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• (1530)

[English]

The Vice-Chair (Hon. Geoff Regan (Halifax West, Lib.)): I call this meeting to order.

Good afternoon, and welcome to this sitting of the Standing Committee on Environment and Sustainable Development. This is pursuant to Standing Order 108(2), a study on strengthening the role of the Commissioner of the Environment and Sustainable Development.

We have four witnesses this afternoon.

[Translation]

Three of them are here with us, while the fourth is in New Zealand.

[English]

From the office of the Parliamentary Commissioner for the Environment for New Zealand, we have Mr. Morgan Williams, Parliamentary Commissioner for the Environment. Thank you for joining us, Mr. Williams.

We also have, as an individual, Ms. Dyane Adam, former Commissioner of Official Languages.

From the Privy Council Office, we have Roberta Santi, assistant secretary to the cabinet, machinery of government; and Mr. Patrick Hill, director, strategic policy, machinery of government.

[Translation]

Good day and thank you for joining us.

We will begin with short presentations. I believe each person has seven minutes. Correct?

The Clerk: No, ten minutes has been allocated for each presentation.

The Vice-Chair (Hon. Geoff Regan): I'm sorry, each person will have ten minutes to make a presentation.

Did you get that, Mr. Williams? Is the simultaneous translation working?

[English]

Mr. Morgan Williams (Parliamentary Commissioner for the Environment, Office of the Parliamentary Commissioner for the Environment for New Zealand): Yes.

[Translation]

The Vice-Chair (Hon. Geoff Regan): We'll begin with Mr. Williams, followed by Ms. Adam, Ms. Santi and Mr. Hill.

[English]

Mr. Williams, please, if you don't mind, we'd like to hear from you, to begin with. And thank you very much for joining us today, all the way from New Zealand.

Mr. Morgan Williams: Good morning. Greetings from Aotearoa. It's a pleasure to be online. It's a balmy 21 degrees here in Wellington, a little warmer than where you are. Thank you very much for the opportunity to share.

I'm not going to spend ten minutes talking to you. Having read many of the transcripts of the last few weeks on what you're working on, I think it would be much better to have a dialogue. But perhaps I could just start by being very brief in terms of the background to my office, the Parliamentary Commissioner for the Environment, the oldest office of this type in the world, which was established under the Environment Act 1986. I assume that members of the committee will have access to this and perhaps have a look at it.

I think it's also really important to understand the context in which this was born, because it was born very much pre-Brundtland. It was born as a concept in the early eighties, when there was growing concern in New Zealand about the lack of independent voice representing environmental matters—that is, independent of government. That concern came both from civil society in New Zealand and also from the first OECD environmental audit of New Zealand in 1981. So there's a fair history that went into the evolution of the office and the reforms of many aspects of our governance, which you'll all be rather familiar with, right through the 1980s.

There have been two commissioners in the role in 20 years—Helen Hughes from 1987 to the end of 1996, and me since 1997.

I think what you're really interested in is the nature of the office—its relationship, obviously, to Parliament and government. As I think you all understand, I'm an officer of Parliament. I report to the Speaker of our House of Representatives. I have exactly the same relationship as does our Auditor General and our ombudsmen.

If you look at the key in the act, which I assume you will have access to, you would look at the functions and powers in section 16 and you would look at section 17, matters to which regard be given. I can come back and talk about the details of those, but I think in terms of the functions, I will just read subparagraph 16(c)(1)(i), because it really is the heart of the way this office operates in our core function. It says that the commissioner shall be able to:

Investigate any matter in respect of which, in the Commissioner's opinion, the environment may be or has been adversely affected, whether through natural causes or as a result of the acts or omissions of any person or body, to an extent which the Commissioner considers warrants investigation;

In that, if you go on and look at matters to which I can give regard, that includes policy matters, which seem to be an area of a lot of discussion.

So how has that played out in terms of the actual way we've gone about our work, and how has that evolved over the 20 years? We've evolved a work program that really falls into five areas.

The first one and the one that I, in the last 10 years, have put over 60% of my effort into is what we call systems guardian work. In essence, it's doing quite large investigations of the way we're managing, thinking, researching, advancing whole pieces of the system of our society. We've looked at oceans, we've looked at cities, we've looked at agriculture, and we've looked at water. Those are our big systems studies.

The second role is in effect being an environmental ombudsman with a small "o"; that is, taking on board concerns from society—and we get hundreds a year. We tend to look at the systemics behind them—what is this concern telling us about wider issues?

● (1535)

The third area is, in fact, environmental management order, where we look at specific pieces of management. To give you a very recent example, it could in fact be by a state-owned enterprise of government. We did an environmental management systems and performance assessment of Solid Energy, our state-owned coal company, quite recently.

The fourth area is to be an adviser to parliamentary select committees such as yours. In that capacity, I want to be absolutely clear that we're acting as an adviser to Parliament. We're acting as an independent adviser to the committees when they're considering bills or other matters before them, such as petitions. We also act as an adviser when committees are charged with the task of assessing other government agencies, such as the Ministry for the Environment or the Department of Conservation. We frequently do that in close cooperation with the Audit Office.

In the fifth area, we operate as an information provider, a facilitator, a catalyst. In other words, we're out there very much advancing the concept of environmental sustainability in an education realm, in a societal realm, and in a business realm. This highlights the fact that we go to a lot of effort to actually market our reports quite widely, because we believe our findings and our assessments need to be taken to as wide an audience as possible, as often as possible.

Just to sum up, Mr. Chairman, what I'd like to leave the committee with is perhaps a starting point for some discussion. The way we work in thinking about environmental sustainability is very forward-focused. It's recognizing that we're actually trying to advance something in our societies and economies that is extraordinarily complex. It needs an enormous amount of linking between the components of governance, of law, of policy, of investment, and so on.

For twenty years now, our work has aimed to do what we say is tilling the thinking and the landscape ahead of policy formation. Policy formation is absolutely and clearly the job of elected governments, and we go to a lot of effort to make sure we don't get, as we say, sucked into the process of being a policy adviser. By golly, we are out there to shape and help and amplify the ripples of many others who are trying to do just that, but we stay very clear of that role ourselves. With the demarcations we've been making over those five functionalities, we don't believe we've ever really gotten into conflict in over twenty years.

On that, I'll close, Mr. Chairman. I think there's a pretty rich canvas on which to have a discussion about how we work. We admire the work Canada is doing, and we have learned a lot from the evolution of your office in Ontario and the one in the federal system.

Thank you.

● (1540)

The Vice-Chair (Hon. Geoff Regan): Thank you very much, Mr. Williams.

I hope colleagues will indulge me for one moment while I ask you whether Don Elder is still the CEO of the state-owned coal company in New Zealand.

Mr. Morgan Williams: Absolutely, Don is, and we've had a great working relationship with Don in our most recent piece of work looking at his enterprise. He's been a very good CEO to work with.

The Vice-Chair (Hon. Geoff Regan): I should tell you that his wife is a native of Sydney, Cape Breton Island, Nova Scotia, and is an old friend. If you're talking to him, please tell him hello from Geoff Regan.

Forgive me, colleagues, for that indulgence.

Mr. Morgan Williams: It's a small world.

The Vice-Chair (Hon. Geoff Regan): It is indeed a small world, yes.

Now we'll go on to our next witness, Ms. Adam.

[Translation]

Ms. Dyane Adam (Former Commissioner of Official Languages, As an Individual): Mr. Chairman, committee members, good afternoon.

In the past few years, it has been my pleasure, as Commissioner of Official Languages, to take part in a number of round tables and conferences concerning the role and nature of the various officers of Parliament. If any consensus has emerged from those debates, it is that there are notable differences among these parliamentary organizations in their history, mandate and size, that make any generalization a difficult proposition. I would nevertheless venture to say that, of all those officers, it is the Commissioner of Official Languages who, under the act governing his or her actions, has the broadest range of tools to enforce full compliance with the objects of the legislation for which he/she is responsible, the Official Languages Act. Like Mr. Williams did, I will be presenting to you, in broad outline, the role and major characteristics of the Commissioner of Official Languages.

As most of you know, in passing the OLA in 1969, Parliament created the Office of Commissioner of Official Languages. As the Co-Chairs of the Royal Commission on Bilingualism and Biculturalism wished, the various commissioner have acted as the “active conscience” of the Canadian public in language matters, since, when the first act was passed, language rights were more an ideal than a reality.

As the Official Languages Act, which was revised in 1988, expanded the scope of the Commissioner's mandate to include development of the official language communities and the advancement of English and French in Canadian society, the role of the Commissioner went beyond being an “active conscience” to become that of an agent of change. In my view, the Canadian Charter of Rights and Freedoms of 1982, which made the Official Languages Act a quasi-constitutional statute, since it refers to language rights, also reinforces this agent of change concept. It refers to advancing “the equality of status and use of English and French”.

But coming back to the OLA, section 56 of the Act is central to the mandate of the Commissioner of Official Languages, and it is appropriate to cite it in full:

56.(1) It is the duty of the Commissioner to take all actions and measures within the authority of the Commissioner with a view to ensuring recognition of the status of each of the official languages and compliance with the spirit and intent of this Act in the administration of the affairs of federal institutions, including any of their activities relating to the advancement of English and French in Canadian society.

Three main points emerge from this section. First, the general nature of its wording gives the Commissioner broad leeway in determining the scope of his/her mandate. Second, the expression, “it is the duty of the Commissioner to,” has a character than an expression such as “the Commissioner may or is entitled to...” would not have. Third, this clause sets out the Commissioner's twofold role, to protect and promote the language rights of Canadians. I feel this dual role is specific to the mandate of the Commissioner of Official Languages as compared with those of the more conventional officers of the Parliament of Canada.

The Commissioner has a certain number of powers with which to carry out his/her mandate. To ensure compliance with the Act, the Commissioner conducts investigations into complaints received from citizens and employees and recommendations where those complaints are founded. The Commissioner may also conduct investigations of his/her own initiative, often in the form of more general audits or evaluations. The Commissioner has the power to conduct follow-up to the implementation of his/her recommendations, to report to the Governor in Council if any problems persist and to table a special report in Parliament where he/she believes any matter requires its immediate attention. The Commissioner is required to table an annual report in Parliament on his/her activities.

With a complainant's consent, the Commissioner may also file court remedy proceedings in Federal Court, if other measures have not corrected departures from the Official Languages Act. Commissioners have done so repeatedly during the history of the Commissioner's Office.

• (1545)

Under subsection 78(3) of the OLA, the Commissioner may also appear as a party to any court proceedings concerning the status or

use of English and French. The Commissioner has accordingly intervened in the cases involving Montfort Hospital in Ontario, municipal mergers in the Montreal region and the bilingual status of Canada's capital. In some instances, this has led some to say, wrongly, that the Commissioner intervenes in areas that are not under federal jurisdiction. However, the Commissioner does so based on his/her mission, which includes the development of official languages communities and the advancement of English and French in Canadian society. As already noted, that mission is not based solely on the OLA, but also on subsection 16(3) of the Canadian Charter of Rights and Freedoms, which refers to the role of Parliament and the legislatures in advancing “the equality of status or use of English and French”. These instruments thus establish Canada's supreme statutory framework for language rights.

Whether it be through these court appearances, research work on various language issues or educational and media activities, all successive commissioners have promoted this fundamental value that is Canada's linguistic duality. In so doing, they have promoted, in particular, minority language education rights, the learning of English and French as second languages by young Canadians and exchanges between language communities. In a way, they have sought to create the conditions for advancement toward equality, not only in federal institutions, but in Canadian society as a whole.

Lastly, one final power that establishes the Commissioner's role as an agent of change and promoter in language matters is his/her authority to review any regulations or directives made under the OLA or any other policy that affects or may affect the status or use of the official languages. This is an innovative role that enables the Commissioner to act upstream of legislative changes so as to ensure that proposed legislation that may have a significant impact on language rights takes the principles of the OLA into account.

During my term, I exercised this monitoring function in a number of areas, in particular immigration, air transport and sport. Also during my term, I recommended that the government clarify the scope of Part VII of the OLA, which the Parliament of Canada ultimately did by passing the bill introduced by Senator Jean-Robert Gauthier. In so doing, the Commissioner exercises his/her mandate proactively to assist the government and Parliament in putting in place legislation and policies that comply as fully as possible with the spirit and letter of the OLA.

In my view, this approach is more constructive than criticizing after the fact. The Commissioner of Official Languages has an obligation to take all measures, in the context of his/her mandate, to overcome difficulties and roadblocks before the rights of citizens and the official language communities fall victim to planning or administrative errors.

In closing, I want to emphasize that, as an officer of Parliament, the Commissioner must display a high degree of rigour and responsibility in all his/her work, in both monitoring and promotion. Since the Commissioner's various reports support and contribute to the work of parliamentarians, the latter must have assurances that the research and analyses underlying the Commissioner's actions and recommendations are sound. The credibility of the position and of the institution itself are at stake.

Thank you for your attention. I will be happy to take your questions.

• (1550)

The Vice-Chair (Hon. Geoff Regan): Thank you for your comments, Ms. Adam.

Before I turn the floor over to Ms. Santi and to Mr. Hill, I would just like to mention that all members have received a copy of Ms. Santi's remarks.

Go ahead, Ms. Santi.

[English]

Ms. Roberta Santi (Assistant Secretary to the Cabinet, Machinery of Government, Privy Council Office): Good afternoon, Mr. Chair, and members of the committee.

[Translation]

Good afternoon everyone.

I would first like to introduce my colleague, Patrick Hill, who is the Director of Strategic Policy in the Machinery of Government Secretariat of the Privy Council Office.

We are very pleased to be here today as the committee studies the role and function of the Commissioner of the Environment and Sustainable Development.

I would like to begin by briefly setting out the role of the Machinery of Government Secretariat and then turn to the role and function of the Commissioner as set out in the Auditor General Act.

[English]

One of the key roles of the secretariat is to provide the Clerk of the Privy Council and the Prime Minister with public service advice on the broad structural issues of government organization. This includes providing public service advice on changes to the organization of the government, including the creation, alteration, or wind-up of governmental bodies. These responsibilities are largely discharged in two ways: by developing options and proposals for the Prime Minister's consideration, and by exercising a challenge function in assessing proposals for the Prime Minister that are brought forward by others.

As members know, the legislative framework establishing the commissioner and setting out that officer's functions is found in the Auditor General Act.

• (1555)

[Translation]

The Commissioner's position was established by Parliament through statute in 1995 as a senior officer appointed by the Auditor General and forming part of the Office of the Auditor General.

[English]

The act sets out that the mandate of the commissioner is to provide monitoring and reporting on progress of government departments toward sustainable development. It also provides that the commissioner shall, on behalf of the Auditor General, report annually to the House of Commons concerning anything that the commissioner considers should be brought to the attention of the House related to environmental and other aspects of sustainable development. This includes the extent to which departments have met the objectives and implemented the plans contained in their sustainable development strategies, the number of petitions related to the environment, their subject matter and status, as well as the exercise of Governor in Council authority regarding sustainable development strategies.

The commissioner is a statutory officer within the Office of the Auditor General and has the same independence as the Auditor General herself. That is to say the commissioner, like the Auditor General, discharges his or her role independently of the government of the day and reports to the House of Commons. As an agent of Parliament, the office performs an oversight function of the executive and is accountable directly to Parliament for the manner in which it delivers on its legislative mandate.

We look forward to the deliberations of the committee, including the perspectives of the witnesses appearing before it on the issue at hand. In addition, we await the results of the Auditor General's internal review of her office's environment and sustainable development audit practice.

We would be pleased to answer questions you may have. Thank you.

The Vice-Chair (Hon. Geoff Regan): Thank you very much, Ms. Santi.

I also want to bring to the attention of members that we have written submissions from both the former Commissioner of the Environment and Sustainable Development, Johanne G  linas; and the Privacy Commissioner of Canada. I think you have those in both official languages.

Now we'll go to the first round of questions. Mr. McGuinty.

Mr. David McGuinty (Ottawa South, Lib.): I have a couple of pointed questions, and I'd like to turn to Ms. Santi first.

You say toward the end of your brief, on page 2 of the English version, that:

The Commissioner, as a statutory officer within the Office of the Auditor General, has the same independence as the Auditor General herself. That is to say, the Commissioner, like the Auditor General, discharges his or her role independently of the Government of the day, and reports to the House of Commons. As an Agent of Parliament, the Office of the Auditor General performs an oversight function of the Executive and is accountable directly to Parliament for the manner in which it delivers on its legislative mandate.

From a machinery of government perspective, would you not agree that one of the fundamental differences between the Auditor General's position and the commissioner's position, as presently constructed, is that the Auditor General of Canada can fire the commissioner?

Ms. Roberta Santi: Well, I think what I said is that the office as a whole isn't in it from the executive. But the Auditor General does have the power to hire the commissioner, and she has responsibilities under the Public Service Employment Act with respect to that employee.

Mr. David McGuinty: So the Auditor General can fire the commissioner.

Ms. Roberta Santi: The government can take action in terms of management responsibility. That person does report to the Auditor General.

Mr. David McGuinty: Okay. Let's look at some of the wonderful input we've received from different actors in Canadian society.

You may not have seen this, Ms. Santi, but we received a letter from probably the most distinguished Canadian in environment and sustainable development ever, Jim MacNeill, an officer of the Order of Canada, who was the secretary general of the World Commission on Environment and Development, the so-called Brundtland Commission, in the late 1980s.

He says in his letter to the committee—I'd like to get your response to this: "Having dismissed a Commissioner, there can be no doubt in anyone's mind that future Commissioners will serve solely at the pleasure of, and will be simply agents of, the Auditor General." Would you agree that from a machinery of government perspective, if the Office of the Commissioner of the Environment and Sustainable Development were made fully independent, we would not face this potential problem in the future? Is that right?

• (1600)

Ms. Roberta Santi: Well, if there were a separate agent of Parliament, that individual would report directly to Parliament.

Mr. David McGuinty: Thank you for that.

Madame Adam, could I turn to your excellent brief and explore some of these powers that I admit I did not actually know you possessed in your former life. I hope you're feeling as powerful today as you were then.

I didn't know, for example, that the official languages commissioner could file remedy proceedings in the Federal Court. That was quite an astonishing revelation, and I would say quite a power that was invested in that particular office. I didn't know you had intervener status in any court proceedings. You speak directly here about the advancement of English and French in Canadian society. You use words like "the promotion" of the act itself—the Official Languages Act. Then finally, the position has the power to review regulations made under the Official Languages Act prior to their, I assume...what, being passed by Parliament? How does that work in practice?

Ms. Dyane Adam: I'm not sure that any commissioner really took it upon himself or herself to really review, let's say, the regulations for the Official Languages Act. We could do it. For example, before I left office, I made the recommendation that government should

review the regulation on official languages for service to the public. That regulation was passed in 1998, and it has never been reviewed. As you know, society has changed considerably. Demographics change. So we will, and we did, do studies that would help the government and Parliament see the value of reviewing that—what would be the impact for citizens, etc.

But that's usually the level we go to. We let the government, as we say, act on the recommendation. We have no executive function, but we will do the research. We will push it if we strongly feel that the regulation is *dépassée* and needs to be reviewed by Parliament.

The regulation under the Official Languages Act needs to be passed by Parliament, not solely by the government. Parliament does have a role to play. Again, this is specific to our legislation.

Mr. David McGuinty: Mr. Williams, in your capacity as commissioner, I assume, in New Zealand, to what extent have you been able to move the agenda forward using a promotional or advocacy type of role? How important has that been to bring people to a deeper and better understanding of the need to act on a more urgent basis—for example, on things like climate change?

Mr. Morgan Williams: I actually have felt, as my predecessor did, that that's the absolute core of the office. It's a very major education exercise at the end of the day.

I'll give you two examples of ways in which we know we shifted the system or made a major contribution.

The first one was a big piece of work that we did in 1998 looking at cities and their people. That was in fact an unpicking of the way that we were investing in and thinking about the cohesion of the place where 85% of kiwis now live. What we discovered, amongst many things, was, for example, that there were lists on about \$1 million New Zealand going through the public science good funding—which at that stage was about \$380 million—into what we would call the systems research of cities and settlement. That seemed extraordinary. We knew a lot more in New Zealand about how ryegrass grew than about how our cities were growing.

The result of that and of a number of other parts of that report was to place a major emphasis—and there has been a major growth to many tens of millions of research—on the place where most of us live. So that really shifted the system.

Another piece of work whereby we've created a major dialogue is our examination of the intensification of farming in New Zealand. Our land-based industries basically pay the bills in New Zealand. Through that piece of work, we've created an enormous conversation and debate. It's been pretty rigorous. What it has done is to get many people in the public and private sectors to look at the strategic direction of the primary industries of New Zealand, which are fundamental to our economy and fundamental to our well-being. That's because we got out there and very strongly told our story.

•(1605)

Mr. David McGuinty: Mr. Williams, do you have the power to conduct what some might call a value-for-money audit? Let's say, theoretically, there were a change in government in New Zealand, and an incoming government began asserting that the previous government's expenditures in the environmental field did not, for example, meet their so-called value-for-money tests. Are you in a position to speak freely and publicly about that?

For example, are you able to say, if there were such a change in government in New Zealand, "Hold on a second here. In fact I have the real numbers. I have evidence-based analyses here that tell us whether it did or did not meet value-for-money propositions."

Mr. Morgan Williams: I don't know exactly how you construct those, but what I'll say is that we've done a number of pieces of essentially audit work that look at where you're investing, where you're investing in research, and the way different governments have invested.

For example, the team led a piece of work in 2001-02 looking at New Zealand's journey from Rio to Johannesburg. If you go online, you'll find it's called *Creating our future: Sustainable development for New Zealand*. That piece of work in fact laid out very clearly the differences in environmental sustainability thinking and investment among the different governments. We in fact have a table in there that actually shows the different approaches of the different administrations. So it's quite clear that we looked at the investment framework, not perhaps as strictly a value-for-money audit, but to see where the investment and the intent are going.

Mr. David McGuinty: Finally, Mr. Williams, from an international perspective—because you're probably the best placed of the witnesses here today—how much of a leadership role has Canada been playing with respect to these offices and this approach?

I think you mentioned in your remarks—help Canadians understand, if you could—the extent to which making this position real in Canada was an institutional response. It was the government's response to the Brundtland Commission and the 1992 Rio Earth Summit. To what extent is Canada responding to that summit, and to what extent have we been leading the way, working with, for example, your office and your country?

Mr. Morgan Williams: My personal connections with Canada have tended to be more strongly with the Ontario office, the model of which is closer to that of the New Zealand office. I've had contact with the federal office, but the federal office has, from my perspective, from my way of operating with my team of 19, been more of an audit model. Philosophically, that's not where I and my team have been for the last 10 years. We've done some audit-type work. So that's a very clear difference.

I've been particularly interested in Europe, in the evolution of the sustainable development commissions that have been set up based on models that have been described, if you take Tony Blair's commission, as critical friends of government. Actually, although they're not parliamentary mechanisms, they've been out in front; they've been pushing hard; they've been quite critical. In some ways I think that probably, if we're really going to advance this complexity of sustainable development, those are the sorts of voices, models, and institutions in civil society that are going to make more of a

difference than will those that are deeply embedded in the audit system.

Mr. David McGuinty: Thank you, sir.

The Vice-Chair (Hon. Geoff Regan): Thank you very much, Mr. McGuinty.

[Translation]

We now go to the Bloc Québécois.

Mr. Bigras, for ten minutes.

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Thank you very much, Mr. Chairman.

Welcome to the witnesses.

Ms. Adam, you provided us with an overview of the Commissioner's position, recalling that it was created in 1969 following a major inquiry into bilingualism and biculturalism. You stated that when the position was created, official language rights in Canada were more an ideal than a reality. You further stated that the 1988 revision was not out of step with the 1982 Charter of Rights and Freedoms which recognized language rights.

Fundamentally, the position of Commissioner of Official Languages is based on an ideal and encompasses duties that are even more important than those of the Commissioner of the Environment.

Do you foresee a day when the Commissioner of Official Languages will enjoy a lesser degree of independence and will become part of the office of the Auditor General with a view to further protecting official language? In your opinion, would that move be a step backward?

•(1610)

Ms. Dyane Adam: Before I answer that question, Mr. Bigras, let me clarify my comments. I did not say that the position of Commissioner was an ideal. At the time, while the act clearly recognized the equality of the country's two official languages, the equality of status and use of English and French, it also recognized in the same breath the need to move toward true equality. The lawmakers acknowledged the equality of the two languages, but Canadian society wasn't quite ready for that.

The position of Commissioner of Official Languages is unique and innovative. It is a truly Canadian invention. The position was further strengthened in 1988 to emphasize the promotion aspect of the job.

Do I foresee a day when the Commissioner of Official Languages would have less independence? That would be up to Parliament to decide. I don't think any one government can decide to curb the power or status of the Commissioner's office. That would be up to Parliament to decide, because it created this position and the Commissioner reports directly to Parliament. Either Parliament or Canadian society would have to change.

You are in a better position than I am to answer that question.

Mr. Bernard Bigras: In my opinion, we would be sending out a very negative message to Canadians if the Office of the Commissioner of Official Languages were stripped of its independence and reduced to the status of being part of the office of the Auditor General. That's my personal opinion.

Mr. Williams, as Commissioner for the Environment in New Zealand, you serve five functions. You act as a guardian, an advocate, an auditor, an information provider and an adviser.

In a submission to the environment and sustainable development committee, Ms. Gélinas, the former Commissioner of the Environment, reminded us that in reality, the role of the Commissioner of the Environment was limited to conducting environmental audits. She compared that role to the functions of the Commissioner of Official Languages or those of the Privacy Commissioner which have investigative and advocacy components.

What emerges from this comparison is the realization that the Commissioner of the Environment has fewer powers.

In light of your myriad functions, Mr. Williams, and in spite of your role as a guardian and advocate, do you feel the office of Commissioner for the Environment in New Zealand has encroached on the political sphere?

[English]

Mr. Morgan Williams: That's a complex question. But I think the point I would make is that we're 20 years old, and we've been operating under an act that amazes me in terms of its extent and breadth and powers. No Parliament in the 20 years has actually expressed concern, to the point of taking anything back into the chamber, about the work of the commission, under two commissioners. So we must have got something right in the sense of serving what the architects of this were really looking for.

I think the reason it's worked so well is that we've tended to focus very much on the forward-looking, on investigating the systems role, and on investigating the concerns of society, and less on the strict, what we would term, audit role.

Our audit office does, in fact, environmental audits. We work very closely with our audit office, and in fact, a member of my team, a senior member who's with me today, actually acts as an adviser when they're scoping their non-financial environmental orders. They clearly do that. We have no problem with overlap.

The point I'd make is that environmental sustainability is a systems process. It has deep connections with society and the economy as well as with environmental matters. There's no way we can empower many others in society unless we can actually work on a much broader canvas than the audit canvas gives us. That's not saying that the work of audit offices and the work that your federal office has done is not in fact top class; it is, absolutely. But to advance environmental sustainability, and sustainability in general, just needs a lot more scope.

• (1615)

[Translation]

The Vice-Chair (Hon. Geoff Regan): You have two minutes.

Mr. Marcel Lussier (Brossard—La Prairie, BQ): My question is for Ms. Adam.

What is the length of the mandate of the Commissioner of Official Languages?

Ms. Dyane Adam: The Commissioner has a seven-year mandate that is renewable.

Mr. Marcel Lussier: It can be renewed?

Ms. Dyane Adam: Yes.

Mr. Marcel Lussier: Has your mandate been renewed?

Ms. Dyane Adam: In theory, the commissioner's mandate can be renewed for a period of six months, to give the government time to appoint someone new to this position. The fact remains that no commissioner has been—

Mr. Marcel Lussier: You stated in your submission that you conduct audits. Have you ever borrowed staff from the Office of the Auditor General during the course of your mandate?

Ms. Dyane Adam: Yes. An auditor was on loan to my office for one year, because the auditor position in the Office of the Commissioner of Official Languages was abolished by my predecessor when the program review was conducted. I reintroduced this function when I became Commissioner and naturally, I called upon the expertise of the Office of the Auditor General, which helped us set up our own language audit service.

Mr. Marcel Lussier: In other words, a technical advisor instructed you on procedure and so forth. Have you ever been at odds with the staff or with the Auditor General for encroaching on her area of expertise?

Ms. Dyane Adam: No, never.

Mr. Marcel Lussier: Have you ever had any dealings with the Commissioner of the Environment?

Ms. Dyane Adam: Directly, no. However, like all officers of Parliament, we know each other and have spoken on occasion.

Mr. Marcel Lussier: Thank you.

The Vice-Chair (Hon. Geoff Regan): Thank you. There are 25 seconds remaining.

A voice: They're all yours.

[English]

The Vice-Chair (Hon. Geoff Regan): Mr. Dewar, it's over to you, for the NDP, for ten minutes.

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

I thought we'd go local and then go global.

I just wanted to ask you something, Ms. Adam. In your opening statement, you made a comment about anticipating problems and the importance of looking at things at the front end, not just after things have happened, if you will—of anticipating problems. I find this rather interesting and hopeful in terms of how we deal with problems.

Can you give us an example? Often we see, with auditors' reports in particular, that it's always after the accident has happened, as opposed to preventing the accident. I'm just wondering if you can give us an example of how you used that methodology in your work. That would be a good start.

●(1620)

Ms. Dyane Adam: A lot of the work we do is basically on the facts that we get either from our investigations, our audits, or our special studies, and also analyzing what government is doing, their policies, etc.

One thing that my predecessor did was a study on the governmental transformations when there were budget cuts. That study was very thorough and showed that in fact the linguistic rights of Canadians really eroded over that period. For example, airports were sold without any consideration to linguistic rights, with the consequence, for example, that at the airport in Sudbury, where about 30% of the population is francophone, francophones have no guarantee of being served in their language now.

So based on that, we recommended to the government at the time that they should develop a new policy that whenever they do such transformations they should ensure that there will not be an erosion of linguistic rights. Whatever they do, we do not say, you should do that. You should make sure as you go, or if you do governmental recommendations—

So Madame Robillard at the time did develop such a policy in Treasury Board. And we hope that when they do such a transformation they will check to make sure there is no loss of linguistic rights. That's one example.

Mr. Paul Dewar: If I can turn to Mr. Williams, you were referring to Ontario and your experience in working with the commissioner in Ontario. You'll also be familiar with the Environmental Bill of Rights, then, that Ontario put in place, I believe it was in 1994. Do you have a similar kind of framework to that the Environmental Bill of Rights they have in Ontario?

Mr. Morgan Williams: No, we don't. Our major piece of environmental legislation in New Zealand is in fact the Resource Management Act 1991.

Mr. Paul Dewar: With the work that you've been doing in your role, if you were to go to the government today, and they said you could have anything you want, are there powers you would like to have to extend your office in terms of the scope of the mandate you've been given presently? Is there anything you need, beyond money—which we all need, I'm sure?

Mr. Morgan Williams: That's a very good question.

In fact, we've reflected on that quite a lot recently, because we've just been putting together a 20-year history of the office and have commissioned some writing on that. Given that it's my last two weeks in this role, I've been reflecting on that sort of thing.

In fact, there's nothing we've found wanting in the act. There is nothing that I or my predecessor, Helen Hughes, has found that they couldn't do within the scope of the Environment Act 1986—which is extraordinary, but that's the case.

Mr. Paul Dewar: That is indeed good news.

I would like to follow up on that. You laid out the five areas that your office focuses on, and when you look at the role that you have as a guardian—and it seems to be 60% of the work you do—can you tell me a little bit about this? When you do an overview of a system, a systems analysis, and being a guardian, if I can put it this way,

what kind of stick do you have to wield when you uncover something? For instance, let's take a look at water. If you find out that there are improper sewage systems, or there's the lack of filtration systems available, and you uncover this, what kind of stick do you have as a commissioner to wield to force government to act?

Mr. Morgan Williams: The only stick at the end of the day is the power of disclosure. We have no powers other than the powers to recommend. My predecessor said to me when I came into this job 10 years ago, "Morgan, you haven't got any teeth, but you've got powerful gums."

The reality is that it's the power to actually tell the story to the whole of New Zealand. All our reports get tabled in Parliament. They're not part of an annual report; we do that as a statutory requirement. We table our reports through the Speaker as public documents, and then we have a marketing program that we wrap around them. So we take it out to society, and then that empowers many others to move.

I think one of the important things is that with a role like this, which at the end of the day is only ever recommendatory—and I think that's exactly how it should stay—you have to look at its influence away beyond the actual recommendations. Counting up action on recommendations is absolutely no measure of the performance of an office like this, anywhere in the world. What you need to be looking at always is what is the wider conversation, dialogue, that you generate, and what subsequently flows from that. We've worried a lot about our influence. We do outcome assessments of all our reports two, three, or four years later, and we look away beyond just the response to the recommendations, and that's an important point.

●(1625)

Mr. Paul Dewar: In other words, you're more outcome-focused than looking per se at the last thing that just happened. You're looking at where the policy is going and what the outcomes are that were to be achieved, and you measure those. Is that a fair way of putting things?

Mr. Morgan Williams: Yes, we're very focused on the long-term outcomes. I'll take you back to the example of *The cities and their people*. In that piece of work, there were no specific recommendations. We deliberately didn't put forward recommendations. We put in a whole series of areas that needed critical thinking and focus. Five or six years later, you could actually see the influence. And that wasn't our assessment; many others were making that assessment. But you have to be really patient in terms of the outcomes that you can achieve from this sort of work.

Mr. Paul Dewar: The last question I have is this. How many times do you report to Parliament? You have your annual report, but does it depend on the work you're doing and the reports you're engaged in?

Mr. Morgan Williams: Absolutely. We will table anywhere from three or four to seven, eight, or nine reports in a year, and that's entirely dependent on the size of our work stream. And we don't table all our reports. If a report does not have specific recommendations, we don't always table it in Parliament, but we do sometimes what we call "think pieces". We did one that was released in 2004 on education for sustainability, and that one doesn't have any recommendations, but it was distributed very widely.

Mr. Paul Dewar: Thank you.

Thank you, Chair.

The Vice-Chair (Hon. Geoff Regan): Thank you very much, Mr. Dewar.

Now we'll turn to the Conservatives. Mr. Warawa has indicated that he is going to share his time with Mr. Harvey. I don't know if he's going to hear me since he has gone to the back of the room, but I'm not sure it's advisable to share that with him. Unfortunately he isn't here to hear himself being teased.

Anyway, over to you, Mr. Warawa.

Mr. Mark Warawa (Langley, CPC): Thank you, Chair.

Thank you to the witnesses.

As you've said, I'll try to share my time. Can you give me a heads-up when we're at five minutes? I have a habit of taking more than the five and using up some of Mr. Harvey's time, but hopefully I can do this quickly.

I would like to direct the questioning this afternoon to Mr. Williams.

As you are aware, we're looking at who the Commissioner of the Environment would report to. At present she reports to Parliament through the Auditor General's office, and she has done an incredibly good job over the years.

A little bit of the history, which you may be aware of, is that in 1993 the former Liberal government had in their red book a promise to have the Commissioner of the Environment as a stand-alone office, as is being proposed today. They did not keep that promise, and they had the commissioner as part of the Auditor General's office.

Recently there was a change in the position of the Commissioner of the Environment. Madame Johanne G  linas is no longer the commissioner, and now we have Mr. Thompson as the interim commissioner. Almost immediately after the change from Madame G  linas to Mr. Thompson, because Madame G  linas is so well respected, as is Auditor General Sheila Fraser—both have done a terrific job in serving Canada—there was suddenly this motion from the Liberal members to have the commissioner as a stand-alone.

We're in a political environment in which one would question the motives. The Liberals had a chance to have that position as a stand-alone. Now, suddenly, it appears that maybe it's because of years of critique by the Auditor General. I hope that's not the motive, but it appears that it may be a possibility. So this is the environment we find ourselves in.

In my questions I want to be specific about the pros and cons of having the commissioner's role be independent of the Auditor General. When the Auditor General was one of the witnesses here—as was the former Auditor General—the testimony we received was this, and I'll quote from her presentation: “The Office has become a world leader in environmental auditing. Auditors from around the world have requested our advice and many of them haven't taken courses on environmental auditing that we developed here in Canada.”

She also raised concerns in a letter dated February 5, saying, “As I mentioned last week, policy advocacy and legislative audit simply do not mix. Auditors cannot in fact, or in appearance, audit their own work.”

So the question before us is what the best structure is. Could you provide your perspective? What are the pros and cons of having the commissioner be independent from the Auditor General?

• (1630)

Mr. Morgan Williams: I'll open by saying that I don't really want to get into the politics of the Canadian debate.

But the observation I would make first is that the environmental work of the office in Canada is superb. For instance, the assessment of your nation's action on climate change in 2006 was an extraordinarily good piece of work. So that is clearly what can be done within your current structure.

I think the more important point to make is that auditing is just one of the powerful tools for the assessment of progress, the assessment of the intent of what governments do. The thing about trying to advance environmental sustainability and everything that flows from that is that it is so much wider that you need to have many more quivers in your bow. Choose your analogy. But you cannot rely—and nobody would pretend that you can—on all the constructs of good audit methodology, which Johanne and others in your commission used to a great extent.

So you need to think about what it is that you're trying to achieve with the office. As has my predecessor, I very much focus on the outcomes that we're trying to achieve, the differences that we're trying to make, and the complexities that we're dealing with.

The point that I really want to emphasize is that we absolutely agree with your Auditor General that you need to stay distant from the policy formation of the government of the day. We go to some length to do that, and there's no way that we view our role as policy advice to government. We very clearly position ourselves when we offer advice to select committees, which we do quite regularly, that it's advice to the select committee; it's not advice to the government. If we feel that we're getting what we call sucked into the government policy processes in any way, we step back, and make that step back absolutely explicit.

In 20 years, we've never created any conflict in the way we work. Do we comment on policy? Absolutely, we do, because at the end of the day you can't be outcome-focused without being able to comment on whether the policy was a good policy in the first place. Many of our pieces of work are quite focused on whether the policy was in fact a good policy in the first place, not simply on whether the policy was carried out in a way that was the intent of the original architects.

I'm not sure if that helps.

• (1635)

Mr. Mark Warawa: Thank you; it does.

As far as time goes, I'll take the whole 10 minutes, and we'll give Mr. Harvey his round. How much time do I have left?

The Vice-Chair (Hon. Geoff Regan): I was only joking about it not being advisable to take the time away from Mr. Harvey. You have about two and a half minutes.

Mr. Mark Warawa: Okay, my apologies again to Mr. Harvey; I seem to do this every time.

My question to Mr. Williams regards the motion we have that asks the commissioner to take an advocacy role. I've asked the mover what is meant, what's the definition of advocacy. He indicated that he wants to hear from the witnesses first.

If in Canada it was the commissioner's responsibility to take an advocacy role, do you think that's a good idea? If so, what would your definition of advocacy be?

Mr. Morgan Williams: You can't do this job unless you're advocating for better environmental management, advocating for more critical thinking about how you approach the management of natural capital, and advocating for the intelligent and sharper uses of the tools that we use in our economies and societies.

I'll give you an example. We did a piece of work looking at the use of economic instruments to improve the management of waste systems in New Zealand. We said, here's a whole bundle of tools that we're not using well. In that case, we advocated that much more critical thinking be put around, and the critical application of economic instruments be made to, the management of waste flows.

The role of advocacy is simply a way of saying that the role is to argue critically for more constructive ways of getting to good environmental outcomes, for greater efficiency in the use of resources, for living within the planet's limits, and for all the things that we're so familiar with.

Mr. Mark Warawa: Thank you.

The Vice-Chair (Hon. Geoff Regan): Thank you very much, Mr. Warawa.

Now we'll turn to Mr. Rota, for five minutes.

Mr. Anthony Rota (Nipissing—Timiskaming, Lib.): Thank you, Mr. Chair.

In her statement, Dyane Adam made a statement.

[Translation]

The following is noted on page 3, and I quote:

Third, this clause sets out the Commissioner's twofold role, to protect and promote the language rights of Canadians.

[English]

Then I go to a letter that was addressed to us by Madame Gélinas, and it states: "A commissioner must be able to offer a vision, an approach, a way of acting, and a general orientation. He or she must be able to debate, to promote activities, to work with departments in other ways than simply through audits."

I guess the crucial question here is whether we want an environmental commissioner or whether we want an environmental auditor.

I have a question for both Mr. Williams and Mrs. Santi.

Mr. Williams, how would you operate differently if you were operating, over the last 20 years, as an auditor rather than as the commissioner?

Mrs. Santi, how do you see the Auditor General's office acting as a protector of a cause, such as the environment, as opposed to reviewing past performances as an auditor?

Mr. Williams, perhaps you can start. Thank you.

Mr. Morgan Williams: I have to be really honest and say that I simply couldn't have done the job. It just wouldn't fit me. My background is as a systems ecologist, that's where my PhD is. I've worked in systems thinking in the context of physical resources through to economic constructs and social constructs. It is in fact what keeps me alive. So while I really appreciate and use the power of the audit model, it wouldn't have fit my persona and it simply wouldn't have fit the way we've been contributing from this office.

● (1640)

Ms. Roberta Santi: In relation to your question about the Auditor General's role as a protector versus being backward-looking in terms of the audit function, I would say it is consistent with the traditional model of agents of Parliament generally in Canada, as they actually focus on compliance with broad policies. The Auditor General acts within a legislative mandate. The Commissioner of the Environment and Sustainable Development actually has a key role with respect to sustainable development strategies and tracking those and reporting on progress against implementation against those.

There is a debate out there too about the extent to which the audit function is only backward-looking. I've been involved in a lot of audits during my public service career with the Auditor General, and while you do look back in terms of what actions have been taken, the recommendations that are put out actually have, very often, a very significant change in terms of how you move forward.

So I don't think it's quite a black and white issue in this application.

Mr. Anthony Rota: Perhaps I can follow up on that.

It's not so much about not having the backward-looking—I shouldn't say that, because an auditor helps us make sure that the foundation that lies below us, what's happened in the past, doesn't get repeated—or that when we look at best practices, we can continue to perform the good stuff. Now, on that foundation, a commissioner can take that information and go forward.

I just don't see it clearly, and maybe you can clarify it for me. Explain to me how the Auditor General's office and a commissioner under the Auditor General can take that information and actually promote the cause or make sure that they are advocates for future promotion of something we want to attain.

Ms. Roberta Santi: If you're talking about a policy advocate, I think that is one of the issues. There is a tension between policy advocacy and the audit function. I think the Auditor General dealt with that issue when she appeared before the committee recently, and so did the former Auditor General, Mr. Desautels.

From a machinery perspective, I don't have advice on this, because we really have not looked at this in any depth, since it's a very recent issue that developed less than a month ago. I think one of the big questions from a machinery perspective that we do ask when there's a proposal on the table is that the form has to follow the function. So the question is, what do you want? What are you trying to do, and what outcomes are you trying to deal with, and what's your diagnostic of what's not working now? To me, clarity around that then helps you figure out, from a machinery perspective, what are the various technical aspects, or what are the various possibilities from a structural perspective that can make you deliver on this?

So the starting point is this: what's the public policy goal, and what's the definition around advocacy, and what do we mean by that?

I found the testimony of Mr. Williams very interesting, because he described his advocacy role in a pretty interesting way. He said he focuses on tilling before there's actual policy formulation. I think there still is a question about what you mean by advocacy before you can decide how you can best put a form around that.

The Vice-Chair (Hon. Geoff Regan): Thank you very much, Ms. Santi.

[Translation]

Mr. Harvey, for five minutes.

Mr. Luc Harvey (Louis-Hébert, CPC): First of all, Ms. Adam, I'd like to mention that I'm a member of the Official Languages Committee. When you announced your retirement, I was saddened to see you go. So then, I'm pleased to see you here today.

Ms. Dyane Adam: I'm here at your invitation.

Mr. Luc Harvey: Mention has been made of a commissioner who is truly independent. Do you believe the Commissioner of the Environment and Sustainable Development wasn't truly independent?

Ms. Dyane Adam: I don't know if I can comment, but I do think—and others have mentioned this—that when we talk about independence in this case, we mean independence from the government. Obviously, the position of the Commissioner of the Environment and Sustainable Development is part of the Office of the Auditor General which, unquestionably, is independent of the government. Consequently, the Commissioner of the Environment and Sustainable Development is independent of the government. I believe that's what you were referring to.

• (1645)

Mr. Luc Harvey: This notion comes up quite regularly. We all know what the word “independence” means to my Bloc colleagues.

That being said, the word has been mentioned often. Everyone is keen about wanting the office to be independent. That's where I was coming from.

Ms. Dyane Adam: I read a little about the work you are doing. When it comes to independence, we mean the independence of the office holder. I believe that's what you're referring to here and this is something for Parliament to decide. As Ms. Santi so aptly said, it has been proven—and I'm talking about Parliament and lawmakers—that it is possible to create positions of officers of Parliament, such as the position of Commissioner of Official Languages, that have twofold roles. The office of the Commissioner of Official Languages was created nearly forty years ago, really without much of a debate. Successive commissioners assumed office and results were achieved. The Office's mandate was even strengthened. When it comes to the environment, I think it's up to Parliament to decide what is best for Canada.

I'm talking to you as an ordinary citizen, and not as Commissioner. As an ordinary citizen, my message to you is that it is the responsibility of our elected officials to determine what Canadians need. Therefore, that responsibility rests with you.

Mr. Luc Harvey: Mr. Williams, you stated that as Parliamentary Commissioner for the Environment, you are an environmentalist.

Is it absolutely essential that the Parliamentary Commissioner for the Environment be an environmentalist, or can the position also be held by someone who is concerned about industry and the economy? What is the final position on the kind of person who should hold the office of Parliamentary Commissioner for the Environment in your country?

[English]

Mr. Morgan Williams: Do you want me to answer that?

[Translation]

Mr. Luc Harvey: I really hope so.

[English]

Mr. Morgan Williams: The point I'd really make is that I didn't and wouldn't wish to describe myself as an environmentalist. I think that is a term that has all sorts of baggage around it. The role of the office, the role that I and my predecessor have essentially carved out, is a very broad one, which is looking at environmental sustainability in the whole of society, in the whole of the economy. So we do a lot of linking and a lot of thinking more in the sustainable development context. That's certainly what I've done ever since I've been in the office.

You cannot think of the environmental piece without linking it to the rest, as we all understand, but we all know that the bottom line sits in our natural capital systems. That's what we're grappling with, and the biggest expression, of course, is climate change.

[Translation]

The Vice-Chair (Hon. Geoff Regan): Thank you.

You have five minutes, Mr. Lussier.

Mr. Marcel Lussier: My questions are directed to Mr. Williams. Your position was created in 1986.

At the time, what model served as the inspiration for creating the position of Parliamentary Commissioner for the Environment?

[English]

Mr. Morgan Williams: The fundamental model that was the starting point was our ombudsman's office. New Zealand was one of the first in the world to create a citizens' ombudsman. So that's where the fundamental model came from, and that's what we built the functions of this current office on, which, as I've said, haven't changed.

[Translation]

Mr. Marcel Lussier: You subsequently modified the office of environment commissioner, in keeping with models in other countries?

[English]

Mr. Morgan Williams: The only amendments that have occurred have been amendments to the language in our Resource Management Act, such as, for example, the use of the words "sustainable management". There have been no amendments to reshape the New Zealand office on the basis of any other office anywhere else in the world. The act, as laid out in 1986, is essentially unchanged.

• (1650)

[Translation]

Mr. Marcel Lussier: You mentioned that there were currently three independent officers in New Zealand: the auditor general, the ombudsman and the commissioner of the environment.

Does the Commissioner of the Environment call upon the services of staff in the Auditor General's office?

[English]

Mr. Morgan Williams: No, I have a completely independent staff currently of 19. We're a totally independent statutory entity. I have a current budget of \$2.7 million.

But what I have said is that we work closely with the audit office, both in our work and in the select committees of Parliament and in terms of our respective work programs. We keep each other briefed.

[Translation]

Mr. Marcel Lussier: Mr. Williams, you stated that you advise a number of government committees.

Could you list some of these committee for us?

[English]

Mr. Morgan Williams: The main committee we work with currently is the Local Government and Environment Committee. We have also acted as an adviser, on occasion, to the Primary Production Committee.

[Translation]

Mr. Marcel Lussier: What is the particular field of expertise of your 19 employees?

[English]

Mr. Morgan Williams: We have a very wide range, and in fact that's a very good question. I come from a science background, as did my predecessor. When I started this role 10 years ago, I was tending to recruit in specific science disciplines. But quite quickly we found that we needed a much broader base, not simply in discipline or subject, but also in life experience. So we put a lot more work into our recruitment, which gets people who have a very rich

canvas of experience behind them in terms of life and work. We have people who span political sciences, economics, physical sciences, and all the usual ones related to things in health and chemistry. And we've had people who were historians, for example, on our staff.

So we now go for a very wide range of people, and one of the real characteristics we look for is a talent to sift oats from chaff, because we're dealing with such complex systems. We tend to find that people with double degrees—that is, a degree that's in the arts and the sciences, or it might be in law and political science—give you another dimension of strength.

[Translation]

Mr. Marcel Lussier: Thank you, Mr. Williams.

The Vice-Chair (Hon. Geoff Regan): Thank you very much.

[English]

Now we're going to turn to Mr. Vellacott for five minutes.

Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC): I want to initially ask questions to Mr. Williams, and possibly to Roberta or Patrick if there is time. But my colleague may have those as well.

First, and this may be hard, Mr. Williams, but I appreciate that as a professional and as an objective civil servant, you've given us a lot of the pros in terms of having the commissioner's role be independent of the Auditor General and the pros in terms of the advocacy role as well, or of extending it to that.

Can you think really hard about whether there are those who would say—and you probably won't agree with them, and I understand that perfectly—in the public debate in New Zealand, that these are some of the cons, some of the negatives, of having your role be independent of the Auditor General? And also, are there naysayers, if you will, who would also suggest that there is some downside or some con or negative in respect of having an advocacy role?

You might have to kind of think hard, because your bias would obviously state it in terms of the positives. But are there those who have raised these in the public arena? I may be asking the wrong person, but I'm going to try here and hope that, as an objective civil servant, you might offer some of those critiques by others, which you would, of course, dismiss.

• (1655)

Mr. Morgan Williams: The first thing is that the question of whether we should be part of the audit office has never been asked, because we never have been. Maybe that's a blind spot that the whole of New Zealand has. We've never thought of that model, because we had an auditor's office, we had an ombudsman's office, and then we established a commissioner for the environment office. So that one's never been debated.

The second part of your question, I think, is absolutely on the button. Has there been debate about the role, and are we doing enough of some things? Yes, of course there has been.

One of the things is whether we should be focusing more on bigger systems and whether we should be more of an advocate or less of an advocate. And yes, that has waxed and waned.

Should we be more targeted in our work and look at particular sections, such as legislation around water management, which we've signalled is important, in great detail, or should we do more on the bigger systems? Should we focus more on the concerns that are coming from citizens? Some of them are quite focused, very small concerns.

That debate waxes and wanes. But at the end of the day, with a piece of legislation like this that creates an office like this, if it's going to be very independent, it's inevitably going to be shaped by the strengths of the appointee, the commissioner. That's the very nature of these sorts of roles and the capability the commissioner brings together as a team.

What I've also done in my 10 years is develop a series of strategic plans. We bring together a very wide collection of New Zealand citizens who have a great interest in this broader sphere of work. And we've actually involved your Canadian commissioners in that process. We've developed a series of rolling five-year strategic plans, which sets a frame and signals to New Zealand society, and signals to Parliament, what it is that we think are the strategic areas, and the components of those, into which we think we should be putting our very limited resources.

So in a sense, that's a way of going out and having a wider conversation with New Zealand about what it is we do, how we do it, and whether it is being effective.

Mr. Maurice Vellacott: Generally speaking, I would assume there's a ringing endorsement all around in terms of your advocacy role, your independence, and so on. Does nobody have a contrary statement in respect of any of that?

Mr. Morgan Williams: No, the only contrary statement has come from some of the more right-wing elements of our Parliament. It's not specific to this office. It's whether you need these sorts of instruments in our democracy at all—the so-called grievance industry model—that they get concerned about. I'm sure you have those sorts of debates as well.

Some hon. members: Oh, oh!

Mr. Maurice Vellacott: Is my five minutes just about up? Where am I?

The Vice-Chair (Hon. Geoff Regan): You have 30 seconds for a very short question and answer.

Mr. Maurice Vellacott: I'll turn it over to Chris, because I think he has a line of questioning and he wants to proceed.

An hon. member: [*Inaudible—Editor*]

Mr. Maurice Vellacott: We didn't render him five minutes at all?

The Vice-Chair (Hon. Geoff Regan): Perhaps you have a very short final question.

Mr. Maurice Vellacott: Okay, I'll put it this way, very quickly to Ms. Santi.

Was there anything at the time the 1993 red book promise was made in respect of this whole issue of an independent commissioner? You made a point here that you provide “public service advice in respect of changes to the organization of government, including the creation, alteration or wind up of governmental bodies.”

Did you give any advice or do any kind of a report, internal or otherwise, with respect to whether to proceed with an independent commissioner back in or about 1993?

Ms. Roberta Santi: I wasn't doing this job in 1993, but I think there are a lot of issues on the public record in terms of why the government and Parliament chose the option it did choose. I think there are a number of issues. It was placed in the Auditor General's office for one reason, because of the past that the Auditor General's office had with respect to the audit function, and as well, the credibility the Auditor General had at the time and the importance of impartiality with respect to this issue.

I believe there were also issues around institutional streamlining, etc. A decision was taken during a period where there were very significant cuts taking place across government, and so there was great attention brought to bear on the resource implications for establishing such an office.

I think those are largely the ones on the public record.

The Vice-Chair (Hon. Geoff Regan): Thank you very much, Mr. Vellacott.

We'll go to our last set of questions, for five minutes, in order to finish in time to deal with the motion before us.

Mr. Dewar.

• (1700)

Mr. Paul Dewar: I won't take the five minutes, but thank you, Chair.

I want to go back to Mr. Williams. I just had the chance to glance at your executive summary that you cited, *The cities and their people*.

One of the things I noted here and that I wanted to ask you about is that in the executive summary you had asked for the establishment of a sustainable development unit to inform ministries in terms of how they could better meet the goals of a sustainable economy and a sustainable society. In your report—I guess this is a little different from what we've seen—that's where you're actually pushing policy by way of recommending, but you've also done a study at the same time. It's my understanding from your testimony earlier that the study you did was something you took on by yourself. You weren't charged with that responsibility. That's correct, right?

Mr. Morgan Williams: That's correct.

Mr. Paul Dewar: So then you came out with these policies—I really like some of these recommendations—for government to grab on to. I guess it was called Global 21. Is that the name of the recommendation series you had?

Mr. Morgan Williams: It was *Agenda 21*.

Mr. Paul Dewar: How was it received by government and how was it received by the population at large?

Mr. Morgan Williams: There was a very, very good reception, particularly from the local government in New Zealand, and that's where a lot of what we were trying to say was picked up, and many things started to evolve. So think of it as an empowerment of voice within local government, both executive and elected.

In terms of what happened at the central government level, it mainly played out in terms of what happened in the shift in research funding to all the areas around cities and settlements and the layers within that—so thinking about cities in a sustainability context. We raised a lot of issues around elements in that, like, for instance, the mobility land-use interconnections, all the water issues, both the potable water and the treated. We subsequently did another piece of work that we published under the title, *Ageing Pipes and Murky Waters*.

If you look through all our reports, we go to a lot of trouble to think about how you characterize the nature of what we're trying to talk about. So where we were looking at the flow of science, for example, into environmental policy, the title of the report was *Missing Links*. Where we were looking at economic instruments in terms of managing waste, the title was *Changing behaviour*.

Why am I saying that? I'm saying that because we need to be effective in this. You need to actually capture hearts and minds with those first simple things, and then they get grabbed by all sorts of people and picked up. It's an empowerment process.

Mr. Paul Dewar: Thank you.

Thanks, Chair. That's fine.

The Vice-Chair (Hon. Geoff Regan): Thank you very much, Mr. Dewar.

Now I want to thank all our witnesses.

Mr. Williams, when you started this morning you mentioned that it was 21 degrees. Are you in Christchurch or Auckland?

Mr. Morgan Williams: No, this is Wellington.

The Vice-Chair (Hon. Geoff Regan): Wellington, of course, the capital. Excuse me, of course.

Mr. Morgan Williams: Yes, I trust you can see the beehive behind me.

The Vice-Chair (Hon. Geoff Regan): We can see something there. It's 21 degrees there. You'll be glad to know that here it's a balmy minus 1 at the moment, which is a nice change from the minus 15 degrees we've had recently.

Thank you so much for appearing.

Also, *merci beaucoup, madame*.

Mr. Hill, thank you so much.

We'll excuse the witnesses, and we're going to now turn to the consideration of the motion by Mr. McGuinty. So we'll just pause for a moment or two while we let the witnesses, if they wish, leave the table. You're welcome to stay with us and have a seat.

There goes Mr. Williams.

Colleagues, the motion has already been moved, I understand, and it's before the committee. Are there comments? Is there debate? Or would you prefer to move to the question?

Mr. Warawa.

● (1705)

Mr. Mark Warawa: Thank you, Chair.

I think it was at the last meeting that I asked the mover, Mr. McGuinty, if he would define the word “advocate”. That was the issue of concern raised by the Auditor General. We've heard a definition from Mr. Williams. My question, through you, to him is, if that is the definition as provided by Mr. Williams, is that what he's in this motion defining as “advocate” and “the role of an advocate”?

The Vice-Chair (Hon. Geoff Regan): Is there another speaker? I have no further speakers.

Mr. Warawa.

Mr. Mark Warawa: So Chair, I'm still waiting. I've asked a question through you to Mr. McGuinty, and it's a relevant question. I definitely want to know what we're voting on.

The Vice-Chair (Hon. Geoff Regan): Mr. Warawa, as I think you understand, the members are not witnesses here and they're not required to answer questions. I realize you're putting the question, and if someone wishes to answer it they're welcome to do that. Or if others wish to speak, we'll take their names and the order they indicate they'd like to speak in.

Mr. Mark Warawa: Let it be on the record, then, Mr. Chair, that Mr. McGuinty has not answered my question to define what his motion means.

Thank you.

The Vice-Chair (Hon. Geoff Regan): Mr. McGuinty.

Mr. David McGuinty: I would like to make some closing remarks, Mr. Chair.

I'd like to thank all the witnesses who have appeared before us. I'd like to thank the members of the committee for their patience in dealing with this very important and timely matter.

I'd like to go back, just to close off with some of the comments made by Madame Gélina herself. It's interesting that when the Minister of the Environment was informed that Madame Gélina had been dismissed from her position, his first reaction was to say simply that—

The Vice-Chair (Hon. Geoff Regan): Mr. McGuinty, hold on.

On a point of order, Mr. Warawa.

Mr. Mark Warawa: Chair, at no time was this committee notified that Madame Gélina was dismissed. We were informed that there was a new acting commissioner. So I just want to clarify that. At no time was this committee ever—

The Vice-Chair (Hon. Geoff Regan): Mr. Warawa, that sounds more like debate than a point of order, but thank you for your—

Mr. Mark Warawa: Just for clarification, we need to make sure that all comments are accurate.

The Vice-Chair (Hon. Geoff Regan): Mr. McGuinty.

Mr. David McGuinty: Mr. Chair, I'd like to come back to a very accurate comment, which is the comment made by the Minister of the Environment when he discovered that Madame G  linas was working within the office, had withdrawn but had been dismissed at the same time, as the Auditor General told us in her testimony. The Minister of the Environment said that he was so impressed with the work of Madame G  linas that she should be appointed as a member of the Order of Canada. I concur.

What I'd like to do now is read some of the operative passages from Madame G  linas' letter to the committee and for all Canadians to hear. I think these are very important, before we put this motion to a vote. She talks about the duties of other commissioners, one of whom we heard from here today. She says:

If we examine the duties of other commissioners (Official Languages, Ethics, Information, Privacy, etc.), we find that in addition to carrying out investigations, these officials have a duty to promote and encourage best practices, without however becoming merely an advocate for one particular side.

She goes on and makes comments about:

Attaching the CESD's position to the Office of the Auditor General was not intended to restrict the CESD's mission and role to that of an auditor. And yet, this is what the position has become.

She goes on to say further:

The recent direction taken by the Auditor General, Mrs. Frasier—aimed, among other things, at integrating the work of the CESD group into her own reports and thereby eliminating the Commissioner's report as we have known it since the position was created—lead me to believe that the risk is now real and that this fragile equilibrium is going to be disrupted.

I think perhaps the most telling point of all is where she says:

A commissioner must be able to offer a vision, an approach, a way of acting and a general orientation. He or she must be able to debate, to promote activities, to work with departments in other ways than simply through audits.

And finally she writes, for all members to hear, especially those members who hold her work in such high esteem:

If Canada wants the Commissioner of the Environment and Sustainable Development to exercise his or her role fully, he or she must be independent of the Office of the Auditor General of Canada, because the two mandates are incompatible.

In closing, Mr. Chair, I agree with Madame G  linas' testimony. It's unfortunate she was not able to come in and join us in person, but I would like to thank her, on behalf of all members, for her outstanding service over six years, and for her very lucid and to-the-point memo sent for all Canadians.

Thank you, Mr. Chair.

• (1710)

The Vice-Chair (Hon. Geoff Regan): Thank you, Mr. McGuinty.

Monsieur Harvey, the floor is yours.

[Translation]

Mr. Luc Harvey: Ms. Adam, the Commissioner of Official Languages, made it very clear that all officers reporting to the Auditor General were indeed independent and that politicians had no say in their actions or operations.

Over the past six years, Ms. G  linas has always managed to do a very good job. Her work has been praised by all parties, whether it be the NDP, the Bloc Qu  b  cois, the Liberal Party or the Conservative Party. The problem arose on the day Ms. G  linas perhaps...We'll never know what happened exactly, given the agreement between Ms. Fraser and Ms. G  linas.

I'm still not convinced today of the need to move this position because in recent years, we have always had good results. No one disagrees with that. Today, the Liberals are proposing a change. To my mind, it's more a matter of having a different perspective on things. Quite frankly, I'm not convinced of the merits of the Liberals' motion.

As for Ms. G  linas' report, while it has to be considered credible, admittedly, it is not completely objective, since Ms. G  linas is the victim in this case.

The Vice-Chair (Hon. Geoff Regan): Thank you, Mr. Harvey.

Mr. Bigras.

Mr. Bernard Bigras: Thank you Mr. Chairman.

Everyone agrees that the role of the Commissioner of the Environment is limited to conducting environmental audits. That begs the following question: should we expand the powers of the Commissioner of the Environment? Should the position be more independent of the Auditor General of Canada?

Two models have been presented to us. In the case of New Zealand, the Commissioner of the Environment performs not only the functions of an auditor, but also those of an advocate, guardian and adviser. It's clear what expanding the functions and powers of commissioners, be it the commissioner of official languages or the privacy commissioner, has accomplished to date.

Ms. Adam stated in no uncertain terms that strengthening the role of the Commissioner of Official Languages had enhanced language rights in Canada. Therefore, we need to ask ourselves whether we want the role of the Commissioner of the Environment to be limited to a simple audit function, or whether we want the position to be on par with that of the Commissioner of Official Languages.

Since environmental protection is an important consideration in Quebec and Canadian societies, the Commissioner of the Environment must be assigned the role of advocate and guardian. This committee and parliamentarians have a duty to take a stand on this issue. Ms. Adam clearly said that it was up to parliamentarians to decide.

If we believe that environmental protection is an important societal value, then we must act accordingly and give added powers to the Commissioner of the Environment. For that reason, I will vote in favour of the motion before the committee.

• (1715)

The Vice-Chair (Hon. Geoff Regan): Thank you, Mr. Bigras.

[English]

We have Mr. Dewar next, followed by Mr. Warawa. I hope we can cut it off after those two, but we'll have to wait and see.

Mr. Paul Dewar: Thank you, Chair.

I just want to take us back to what we're here discussing, and that is the role of this position. Independence is obviously key to it.

When we heard from our friend from New Zealand, I asked him very deliberately about the big stick and how he saw his role. I asked him very intentionally to give us some examples from when he was involved in over 10 years of work. Did he need any further powers? No. Did he actually use his role to go after people? No. What he was saying to us was that his role was to do a number of things, but to be a steward of the environment, obviously, and to animate discussion within New Zealand.

It's very important to remember that it is a different role. If you look at the examples in the United Kingdom, with their Sustainable Development Commission, they've approached the environment and this position in the same manner; that is, that we can't just look at it as a numbered sheet; that we don't just look at how much money was spent and when. It's much bigger than that.

I think the role of the environment commissioner, as my friend Mr. Bigras said, needs to be looked at through that lens. In other words, we're talking about something that requires government to use more than just its traditional reporting mechanism; it has to have further independence to be able to do its job correctly.

I plead to my fellow members to support this motion, putting aside any partisan concerns they might have about where the motion is coming from. Know that the Liberals had promised it before; take some glee in the fact that you're watching them now come back trying to make up for lost time, and support the motion. In the words of a constituent of mine who's already been referred to, Mr. MacNeill, we really need a strong, effective, and independent commissioner, and the need has never been greater. It's time to get on with it, enact it, approve, and implement.

Thank you.

The Vice-Chair (Hon. Geoff Regan): Thank you, Mr. Dewar.

Mr. Warawa.

Mr. Mark Warawa: That's fine.

The Vice-Chair (Hon. Geoff Regan): Fine? Okay, I think we can then proceed to the vote on the motion before us.

(Motion agreed to)

The Vice-Chair (Hon. Geoff Regan): Mr. Warawa.

Mr. Mark Warawa: Speaking on a point of order, Mr. Chair, in accordance with Standing Order 108(1)(a), I would like to append a supplementary report and would seek consent of the committee asking for 48 hours to supply that report.

The Vice-Chair (Hon. Geoff Regan): Is there consent?

Mr. David McGuinty: I didn't understand the question, Mr. Chair.

The Vice-Chair (Hon. Geoff Regan): Mr. Warawa's asking to be able to append a minority report to the report of the committee, which is adopting this motion.

Mr. David McGuinty: And the minority report, Mr. Chair, then would be, I guess—

The Vice-Chair (Hon. Geoff Regan): A dissenting opinion, obviously.

Mr. David McGuinty: —a reasoning opinion as to why the government members, all five of them present today, have refused to vote on this motion?

The Vice-Chair (Hon. Geoff Regan): If Mr. Warawa wishes to comment again, he's welcome to do so, but he's not required to answer questions, as you know, Mr. McGuinty.

Mr. Mark Warawa: It's very common, Mr. Chair.

Standing Order 108(1)(a) says: "...to print a brief appendix to any report, after the signature of the Chair, containing such opinions or recommendations, dissenting from the report or supplementary to it, as may be proposed by committee members...". It's a very common procedure, and I would ask for consent for 48 hours.

• (1720)

The Vice-Chair (Hon. Geoff Regan): This takes the form of a report back to Parliament, and that's why the standing order is available, if the committee agrees, to be used for the Conservatives to add a minority report.

Mr. McGuinty.

Mr. David McGuinty: I have no objections, Mr. Chair. If the government want to explain in writing to Canadians why they're opposed to strengthening the role of the Commissioner of the Environment, I'd be delighted to see it.

The Vice-Chair (Hon. Geoff Regan): Mr. Dewar.

Mr. Paul Dewar: I have a question. It requires our consent, I'm understanding; otherwise you wouldn't be asking. Is that the case?

The Vice-Chair (Hon. Geoff Regan): Technically it requires the consent of the committee. I'm told that if there's a general willingness—but technically it requires the consent of the committee to do it. And I can verify what Mr. Warawa says. I have seen it done before, certainly. It's not uncommon.

Mr. Paul Dewar: I didn't understand that it required our consent on this matter.

The Vice-Chair (Hon. Geoff Regan): Okay, there is consent, and that suggests the 48 hours. We'd ask you to get it to the clerk as soon as possible.

Mr. Mark Warawa: We will do that, Chair, at a maximum of 48 hours. We will do that as soon as possible.

The Vice-Chair (Hon. Geoff Regan): Thank you very much.

If the committee is okay with that, then following the receipt of the minority report, I will table the report.

Mr. David McGuinty: On a procedural point of order, Mr. Chair, when will this matter or motion be reported to the House of Commons?

The Vice-Chair (Hon. Geoff Regan): Well, 48 hours from now would be approximately 5:30 on Wednesday. Hopefully it will be in advance of that. If it's tomorrow, I don't know if there'll be time to do it tomorrow morning, for 10 o'clock. If it arrives in time, I hope to do it on Wednesday at 3 o'clock, or possibly Thursday at 10 a.m. It depends on when we get it.

Mr. Mark Warawa: Chair, the norm is a maximum of 48 hours. If we can get it in sooner, we will, but it will not be longer than 48 hours.

The Vice-Chair (Hon. Geoff Regan): It depends on how long it takes to get the minority report.

Mr. David McGuinty: I see, so presumably the government is not going to delay an inordinate amount of time here in terms of getting this motion back to the House.

The Vice-Chair (Hon. Geoff Regan): Mr. McGuinty, the point is that the standing order provides for a maximum of 48 hours, and I appreciate Mr. Warawa's assurance that he's going to try to do it in less time than that.

Mr. Mark Warawa: I can assure Mr. McGuinty that we're not about delay. We're about getting it done.

The Vice-Chair (Hon. Geoff Regan): Mr. Rota.

Mr. Anthony Rota: On Mr. Dewar's question, is this something for which they have to ask permission of us? Is there a vote? Is it unanimous? What exactly are the rules? Maybe that's something the clerk can speak to.

The Vice-Chair (Hon. Geoff Regan): Why don't I read you the standing order? I hope it isn't too long, but it reads: 108.(1)(a) Standing committees shall be severally empowered to examine and enquire into all such matters as may be referred to them by the House, to report from time to time and to print a brief appendix to any report, after the signature of the Chair, containing such opinions or recommendations, dissenting from the report or supplementary to it, as may be proposed by committee members, and except when the House otherwise orders, to send for persons, papers and records, to sit while the House is sitting, to sit during periods when the House stands adjourned—

I could go on, but basically what it's saying is that the committee may do it. The committee may report and print an appendix containing a dissenting opinion. In other words, because the committee may do it, it requires the consent of the committee, which I think we have.

Mr. Anthony Rota: Is it unanimous consent?

The Vice-Chair (Hon. Geoff Regan): I've heard no dissenting opinion on this, so I think we have consent for it. I think it's been agreed to, so that's what we're going forward with.

On that happy note, I thank you very much, and I think we can now adjourn the meeting.

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