness list infinitely, into perpetuity. The only reason anyone could possibly want to empower a single member of the committee to add infinite numbers of witnesses is if they were intending to delay the work of the committee.

So why not just agree that unanimously we can all, on a reasonable basis, extend the witness list where necessary?

Thank you.

The Chair: Monsieur Sauvageau.

Mr. Benoît Sauvageau: No.

The Chair: Mr. Owen.

Hon. Stephen Owen (Vancouver Quadra, Lib.): Thank you, Mr. Chair and colleagues.

I would like to perhaps put a bit of a finer point on our discussion. We seem to be talking about cutting off the list completely today or tomorrow, and then only extending it with unanimous consent. It seems to me that might be too restrictive.

Mr. Poilievre has suggested that it be on a reasonable need-be basis, if there's unanimous agreement, but I'm not sure that properly qualifies it.

I would suggest, colleagues, that it be a majority. If a majority of the committee feels that another witness is necessary to do our work properly, that should be the test for expanding the list after today.

An hon. member: Hear, hear!

The Chair: Mr. Martin, on the amendment to the amendment.

Mr. Pat Martin: My sense is that we have witnesses here waiting to testify. Maybe we should have this fight at a later date, whether it's in camera or not in camera. Why don't we deal with the witnesses and then make these rules after the fact? We're wasting everybody's time.

• (0930)

The Chair: Indeed.

On a point of order, Madame Guay.

[Translation]

Ms. Monique Guay (Rivière-du-Nord, BQ): Mr. Chairman, I would ask that you call the question.

[English]

The Chair: Is everybody ready to vote on the amendment to the amendment?

Hon. Marlene Jennings: So you would not be prepared to change "unanimous" to a majority vote? I think it's a reasonable compromise. It meets the concerns and preoccupations you've expressed on behalf of the other members of your political party. It also addresses the concern that my motion was attempting to address.

Mr. Pierre Poilievre: If someone wants to put an amendment forward to that effect, let's just vote on it immediately.

Are you moving that amendment?

Hon. Marlene Jennings: If Mr. Poilievre would withdraw his amendment, I would change the wording of my main motion and see if he's in agreement with it.

Mr. Pierre Poilievre: Okay, I withdraw it. What's your wording?

Hon. Marlene Jennings: The wording would then be:

That the final time limit for the submission of a witness list and for witness requests to appear expires at 5:00 p.m. on Tuesday, May 9, 2006, after which witnesses may be invited to submit a brief in writing. The committee, by majority vote, may add names to the witness list in the future.

Mr. Pierre Poilievre: Let's go to a vote.

The Chair: Does everybody understand what's going on here? All right.

(Amendment agreed to)

(Motion as amended agreed to)

The Chair: We're moving on to item number 3.

[Translation]

Mr. Benoît Sauvageau: Mr. Chairman, I support Mr. Martin's proposal to stand this discussion until after we have heard from our witnesses. I have no problem with Item N° 3; however, I imagine that there is still some debate to be had on Item N° 4. Out of respect for the witnesses, I therefore support Mr. Martin's proposal to stand this part of our meeting, if the committee rules allow us to do so.

[English]

The Chair: Does the committee want to hear the witnesses now or proceed with this report? Okay. There appears to be a consensus, so we'll adjourn and discuss items number 3 and 4 sometime in the future.

Ladies and gentlemen, we have three witnesses before us. From the Department of Public Works and Government Services, we have Laurent Marcoux, director general of public opinion research and advertising coordination, government information services. Good morning, sir.

We have from the Treasury Board of Canada Secretariat, Susan M. W. Cartwright, assistant secretary of accountability in government. Good morning again to you.

We have from the Department of Justice, Joe Wild, senior counsel. Good morning again to you.

Does anyone have any comments before we proceed?

[Translation]

Mr. Laurent Marcoux (Director General, Public Opinion Research and Advertising Coordination, Government Information Services, Department of Public Works and Government Services): Mr. Chairman, I should perhaps briefly explain to the committee my job

[English]

and the role my unit plays is in the coordination of public opinion research within the government, if that may be of some assistance. As director general for coordination of public opinion research and advertising, I'm responsible for the public opinion research directorate.

This is an organization that has the mandate, pursuant to the Treasury Board communications policy and procedures, to act as technical and coordinating authority for public opinion research for the Government of Canada as a whole. As such, although each individual department and agency is accountable for its own public opinion research, they must come to my directorate, where we are obliged to review and advise departments on the research plans, methodology, and so on. We issue a public opinion research number, which is essential for a department to be able to access a contract pursuant to public opinion research.

In a very quick nutshell, that's the role we play within the public opinion research process within government.

• (0935)

The Chair: Mr. Owen.

Hon. Stephen Owen: Thank you, Chair.

Welcome, witnesses.

Mr. Marcoux, I quote from the Auditor General's report of November 2003, tabled in the House of Commons in February 2004, I believe. In particular, the section under public opinion research on page 4, chapter 5, of the Auditor General's report reads:

5.15 Based on our review of a sample of transactions and management practices, we found that the government managed its public opinion research activities adequately. The activities were centrally co-ordinated, as required by policies. Roles and responsibilities in the majority of activities were sufficiently clear; Communications Canada had issued an orientation guide outlining procedures for public opinion research and had developed a research guide to assist departments. In 2001-02, it published an annual report showing the number and value of government contracts awarded to each supplier.

Sir, in terms of your current position—and I realize the structure has changed, and Communications Canada no longer exists—could you please explain to us what changes have been made since the Auditor General's observation regarding public opinion research having been dealt with adequately? Were there particular concerns that required adjustment? Or has the situation been tightened up, or has oversight been expanded? Or what exactly has happened in terms of your role in the research since that time?

Mr. Laurent Marcoux: Certainly. Although the Auditor General did say that public opinion research was well managed at the time of the tabling of the report, nevertheless she indicated a number of observations, where there were some issues, and recommended to the government that an action plan be developed to address any and all of the observations in her report that raised concerns or issues concerning the management of public opinion research within the government.

In answer to your question, there was one comment, for example, that in a few instances—and those are the words of the Auditor General—there were cases in which a department had not received a written report on public opinion research. In other words, there were verbal reports only that had been identified by the Auditor General. As a result, the Treasury Board Secretariat issued new administrative procedures in November 2004, specifying that public opinion research reports must be in writing. I believe this was also indicated in the Treasury Board's communications policy.

Other concerns included that not all public opinion research reports were released to the public in a timely manner. I believe the Auditor General identified an 86% compliance rate, if you will, with the communications policy at the time, indicating that in 14% of cases the public opinion research reports were not made available to the public in a timely manner. Since then, my directorate has introduced a research information management system, which, as of a few months ago, issues monthly reminders to departments about due dates for the tabling of their public opinion research reports.

In addition, there were a number of observations that pertained to the Canada Information Office and Communication Canada, which no longer exist, so I won't refer to those.

There was an observation that the government could not prepare a strategic plan for public opinion research. Since then, the new procedures in November 2004, I believe, stipulate that institutions are to provide to the public opinion research directorate not with a global plan, but they are to advise the directorate of their plans to undertake public opinion research activities in a timely fashion.

● (0940)

Hon. Stephen Owen: Excuse me, Mr. Chair, I'm nervous as the time ticks on here.

To summarize what you've said so far, although there were some indications of concerns raised by the Auditor General, the overall practice was adequate. But those areas indicated as needing improvement were improved by the end of 2004.

Mr. Laurent Marcoux: Yes.

The Chair: Monsieur Sauvageau.

[Translation]

Mr. Benoît Sauvageau: Have any companies provided oral reports since these changes were introduced in 2004?

Mr. Laurent Marcoux: No, none at all.

Mr. Benoît Sauvageau: Was the Earncliffe case not before 2004?

Mr. Laurent Marcoux: Yes.

Mr. Benoît Sauvageau: Was it before or after 2004 that David Hurley provided oral reports?

Mr. Laurent Marcoux: I believe that case was mentioned in the Auditor General's report, which means that it was before 2004. To the best of my knowledge, no oral reports have been filed since we amended the policy to make written reports mandatory.

Mr. Benoît Sauvageau: Thank you very much. You are saying, therefore, that the rule has been enforced since 2004. Is it listed in a code of conduct, or is it a directive?

Mr. Laurent Marcoux: I believe that the new requirement to produce a written report has been included in Treasury Board's communication policy. Treasury Board Secretariat officials have further elaborated on these responsibilities in the department's administrative regulations, which stipulate which elements of the report's content are to be made public. The federal government has, therefore, included this new responsibility both in policy and in administrative regulations.

Mr. Benoît Sauvageau: Does Bill C-2 not simply make an existing and effective administrative policy law, or does it go further?

Mr. Laurent Marcoux: It goes a little further. Obviously, the primary change is enshrining what was once an administrative policy in law. However, while the administrative policy did not stipulate when the report had to be made accessible to the public, the bill does. That is a fairly significant substantive difference that has been added to the existing responsibility set out in the bill.

Mr. Benoît Sauvageau: Thank you. With your permission, Mr. Marcoux, I am going to put my next question to our researcher. As I know that it is important to Mr. Poilievre that we respect our allotted time, I am going to use my time to ask this question.

Would it be possible to carry out some research — and I do not need this for tomorrow morning — on the average time that it has taken, let us say over the past 20 years, to adopt a bill comprising 317 clauses? Does it take an average of two weeks, two months, nine months? I would like to have some figures on this, because every time we ask a question, we get told that we are trying to filibuster, when, in fact, we are only seeking to carry out a meaningful study on the matter. If we knew the average time it took, we would be able to show that we are just trying to be thorough and rigorous in our work, as opposed to simply acquiescing to the Conservatives' desire to move ahead quickly.

I apologize to Mr. Marcoux for having used my time to make this statement.

[English]

The Chair: The answer is yes.

Mr. Sauvageau, you still have a couple of minutes left, unless you are finished, in which case we'll move on.

[Translation]

Mr. Benoît Sauvageau: I have finished, Mr. Chairman. All good things must come to an end.

[English]

The Chair: Mr. Martin.

Mr. Pat Martin: Thank you, Chair.

One of the details we would like addressed in Bill C-2—and I'm not clear if Bill C-2 will do this for us or not—is the fact that firms that get contracts for public opinion research may also be lobbyists to the government. In other words, they are serving a dual role. Has it been your experience, Mr. Marcoux, that this is the case with some of the contractors you've contracted to do public opinion research?

• (0945)

Mr. Laurent Marcoux: I can tell you that the procurement instruments the department has put into place are focused exclusively on public opinion research. In other words, there are no standing offers or supply arrangements that provide for a mix of services between public opinion research and lobbying. So the procurement instruments that exist for public opinion research and the coordination process and the procurement process are focused exclusively on public opinion research.

Mr. Pat Martin: Who is the largest private contractor that currently does public opinion research?

Mr. Laurent Marcoux: I believe the largest volume of work goes to a firm called EKOS Research Associates, but I would have to confirm that. In fact, I'll ask one of my colleagues in the room to confirm that before we leave today.

Mr. Pat Martin: Sure. That would be fine.

What was the CIO office? They say it no longer exists. What does it stand for again?

Mr. Laurent Marcoux: It was the Canada Information Office.

Mr. Pat Martin: It's the Canada Information Office. Is that Roger Collet?

Mr. Laurent Marcoux: Yes, he was the executive director. He was succeeded by Marc Lafrenière.

The Canada Information Office ceased to exist in 2000, I believe, and was replaced for all intents and purposes by Communication Canada, which also no longer exists as of 2004, I believe.

Mr. Pat Martin: It's certainly a shadowy area. All we know is that a lot of the unsavoury things associated with the sponsorship scandal, we assume, took place under that same kind of rubric of CIO and Communication Canada, and the Guités and the Collets, etc. We've always assumed there is a lot of opportunity for abuse within the awarding of the public opinion research as well.

Mr. Owen cited the Auditor General's report, but you made reference to oral contracts being given or oral reports being presented. One of the first observations that the Auditor General made was the appalling lack of documentation associated with what she was finding, certainly with what Mr. Guité was doing.

Is there an apprehension that Bill C-2 may in fact create more of this oral culture and drive more work underground as we go forward with improvements to access to information?

Mr. Laurent Marcoux: No, I would think not. By stipulating as a matter of law that public opinion research reports must be in writing and made available to the public, I think it would work in exactly the opposite direction in terms of a culture of transparency and openness, if I understood your comment.

Mr. Pat Martin: Mr. Wild, maybe I could ask you too.

This is one of the fears. One of the recommendations of John Reid, at least, was that there be mandatory documentation, and not only in the public opinion research sector but throughout government operations, and that it would become an offence not to create paper associated with the activities of government.

Is one of the concerns the reason you didn't include that in Bill C-2, that you would drive this work underground, where nobody would commit anything to writing, other than a post-it note, for fear of ATIP at a later date?

Mr. Joe Wild (Senior Counsel, Legal Services, Treasury Board Portfolio, Department of Justice): Mr. Chairman, at least part of that question is certainly one that goes to policy that perhaps would be better suited for the minister.

Mr. Pat Martin: I don't know why you came here as a witness. Every time I ask you a question, you say that it's policy and you can't answer.

The Chair: Mr. Martin, I'm not going to let you attack the witnesses.

Mr. Pat Martin: Well, I know full well that he knows the answer to the question.

The Chair: There is no way you are going to attack the witnesses, so get that clear.

Mr. Pat Martin: I'm not attacking him. He never answers any questions.

• (0950)

The Chair: We're going to move on if you continue to do that.

Mr. Pat Martin: I guess we're also concerned about the revolving door of lobbyists. I was asking about lobbying being done by the same firms that get other contracts from government, the revolving door of the PMO to the lobbying firms that was past practice.

When you were dealing with Earncliffe, was that your experience? Were you were dealing with people who were charged, had connections to the PMO politically, and were still working on your behalf doing opinion work?

Mr. Laurent Marcoux: The answer to your last question is no.

If I may return to your earlier question about documentation and whether there might be a difficulty with insufficient documentation, in the field of public opinion research that was not identified as a major concern by the Auditor General in the audit of 2003, except that she indicated that in a number of research projects some departments did not adequately describe the research project and they did not adequately identify the need for it or the usage to which it was to be put. That was identified in 2003 as one of her observations.

Since then, the communications policy procedures, I believe, stipulate that institutions must provide that kind of documentation when they undertake public opinion research and when they submit their plans to my directorate. We review those and comment and advise on them. We've also produced a kind of a guide, if you will, or a documentation checklist that we've provided to institutions to assist them in file documentation.

It wasn't identified as a large issue, but there were some concerns. They have been addressed in the administrative procedures of the government and in the work we do.

The Chair: Thank you.

Mr. Lukiwski.

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): Thank you, Mr. Chair.

If I may, I'm just going to respond to Mr. Sauvageau's question to our researchers about how long it would take, on average, to get through 317 clauses.

In the last meeting, I asked the minister about the number of clauses in this bill and about what kinds of clauses they are. If the committee remembers, the minister responded that approximately half of the 317 clauses are very technical in nature. So I don't really think, since they're not substantive or new regulations being brought in, that it would take us that long to get through those technical clauses.

Of the remainder, the minister indicated that the majority are actually regulations lifted from other acts, with slight modifications put into them so they can appear under Bill C-2. In fact, the only real new regulations are very limited—things like the establishment of a Director of Public Prosecutions, changes to the Lobbyists Registration Act, and those types of things.

So my comment is that I'm not sure how relevant it is to ask our researchers how long it would take, on average, to get through 317 clauses, since a lot of the clauses contained in this legislation are either technical in nature or are minor modifications to existing regulations that have already been planted in other acts and which we're just lifting out and putting into this act.

I guess my point is that most of the heavy lifting has been done. There are only a limited number of new regulations that we really, I think, need to concentrate on, because those are the ones that are new.

That's my comment, Mr. Chair, and I have no questions of the witnesses. Thank you.

The Chair: Round number one is finished.

We'll have Mr. Tonks for round number two.

Mr. Alan Tonks: Thank you, Mr. Chairman, and thank you for asserting the role of chair in terms of the respect we have for witnesses. From time to time, we have members of the public here also, and we should always afford the kind of respect they have a right to expect, whether they're from our staff or from the public.

Mr. Chairman, I've been interested in the part of the report that deals with supporting Parliament. I know the committee is interested

in the role of the parliamentary budget officer that has been suggested in the legislation. Reading the legislation, I see that the role of the parliamentary budget officer is to close the accountability loop with respect to revenue raising and spending, rather than with respect to actually creating the budget.

My question, Mr. Chairman, is whether it would not be better, because there have been concerns raised with respect to creating more bureaucracy unnecessarily, to entrench the authority of a parliamentary budget officer in the Auditor General's office, as opposed to running a parallel role. It would appear to me that the infrastructure in the Auditor General's office would be available to the parliamentary budget officer without having to create additional backup.

That's my question, Mr. Chair.

•(0955)

The Chair: Ms. Cartwright.

Mrs. Susan Cartwright (Assistant Secretary, Accountability in Government, Treasury Board of Canada Secretariat): I think the important thing in considering an answer to your question is that the government was very conscious of the need not to create additional bureaucracy, which is why they chose to strengthen an existing entity of Parliament—the Library of Parliament—and use the existing resources and capacity and expertise there and simply augment that to provide a new service for members of Parliament.

The function of the parliamentary budget officer is designed, essentially, to be one of research to support members of Parliament, which is a very different role from that of the Auditor General. I think the government's decision to locate the parliamentary budget officer function in the Library of Parliament reflects a better matching of mandate than would be the case in the Office of the Auditor General.

Mr. Alan Tonks: Thank you.

I'll give my time to Ms. Jennings.

The Chair: Thank you, Mr. Tonks.

Ms. Jennings, you're going on Mr. Tonks's dime, so you have a couple of minutes, if that. You have a minute.

[Translation]

Hon. Marlene Jennings: Will I also have my own time?

[English]

The Chair: We'll have to go to the Conservatives if you don't wish your time.

[Translation]

Hon. Marlene Jennings: I am just asking whether I will also have my own turn if I use Mr. Tonks' remaining time.

[English]

The Chair: [Inaudible—Editor]

[Translation]

Hon. Marlene Jennings: You have just said that, as opposed to creating further, unwieldy infrastructure, this position will simply be incorporated into existing infrastructure, in the shape of the Library of Parliament. If that is the case, why is the parliamentary budget officer being given hiring authority, rather than simply allowing the Library of Parliament to continue to operate as it normally does when providing other services to Parliament?

[English]

Mrs. Susan Cartwright: My answer to the first question was that rather than create an entirely new structure, the government sought an institution of Parliament that had a similar and complementary mandate, which was the Library of Parliament. I was answering the question with respect to not having located the function within the Office of the Auditor General.

In terms of the hiring practices, it's not that there are no new additional people being required to strengthen the function for parliamentarians. That was not the intent of my answer. However, the intent was not to create an entirely new structure but to use existing capacity.

Hon. Marlene Jennings: Given the logic you've just provided to this committee, why would that logic not also cover the issue of who would have the authority to hire the required personnel for this new officer? Why would that not be in the Library of Parliament as it now exists?

Mrs. Susan Cartwright: My understanding is that the expertise required for those individuals who will support the parliamentary budget officer...that the hiring process would reflect input from those who were able to bring their own expertise to the hiring process.

The Chair: Thank you.

Monsieur Sauvageau.

[Translation]

Mr. Benoît Sauvageau: First of all, I would like to apologize. I thought that, initially, our questions had to be addressed only to Mr. Marcoux, rather than to the three witnesses. I had other questions.

If I may, I will answer Mr. Lukiwski. This is indeed a bill comprising technical and other amendments. However, when there is a desire to expedite the process, the director of political appointments can be appointed before the committee holds its first meeting. But when the issue is making decisions regarding Bill C-11 from the previous session, apparently we have to wait for the committee to do its work. This means the study of this bill is really a two-tier process. A number of amendments and sections raise a great many questions. I will give you two instances where, in my opinion, the opposition can demonstrate its willingness to do constructive work in a very practical way. But first, I have some questions for our witnesses.

Can the Integrity Commissioner be proactive, or does he have to wait for a complaint to be submitted? For example, the Auditor General of Canada investigated the sponsorship scandal, and found that funds had been misappropriated in one department or another. So we had to wait for the November 2003 report. If there had been an Integrity Commissioner at the time, could the Integrity

Commissioner have initiated any action? In my view, the bill as it currently stands does not allow him to do so.

I have another instance that I would use to show Mr. Lukiwski why we have to study this bill so carefully.

• (1000)

[English]

Mr. Joe Wild: With respect to your first question, the integrity commissioner cannot self-initiate a complaint, in the sense that he requires someone to come forward and make a disclosure.

[Translation]

Mr. Benoît Sauvageau: There you are! I think that would be a good amendment for the bill, and one that would not delay its application.

I have a second question on a point that would make it possible for us to amend Bill C-2 constructively. I would like to talk about a decision of the Canadian International Trade Tribunal concerning a government department that the court has found guilty, let's say, of issuing a biased call for tenders.

I could give you another example, the relocation of federal employees and PWGSC. When Scott Brison was the minister, the department decided to skew the contract so as to make it possible only for Royal LePage to respond to the call for tenders, thereby eliminating potential competitors, particularly Envoy. The CITT ruled that this was a case of misconduct.

Under C-2 in its present form, could that decision be investigated by the Integrity Commissioner?

[English]

Mr. Joe Wild: Again, not unless someone comes forward to make a disclosure.

[Translation]

Mr. Benoît Sauvageau: In conclusion, Mr. Chairman, I believe that Bill C-2 is a step in the right direction. However, I have shown very quickly using these two examples that the bill could be improved if we take the time to study it. However, if we are forced to fast-track this bill, we will unfortunately not be able to examine it as we should. I have no other questions. In my view, those two aspects at the very least should be studied more carefully by this committee.

Thank you.

[English]

The Chair: Monsieur Petit, go ahead, please.

[Translation]

Mr. Daniel Petit: Mr. Chairman, I understand Mr. Sauvageau's question. However, I would like you to clarify something for me. When witnesses answer our questions, they speak on specific cases, or points. Members of Parliament have immunity. When witnesses answer our questions, do they enjoy the same immunity that members do? When they answer a specific question, can their comments be considered evidence out of court and could they be used in a court, outside the context of this committee, in civil society? I would like to know whether the witness, in providing an answer, could engender a problem in civil society, outside the context of this committee's proceedings.

[English]

The Chair: I have no intention of telling the witnesses what they're going to say or what they're not going to say. It's their testimony. I'm just here to try to keep order, which is getting more and more difficult.

A point of order.

[Translation]

Mr. Benoît Sauvageau: I would just like to answer Mr. Petit. Chuck Guité could tell you with confidence that parliamentary immunity-

[English]

The Chair: Through the chair, through the chair, Monsieur.

[Translation]

Mr. Benoît Sauvageau: He could tell you without any hesitation that witnesses who appear before a committee enjoy parliamentary immunity along with the members.

[English]

The Chair: Okay.

Monsieur Poilievre, go ahead, please.

Mr. Pierre Poilievre: Mr. Sauvageau, I think, you're discussing why the integrity commissioner cannot initiate an investigation. It seems to be a very peculiar question, totally extraneous to the discussion of whistle-blowing.

The watchdog who protects whistle-blowers cannot protect a whistle-blower who doesn't blow the whistle. If there is no disclosure, there is no disclosure to investigate. So if the purpose of having a whistle-blower watchdog who investigates disclosures of wrongdoing and protects whistle-blowers who speak out, then why, in this world or the next, would he initiate an investigation when he's not heard from the whistle-blower? It seems like a totally extraneous point. The fact that he's then connected it to the need to extend the time this committee takes to pass the Accountability Act would seem even more boggling.

Finally, if he does have an amendment to that effect, we would encourage him to put it forward. No one is suggesting that he will not have the right to put forward amendments during clause-by-clause.

My question is for Mr. Wild. Is it not within the realm of your understanding of whistle-blower protection that an integrity commissioner can only investigate a disclosure that he has received and protect a whistle-blower that exists? Or can he investigate a disclosure that he has not received or, conceivably, protect a whistle-blower who does not exist?

• (1005)

Mr. Joe Wild: The scheme presented in Bill C-2, as well as in Bill C-11, is that the Public Servant Disclosure Protection Act is about just that: it's about providing protection for public servants who come forward and make disclosures. That is the role of the commissioner. There are other bodies who have self-initiating investigative capacities, such as the Auditor General, the RCMP, and so on, who could look at other matters. As well, the government

itself can initiate an investigation if it believes that there's a discipline issue, etc. at play.

Mr. Pierre Poilievre: That's really not important.

The Chair: Yes, Mr. Martin.

Mr. Pat Martin: Thank you, Mr. Chair.

It's very helpful—

The Chair: A point of order, Mr. Poilievre.

No, he's got his turn.

Mr. Pierre Poilievre: My time had run out.

The Chair: You'll get another chance. You were on Monsieur Petit's time.

Mr. Martin, go ahead, please.

Mr. Pat Martin: Thank you, Chair.

This is a very helpful document the research staff has put together. I didn't realize why these witnesses were here, but they're actually here to talk about conflict of interest, elections financing, lobbying, and ministers' staff, so that helps me—

The Chair: The staff want to say a few words just before we get all confused.

Go ahead.

Mr. Pat Martin: I'm confused.

Mrs. Katherine Kirkwood (Committee Researcher): I didn't have a chance to clarify. The clerk has distributed a briefing note that covers the first two parts of the bill. We weren't aware which witnesses were coming. There'll be a briefing note distributed later today that covers the other parts of the bill.

Mr. Pat Martin: So these particular witnesses are not specifically here to address these particular subjects, is that correct? Okay. I thought we were getting somewhere.

I am interested in the election financing code where it changes to elections financing.... It seems to me, the current regime is underenforced in that it's really up to the official agent to file your expense claims, and if the official agent signs off on them, the Chief Electoral Officer really does little else, even if there's a glaring oversight. The most egregious example we have is one member who spent \$240,000 when their election spending limits were \$78,000, but nothing has happened to that person. They're still sitting in Parliament because no one could follow up. What, in Bill C-2, would improve the administration of the election financing laws other than the limits of \$1,000?

Mr. Joe Wild: There is another panel of witnesses that will be heard today specifically on the question of election financing. I don't want to necessarily pre-empt their discussion, but I realize you've take the time to ask the question. I would just say that Bill C-2 does present some comprehensive amendments to the Canada Elections Act, and included within that there are provisions relating to offences and so on. I think that panel will be in a better position to answer any specific questions you may have.

Mr. Pat Martin: Is there any specific area of expertise that you guys are here for today that I should know about?

•(1010)

Mr. Joe Wild: Well....

Mr. Pat Martin: I'm really unclear. I don't know who called you as witnesses. We didn't. I didn't submit your names.

The Chair: You're going at it again.

Mr. Pat Martin: I'm not trying to be hostile, Chair. My time is limited, and it hasn't been helpful that we learn, by surprise, who the witnesses are. The briefing note I get is clearly not about these particular witnesses, and I'm getting frustrated, I guess, at the pace and how this committee is going.

The Chair: Me too. Please proceed.

Mr. Pat Martin: If I have a moment left, I'll ask something that is maybe in the domain of these guys, then.

I ask questions about lobbying. Minister's staff...is that your area? Minister's staff and the exempt staff bumping into the public service and out again.

Mrs. Susan Cartwright: I'd be happy to answer your question.

Mr. Pat Martin: In the current situation, there's been a lot of balking about...people don't like the fact that ministers' exempt staff can be plunked into the public service as a lateral transfer. It isn't fair to the other public servants who may have been waiting for a promotion into the EX range when somebody from a minister's office comes and takes that promotion opportunity. What, in Bill C-2, will preclude that from happening?

Mrs. Susan Cartwright: The provisions in Bill C-2 will remove the priority list that currently exists, which permits exempt staff to move into the public service, as you describe.

Mr. Pat Martin: It will eliminate the list altogether?

Mrs. Susan Cartwright: It will eliminate the list, and it will replace that with an opportunity for exempt staff who have met a period-of-service requirement, a three-year period that currently exists for the priority list access. It will enable those individuals to compete in internal competitions within the public service for a period of 12 months. At the end of that period of 12 months, they'll be able to compete, as would any other Canadian, in external competitions. There will be a period of time, obviously, when those who have met the criteria to gain access to the priority list will remain on that list, so there is a period of 12 months when the two systems will overlap. But once those individuals have been moved off the priority list, then the only mechanism available for exempt staff to enter the public service will be through competition—access to internal competition for 12 months—and beyond that, external competition.

The Chair: Thank you, Mr. Martin.

Mr. Poilievre, unless there is unanimous consent, you have about three minutes.

Mr. Pierre Poilievre: I don't need them.

The Chair: You have less than three minutes, Ms. Jennings.

[Translation]

Hon. Marlene Jennings: Thank you.

Part 1 of the bill is entitled "Conflict of Interest Rules." Section 4 defines the meaning of conflict of interest.

Subsection 6(1) of the bill, entitled "Decision-making," states:

6. (1) No public office holder shall make a decision or participate in making a decision related to the exercise of an official power, duty or function if the public office holder knows or reasonably should know that, in the making of the decision, he or she would be in a conflict of interest.

Subsection 6(2), entitled "A debate or vote," states:

(2) No minister of the Crown, minister of state or parliamentary secretary shall, in his or her capacity as a member of the Senate or the House of Commons, debate or vote on a question that would place him or her in a conflict of interest.

If I understand the wording of subsections 6(1) and 6(2) correctly, this means that, if the bill were in force, ministers Emerson and O'Connor could neither participate in a debate in the House nor vote on certain issues. For example, if there is a debate or a vote in the House in connection with the softwood lumber agreement, Mr. Emerson could not take part. Similarly, if there was a debate or vote in the House on new instruments or equipment on which his former clients might bid, Mr. O'Connor could not take part.

Is this correct?

[English]

Mr. Joe Wild: Mr. Chairman, it's difficult to answer a specific fact situation in that matter, partly because certainly we don't have all the facts, and also because it's not our job to provide legal advice to the committee as to whether or not a specific scenario would or would not be within these provisions. To explain the nature of the provision, it is clear that what is happening in clause 6 is a requirement that if a minister believes or should reasonably believe that he or she is in a conflict of interest, then that minister should not participate in debate or vote on a question that relates to that conflict.

•(1015)

The Chair: Thank you very much. That concludes the time for the three of you.

Ms. Cartwright, Mr. Wild, and Monsieur Marcoux, thank you very much for appearing this morning. There will be a short recess of a few minutes. Thank you.

•(1016)

_____ (Pause) _____

•(1024)

The Chair: I call the meeting to order again.

We have a number of people before us. Good morning.

I gather the lead is from the Privy Council Office, Kathy O'Hara, deputy secretary to the cabinet, machinery of government; and we have Marc Chénier, counsel for the democratic renewal secretariat; Dan McDougall, director of operations, legislation and House planning; and Patrick Hill over there in the corner is an officer with machinery of government. Those are great titles.

Ms. O'Hara, do you have some preliminary remarks to make?

Ms. Kathy O'Hara (Deputy Secretary to the Cabinet, Machinery of Government, Privy Council Office): I would only clarify that we are here to answer questions about the political financing section of the bill, the proposed Conflict of Interest Act, and the appointment of agents of Parliament.

The Chair: Okay.

Mr. Murphy.

•(1025)

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): How much time do I have, Mr. Chairman?

The Chair: Seven minutes.

Mr. Brian Murphy: Thank you, Mr. Chairman.

Thank you, witnesses.

I'm very concerned that the talk is to keep the money out of politics, to limit the money out of politics, to take money as power out of politics and to rest on our laurels that, because of reforms made and reforms to be made, financing for political campaigns will come out of the public purse through what I essentially call the rebate in the retail end of politics that you get for each vote—the meat count, as it were.

What concerns me is that we have in this country creeping influence of, for lack of a better word, PACs—political action committees. I know it's an American word, but I think we're turning to an American-influenced era with this government. That's my personal opinion; I can't expect you to answer to that comment, which is very political.

My question, which is very analytical, or through which I hope I can get some analysis from you, is whether you can envision a way that the influence of think tanks and parties from outside of our country can be constitutionally limited in any way. Do you think that the *Harper v. Canada (Attorney General)* case really stands for the proposition that limits are okay but nullification is not? I turn to the point about unions and corporations, which are mere extensions of people in this country and which are shut out here.

Is there a constitutional issue, do you think? And is there a way to limit outside influence in campaigns? While there's the talk of keeping money out of politics, I can see quite the reverse happening, when you look at the fundraising stats for the Conservative Party since the beginning of the year.

So that's my concern. Like that side over there talks, I too want to keep the money out of politics, but is there a better way to do it?

Ms. Kathy O'Hara: If I understand, the first question is whether we think the ban on contributions from organizations—unions and corporations—is constitutional or meets the constitutional test. The answer is yes. It will be up to a court, obviously, to decide that ultimately, but the government is of the view that there are very strong public interest arguments to support a ban. Two provinces have such a ban in place, and in fact one has had a ban in place for 25 years. Other countries have instituted such a ban. So we feel there's a good case to be made on this ground.

You had a question about limiting outside influence. I'm going to defer to Marc on that, because while there are no provisions on that in this legislation, as you may know, there are already provisions in the Canada Elections Act that relate to this issue. Marc would have that detail.

Mr. Marc Chénier (Counsel, Democratic Renewal Secretariat, Privy Council Office): Yes, there are a number of provisions in the Canada Elections Act. For instance, there can't be any foreign broadcasts of political election advertising into Canada. Also, there are limits on third party advertising in Canada. So only a Canadian

corporation, or a Canadian union that has bargaining rights in Canada, or a Canadian citizen and a permanent resident in Canada is allowed to expend money on election advertising.

Mr. Brian Murphy: To follow up on that, if I may, let me get this straight. Under the new law, a union that expressed its view through its leadership and wanted to be part of a political objective for or against some particular issue cannot, through its union, contribute to a party, but essentially must wage its own advertising or influence campaign. That's essentially the new allowed influence of a union, let's say in New Brunswick, that wants to stop the clear-cutting of forests.

Ms. Kathy O'Hara: Yes. It can undertake lobbying activities and it can undertake third party activities.

Mr. Brian Murphy: But it can't contribute to the party that it may support.

Ms. Kathy O'Hara: That's right.

Mr. Brian Murphy: And you believe that's constitutionally justified.

Ms. Kathy O'Hara: Yes, we do.

•(1030)

The Chair: Ms. Jennings.

Hon. Marlene Jennings: Thank you to Mr. Murphy for sharing his time with me.

Coming back to the issue of third parties that might do lobbying, advertising, and so on, during an election campaign, are they required to disclose to the Chief Electoral Officer where their money comes from?

Mr. Marc Chénier: If a third party receives contributions from somebody else, currently they have to disclose the source of the contributions. In the case of a contribution that's for more than \$200, they have to disclose the identity of the donor.

Hon. Marlene Jennings: Therefore, if the contribution is less than \$200, they do not have to disclose the donor. They simply have to disclose that they received a donation of \$190.

Mr. Marc Chénier: That's correct.

Hon. Marlene Jennings: Is there any requirement that they have to at least show that the donation came from a Canadian citizen?

Mr. Marc Chénier: There's no obligation for them to prove that the donation came from a Canadian citizen, although in some cases they have to have the return that they filed with the Chief Electoral Officer audited. In those cases it would be up to the auditor to make sure that the contributions received were in conformity with the Canada Elections Act.

Hon. Marlene Jennings: Okay. Therefore, for registered political parties, is there a tacit or overt requirement that any donation received is in fact received from a Canadian citizen?

Mr. Marc Chénier: There's an explicit provision in the Canada Elections Act that only Canadians and, as I said before, Canadian corporations and trade unions that have bargaining rights in Canada can donate to a political party.

Hon. Marlene Jennings: But there is not that same explicit requirement for a third party.

Mr. Marc Chénier: Yes, I believe there is for third parties.

Hon. Marlene Jennings: Then I must have misunderstood what you said previously.

A voice: You said no, the individual contributing didn't have to.

Mr. Marc Chénier: They have to disclose the identity of the contributions they receive if they're over \$200, and they can only accept such contributions from Canadians. So that's Canadian corporations, trade unions, and individuals.

Hon. Marlene Jennings: Thank you.

The Chair: Mr. Sauvageau.

[Translation]

Mr. Benoît Sauvageau: Welcome, and thank you for being here today.

You said that you are here to answer questions on political party funding and public appointment.

Section 228 of Bill C-2 states:

1.1 The Governor in Council may establish a Public Appointments Commission consisting of a chairperson and not more than four other members to perform such functions as the Governor in Council may specify, and may appoint the chairperson and other members and fix their remuneration and expenses.

However, the functions of the commission are not set out in the bill. I would like to know whether there have been any appointments relating to the position of public appointments commissioner, or if the government has waited for this committee to examine the bill before making any appointments.

[English]

The Chair: Is there a point of order?

I apologize. I thought there was a point of order.

Ms. Kathy O'Hara: I mentioned at the beginning that we could answer questions about the appointment of agents of Parliament.

You're asking a question about the Public Appointments Commission, which is another part of the Privy Council Office. If you would like, they could be asked to be witnesses to answer questions about the Public Appointments Commission. We can answer questions about the appointment of agents of Parliament, if you'd like.

[Translation]

Mr. Benoît Sauvageau: Thank you.

My next question is based on the research paper. Researchers prepare extremely relevant documents, even when they do not know who the witnesses we will be seeing are 12 hours in advance. That's what happens when things are rushed, as they are being rushed now.

Bill C-2 deals with reforms to the political party financing system. But we have already considered Bill C-79, An Act to amend the Canada Elections Act (third party election advertising), which died on the *Order Paper*. The researchers suggest that we ask you the following question.

Do you believe that the political financing reforms provided for in Bill C-2 are ineffective unless accompanied by measures covering third party election advertising? That is somewhat similar to the question put by Mr. Murphy, but perhaps more specific.

• (1035)

[English]

Ms. Kathy O'Hara: With respect to the legislation, as you know, it reflects the accountability elements of the Conservative campaign platform, which did not include reference to the issue of third party advertising. That's why Bill C-2 does not address those issues.

As you know, there will be, ultimately, a review of Bill C-24 when the Chief Electoral Officer tables his report—he has to do a follow-up report to the 2004 election—and it seems to me that would be an opportunity for the procedure and House affairs committee to consider the issue of third party advertising. But that issue itself, as you know, is not addressed here.

[Translation]

Mr. Benoît Sauvageau: Please forgive me for being ignorant and naive. Could that mean that companies, unions and individuals could not contribute more than \$1,000 to a political party during an election campaign, but a pressure group could indirectly contribute \$100,000 of advertising? I don't quite understand.

[English]

Ms. Kathy O'Hara: Right. Under the new bill, the corporation and union would not be able to contribute any money to the political party, but would be able to contribute to a third party to a maximum of \$150,000 and \$3,000 per riding.

[Translation]

Mr. Benoît Sauvageau: Did you say \$100,000 or \$1,000?

[English]

Ms. Kathy O'Hara: Yes, \$150,000 is the limit for a contribution to a third party. It's a spending limit, I'm sorry. There is no contribution limit for a third party. Technically, the third party would be able to spend up to \$150,000, and so a union or a corporation could donate \$150,000.

A voice: Or more.

Ms. Kathy O'Hara: Well, they could donate more, but then the third party wouldn't be able to spend it.

[Translation]

Mr. Benoît Sauvageau: If we extrapolate from that, it would mean that three different third-party organizations could decide to spend \$100,000 each, and close to a half million dollars could be spent on advertising for a given political party, despite Bill C-2. Aside from third parties, everyone is being told to get involved in politics. Am I right?

Mr. Marc Chénier: It is important to remember that third parties have a life outside of elections. This is why they can obtain grants from anyone at any time. What is of interest to us, with respect to third parties, is what they spend on election advertising. That is what the Canada Elections Act aims to regulate.

Mr. Benoît Sauvageau: All right, but if I do election advertizing or if a national party does, that is administered by the Chief Electoral Officer. We have lengthy reports for that purpose, which we are currently finalizing. However, I never make mention of third-party contributions, because that would be indirect. No one is asking me whether there are other organizations, apart from the legal donations made during the election campaign, that have done advertizing for my political party. That has never been asked of me. It seems to me, given the way this is construed, that you would be breaching all of the Chief Electoral Officer's powers, by allowing third parties to carry out such advertizing.

Mr. Marc Chénier: Currently, if a third party spends money on election advertizing and uses a donation from anyone for these purposes — whether that donation was made before or during the election period — that would need to be disclosed to the Chief Electoral Officer.

Mr. Benoît Sauvageau: Is that accounted for in that party's expenses?

Mr. Marc Chénier: No, I'm not sure I understand, are you referring to a political party or to a third party?

Mr. Benoît Sauvageau: I'm referring to a riding or to a political party.

Mr. Marc Chénier: It depends. In the case of a candidate in a riding, the limit is \$3,000. On a national scale, there is a \$150,000 maximum.

Mr. Benoît Sauvageau: Thank you very much.

[English]

The Chair: Thank you.

Mr. Dewar.

Mr. Paul Dewar (Ottawa Centre, NDP): Thank you very much.

Thank you for coming today.

I'll make a couple of points and then ask just a couple of questions. I'll start with the positive and then go to some of the things we have concerns about.

The idea of banning trust funds is something we applaud, and we're glad to see that this has been the case. We have some concerns about where that money might still be, but it's good to see that's a change. What I'm referring to is that trust funds are still with riding associations; I guess one would suggest you can't do anything about it. Anyhow, as we go ahead, it's good to see they will be banned. To require sitting or elected MPs to disclose any trust fund is obviously something we applaud.

We also applaud the idea—we've been calling for this for years and are glad to see it in this bill—of taking the appointment of returning officers out of the hands of the political sphere, if you will, and making it something that is merit based.

Maybe that will just be a nice segue into looking at the appointment process. One of the things we had called for is a skills- and competency-related criteria for all government appointments. I see there's a process here, but maybe you could just elaborate on that. We'd hope to be able to submit criteria to the appropriate standing committee and publicly release the committee's approved

criteria, so in effect it's not just something that is out there in the public sphere about all these appointments. If any one of my constituents might want to apply for something, for instance, they should be able to do so. There should be criteria based on certain skills and competencies for those appointments, and there should be some oversight.

I am concerned about the process. There doesn't seem to be a process where we would have a standing committee with the oversight and indeed the accountability of parliamentarians, and therefore citizens to look at government appointments. I think that's really critical.

I have a couple of other things. I hear echoes somewhere around this place that fixed election dates might be coming. We want that. Electoral reform isn't here at all. The citizens' consultation process we were hoping for that would build on what we had from the last Parliament is not here. We would obviously like to see spending limits in leadership contests. I think that's something Canadians would like to see, because indeed we could be nominating a future Prime Minister from one of the political parties. We think that's something that needs more accountability and definitely a better filter. We would want full disclosure and transparency for all leadership candidates, and that's not in here.

I'll stop there, because there are a number of questions I have put forward.

Thank you.

• (1040)

Ms. Kathy O'Hara: I'll try to get through all of them, and if I don't, let me know.

You raised issues about tabling of criteria for appointments. Again, I can't deal with appointments more generally. If you bring back the other part of the PCO, they can certainly answer those questions.

With respect, I think you started with returning officers and issues around the criteria for appointing them. The bill provides for the Chief Electoral Officer to develop a whole process for appointing returning officers and, in particular, to table criteria in Parliament for their appointment.

You mentioned a number of issues: fixed election dates, electoral reform, citizen consultation, and spending limits on leadership contests. As I mentioned, these address issues that were in the accountability section of the platform, which I think is called a better democracy. So we're not included here.

Did I miss something? Regarding the banning of trust funds, as you mentioned, the electoral district associations would still have the money, but they couldn't move it over to a candidate to use for political purposes under this legislation.

Mr. Paul Dewar: Would you be able to comment on the costs of the new officers of Parliament? Is this something that would be in your purview? In other words, we have all these new officers of Parliament and there'll be various additional roles that some of the present officers of Parliament will be fulfilling, yet we have no idea of the costs. There was some money put here in the budget, which is all well and good, but typically in a bill of this scope we'd want to know how much this is going to cost, for all sorts of reasons. I just wanted comment on that.

Ms. Kathy O'Hara: I don't have that information, but I believe the Treasury Board Secretariat officials would have it. So we could work together to get it for you if the committee would like.

Mr. Paul Dewar: So your understanding is that that's an itemized costing, or is that something....?

• (1045)

Ms. Kathy O'Hara: They're shaking their heads, so I assume that means no. I think there's a global number.

Mr. Paul Dewar: Okay. That's a concern, of course.

In terms of when we look at the expensing of campaigns, we certainly wanted to make sure it is a more accountable process. I'm curious to know if you've had a chance to juxtapose the most recent changes to the Canada Elections Act and proposed legislation and had the time to synthesize that and say, okay, here are some concerns we have, here's what worked really well, and here are some things that we see as being an advantage, if you will, to the citizens of Canada.

But what I'm asking is, have you had a chance to do a comparative analysis between what was done and what's proposed?

Ms. Kathy O'Hara: This is something that, as you know, the Chief Electoral Officer will be doing. And I mentioned earlier that he'll tabling a report. As I understand it, he'll be tabling a report in the fall to the procedure and House affairs committee on exactly that—what was the impact of Bill C-24, the previous changes. I believe he's been able to capture two elections. He will be reporting on the impact on not the most recent election but the previous two elections. So that report would go to the procedure and House affairs committee.

The Chair: Thank you.

Mr. Poilievre.

Mr. Pierre Poilievre: What changes does the Accountability Act bring to Elections Canada's treatment of third party groups?

Ms. Kathy O'Hara: None.

Mr. Pierre Poilievre: None? None at all? Okay, so we've heard a lot of concern about the current system from the other side, about the nature in which third party groups can operate in this country. If there are problems with the system, then, those problems would have existed under the previous government. They are not introduced by the Accountability Act.

Ms. Kathy O'Hara: That's correct.

Mr. Pierre Poilievre: That's right. So if there is this grand threat that third party groups are going to take over our democratic process, it is unfortunate that the previous government, which is now raising the spectre of that threat, did nothing in 13 years to deal with it.

Second, I want to look at the threat that the members of the committee are discussing. For a third party group, they can spend how much in a constituency?

Ms. Kathy O'Hara: They can spend \$3,000.

Mr. Pierre Poilievre: It is \$3,000. An average constituency has 85,000 voters. That works out to 3¢ per voter, or \$3,000 would probably be enough to design and post a website for a given constituency.

How many voters are there in Canada?

Ms. Kathy O'Hara: I don't know the answer to that question.

Mr. Pierre Poilievre: Roughly, just ballpark.

Ms. Kathy O'Hara: It is 18 million.

Mr. Pierre Poilievre: It's 18 million, so \$150,000 is the maximum. If I take \$150,000 and I divide it by 18 million, we have.... Wow, these groups can spend one-eighth of a cent per voter. I know \$150,000 sounds like a spectacular amount of money. How many ads do you think you could run on a prime time network for \$150,000 nationally? Can you get maybe five or six spots?

Ms. Kathy O'Hara: It would be a very small campaign.

Mr. Pierre Poilievre: A very small campaign. So maybe we're talking about five or six spots on *Canadian Idol*. This is the spectacular threat Canadians are faced with. Our democratic system is threatened by the possibility of six or seven spots on a national television show. In fact, that doesn't even include the production costs of a television ad, which by itself would probably be in the tens of thousands of dollars, at least, and if they want to do anything creative, they might spend the \$150,000 just producing the ad.

I'm not asking you to comment on any of that, but I'm going to ask a legal question at this point, which is, if you were to ban outright the participation by third party groups, would you expect a constitutional challenge to that kind of ban?

Ms. Kathy O'Hara: Do you mean ban contributions to third party advertising?

• (1050)

Mr. Pierre Poilievre: That's right.

Ms. Kathy O'Hara: I personally am not a lawyer, so I would defer to the lawyers, but my policy instinct is that it would present a problem, because third party advertising remains a way for those organizations to contribute to the process.

Mr. Pierre Poilievre: Right. And if a union, the CAW, for example, were to host a candidate for Prime Minister at an event during the writ period, would they even be allowed to do something of that sort, given that an event of that kind would cost money and that they're a third party group that theoretically would not be allowed to spend any of it?

Mr. Marc Chénier: What's regulated in the Canada Elections Act is election advertising. Any activity that's undertaken that's not election advertising is not regulated.

Mr. Pierre Poilievre: Okay, I understand.

Just so we're clear, how many groups in Canada spent over \$100,000 in, say, the last election?

Ms. Kathy O'Hara: One reaction is that when the Chief Electoral Officer is here, he's probably in a better position to answer that question, because he actually maintains the records. But my recollection is that it's a pretty small number.

Mr. Pierre Poilievre: So this is not the growing phenomenon or threat that some have suggested?

Ms. Kathy O'Hara: Well, as I say, it's a pretty low limit, \$150,000, and it turns out to be a pretty small number of organizations that engage in spending anywhere close to that amount of money.

Mr. Pierre Poilievre: So this is really a very marginal practice.

Once again, the national limit allows a group to spend 0.8 cents—less than one penny—per voter, and in a given constituency, about three cents per voter. That's what the current system is. I'll reiterate that this system existed under the previous government; it is not changed by the Accountability Act.

Thank you.

The Chair: Mr. Owen.

Hon. Stephen Owen: All right.

Thank you all for being here and being participants in the machinery of government. You've undertaken a massive job over the last while, and I congratulate you for the intricacy of what you've constructed here for our proposed additional machinery of government.

This isn't a criticism—and I don't mean it that way—of the whole approach, but I would like to get your expert analysis of the impact on the public service of the creation of all these additional parliamentary officers. I say that from a background of having been a parliamentary officer and knowing that sometimes parliamentary officers compete for bureaucratic time as well as parliamentary time and public time and public attention. I think at some stage we have to at least ask the question: are we creating a parallel universe to the executive and Parliament?

Parliamentary officers, of course, are meant to be agents of members of Parliament to assist them with investigative powers, public reporting powers, and so on, to help members of Parliament do their jobs better. Of course, in the old days there was just the Auditor General, and then ombudspersons were added in all provinces. Then, in the last 15 years we've had information and privacy officers, children's officers, advocates; federally we have the official languages commissioner, the environment and sustainable development commissioner, and now we have a procurement officer, a budget officer, an integrity officer, an ethics and conflict of interest commissioner, of course, a chief electoral officer, and we're talking about a director of public prosecutions.

As a parliamentarian looking at the executive of government with the hope that over time the administration of public affairs gets more and more efficient as well as accountable, I'm interested in expert opinion on whether at some point we're going to add so many different officers requiring so much bureaucratic time that public administrators are going to have difficulty doing their work.

I'm not putting this forward as a criticism, but I need to know your opinion of where the tolerance point is in the proliferation of oversight officers, and whether at some point we are going beyond the responsibility of the executive of government to just make the public administration work, as opposed to jobbing out accountability and review and disclosure and evaluation, when these should be within our public administration and should be self-performing—or we should be encouraging public administrators to act in an appropriate way and should have all the regulations, rules, and processes that can achieve or promote that.

So to any of you—

• (1055)

The Chair: Mr. Owen, I'm going to allow the question, but you're getting very close to policy, something that could be debated on either side. But please keep that in mind—

Hon. Stephen Owen: Thank you, Mr. Chair.

I put it to the master mechanic of government.

The Chair: Hopefully they will consider that they shouldn't really get into policy.

Ms. Kathy O'Hara: And I won't, thank you.

I do want to clarify a number of those cases. For example, there will be a new commissioner of lobbying, who will be an agent of Parliament.

But in terms of bureaucracy, we already had a registrar, so basically the registrar is becoming the commissioner, so that's not new bureaucracy.

The public service integrity officer, likewise, is an agent of Parliament, but it was previous legislation that established that position. So that is not a new position that's created under Bill C-2.

The parliamentary budget officer, of course, is not an agent of Parliament. It has not been established that way. It is linked to the Library of Parliament.

The director of public prosecutions, again, is not new bureaucracy. That is effectively the existing federal prosecution service in the Department of Justice.

From that perspective, I don't see a lot of new bureaucracy being created in the legislation.

The Chair: Mr. Lukiwski.

Mr. Tom Lukiwski: Thank you, Mr. Chair.

I have a comment, first, to follow up on one of the questions or comments by Mr. Dewar on the change that this proposed act would have, inasmuch as rather than the government being able to appoint returning officers, the Chief Electoral Officer would appoint returning officers on merit-based appointments. I know that your party, Mr. Dewar, is in support of that, and the Bloc also. As a matter of fact, I think it was a very vigorous Bloc suggestion to have this done. So I am also very pleased to see this in the bill.

My comment is merely this: I sit on the House procedures committee and Dr. Kingsley appeared before our committee. I asked him whether he was working on establishing this merit-based package that would determine the qualifications required for returning officers. He informed me, Mr. Dewar, that he already has that done. In fact, when I pressed him on how long it would take—because we're in a minority Parliament we don't know when the next election might be called—he said if and when the bill is passed, he would be able, in his estimation, to appoint or have returning officers in the 308 ridings across Canada appointed and in place within two months. He said the bill has first to be passed in order to allow him to go out and do that.

I would suggest that when he appears before this committee as a witness, you can ask him about the package of qualifications he feels is required, that type of thing.

The question I have specifically is on trust funds, again an issue that Mr. Dewar raised. We've all heard stories about trust funds and their impact on election campaigns. Is there any empirical evidence, any studies you've seen that demonstrate how trust funds have been used and how many of them have been used in election financing in individual campaigns?

Ms. Kathy O'Hara: No.

Mr. Tom Lukiwski: What evidence have you at all that suggests that trust funds have been an issue in the financing of local riding campaigns?

Ms. Kathy O'Hara: That may be something, again, that you'd want to ask the Chief Electoral Officer. He keeps records of what the spending is and what the source of the spending is.

Mr. Tom Lukiwski: That's a fair comment.

I have no more questions.

The Chair: Madame Guay.

[Translation]

Ms. Monique Guay: Thank you, Mr. Chairman.

I want to get back to election advertizing by third parties. It is important for us to discuss the issue. It shouldn't be taken lightly. I saw Mr. Poilievre's earlier tally, but there are other ways to go about doing things. I have seen several things over the 13 years I've been here.

Third parties could earmark \$3,000 each, but they could advertize together or exert pressure on a political party. It's already been done and may well be again. I would like your opinion on this matter. In my opinion, we have to find a way to prevent that from happening.

● (1100)

Mr. Marc Chénier: There are provisions in the Canada Elections Act prohibiting third parties from working together to commit funds during an election campaign. So, this offence is already provided for in the Canada Elections Act.

Ms. Monique Guay: It's already covered in the Canada Elections Act?

Mr. Marc Chénier: Yes. In fact, any collusion between a political party and a third party would be prohibited.

Ms. Monique Guay: That is good to know. It means that we will not need to go back over that.

We still do not have the results from the last election, as the election reports have not been completed. We have until the end of May to complete them. It will take some time for the Chief Electoral Officer, Mr. Kingsley, to know everything that happened during the last election campaign.

I believe that we need to review several aspects. The costs associated with the new commissioners are of great concern to me. We should have more information on that. You do not seem to have enough information for us on that. If possible, please send that information to our researchers to give us an idea of the costs and the way it will be done. That would really help us to assess the situation and make amendments to Bill C-2.

[English]

Ms. Kathy O'Hara: We could, for example, put together information on the current spending. As I mentioned before, some of these are not new agents of Parliament. What we could do is give you the current spending of some of the agents of Parliament who are addressed in legislation.

I'm sorry, we and the Treasury Board Secretariat working together would do that.

The Chair: If you send that to the clerk, it will be distributed to members of the committee.

You still have a couple of minutes.

Ms. Kathy O'Hara: No, that's okay.

The Chair: That concludes the second round.

Madame Jennings, you have three minutes.

[Translation]

Hon. Marlene Jennings: Thank you. If I understood what you said, there is no limit on spending by a third party during an election to promote the interests of a candidate or a party, provided that this spending does not fall into the category of election advertising.

If you are the experts who are appearing before this committee examining Bill C-2, perhaps you also participated in developing Bill C-79 which was tabled in Parliament by the former government during the last session. The purpose of that bill was to amend the Canada Elections Act to restrict the ability of third parties to use money received by individuals or corporations for election advertising.

When a member of the committee says that it is not a problem, that the former government never took action to limit advertising or spending during federal elections, that is not entirely accurate. Moreover, it is a relatively recent phenomenon.

I am asking each one of you if you worked on developing Bill C-79, if you were consulted, etc., and to explain to committee members who are perhaps unaware of the situation, because they were not members during the last session, that the previous government did in fact table a bill covering this issue.

• (1105)

[English]

The Chair: Unless there's unanimous consent, the time has expired.

[Translation]

Hon. Marlene Jennings: They could do it in writing through the chair.

[English]

The Chair: Well, you know, 40 minutes has gone by.

If the witnesses could send their answers in writing to the clerk, it would be helpful. We'll distribute it to members of the committee.

Hon. Marlene Jennings: Is there unanimous consent, first of all?

The Chair: We've run out of time, Madame Jennings. I'm sorry—unless you want to change the rules again, and I don't think you want to go there.

Thank you very much, ladies and gentlemen.

We'll recess for a couple of minutes. Thank you.

• (1106)

(Pause)

• (1110)

The Chair: Gentlemen, I'd like to reconvene the committee, please.

In our third group of witnesses this morning, we have Ruth Dantzer, president and chief executive officer of the Canada School of Public Service. Good morning to you, and thank you for coming to the committee. I don't know whether you have any opening comments, or will we get right into it?

[Translation]

Mrs. Ruth Dantzer (President and Chief Executive Officer, Canada School of Public Service): Thank you for inviting me.

[English]

I have actually distributed a four-page deck. This is somewhat of a change of pace in terms of the discussion that has been going on this morning, but from my perspective, I've been asked to come here to talk about the school's role in implementing the Accountability Act, and where public servants fit into that.

So with your indulgence, Chair, I would like to basically walk through a very quick four-page deck, which will take about two minutes.

The Chair: Two minutes is perfect.

Ms. Ruth Dantzer: That's about half a minute per page, and I'll try to make sure I do that.

[Translation]

The second page of the document that I distributed outlines my objective today. I want to talk about the school's role in supporting the Federal Accountability Act.

[English]

We're absolutely putting the accent on a culture change for the public service, and emphasis, really, on individual as well as organizational learning. I think this is key in terms of the intent that is enunciated throughout the bill.

Page 2—and I will be very brief—goes into the context, as the school's role in helping implement the Accountability Act has to be seen in a larger context. That context is one in which we are working with both organizational leadership, individual learning, and public sector innovation.

The school's mandate is absolutely to implement a more coordinated approach to learning across the public service. This doesn't just include the one-one universe, but goes beyond—and you'll hear about that. This chart really tries to demonstrate how we see the three aspects of learning, the individual, organizational, and public sector management, coming together to ensure that we have a strong, innovative public service to serve Parliament.

Page 4 gets to the priorities of the school. I think it is here where you will see the most direct link with respect to the Accountability Act.

[Translation]

There are four priorities. The first is in the box entitled "Public Service Foundations".

[English]

You'll see that the first blue box is an introduction to the public service. A key priority for the Canada School over the next while is the orientation program that we have started for all public servants. This is important because it absolutely focuses on values and ethics. For the first time ever, every public servant, within six months of their appointment, is going to have an orientation about our rules, our values, and who we work for. This is actually being held here in Ottawa, and both Houses of Parliament are intimately involved.

The second box talks about authority delegation training. This is something where all public servants, as of January 1—although the actual courses don't start until this month—with delegated legal authority to hire and authority to sign cheques and to do procurement will have to show they have gone through a course and written an exam showing they have the requisite knowledge to do those appropriately. This is the first time ever; the school in the past has basically had courses, but we've never been to level two evaluation, which means knowledge transfer. Delegations will be withheld from people who don't get through the exam or knowledge transfer.

[Translation]

The third box deals with training for functional groups. The main priority is to professionalize these groups. You have undoubtedly heard about our efforts as regards financial issues and procurement.

• (1115)

[English]

For the first time ever, for those functional communities, there are actual training programs for them to follow.

[Translation]

The fourth box deals with leadership development. It is clear that we want to strengthen values and ethics and leadership development within the public service.

[English]

For us, the leadership piece is very important. It's an issue in that if we can capture the leaders and ensure that they are modelling appropriate behaviour, we're actually convinced that the whole public service will follow suit.

With my last 30 seconds, I'll turn to the fourth page. It just highlights the next steps. The focus is on implementation in terms of getting this knowledge transferred.

The Accountability Act is a major piece of legislation. It requires, to some extent, culture change in the public service, and we think the courses, in terms of orientation and authority delegation, are going to situate public servants well in making sure they live up to the spirit of the act.

We are looking at evaluation, so there will be evaluation knowledge transfer, ensuring that people have the delegated authority. And obviously there will be lots of work with departments.

[Translation]

Finally, I want to clarify that I sent our brochure to your offices. It contains details on all of the courses that I have just talked about.

I am now ready to answer any questions you may have.

[English]

The Chair: *Merci.* Thank you.

Mr. Murphy.

Mr. Brian Murphy: Thank you.

I'm excited that you are here representing the School of Public Service and that your slides talk about a strong and innovative public service.

If I can speak for our side, we have always had faith in the honesty, integrity, hard work, and brilliance of the public service. In fact, it's important to underline that despite what may be said during the daily non-answer period in the House of Commons, there is in the Gomery report a strong vindication of the public service. To that end, having faith in the public service, and seeing your enthusiasm for continuing that tradition, and getting into the culture of accountability and so on.... There are two areas I see in the Accountability Act that take away, given the strong pedigree of the public service, what might be expected.

I'll say this. The parliamentary budget officer is given separate authority to hire people on contract. The Director of Public Prosecutions is another example of something that is working in

the Attorney General's office being taken out of the orbit of the Attorney General's office—not completely, but somewhat.

These are two instances showcasing an independence from or a truncation of the public service. And it might, in fact, be...not demoralizing, but it's not as great an incentive for the public service to have, for instance, a budget officer who has separate authority to hire on contract and not pick from the higher-end public service the people who deserve and have been trained for and are ready for the job.

We're just getting into the Accountability Act, but those are two areas I see where there's a bit of a contradiction. The law is intended to bolster the public service and so on, but here are two instances where it's sort of cutting away from it.

I would look forward to your comments on that.

Mrs. Ruth Dantzer: I can't comment in terms of those two particular instances. I am not the technical expert on the act. I can say that the school has been active in terms of meeting with departments and deputy heads. Deputy ministers are now responsible for all the learning in their departments. We have been making a big effort to get out to talk to public servants and professional groups, and nowhere have we felt or heard of that demoralizing effect. In fact, most public servants are so excited about the learning agenda and that for the first time there is a learning policy for the public service that they are very much more focused and happy to showcase both their professionalism and their technical knowledge.

I can't comment, but can only say that public servants haven't mentioned it to me.

• (1120)

The Chair: Mr. Owen, you have four minutes.

Hon. Stephen Owen: Thank you.

Welcome, Ms. Dantzer, and congratulations on your new role and what you're already laying out for a new approach.

On page 4 of your slides, under "Leadership Development", we have at the bottom of the first box, "Values and Ethics". It may just be because this is a simple diagram, but I would think that it would be valuable to have values and ethics in the far left-hand box as well, under "Public Service Foundations". It may be that it's contemplated in there, but I think there should be a major promotion of ethics and values right up front.

I would suggest that there's really one cardinal rule to direct public servants and politicians in how they relate to each other and, therefore, how the public administration can work with integrity and within ethics and values, and that is to understand the dividing line between them.

Our system is a political system. We have partisanship in elections, in platforms, in legislation, and in appropriation of money, and all of that goes on in Parliament. But as soon as you get to that point where the policy or legislation or whatever has been decided and the money appropriated, you cross a line and you go from what is inherently partisan to a duty of fairness. If there's one thing that I think every public servant should have burned into his or her mind, it's the concept of the duty of fairness.

That means, of course, that objective criteria, transparency, competitive processes, and results evaluation, all of those issues of the public administration, really should be divided from the political side. It's when people from the political side, frankly, whether they're ministers or ministerial assistants, cross that line that we get into trouble with the public administration and the public's faith in it. I think if we all keep clearly in our minds that dividing line, realizing the requisites and different roles of each, we'll all achieve a lot more together as we go through this act and look for guidance and reinforcement for that principle.

Mrs. Ruth Dantzer: I would just offer to your first point that you're absolutely right, values and ethics, while they don't show up per se, absolutely are through the whole spectrum of the learning we do. It starts with orientation, but it is woven into all the courses you will see on your charts in terms of the purple, which is the authority delegation. That is a key component that's woven in. It's absolutely true that all our leadership courses talk about that divide.

I would say it is a shared responsibility. Public servants have to understand that demarcation line. For the first time in a long time, we have the opportunity to work with new ministerial staff, and we spent two days going through their understanding of what that demarcation line is. It is difficult, and a shared understanding is going to ensure that it actually gets implemented in a way that I think all of you would be proud of. So the school is very active along that line.

Thank you for your comments.

The Chair: Monsieur Sauvageau, go ahead, please.

[Translation]

Mr. Benoît Sauvageau: Good morning, and welcome.

On page 5 of the French version of the presentation that you handed out, you say that the School is working with departments to implement the necessary training. You add that starting this week, the school will provide orientation for 150 public servants each week.

Is this related to Bill C-2?

Mrs. Ruth Dantzer: I did not understand your last question.

Mr. Benoît Sauvageau: Is this training regarding Bill C-2? Have you started providing some training for public servants on Bill C-2?

Mrs. Ruth Dantzer: No. First of all, the orientation program begins this week. It will be held on Tuesdays and Wednesdays, two days a week, I believe, and it will be given to 150 individuals.

As for the act itself, clearly it is quite difficult to provide training on a bill that has not yet been passed.

With respect to values and ethics, which, in my view, are one of the underlying foundations of the legislation, obviously, the courses are already underway.

• (1125)

[English]

Does that respond to your question, in a way?

[Translation]

Mr. Benoît Sauvageau: Yes. I would like to ask you whether you offered training when Bill C-11 was passed in the last session?

Mrs. Ruth Dantzer: We did, it rather, for the Public Service Modernization Act,

[English]

the PSMA, the Public Service Modernization Act.

[Translation]

I do not know whether it was for Bill C-11 or for a part that was added subsequently.

[English]

But it's absolutely clear. We spent the last year talking about various parts of the PSMA, and in fact got an audit report saying that we were well on our way. Whistle-blowing is something that comes up in the discussions we have with leaders, in terms of public servant leaders, all the time. We have discussions in terms of making sure they understand.

[Translation]

For the School of Public Service and its professionals, it is important to give managers a framework within which they can discuss problems. This framework exists at all levels, but particularly at the management level.

Mr. Benoît Sauvageau: Thank you. I do not want to be impolite, but my time is very limited. With the chair's permission, I would like to ask you some questions that go beyond the scope of Bill C-2.

When we talk about ethics and accountability, we are talking about compliance with all federal laws. I am going to be talking about the Official Languages Act.

Do you feel in part responsible for the general lack of compliance with the Official Languages Act? Are ethics somewhat elastic?

Mrs. Ruth Dantzer: There is no doubt that the Canada School of Public Service has the important responsibility to create an environment that is respectful of the official languages. Increasingly, the fact that this environment is limited to learning the official languages changes the dynamic somewhat, but I have not noticed that we were placing less importance on respect for the official languages.

Mr. Benoît Sauvageau: A complaint regarding a lack of compliance with the Official Languages Act was filed against Treasury Board and National Defence. The Commissioner of Official Languages ruled that the complaint was in order and it is now being investigated. The investigation will be completed very soon.

What do you think about imperative staffing? If an individual promises to become bilingual, he or she may be put into a bilingual position. I was my party's critic on official languages. Could non-imperative staffing apply to other cases? In order to occupy a bilingual position, it is not necessary...

I'm talking about ethics and values.

[English]

The Chair: You're talking about the Official Languages Act now. I guess my question to you is to be relevant—

[Translation]

Mr. Benoît Sauvageau: When we talk about accountability and enforcing the law, I think this applies to all laws, including the Official Languages Act. We have before us a representative of the public service. I am asking her a question about values, ethics and responsibility. I think my comment is in order. If you disagree, I will stop here, with all due respect.

[English]

The Chair: I'm allowing a certain amount of latitude, but just keep in mind what we're dealing with here, and that's Bill C-2. I agree that there's a certain amount of overlap, but try to keep on topic, sir.

[Translation]

Mr. Benoît Sauvageau: On that very point, Bill C-2 does not make a single reference to the Official Languages Act nor to increased authority which could have been conferred upon the Commissioner of Official Languages. I am going to continue with my remarks concerning non-imperative staffing.

Here is my theory: if it is not necessary to be bilingual to hold a bilingual position—and I just simplified the concept of non-imperative staffing—why is this logic not extended to include the entire public service? For argument's sake, you would not have to be a lawyer to hold a position as a legal counsel; it would be enough to pledge you intended to become one. You would not have to be an economist to work at the Department of Finance; all you would have to do would be to promise you were going to become one.

Why is non-imperative staffing not extended across the board? Or why is this heresy for francophone communities not simply dispensed with?

• (1130)

[English]

The Chair: A point of order, Mr. Poilievre.

Mr. Pierre Poilievre: Mr. Sauvageau is making some very interesting points that I'm sure the members of the official languages committee would find fascinating, but they have absolutely nothing to do with Bill C-2, the Federal Accountability Act. I would ask that we keep our questions on topic, so that we can get the job done, if it indeed is his intention to get this job done.

[Translation]

Mr. Benoît Sauvageau: May I interrupt, Mr. Chair? As a measure of respect for your position, I think that it is up to you to determine whether my remarks are relevant or not. It is not up to my friend and colleague from the Conservative Party who, until further notice, is not chair of this committee. He is a member of this committee, just like I am. So that is what I am suggesting, unless he gives me permission to judge whether or not his comments are relevant; that would only be fair and ethical, would it not?

[English]

The Chair: I am leaning towards Mr. Poilievre. Just try to keep your comments relevant. You're getting really close, but go ahead.

A point of order, Madame Jennings?

Hon. Marlene Jennings: Is it not the practice, if there is a point of order, that the time on a member's—

The Chair: It is.

Hon. Marlene Jennings: On this point of order that Mr. Poilievre raised, I wish to make one observation, if I may.

The Chair: I'm allowing Mr. Sauvageau to proceed, so I don't know why you want to argue.

Hon. Marlene Jennings: It's not an argument.

The Chair: Okay.

[Translation]

Mrs. Ruth Dantzer: There are two things I would like to add. First, as far as respecting official languages is concerned, whenever we hire a new public servant, we address that very issue and the act for two days of every training session. That is a big step.

Secondly, and I am no expert in the area, but in most cases the choice is left up to the deputy minister when it comes to non-imperative staffing.

Mr. Benoît Sauvageau: Okay. Thank you.

[English]

The Chair: Mr. Dewar.

Mr. Paul Dewar: Thank you very much, and thanks for coming today.

I did have the opportunity prior to this committee meeting, about a month and a half ago, to have a briefing from Treasury Board on the work that you're doing. It is really interesting. I'm hopeful for the opportunities for public servants to find opportunities to receive more professional development. I think that's critical for any public service.

I would encourage you to seek opportunities—and maybe this is planned already, and I hope this is the case—where you can have managers and people who are at other levels working together, taking courses at the same time. Maybe that's happening in the orientation. In other words, people at the highest levels, ADMs, are working with clerks, etc. I think this is something that would be helpful.

As was mentioned—I'll be blunt about it—there are a lot of disheartened people presently in our public service. Any way that we can encourage people to work together to seek common outcomes would be terrific. I would also declare an interest, being the son of a public servant.... My father was involved in management schools back in the 1980s with the public service. It was something that was near and dear to him. I'm glad to see it is being extended beyond just management. I think that's really critical. Indeed, I would like to see members of Parliament take advantage of the orientation. I'm quite serious about that, actually, because I think it would provide people with a shared experience again—members of Parliament working with public servants. If we can have the opportunity to have the same kind of training as they're having as public servants, I think this would be an opportunity that should be open to public servants as well as MPs.

I want to turn to the oversight. I know a comment was already made with regard to Bill C-2 and, for instance, whistle-blower legislation, and how you as a school would respond to new pieces of legislation. So we have Bill C-2 in front of us. At some point, we will predict, it gets passed. How do you go about responding to that; for instance, the idea of whistle-blower legislation that would be changed? Would you then go out and design courses specifically for that? Then who would they be available to?

Just start with that question.

● (1135)

Mrs. Ruth Dantzer: The process that has been described is actually very accurate. We basically have a scanning function that looks at lobbyist registration, for example, whistle-blowers, new legislation that public servants actually have to be aware of to do their jobs, and changes in terms of the Lobbyists Registration Act. Those things would come into our scanning process probably in the spring or the fall.

We would start planning in September for the next year. We would get together with the policy leads; the school is a deliverer and not a policy lead. We would get the policy leads from the Treasury Board Secretariat or the Privy Council Office, as the case required, and we would design a course. We would then pilot it and move it.

In terms of the target audience, that's an interesting question, because if you go back to this priority to professionalize functional areas, I would suggest that human resources, the HR group, would really need to know about whistle-blowing to ensure that the measures are put in place around that executive table.

At the school, we found that there's a much broader audience for a lot of general management knowledge about the public service. Normally we would have a professional kind of course that would be available to the professional group, and then some piece of it might be available only to public servants at large.

The third aspect I want to make sure I emphasize is that when legislation as important as whistle-blowing comes into effect, it's actually brought into every one of our courses that go across the public service, because it's a new piece of information that they need in order to model a functioning public service.

Mr. Paul Dewar: I only have a couple of other comments.

When we're looking at the ILPs, the individual learning plans, are those done by the individuals themselves? Does a manager work with an employee of the public service? Is there then oversight in terms of whether you fulfilled your goals and have taken the courses, etc.? I'm assuming that's the case; I've forgotten if that's from the briefing, if that's the case.

The other thing I wanted to quickly touch on, because of time, is the importance that I see here in talking about a diverse workforce and whether we can broaden the scope of accountability. I know that within my riding, and certainly when you look at the public service, we don't reflect the population at large, and that's a key issue. I know that we can get into who does what and who has purview over making sure our public service reflects our population. I only want some feedback.

I see the courses there. Are they're available to all or are they ones that managers must take in terms of diversity in the workforce?

Mrs. Ruth Dantzer: On the two questions, first with respect to the individual learning plan, a major change with respect to the school in terms of the learning policy is that individual learning plans will now be guided by government priorities.

In the past, individuals could choose whatever learning plans they wanted, and it often had a perverse effect. They would choose to take a pre-retirement course, for example, one of our most popular courses. You're now going to see individual learning plans more closely aligned with departmental learning plans, where the deputy head has basically worked with the executive and said these are the areas we need to focus on, and the school will be there to support that learning plan. It may be that we have to become much better regulators, and what are the best practices in terms of regulations?

On the learning plans, the oversight is actually going to come from departments and from individual managers to ensure that every public servant has a learning plan. I think that is getting out. It is both bottom up and top down.

With respect to managing the diverse workforce, this is again a value of the public service, so you're going to see it being spoken about at orientation. It is one of our rules. The environment you're in now is one that expects diversity and official languages, but it also carries through in terms of most of the authority delegation, because there is law that applies. At every level where people are signing off on HR, they would have some. There are also courses that would be for specialists and some that are more general, but it is across the board. That would be what we would consider a value and an ethic for the public service.

● (1140)

The Chair: Thank you. That concludes round one.

Mr. Tonks, for five minutes.

Mr. Alan Tonks: I think mine will be a little shorter than that, or it will require a little less than five minutes, Mr. Chair.

Ms. Dantzer, thank you very much for being here. I hope you're not taken aback by the simplicity of my question, because I very much appreciate the professional development that has taken place with respect to the checks and balances, the understanding of how policy development works with policy implementation, and the dividing line between that. We should all respect what our roles are.

My question is really a very simple one, and it's from the perspective of professionalism. What would be your view on the \$1,000 mechanism with respect to whistle-blowers? Do you think that is a fundamental ingredient of the legislation? Would you provide us with an opinion on that? I know there may be a difference of opinion in terms of the relevancy and the need for that in a very well-defined and an accountable civil service as it relates to our parliamentary system.

Mrs. Ruth Dantzer: I actually don't have an opinion on it. With respect, my expertise is really in learning and transfer of knowledge. I don't feel either equipped or positioned to respond to that question.

Mr. Alan Tonks: Supplementary to that, I note that in your syllabus, or in the terms of reference, the architecture of learning values and ethics is a fundamental part of it. Do you not then think that within the context of values and ethics there should be a discussion with respect to the relevancy of being paid...? Let me put it another way: the relevancy of there being a mechanism, and whether it's necessary for \$1,000, or any amount of money, to be paid to be a professional. Do you think that should be discussed in the values and ethics portion of your syllabus?

Mrs. Ruth Dantzer: Values and ethics is discussed in the syllabus, as is the policy on rewards and recognition. They're both discussed. What is promoted in the values and ethics section is to have a discussion about what the intent is and what is going on. That is encouraged, and there's free time and actually lively debate on all aspects of values and ethics in any of the courses I've attended. It's something that, from my experience, most management tables spend a lot of time talking about: acceptable behaviours.

I don't think that answers your question, but that's the best I can do.

Mr. Alan Tonks: That's good enough. Thank you very much.

The Chair: That appears to be it, Ms. Dantzer. Thank you very much for coming this morning and giving us your time.

We'll recess for a couple of minutes and then we'll have another go at this report.

• (1143)

_____ (Pause) _____

• (1147)

The Chair: We're going to reconvene. We have a few more minutes, and I'd like to have another try at this report.

Monsieur Poilievre.

Mr. Pierre Poilievre: I have a motion I would like to table at this time.

The Chair: Is this a notice of motion?

Mr. Pierre Poilievre: It's a notice of motion, and it is as follows: that the committee seek to complete its work on Bill C-2 before the House adjourns for summer recess in late June, 2006; and if that work is not complete the committee will continue to sit into the summer without break until its work on Bill C-2 is done, notwithstanding the adjournment of Parliament.

The Chair: Thank you.

Unless the committee directs me to do otherwise, I'd like to proceed with the report of the subcommittee. We've completed items 1 and 2. Items 3 and 4 still need to be dealt with.

Item 3 reads that it was agreed:

That, whenever possible, all Committee meetings for the purpose of hearing witnesses be televised;

(Motion agreed to)

The Chair: On item 4, I've read it once, I won't read it again.

You want me to read it again? All right:

Pursuant to the motion of the Committee on May 3, 2006, the following motions have been referred to the Committee for its consideration:

That each witness or group of witnesses have a total of 10 minutes in which to make an opening statement;

That the limit on speaking times for Committee members be limited to 5 minutes, with the exception of the questioning of witnesses.

Mr. Pierre Poilievre: I so move.

The Chair: Is there debate?

Mr. Tonks.

• (1150)

Mr. Alan Tonks: Could we split the two components and vote on each one separately?

The Chair: Why not? We'll vote on each—(a) and (b), we'll call them.

Mr. Owen.

Hon. Stephen Owen: Just as a point of clarification, I'm not sure I understand the second part, which mentions speaking times for committee members. At what stage, for what purpose, to what issue...?

The Chair: It's my understanding that the intent of the subcommittee—someone will correct me, I'm sure, if I'm incorrect—is that whenever there is any discussion, debate, or motion, there will be a limitation period for a speaking time of five minutes. The exception to that—

Hon. Stephen Owen: No, I'm talking about “with the exception of the questioning of witnesses”.

The Chair: Yes. See? We're together. The exception of that five-minute limitation period is the questioning of witnesses, obviously, because with the opening round there are seven minutes.

Hon. Stephen Owen: You've clarified my question on the first part of it.

The Chair: All right. Are there any other comments or debate?

Ms. Jennings.

[Translation]

Hon. Marlene Jennings: I want to talk about No. 4, which states that each witness or group of witnesses has a total of 10 minutes for an opening statement.

No. 1 reads as follows:

[...]That the Committee authorize the Clerk to contact witnesses and attempt to find groupings that reflect the overall desire of each party and, that each grouping be focussed by subjects[...]

So, if I correctly understand No. 4, paragraph two, a number of different organizations could be grouped together, and they will only be allowed 10 minutes. Is that correct?

[English]

You could take groups such as the World Wildlife Fund, or a people's advocacy association of a particular city, or a tenants association of another, put them together into one group and give them 10 minutes. Is that what this would mean?

The Chair: Again, I will try to interpret what the subcommittee decided. The clerk, and I suppose the chair, would have the discretion to determine groups or groups of witnesses within a 40-minute block. Once that group has been decided upon, within that 40-minute block there would be a limitation period of 10 minutes for each group to speak.

Hon. Marlene Jennings: So my understanding is correct.

The Chair: Your understanding is correct, yes it is.

Hon. Marlene Jennings: We could have different organizations that you as chair, or the clerk, would put together in one group, and they would have only 10 minutes.

The Chair: That's a possibility, Madam Jennings. I guess it's going to be a dilemma of the clerk or the chair to try to get groupings that are similar, and we'll do our best.

Hon. Marlene Jennings: If this committee adopts this proposal. On that basis then, given that I do have the floor, I would have to say that I could not support this proposal precisely because it would then limit the access that individual groups, actual legal entities, would have to express their point of view, with their particulars. Even if you have five groups that ultimately do or do not support Bill C-2 overall, they may have different specific recommendations they wish to put forward. They would not be able to do so individually within the question period and their presentation, but would be forced to try to come to some consensus with a whole series of other groups, artificially, so that there's merely one presentation that is put forward. I really do think this is an unreasonable limit. I've never seen that before.

Perhaps there are other committees where this has happened. What we have had in other committees is calling witnesses from different groups seated at the same table, but each individual respective group had its time limit for a witness, whether it was a 10-minute or a 15-minute or a 7-minute period. Each individual representative of a separate group had its time to make its presentation and the points that the group wished to make. Then, during the question period, there was the questioning that could go to each member or to one organization, etc. But it was never the case that the actual groups would have to come together and make one presentation for a limited time only.

I really do think, Mr. Chair, and my colleagues, that this is an unreasonable limit. I would ask a friendly amendment on the part of this organization that there could be a regrouping of witnesses, of representatives, of different groups—

• (1155)

Mr. Pierre Poilievre: On a point of order, Mr. Chair, it is clear that this member is just running the clock here. Is it possible that we can get on? This has gone on and on.

The Chair: No, that's not a point of order. She can proceed.

Hon. Marlene Jennings: I think that in the interest of trying to use the time as wisely as possible it does make sense, when you have several different organizations or associations that will be in favour, to ask the clerk for another grouping that would be opposed and is available at the same time, so that we can have them during the same block of time. But each individual organization would have its opportunity, its 10 minutes—if that's what we decide it is—to make the presentation on behalf of their organization, and then we would have our go-arounds. And I would say that if we have more than, say, three in one grouping, then that 40 minutes for the go-around would be extended to take into account that there is more than one witness.

The Chair: On a point of order, Mr. James Moore.

Mr. James Moore (Port Moody—Westwood—Port Coquitlam, CPC): I appreciate and I understand the objections by Ms. Jennings, but the same point has been made now about three to ten times. So let's roll.

The Chair: Indeed it has. We're getting into repetition.

Mr. Sauvageau.

[Translation]

Mr. Benoît Sauvageau: Mr. Chair, if I understand correctly, paragraph four has been split into two. That way, each witness or group of witnesses has a total of 10 minutes. We will first put this to a vote and then we will vote separately on the limit on speaking times. Is that correct?

[English]

The Chair: Yes, I've agreed. It was in response to a question by Mr. Owen, I believe. There are two parts to paragraph 4, and I've agreed that we would vote on each part separately. They are different, in a way, so I've agreed to that.

[Translation]

Mr. Benoît Sauvageau: Mr. Chair, without divulging any state secrets, I can tell you that, yesterday, the subcommittee talked about giving each witness or group of witnesses a total of 10 minutes for an opening statement. If, for example, four University of British Columbia professors were to appear before the committee and they each had only two and a half minutes in which they or their representative could make their opening remarks, then Parliament would have totally changed how it does things. Witnesses would not be used to nor happy with such an approach.

Will the clerk be writing to witnesses to advise them that, oddly enough, they will have to work within the framework of a subcommittee and choose a spokesperson, or that they will have only two and a half minutes each in which to speak? In all likelihood, should this pass, groups of witnesses from British Columbia or Newfoundland, for example, will decide that the trip here is not worth it and that the legislative committee does not respect the traditional rules for hearing witnesses.

I do not know if the clerk can answer my question. Should this motion pass unamended, will witnesses be advised, prior to their appearance, that they will each have only two minutes, if there are five of them, or two and a half minutes, if there are four of them, in which to make a presentation or find a spokesperson?

• (1200)

[*English*]

The Chair: Yes. In the committees I've chaired, I've generally directed the clerk to go to the witnesses and suggest that if they have opening comments, they have up to 10 minutes. That's generally what I do. And I suppose if this motion were to carry, she would go on my direction—I don't think there's any rule that she has to go at all, at least that I know of—to suggest to the witnesses that the group would have up to 10 minutes, and one person could speak or you could conceivably have a group of 10 people. That's the way it would work.

That's my interpretation of the clerk's role.

[*Translation*]

Mr. Benoît Sauvageau: Thank you for that answer.

Since the document we were given at the beginning of the committee meeting states that Meeting No. 3 on Tuesday, March 9, 2006, would run from 9 a.m. to 12 p.m., do we need unanimous consent to continue until 12:01 p.m.?

[*English*]

The Chair: You're absolutely right, sir.

I think we've run out of time, haven't we? The meeting will be adjourned until—

Mr. Pierre Poilievre: Just for the record, it seems the filibuster to run this time period out has succeeded.

The Chair: You know what? You people can all take this out into the hall. We're going to adjourn this meeting until 3:30 p.m.

Thank you very much.

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