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Chair

Mr. Joe Preston

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• (1100)

[English]

The Chair (Mr. Joe Preston (Elgin—Middlesex—London, CPC)): Good morning to everyone.

We're here with the order of reference of Monday, October 21, on the review of the Board of Internal Economy.

Welcome to all today.

Madam Legault, it's great to have you here with us again. We're going to let you make an opening statement, and then we'll ask you questions.

Please go ahead.

[Translation]

Ms. Suzanne Legault (Information Commissioner of Canada, Office of the Information Commissioner of Canada): Good morning, Mr. Chair.

[English]

I am here this morning with Nancy Bélanger. She is the general counsel at the Office of the Information Commissioner.

Mr. Chair, my remarks will be very brief this morning.

I really welcome the opportunity to provide my views to the committee on the motion to increase the transparency and accountability of the House of Commons. I will limit my comments this morning to whether there should be modifications to existing laws to ensure greater transparency and accountability. You will not be surprised to hear that I am advocating this morning in favour of extending the coverage of the Access to Information Act to the administration of Parliament.

[Translation]

Access to information legislation gives citizens a legal framework to seek and get answers about how the institutions that govern them spend their tax dollars. The legislation also sets out the limitations to that right—as it is not an absolute right—and the independent review of disclosure decisions.

In my view, the only way to ensure transparency, accountability and effective oversight is for parliamentary institutions to be covered by the Access to Information Act.

Both the Standing Committee on Justice, in 1986-87, and the Access to Information Review Task Force, in 2002, made similar recommendations.

Internationally, the UK Freedom of Information legislation applies to the administration of Parliament but it exempts records if their disclosure would infringe the privileges of Parliament. Discussions with my colleagues at the Information Commissioner's Office of Great Britain led me to believe that these provisions are working fairly well. It is my understanding that that is what the committee was told by IPSA during its review. Obviously, IPSA is subject to Britain's access to information legislation.

During the hearings thus far, there has been a lot of discussion on proactive disclosure and whether or not the new rules set out by the Board of Internal Economy are sufficient.

[English]

In my view, proactive disclosure of expenses is a necessary step to making detailed information available to the public. Consistent proactive disclosure across the board for all institutions of Parliament can be done in a detailed way, in an open, accessible, and reusable format, on a regular cycle, and in a timeframe that preserves the relevance of the information.

So proactive disclosure is a good thing, and the more of it, the better. However, it isn't enough. In order to promote public trust in public institutions, there is a need not only to increase the availability and the quality of information but also to ensure access to that information. Citizens want to be able to validate the information that is provided to them or to obtain more details about an issue of interest, or simply know that the right is there for them to exercise when needed, which allows them, really, to determine the legitimacy of the spending and not just its legality.

In my view, bringing Parliament under the Access to Information Act, with appropriate safeguards, would guarantee that right of Canadians.

Thank you.

• (1105)

The Chair: Thank you very much.

We will go to questioning. We'll start the seven-minute round.

Mr. Lukiwski.

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

Thank you, Madam Legault, for being here.

Thank you, Madam Bélanger, for being here as well.

As you know, the real purpose of this committee is to determine whether or not the Board of Internal Economy should be replaced with an outside independent agency. You may have some comments on that, but I understand from your opening statement that you really want to concentrate your comments on access to information and how it applies both to Parliament and, I assume, to individual members of Parliament as well.

You speak of proactive disclosure and the need for that. As I'm sure you are aware, two of the three recognized parties in Parliament, the Liberal and the Conservative parties, have undertaken to proactively post hospitality and travel expenses from their members of Parliament. The NDP has refused so far to do so. I don't know why, but I'm sure they will have some explaining to do about that.

Specifically, I want to get into how members could or should post their expenses online because there is always going to have to be that balance between access to information and privacy concerns. We have heard, at least in a written submission from the Privacy Commissioner, a cautioning to members about some of the infringements on privacy when posting some of the information of their expenses online. So that's where I'd like to ask you how you see that balance should be and perhaps could be affected.

I'll give you, perhaps for a point of reference and context, a specific example, because it was mentioned in the Privacy Commissioner's written submission. If there were, say, a group of constituents who came to Ottawa to meet with a member of Parliament, and the member of Parliament then subsequently took them out for dinner and posted that expense online, what level of detail do you believe should be on that web posting?

The Privacy Commissioner is cautioning us about naming names. The commissioner suggests perhaps the affiliation or the organization that the constituent or the individual represents rather than the name. But if constituents are coming down on a personal visitation as opposed to a corporate or organizational visitation, would it be sufficient, then, in your estimation, for a member to post that hospitality line as "dinner with constituent" or "dinner with stakeholders", and the amount? Or do you think there needs to be more information than that? If you do, how does that balance off against the concerns that the Privacy Commissioner has?

Ms. Suzanne Legault: Let me take us back to more generic principles, because I think we're losing ourselves in the details of one specific meal.

Let me explain where I'm coming from, because my understanding is that the motion that is before the committee is also going to look at whether amendments need to be made to any other acts in order to promote the desired level of transparency and accountability.

In preparing today, it's fine and dandy to say that we're going to disclose more detailed expenses or we're going to decide whether we're going to scan receipts and post receipts. But at the end of the day, Mr. Chairman, the House of Commons, the Senate, the Library of Parliament, the Office of the Conflict of Interest and Ethics Commissioner, and the Senate Ethics Officer all together account for roughly \$500 million of taxpayers' dollars. None of that is subject to access rights for Canadians. Ministers' offices are not subject to access rights for Canadians.

I think that when the committee looks at the level of transparency and accountability we have for Parliament, parliamentarians have to decide what level of accountability Canadians deserve in 2013 and specifically in the context of the recent events that we've been living through in Ottawa. In terms of what should be posted publicly, there are various levels of disclosure, and various levels of disclosure are being proposed, and as far as I can tell, we have been discussing MPs' expenses.

In preparing for this, I've also looked at the bylaws of the Board of Internal Economy. There are also budgets allocated to members responsible for national caucus research offices. These are not disclosed anywhere, as far as I can tell, nor is there any level of granularity afforded to those kinds of expenses. There are House officers, including the Speaker's office, that receive a separate budget. In fact, they are specifically exempted from disclosure under the bylaws of the Board of Internal Economy. No documents, nothing that's being tabled before the Board of Internal Economy or being discussed before the Board of Internal Economy, is actually disclosed or disclosable. In fact, under the Parliament of Canada Act, the members of that board have to swear to secrecy.

That's the legislation that the committee will have to look at, in my view, in changing the rules that would apply to the Board of Internal Economy.

So really to answer the honourable member's question, Mr. Chairman, yes, obviously if anything is disclosed one has to always be mindful of interests of privacy, of interests of constituents, of interests of parliamentary privilege, of interests of solicitor-client privilege. All of these are properly protected under the Access to Information Act.

When one looks at deciding what level of disclosure is required, I think that the U.K. model in that respect is interesting, because Parliament is actually subject to the access act. IPSA is subject to the access act. Our conversation with the assistant commissioner in the U.K. basically reveals that the more disclosure there is, the fewer access requests to Parliament there are. They in fact have very few complaints. In terms of the specific level of details on receipts, I understand that there is presently a case in court in the U.K. on that issue. So it is an issue that is not decided.

From my perspective, that's the only thing I can say. The more proactive disclosure there is going to be, fine, but it still doesn't give people the right to make access requests and find about these kinds of receipts and about the actual events surrounding those expenses. There is no way to properly protect full privacy, parliamentary privilege, and solicitor-client privilege unless you have a proper legislative framework surrounding it.

• (1110)

The Chair: Thank you.

Thank you, Mr. Lukiwski.

Yes, you're over time already. I know; it's incredible.

Mr. Julian, we have seven minutes for you, please. And it too will go fast.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Thank you, Mr. Chair.

And thank you, Madame Legault and Madame Bélanger for your presence here today.

I was quite amused by Mr. Lukiwski. After all the Senate scandals with the Conservative and Liberal senators, he's now promising to do better but in the same breath also seemed to hedge on the whole issue of what we've been mandated to do by Parliament, which is replace the Board of Internal Economy with an independent oversight body—not to study the question, but to do it. Mr. Lukiwski will have the opportunity, of course, Mr. Chair, in the coming days to prove that Conservatives will do better, after all of these repeated scandals and all these problems with transparency.

As you know, Madame Legault, the NDP is a strong ally of yours. We had Pat Martin just last week calling for a complete reform of what is a broken Access to Information Act. I know you've been a strong advocate for that. The NDP is your strong ally on it. Liberal and Conservative governments have broken the act, and the principle is that when taxpayers' money is being used, Canadians should have access to that information.

We also fully support your call to have the Access to Information Act apply to the administration of Parliament. I don't understand why the other parties seem to object to that; it's just common sense. And you said it so eloquently: we're talking about hundreds of millions of dollars of taxpayers' money that the Conservative government just seems to want to keep beyond what citizens should be able to access.

So we're strong allies.

What I wanted to do to start off was ask you, in terms of the issue that is in front of us—the whole question of independent oversight... We've had the Auditor General say very clearly that there needs to be an independent organization that is responsible for MPs' expenses. We support that fully. That's what the motion says that was adopted by Parliament.

You've referred to IPSA as well, to IPSA's process, which also allows for access to information at the same time as it applies the independent oversight that the Auditor General was so strong on just a few days ago.

My question to you is, do you agree with the idea of independent oversight of MPs' expenses, and do you agree with the approach that IPSA has taken, both in terms of MPs' expenses and independent oversight and in terms of access to information?

• (1115)

Ms. Suzanne Legault: Mr. Chair, again it's a very complex question. I'm not an expert in how IPSA works versus the Board of Internal Economy. I really think that the Clerk of the House is the best person to put these kinds of questions to.

Personally speaking, in terms of administrative efficiency it seems to me, from what we have heard and seen so far, that the Board of Internal Economy administers the House of Commons well, and it has a whole slew of officers—an administrative officer, a financial officer, and all of these things—who seem to be working very well. What is lacking is the independent oversight.

Now, the committee can decide to recommend to create another body that would be an independent oversight body, but if that body

is still not subject to access to information or if that body is hired through the administration of the House, there has to be some reporting that is done to the Board of Internal Economy, to the Speaker. So I'm not sure that solves the issue the committee seems to be trying to address, which is to get out of the self-supervision that seems to be at issue.

It seems to me that the Office of the Auditor General provides independent oversight, and if the House administration were subject to the Access to Information Act, there would also be independent oversight through complaints to my office and through Canadians being able to make access requests. So if one wants to look at the economic administration of it, or the efficiencies related to it, you already have two independent officers of Parliament who are independent from the administration of the House.

Mr. Peter Julian: Yes, we appreciate that, and you're calling for changes to the Access to Information Act. I should mention to you that when the Auditor General appeared before us, he said that because of the cutbacks we've seen under this Conservative government in the Auditor General's department, he could undertake comprehensive audits of MPs' expenses, but it would cost Canadians, because he'd have to cut back on important audits elsewhere. As we have seen with the F-35s and military procurement, there is a whole range of issues on which the Conservative government has been appallingly irresponsible when it comes to managing public finances.

So the Auditor General's scope needs to be expanded. What he said is that he needs those resources in order to undertake a comprehensive audit of MPs' expenses at the same time as he does the valuable work of looking over all of the various instances of mispending that we're seeing from this current government.

In your case, you are saying that IPSA is a model. But do you have any specific suggestions, beyond having the Access to Information Act apply as well to the administration of Parliament, that would create an IPSA-like model?

Now we're getting into the details of how we transition to an IPSA-like model. Do you have any specific recommendations that you could make about how we can undertake that transition and assure access to information for the taxpayers who pay our salaries and who should know where that money is being spent?

Do you have any specific additions to what you had in your statement?

Ms. Suzanne Legault: First of all, I didn't say that IPSA was the model. I basically said that IPSA is subject to the Access to Information Act.

Whether the Board of Internal Economy... If the whole administration of the House is subject to the Access to Information Act, whether you actually need to create another body is for the committee to determine. In looking at the costs of being subject to access to information, I did a brief basic estimate, looking at the overall amount of money that's being spent in the government and the amount that is usually spent on access to information—which is 0.06%, by the way. So of the total cost of the whole of government, how much money is allocated to access to information in the whole federal system? It is 0.06%. If you apply that to the budget of the House of Commons, it is about \$400,000 that it would cost to subject the House to an access to information regime.

Whether my office could sustain an increase in complaints... As I testified before the ethics committee in the last Parliament, my office is basically submerged with complaints at this time.

Mr. Peter Julian: And this is a concern with other independent parliamentary bodies. We're seeing those bodies starved of resources.

You are saying that you need more resources to adequately protect the taxpayers' interests.

• (1120)

Ms. Suzanne Legault: Oh, for sure.

The Chair: We'll now go to Mr. Lamoureux for seven minutes.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Thank you, Mr. Chairperson.

In listening to your presentation, Ms. Legault, my ears perked up when you indicated that proactive disclosure is a good thing. I think that we and the vast majority of Canadians, if not all, would agree that proactive disclosure is a good thing. I notice that Mr. Lukiwski also picked up on that particular point. It is something on which, even though there are two parties in agreement about progressing, we have already taken the next step. We are saying that Liberal MPs and Liberal senators have to participate in proactive disclosure.

The issue, of course, is that it has that much more meaning if in fact it is administered to all political parties and is done through the administration. We hope to be able to achieve that. It's been difficult, because the NDP do not want to participate in proactive disclosure, but we'll continue to try to get those reforms brought in.

That was more of a political statement than anything else. I will get to my question.

You also made the comment that "in order to promote trust in public institutions...". Well, we have made other suggestions, such as having performance audits conducted on expenditures on a more regular basis.

I'm interested in knowing your thoughts about the value of having performance audits be conducted by Canada's Auditor General.

Ms. Suzanne Legault: I think that's something you could ask the Office of the Auditor General. Mr. Ferguson was here, and I think he's the best person to determine the value of the audits.

I think what I've read is that the audits they are proposing to do are going to be completed in a period of 18 months. When institutions are subject to the Access to Information Act, there is an obligation to respond within 30 days. So the accountability that the two

mechanisms provide is different. When you conduct an audit, then you determine whether the rules are being complied with and whether the rules lead to efficiency in administration of the program. When you make an access to information request, taxpayers can also determine for themselves whether they consider that the rules are legitimate, whether the spending under the rules is legitimate, or whether they consider it to be illegitimate.

I think the simplest example of a public outcry was when we had disclosure of the \$16 orange juice. That was in compliance with the rules; it was an available expense. I think people who have a hard time making ends meet at the end of the week consider that it is not appropriate or legitimate for people who spend public money to incur those kinds of expenses. That's the difference between being able to have an access to information request answered and having an audit answered. They are two different types of accountability mechanisms that exist in Canadian law at this time. The question is, when Parliament spends all of this money that belongs to Canadians, what level of disclosure and what accountability mechanisms are appropriate?

I think parliamentarians have to lead by example. They are accountable to Canadians and they have to lead by example in terms of what mechanisms they will decide are appropriate to supervise their activities.

I actually went on the websites before coming here. The Library of Parliament has no disclosure of anything that the Librarian, whom I know very well, does, whereas the Parliamentary Budget Officer has disclosure. The Senate Ethics Officer... It's impossible for Canadians to actually determine properly what money is being spent and where, except in aggregated format as part of the public accounts or the public proactive disclosure of MPs' expenses.

What I'm saying today is—

Mr. Kevin Lamoureux: I guess, Ms. Legault, what I am getting to is that, whether it's a question of more detailed reports coming from the Auditor General or of putting in a mandate under which they are doing these audits every three years, it actually complements that process to see forward movement on access to information, so that the two of them, hand in hand, can ensure more accountability and transparency.

Would you not agree to that?

• (1125)

Ms. Suzanne Legault: Yes.

If you conduct performance audits, you will have more accountability and transparency every third year for something that happened in years prior. That's the problem: you're basically looking at the past all the time, so that your accountability will be dealing with something that occurred in the past. It's something that is not available during election time; it is something that is not available during prorogation of Parliament. The House administration, the Senate administration, the Library of Parliament, all of these things continue to operate. They continue to enter into service contracts; they continue to spend money; they continue to manage people. All of these things deserve accountability and transparency. If you do something every third year, it's not sufficient.

Mr. Kevin Lamoureux: In an ideal world, let's say I meet with a senior on pension because he's having issues with the Canada Pension Plan, and I meet him over at McDonald's for lunch. What should I state on the form?

Ms. Suzanne Legault: That's what's going to have to be determined, if people are proactively disclosing specific receipts: how the parliamentary function aspect versus the partisan function aspect and the constituency work are being protected.

You're going to have to look at what is within the definition of "parliamentary function" under the bylaws of the Board of Internal Economy; that is the extent of what is going to need to be disclosed in order to make a determination on whether that expense is valid.

The Chair: You have 30 seconds left. I should take it away from you for eating lunch at McDonald's, but go ahead.

Mr. Kevin Lamoureux: If we look at that specific example, should I be putting in the constituent's name? Whether it is disclosed or not, should I be putting that constituent's name on the receipt, saying "I met with John Doe over lunch"?

Ms. Suzanne Legault: Let me answer from the perspective of an access to information commissioner. If I were to look at something like that; if, for instance, you were subject to access to information and that information were being requested, I would have to look at whether or not this information is personal information of your constituents. That is how I would look at it: whether that information is personal information to your constituent. Then I would look at whether or not there is an overriding public interest in disclosure.

That's how I would look at it.

The Chair: Thank you very much.

We will move back to Mr. Lukiwski, for four minutes this time.

Mr. Tom Lukiwski: Thank you.

Before I get into a couple of questions, Madame Legault, again I want to correct the record. My colleague Mr. Julian has a habit of introducing revisionist history in this committee. He mentioned earlier that this committee has a mandate to replace the Board of Internal Economy. It most certainly does not. We are conducting studies to determine whether or not there could be an independent oversight review body, but certainly there is no mandate for this committee to do so.

Mr. Peter Julian: Who...?

Mr. Tom Lukiwski: Thank you, Mr. Julian. I'm sure you'll have your opportunity in a moment.

I have a couple of questions. You've talked about access to information in institutions such as the Speaker's office, the Library of Parliament, and the like, saying that there should be more information disclosed so that ordinary Canadians... Would that extend to officers of Parliament—to your own office, as an example?

Ms. Suzanne Legault: We are subject to the Access to Information Act, and your—

Mr. Tom Lukiwski: My question is, on your website do you have proactive disclosure of everything your office spends its money on?

Ms. Suzanne Legault: Yes, we are basically complying with all of the proactive disclosure rules of the Treasury Board Secretariat,

and we are subject to the Access to Information Act as well, since the Federal Accountability Act.

Mr. Tom Lukiwski: Would the correct course of action be, or would it be something that could correct what you consider to be a failure in access to information—an ambit of access to information—if the rules and the bylaws of the Board of Internal Economy were changed? I believe right now, if I'm hearing you correctly, that the biggest reason you feel there is a bit of a failure lies not in the fact that they're not complying, but that the rules and bylaws perhaps are too restrictive in terms of access to information.

Would that be a correct characterization on my behalf? You said you examined the rules and the bylaws before you came here. If they were altered somewhat to increase transparency in your view, would that be a proper route to take?

Ms. Suzanne Legault: I think that would be good. As I said, any additional proactive disclosure is excellent; there is no question about that.

What I'm saying is, even if you do that, there is no level of proactive disclosure that will replace being subject to the Access to Information Act.

• (1130)

Mr. Tom Lukiwski: Okay.

How much time do I have, Chair?

The Chair: You have a minute and a half.

Mr. Tom Lukiwski: Then perhaps for the benefit of members of this committee, you could, within about a minute, talk about the access to information requirements that you think the Board of Internal Economy should be subject to. If you can deal with some specifics, I think that would be more helpful than the generalities.

Ms. Suzanne Legault: I do think that the Access to Information Act should be amended to cover the administration of the House and the Senate. I think there should be a proper provision—

Mr. Tom Lukiwski: Commissioner, I'm sorry to interrupt, but—

Ms. Suzanne Legault: No, no, I will get there.

And there should be a proper provision for the protection of parliamentary privilege, which is crucial. That needs to be embedded together.

The access act would then provide protection for personal information, solicitor-client information, and so on, so that the discussions occurring in the administration of the House, such as discussions that are being conducted or documents that are being reviewed by the Board of Internal Economy in making and implementing the administration of the House, would be subject to the act, but would have the appropriate protections for the appropriate level of confidentiality that's required when one discusses legal matters, when one discusses labour relations matters....

But having the whole House administration subject to the act needs to be embedded in the access act, and there would need to be an amendment to the Parliament of Canada Act because there is, in section 50, a provision for secrecy for the Board of Internal Economy. That would need to be addressed. Even if you want to open up the Board of Internal Economy, I think that provision in the Parliament of Canada Act needs to be addressed somehow.

The Chair: Thank you.

Mr. Christopherson for four minutes, please.

Mr. David Christopherson (Hamilton Centre, NDP): Thanks very much, Chair.

Thank you very much for your attendance today. We appreciate it. It's very helpful.

I would like to just give a clarification from this side of the House, notwithstanding Mr. Lukiwski's view of things. The actual motion that was passed unanimously by the House of Commons didn't just say, "Oh hey, take a quick look at that and see what you think." It was far more specific. The unanimous mandate from the House was to "conduct open and public hearings with a view to replace the Board of Internal Economy with an independent oversight body".

So this isn't just a drive-by hearing—this has meaning.

Mr. Tom Lukiwski: [*Inaudible—Editor*]...talking about the—

Mr. David Christopherson: I'd like to just offer a bit of a vision of where this side so far is beginning to evolve to in terms of what we'd like to see. There's still hope that we'll all come to agreement, because that's still the best: if it's unanimous.

But here's where we are. We agree with the idea of a stand-alone, independent, arm's-length agency, as referred to in the motion, and we do like the IPSA model. We had them here the other day. We asked them questions.

It's our thinking that it allows for the kind of... If we go with that model and accept the principles they have, it seems to us that it would satisfy some of the requests and requirements that you're putting forward on behalf of the Canadian people to allow access to information to be a part of IPSA, a Canadian version of it. Also, the Auditor General has said that he very much likes the idea that IPSA is subject to audits by the National Audit Office, which is his counterpart. So for two of the biggest legislative concerns, not from an insider old boys' club of MPs, but from the public point of view in terms of what they would like and need, we see this model as allowing and requiring at least those two changes to legislation to give IPSA access through the AG and through your office.

We believe that a stand-alone mandate by Canadians...and IPSA goes so far as to regulate the process of who gets hired. It's an open competition. Their stand-alone mandate is to be accountable to the British people for the supervision of MP expenses and their claims, so it removes some of that conflict that does happen when MPs are sitting around and it's MPs' interests versus public interest, and guess what? Guess how it's going to go and who's going to get the benefit of the doubt nine times out of ten? Whereas we think that if there's an independent mandate of Canadians who are accountable to Canadians for the supervision and accountability of our expenses, that kind of benefit of the doubt to the insider is not going to happen.

Lastly, it still allows BOIE to continue, because their work is not just MPs' expenses, and most of that work can then be done in public because there's no need for privacy concerns: they've all been removed to the IPSA shop.

That's kind of where we're evolving. We'd very much appreciate your thoughts on that.

• (1135)

The Chair: You have 30 seconds.

Ms. Suzanne Legault: Mr. Chair, I feel as if I'm reciting media lines, but, really, in my view, I think that one has to also look at the cost of IPSA. I think it's somewhere around £6 million or \$6 million Canadian. Anyway, it's in the range of six million, which is a lot of money. Unless the administration of Parliament is brought under the access act, whether or not you add an independent body like IPSA, it will not solve what I consider to be the accountability and transparency deficit of the administration of \$500 million of taxpayers' dollars.

The Chair: Thank you.

Mr. MacKenzie, you have four minutes.

Mr. Dave MacKenzie (Oxford, CPC): Thank you, Chair.

Madam Legault, I've heard you say \$500 million more than once. I suspect that \$500 million includes the salaries of members of Parliament and senators, many things that are very, very public. I don't know where else that number would come from. The vast majority of that \$500 million is quite available, I do believe.

But I have looked at your website and I can't find any disclosure. Would somebody have to use access to information to obtain the information for your department, or is it available to the public online?

Ms. Suzanne Legault: It is, in the Proactive Disclosure section on the website, and lists "Travel expenses", "Hospitality expenses", "Contracts over \$10,000", "Position reclassifications", "Proactive disclosure of grants and contributions over \$25,000", etc.

Mr. Dave MacKenzie: Okay. I couldn't find it here, so maybe it's my lack of ability on the computer.

I want to be sure that what we're talking about in this committee is proactive disclosure. I had the feeling that what you're talking about is access to information by your office, by requests that would ultimately go through that process.

Are we talking two different things or are we talking the same thing?

Ms. Suzanne Legault: Well, Mr. Chair, the motion actually indicates that the committee is going to look at whether or not there is a necessity to amend any other acts in order to provide accountability and transparency. This is the extent of my presentation today.

Proactive disclosure is part of the spectrum of transparency and accountability. You have to decide what level of proactive disclosure is necessary. I'm saying that even if you do have a high level of proactive disclosure, access to information is a tool by which people can verify and legitimize the expenses that are being made by anybody who uses taxpayers' dollars.

My office receives access to information requests based on some of the things that are proactively disclosed; for example, access to information requests based on minutes of our management meetings. People have all sorts of access requests because they want to find out what, exactly, is being done, and how the money is being spent, and whether they think it's appropriately spent.

Mr. Dave MacKenzie: Okay, I appreciate that.

If Parliament took your advice and brought all of Parliament into that realm of disclosure in the privacy of information, how many more staff members would you calculate it would take for your department to be able to handle whatever the increase would be in demand?

Ms. Suzanne Legault: I really can't tell. I really don't know. What I've tried to do is see how much it would cost to have an access to information office within the administration of the House. Based on the percentage being spent right now, it would be around \$400,000, and would be a few people. Again, if we look at what's going on in the U.K., they have a lot of proactive disclosure, which has led to few access to information requests to the Parliament in the U.K. What they did is, once they received access requests, they then started to proactively disclose what had been requested on a proactive basis, and there have been few complaints to the information commissioner's office.

• (1140)

Mr. Dave MacKenzie: Okay, sorry.

The Chair: I know, it was just about to get good.

We'll go to Mr. Bellavance, for four minutes, please.

[*Translation*]

Mr. André Bellavance (Richmond—Arthabaska, BQ): Thank you, Mr. Chair.

Thank you, Ms. Legault, for your input.

I had wanted the committee to hear from the Privacy Commissioner, and she sent us a brief. Nothing you are saying contradicts what the commissioner said about personal information and privacy. But I would like to hear your thoughts on a point Mr. Lamoureux brought up.

How much information should we disclose? It's important for us, but there are two sides to disclosure. To my mind, it makes perfect sense for my constituents, or the general population, to know how my budget is being spent, because, at the end of the day, it's their money. That's no problem. Like it or not, however, other people are sometimes involved.

For instance, if I sign a service contract with the community television people in my riding, what problem could that cause for them, in terms of other media, since they are also involved? Kevin mentioned taking someone to lunch. Obviously, someone who wants to keep the discussion completely confidential will come to my office, where we can close the door. And the discussion will remain confidential. But even in that case, I have to tell you that my office is located right across from a local newspaper, and the reporters have called me up before to ask why so-and-so came to see me. In those situations, we don't give them an answer.

Basically, if we go out to eat with someone, do we have to disclose who the person is and what the meeting was for? We also want to know whether certain pieces of information need to be disclosed when it comes to the contracts for our employees.

Of course, there are guidelines. But I would like you to elaborate on what we need to do to prevent certain pieces of information from getting out and being made public, information that could harm people who are not members of Parliament.

Ms. Suzanne Legault: That's what makes the matter so complex. The legal frameworks that were created, such as the Access to Information Act and the Privacy Act, are comprehensive. The institutions subject to those acts do what they have to do, whether it involves contracts, discussions or documentation. The safeguards in those legislative schemes are there precisely to protect that information when access to information requests are made.

Some information is sensitive from a business standpoint, some elements are protected under the privileges granted to your client, and some elements have to be protected because they constitute confidential information. If the act applied to the House and Parliament, it would include safeguards for parliamentary privilege. That's what makes it so difficult to answer your question. Is document A containing information B subject to proactive disclosure? The reality is the answer is very complex.

That is why figuring out the level of specificity that applies in the case of proactive disclosure is complicated, with receipts, for instance. It would be very tough to do without following a procedure to ensure the information that should be protected is protected.

Whether it's realistic to subject administration to that type of disclosure is for the committee to examine and decide. What you're really doing is trying to invent a totally new system, beyond the existing legal frameworks, in terms of your own rules. And if you want to do so when it comes to the existing rules and the Board of Internal Economy bylaws, you are going to have to develop a framework that covers all those questions. That's the complex task you will have to undertake if you approach things that way.

[*English*]

The Chair: Thank you very much.

Mr. Julian, you are splitting your time, I take it.

Mr. Peter Julian: Thank you, Mr. Chair. I'm going to reiterate by following up on Mr. Christopherson's comments about what we're actually mandated to do, because I sense from the other side—and we've seen this in the House with the Prime Minister refusing to answer questions about the Senate scandals—there's a move away from what is actually written.

Mr. Chair, I know people in places like Regina and Burnaby and other places across the country will be wondering what exactly happened here. I want to make sure that we have on the record the motion itself, which is to conduct open and public hearings with a view to replace the Board of Internal Economy with an independent oversight body. It follows that we will propose modifications to the Parliament of Canada Act and any other acts as deemed necessary, propose any necessary modifications to the administrative policy and practices of the House of Commons, and report its findings to the House no later than December 2 in order to have any proposed changes to expense disclosure and reporting in place for the beginning of the next fiscal year.

It's very clear, Mr. Chair. What we are asked to do is to replace the secretive internal self-policing Board of Internal Economy, and folks in Regina and North Vancouver Island and Burnaby and Newfoundland are expecting us to do that. With that, I'll turn my time over to Madam Groguhé.

• (1145)

The Chair: He has taken some of your time.

[Translation]

Mrs. Sadia Groguhé (Saint-Lambert, NDP): Thank you, Mr. Chair.

Thank you, Ms. Legault, for your comments.

Clearly, the issue that concerns us above all is rectifying the lack of transparency and accountability. We firmly believe in the need to entrust that accountability function to an independent agency, ideally.

You talked mainly about the Access to Information Act, which you believe should be amended in order to ensure that transparency and accountability.

Aside from the United Kingdom, which you already mentioned in your opening remarks, could you give us some examples of other countries with access to information laws that are working optimally?

Ms. Suzanne Legault: As far as parliamentary transparency and accountability are concerned, the government with the most advanced legislation, the Parliament that is most subject to access to information legislation, is Great Britain's. IPSA is subject to access to information. The British Parliament created an independent agency, and all of it is covered by the legislation.

In terms of general legislation, as you know, I am in the process of examining that whole issue. Soon, I hope to establish what the Canadian model will look like, a model I hope will be the best in the world. Right now, I don't believe a single international model exists. Different models each have elements that are useful, but I firmly believe we can create our own Canadian model and that it can be the best out there.

Be that as it may, I would say that Great Britain currently holds the top spot when it comes to the transparency of Parliament and its institutions.

Mrs. Sadia Groguhé: Very well.

With respect to—

[English]

The Chair: You have 30 seconds; question and answer.

[Translation]

Mrs. Sadia Groguhé: With respect to proactive disclosure, you say it's not enough and has its limitations.

Do you think that, like IPSA, an independent agency could significantly improve the state of disclosure, including, of course, as it relates to MPs?

[English]

The Chair: Thank you very much.

We'll move on to Mr. Opitz for four minutes.

Mr. Ted Opitz (Etobicoke Centre, CPC): Thank you, Mr. Chair.

I do need to correct something that the members opposite have said. "With a view to" often means to consider as an option. This is a study to reflect on the potential need to replace or make changes to, and that means "with a view to". It doesn't categorically mean "this will happen". You can't situate the estimate, meaning "predetermine an outcome", before we arrive at that.

Additionally, my friends opposite are not transparent. As my friend from the Liberal Party pointed out, they refuse to be transparent, and in fact, Mr. Julian only has the most basic of first-year expenses from this Parliament on his website. To me, this doesn't appear particularly transparent, open, or accountable for anybody who potentially wants to lead this country. We'd end up going from having what we built as the greatest economy in the G-7 to having the NDP GPS drive us off the cliff. That's something I find very disturbing.

Madam, I'm having some concerns because I think what you're proposing, in many respects, is layers and layers of additional, burdensome administration. There is a lot going on in the House already. There is a lot of accountability. We are the government that put in the Federal Accountability Act in the first place to be able to accommodate this. Our side and the Liberal Party have both agreed to proactively disclose, and you have to give credit to parliamentarians for willingly wanting to disclose the details of our expenses.

In fact, when you do look at something to replace or to change, Mr. Sills from IPSA said himself that you really have to determine if there's a problem big enough to prompt a change. That is something we're also determining, and I'm not sure I see a problem big enough to do that.

Having said that, we've also had two former Speakers and the Clerk here and all said that the Board of Internal Economy is working well and has the appropriate level of disclosure and that things are announced and produced in the House for disclosure to the public, and all of these experts, these former Speakers, all of these people who have spent decades doing this and working intimately with the Board of Internal Economy have said this to us over the last couple of weeks.

Why are they wrong and you right?

•(1150)

Ms. Suzanne Legault: Mr. Chairman, if parliamentarians consider that they are providing enough transparency and accountability to Canadians, then great. I think it's for parliamentarians to decide and it's for Canadians to decide.

People who are testifying to the effect that the Board of Internal Economy functions well are people who are members of the Board of Internal Economy. The Board of Internal Economy functions in secret, as per the Parliament of Canada Act.

So you're right; they're experts—they are part of it. I really can't comment on that. My comment is that in 2013—in an era of open government, open information, and open data—we should submit to some body that administers millions of taxpayers' dollars and they should be subject to the Access of Information Act. The layer of bureaucracy that is required to do that is to have an access to information officer and analysts who analyze requests from Canadians. My office already exists.

The Chair: Thank you, Mr. Opitz.

Madame Legault, Madame Bélanger, thank you for coming and joining us today. I think we'll call it at this point, because we can't get another round in.

Mr. Peter Julian: What? We have ten minutes.

The Chair: Thank you, Mr. Julian. When you're made chair, you can make these decisions. I'm growing a little tired of your questioning things I do.

Thank you very much for coming today and having fun with us.

We will suspend for a minute while we bring in our other witnesses.

•(1150)

_____ (Pause) _____

•(1155)

The Chair: I call us back into session.

We have a new panel of guests here, but they're an old panel.

Madam O'Brien and Mr. Watters, thank you for coming back. We had some questions left from the last time you were here and have some new ones in the interim. We will take an opening statement from you, as short as you can make it, and we will try to get through a full round.

Committee, I'll pre-warn you that we're going to try to get to some committee business at the end for some direction on the report. We'd like to end this session a little bit before the top of the hour.

Madam O'Brien.

Ms. Audrey O'Brien (Clerk of the House of Commons, House of Commons): Good morning, Mr. Chairman, *honorables députés*.

I am pleased to be here with Mark Watters as we return for what I believe will be the final session of hearing witnesses in your study on the Board of Internal Economy. I have followed your hearings with interest.

[*Translation*]

I found the comments and suggestions made by those who have appeared before the committee very informative. I won't give an opening statement, but I would like to make a few comments that, in my view, will help clarify certain situations that seem to be mired in confusion.

[*English*]

In the first instance, let me simply say that with regard to the salaries and pensions of MPs, the Board of Internal Economy has nothing whatsoever to do with that. The Parliament of Canada sets the annual basic remuneration for members and the additional remuneration for certain office holders. It's the Members of Parliament Retiring Allowances Act that sets pensions. So that's not in our remit.

Secondly, because this too seems to be a source of some confusion, the board has an equal representation of government and opposition members. It's chaired by the Speaker, who's elected by secret ballot by all members. It operates on the basis of consensus.

I've left with the clerk, and I think she has distributed to you, a report on the statistics on the views per page of the information on our website. That was a question I'd had. I have to warn you that these numbers are maybe a bit disappointing. Certainly they're far from overwhelming.

I'm sorry to say that I think it's the lack of direct experience with what is already posted that may lead people to the conclusion that there isn't very much information available or that they don't have sufficient information. Those kinds of comments I think tend to fuel mistrust of the Board of Internal Economy, mistrust of us as the House administration, and by extension, of course, mistrust of you yourselves, as MPs. On the contrary, I believe still, and I think the facts bear us out, that every dollar is accounted for and audited. I'd suggest that a great deal of information is already available. Now, more can be made available, and more is already in the works, but I certainly would urge people to become familiar with what is already on the website.

Another little point that Mr. Taylor-Vaisey from last night made was that it was not the entertainment value of the Board of Internal Economy that journalists were after, but rather the content.

I'm sorry if my facetiousness might have led to some confusion, but when I was talking about the “ordinariness” of the discussion, I was trying to dispel the idea that the Board of Internal Economy was a Star Chamber. I mean, I've always thought of the Star Chamber as rather intriguing, and wonderful. But because the board is constantly described as the “highly secretive” Board of Internal Economy, it tends to get a little atmosphere of Star Chamber about it when, to use a homely example, I think it more likely resembles a condominium board of directors, that sort of thing. That's just to set the record straight.

Finally, I was particularly interested, of course, as we all were, in the testimony of the Auditor General. As members know, the Auditor General's office conducted a performance audit of the House of Commons. The AG came in at the invitation of the board. In June 2010 that invitation was given, and the report was tabled in June 2012. It's a process that took almost two years—two years less a bit if we take it that the first summer was a bit of a lull.

That required us as the administration to devote many resources, in terms of time and people, to working with the Auditor General, which we were happy to do. The OAG made eight recommendations in the report, and the administration agreed with all of them. We've completed mitigating action on five of those, and the three others are well in progress.

I have to say, just as a small point of clarification, that not one of those recommendations had anything to do with the systems or procedures in place concerning the verification of members' entitlements, allowances, and services. I think that's an important point to realize.

That's it, Mr. Chairman. With my colleague Mark, I will be happy to answer questions.

• (1200)

The Chair: Super. Thank you.

Let's get to questions.

Mr. Lukiwski, seven minutes, please.

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

I have one more point about clarification, if I may, Madam O'Brien.

In the spirit of revisionist history that I keep referring to, my friend Mr. Julian has stated, on a number of occasions now, that there's a movement toward voting as opposed to consensus at the Board of Internal Economy. We've heard that claim refuted by both former speakers.

You yourself spoke of that consensus when you first appeared before us, but now, since we are on television and Mr. Julian seems concerned with the people who are watching, so that they get the right information, could you please remind the committee of how the board traditionally works in terms of reaching decisions? Is it through consensus primarily, or is there a movement toward voting and having a decision based on that?

Ms. Audrey O'Brien: Mr. Chairman, through you to Mr. Lukiwski, when I testified, appearing at the first meeting of the committee, I said that the board operated by consensus. It's my belief that this is an accurate description of how the board operates.

I did say that there had been one vote in my almost nine years' experience as secretary to the board. I believe last night Speaker Milliken referred to one or two instances where there had been votes, some of which predated my time as secretary. Again, those are by far the exceptions.

In terms of consensus, the way the discussions work, I believe as former Speaker Fraser explained it, very often the items that come up can be dealt with quite quickly, and there's agreement reached very quickly. In some cases, the issue is a bit more contentious, and it may

take one, two, or possibly three meetings for people to come to a meeting of the minds. That's really the way we operate. I think it's safe to say that the people on the board would regard something that came to a vote as a failure of our usual processes.

Mr. Tom Lukiwski: Thank you for that clarification.

I want to now, with the time we have left, delve a little deeper into your comments about the Auditor General's audit of the Board of Internal Economy. You said there were eight outstanding recommendations, which you all agreed upon, five of them mitigated, three still outstanding, I assume.

More on a, say, overarching view of things, in the report was there any suggestion either through direct recommendations or inference that the board was not fulfilling its duty and perhaps would be better served by having a replacement, independent, outside agency conducting the affairs that now are conducted by the Board of Internal Economy? I ask this because I can only assume that part of the audit was to examine your overall performance, and normally when audits are completed there are notes from the auditor.

So was there any indication, in your estimation, that the Auditor General was unhappy to the point where the BOIE should in fact be considered for replacement?

• (1205)

Ms. Audrey O'Brien: In fairness, Mr. Lukiwski, I don't think an examination of the role of the board was part of the mandate of the Auditor General. The Auditor General was coming in to see whether or not the administration adequately supported the Board of Internal Economy and executed its directives.

I can quote from the report:

The House of Commons Administration has the necessary policies in place to deliver services and advice to support Members of Parliament. It has appropriate policies and control systems in place to oversee expenditures and ensure that they conform with the by-laws, policies, and directives of the Board of Internal Economy.

Mr. Tom Lukiwski: Then I suppose—and I asked this question of the Information Commissioner—if you were complying with and following all of the rules and the bylaws as set out, then if there were any need to change the way in which you operate, it would start with looking at the rules and bylaws and perhaps expanding them, changing them, or amending them to some degree.

Would that be correct?

Ms. Audrey O'Brien: I'm not sure that is correct in the sense that I think the audit didn't go one step behind that to ask if these policies are the correct ones. I think that's one of the difficulties with this discussion of the board: that many different issues become conflated.

We're talking about the Board of Internal Economy and the administration as the executing arm, if you will, or the executing body for the decisions of the board, and we're talking about information about those decisions. If you want to get into a situation where you ask if these decisions are correct and if these allowances are the right ones, to my mind that's a different issue.

It's a very rich discussion in many ways, but I think sometimes what happens is that there are so many things at play and that people are talking about different things while using maybe the same vocabulary.

Mr. Tom Lukiwski: I appreciate that.

Chair, how much time do I have?

The Chair: You have more than a minute.

Mr. Tom Lukiwski: Good.

If you have been following the discussion, you probably have seen this comment in the blues or the transcripts. Mr. Sills from IPSA spent a great deal of time with us talking about the need for IPSA and how IPSA operates.

I noted with interest that many of the operating practices of IPSA are similar, or seem to be similar, to those of the Board of Internal Economy. But the need for IPSA to be formed was surrounding, of course, the expense scandal in the U.K., and from my view, our rules and the bylaws would make it almost impossible for the same type of expense abuse to occur here.

But at the very end—this is the point I want to get your opinion on, and I understand it's tough to make an objective opinion when you're in a highly subjective situation, but nonetheless—Mr. Sills said his advice to us would be that we as a committee would have to determine whether or not there was a problem large enough for a need, then, to replace the Board of Internal Economy. I personally haven't seen, over the course of my nine years here, any problems large enough to match the extent Mr. Sills referred to as the reason IPSA was formed.

Can you comment on whether or not, in your experience, there have been problems to the degree we saw in the U.K. with members' expenses or anything on the financial side of things in the House?

The Chair: Please give a very short answer.

Ms. Audrey O'Brien: Mr. Chairman, I think this is a very important question.

One of the things we were particularly pleased with when Mark and I visited London and talked to John Sills, and his colleagues at IPSA and the colleagues at the House of Commons, was finding that the processes we have in place and the kinds of policies that determine those processes are very similar to what IPSA has in place.

They are every bit as robust in terms of the determination of the legitimacy of expenditures, and the policies are every bit as strict, even down to the fact that we have a financial portal, which people are finding perhaps difficult to adjust to because it's not just paper anymore, but that's another added layer of safety in terms of saying you have to meet certain threshold criteria.

•(1210)

The Chair: Thank you.

Mr. Scott, go ahead, for seven minutes.

Mr. Craig Scott (Toronto—Danforth, NDP): Thank you, Mr. Chair.

Thanks so much for being back, Ms. O'Brien and Mr. Watters.

I want to set the scene. What we'd like to discuss, as much as we can, with you is what the transition to a more independent structure could look like. Let's leave aside the policy debates the other side

seems to want to continue to have on whether we're going to have such a body.

I would note that Mr. Opitz, who is no longer with us, really did mistake the nature of the motion. He said that we're here to study "as an option", which is language that does not appear in the motion. The motion says that we are to conduct open and public hearings with a view to replacing the Board of Internal Economy, and so that is the spirit in which we'd like to continue the rest of our questioning.

What would it take to transition to a more independent organizational structure, like IPSA, while not necessarily losing all the benefits we see with how the BOIE works? My colleagues are going to ask more specific questions.

I want to put paid to another possible misunderstanding. Ms. Legault, who was here earlier, suggested that we really have to look at the cost. Of course we have to look at the cost, but she cited the £6 million figure that IPSA cited, but at the same time, we were told that amount was either less or roughly the same as what the same functions had cost before. Whether or not that's going to be as easy for us to make it a wash in the future is something to discuss, but it's inaccurate to leave the impression in people's minds that the IPSA structure somehow cost an extra £6 million. It didn't.

Before we start the questions, I want to end by getting back onto the consensus point to see how that might work in an independent structure. The reason this NDP motion is here is that we believe not only with Madam Legault that the Access to Information Act should apply more broadly to the parliamentary administration, but also that we need much fuller disclosure of MP expenses, and we want this to be non-selective. Parties don't get to decide which expenses to disclose; just travel or just hospitality, for example, which is what the Liberals have done. It should be full disclosure, and here's the key: we believe that not only must the rules apply to everybody, and that's why we're trying through this multilateral process, but also that independent third-party verification adds to public confidence and to the accuracy of the information. Accuracy and completeness of information is much easier if the body tasked with it has an arm's-length relationship to those who are being reported upon; us, the MPs.

We have a fairly clear view: we want to see everybody move in this direction. Now, the two other parties keep hammering us to say that we want rules applicable to everybody, and at the same time, the Conservatives haven't done a thing. They keep talking about the fact that they plan to do something—we haven't a clue what it is—and the Liberals have completely botched what they planned. We have the leader of their party putting out one expense, when we know he travels all around the country. Whether he's hiding behind the leader's office, I don't know. The Conservatives have done nothing.

If we don't get to the point where we have everybody's agreement that we go to a multilateral system with new rules, and that everybody knows what fully disclosed expenses will be necessary, then we're going to have to see if we can come up with our own, better system for ourselves.

Here is my question. Consensus doesn't mean unanimity, correct?

Ms. Audrey O'Brien: That's right.

Mr. Craig Scott: Okay, without asking you to reveal anything at all about what goes on in current decision-making, would it be possible in the current system—and therefore be something we'd have to look at in the new system—for the presiding officer to simply declare a consensus if half the members in the room were firmly in favour and the other half did not want to go in that direction? Is it the prerogative of the chair to be able to define “consensus” in that way?

● (1215)

Ms. Audrey O'Brien: I don't know that I'd go so far as to say it's the prerogative of the chair.

I can say that no chair has ever done that. It has happened that there has been consensus that was not unanimous, and that too is not all that frequent because there is usually the agreement of everyone around, but not always. My experience has been that the chair will expect agreement among some opposition members and some government members—let me put it that way. It's not a one-sided thing, because consensus with nobody is consensus with yourself.

Mr. Craig Scott: So it's ultimately for the chair to come up with his or her own understanding.

Ms. Audrey O'Brien: Exactly, and usually what the chair would do is to encourage further discussion.

Mr. Craig Scott: Okay.

I have one last question, if I have time.

The Chair: You do. You have a minute.

Mr. Craig Scott: Maybe I'll start with Mr. Watters, as this is now transitioning more to what my colleagues will be asking about, which is what it would look like to keep everything that's good about the BOIE and the way it functions now—effectively, it functions because of professional and highly qualified staff—but layer in the independence of the decision-making structure. Rather than the committee being made up of six members, or whatever it is now, who are MPs and are appointed by their parties, we would have a system of independent representatives who are appointed or otherwise selected.

Do you see it as possible to layer that level of independence onto what we already have?

Ms. Audrey O'Brien: May I, Mr. Chairman, and through you to Mr. Scott, cover off some of the points he raised earlier, which, as I understood, were questions?

Our concern as officials who serve the House and serve all parties is indeed to have rules that apply to everyone. That's one of the reasons why we're here to speak to what... Regardless of what the individual parties may decide to disclose in their own party way, we are talking about what the board wants disclosed on behalf of the entire House, so that's important, and it's terrifically important to us that what's disclosed is accurate and is complete. It may not be sufficiently detailed to suit some viewers, some members, and some parties, but it is accurate and is complete.

With regard to what we call the key-in-the-door cost to move to an independent body, Mark can speak to that.

The Chair: And he'll need to do that under our next questioner.

Mr. Lamoureux, if you'd like to go there, we can get that answer.

Mr. Kevin Lamoureux: Well, actually, Mr. Chair, there are some things I cannot resist, of course, and I want to pick up on Ms. O'Brien's comments in terms of applying rules to everyone.

Mr. Scott was making reference to the Liberal Party leader. He wants to know where the Liberal Party leader flies. The good news is that in regard to where the Liberal Party is flying at taxpayers' expense, you can find out. We have what they call proactive disclosure.

It's something that you refuse to participate in. A good example is, we would say that we should also be able to know where your leader flies. We understand that he flew to Winnipeg in first class while our leader was flying economy. We want to be able to know how much your leader is spending on airfare.

Through you, Mr. Chair, of course...

The Chair: Yes, and not to Mr. Scott. Thank you.

Mr. Kevin Lamoureux: But of course, Mr. Chair.

We believe that Canadians have a right to know who's flying first class, to know if they choose first class, like your leader, or who's flying economy, like our leader is flying economy. These are things on which, at the very least, everyone within the Liberal caucus has taken a step forward through proactive disclosure.

When the member makes reference to “we want more, we want more”, it's a kind of childish game that they're entering into. You can have this, what we have today, and we can do what Madam O'Brien is suggesting in terms of having a rule that applies to all political parties and is administered by the government, as opposed to a political party. All we need is the consent of the New Democrats in order to make that happen.

My specific question is for you, Madam O'Brien. The Auditor General of Canada has provided performance audits on MPs' expenditures in the past. One of the suggestions is that we have that on a more regular basis, so that every three years there would be a performance audit conducted by the Auditor General. Do you feel that would be helpful?

● (1220)

Ms. Audrey O'Brien: If I may, Mr. Chairman, I have perhaps a slight clarification, in that the performance audit the Auditor General has done here is a performance audit of the administration, not of members. An audit of members by the Auditor General has been something that members have steadfastly resisted, because it is viewed as an interference in their carrying out of their parliamentary functions. That's never been done.

Mr. Kevin Lamoureux: Do you think there would be value in terms of having performance audits conducted, then, on the expenditures of members of Parliament?

Ms. Audrey O'Brien: Frankly speaking, I think, again, that because of the vast differences in the backgrounds of members, they operate in very different ways; the former Speaker spoke last night about people with extensive industry experience or professional experience and so forth, and people with relatively none all of a sudden coming into.... So I'm not sure that a performance audit in that sense would be all that helpful. I think there are ways in which some things could be made more helpful. Perhaps my colleague, who has auditing experience, can suggest some ways.

Mr. Mark G. Watters (Chief Financial Officer, House of Commons): I might suggest, Mr. Chair, that if you look at the mandate that was given to the Auditor General with respect to the audit of the House, it was to see how the House administration supports members in their functions. You can imagine, then, that a performance audit of a particular member would be how that member particularly supports the constituents that he or she represents. That would be the kind of focus of the audit within the existing rules. So when we talk about performance audit, that's what you would be buying if you asked the Auditor General to do that type of work.

Members serve their constituents in a very different fashion. From coast to coast, with small ridings, large ridings, there are very, very huge differences. Frankly, as a former assistant auditor general, I don't know how I would start to audit that or what criteria I would use to make that assessment. I think it would be quite difficult.

From an attest perspective, our financial statements, which include members' spending, are audited, and they're audited by a separate firm. They're audited by KPMG. But KPMG, being auditors in Canada, follow GAAS, which is generally accepted auditing standards, the same standards that would be followed by the Auditor General. The Auditor General would not bring a different vernacular to that attest audit, which is already done.

Mr. Kevin Lamoureux: I think one of the things that's quite upsetting to many people is the fact that the Board of Internal Economy meets in camera as often as it does. My understanding is that, under the IPSA model, it also meets in camera. So even the outside independent body—both meet in camera.

Is there not a compromise here? One of the suggestions is that you have a subcommittee, and that subcommittee is the one that meets in camera. Anything decided would then come to the full committee for discussion. Can you provide comment on that?

Ms. Audrey O'Brien: I realize that my former colleague Rob Walsh suggested that this happen. I suppose it could.

Frankly speaking, I just think it's a certain amount of window dressing if the subcommittee meets in camera and then they bring a report back to a full and public meeting. If that meets some species of transparency demand, then I'm sure we could do that. I'm just not sure it's.... I wonder if that would satisfy anybody, in a way, because would not the question of those people pushing for public meetings be that those subcommittees should meet in public?

Do you know what I mean? I'm not sure what people are after, to tell you the truth.

Mr. Kevin Lamoureux: But you see, the information discussed in the subcommittee ultimately would come in the form of

recommendations for the entire board, where there would be a discussion about those recommendations, and you're able to bypass the sensitivity issues. Do you not think that would be helpful?

Ms. Audrey O'Brien: Well, if members were to judge that to be helpful, then we'd be happy to comply and to support that regime. As I say, I'm a bit baffled, to tell you the truth.

Mr. Kevin Lamoureux: I think there is a great deal of pressure in terms of this whole in camera situation. There's this feeling that a lot of things happen behind closed doors, especially with politicians, in that sense. But having a subcommittee of sorts that's dealing with in camera issues, and then bringing them forward for ultimate ratification or decision, and allowing for some debate, that's always open to the public to participate.

Perhaps you can provide comment on this. If you had a mechanism like that, to what degree do you think it would change the amount of discussion within the typical board meeting?

● (1225)

The Chair: Thank you, Mr. Lamoureux. I'm sure we'll get to that answer under Mr. MacKenzie's questions.

Mr. MacKenzie, you have four minutes.

Mr. Dave MacKenzie: Thank you, Chair.

I just have to clear up one thing. I keep hearing about all these people who are looking for the information.

To be perfectly honest, I haven't got anybody at home, when I go to Tim Hortons, who wants to know all this information. I assume that maybe my riding is different, and they understand the accuracy of the reports. They understand that Mr. Watters and his folks are looking for receipts.

My understanding is that there's no payment without a receipt. I think that's exactly what got them into trouble in England, where they could submit for £250 every day without receipts. That's \$400 a day to supplement your income with no receipts. In Canada that doesn't happen. We have the rules, and you're ensuring that we follow those rules. I mean, this is a whole different situation.

I think I heard somebody suggest verifying the accuracy of the information. Mr. Watters, is there any way that we could tell anybody any clearer that the accuracy of the information depends on the receipts that are received?

Mr. Mark G. Watters: That's right. In my previous testimony, Mr. Chair, I spoke to the number of regret letters that are sent. I quoted a figure of just over 4,300. Those letters are sent to members when there is a difference between the payment we make to the member and the amount that was claimed. Out of that high number of regret letters, as I indicated, on average over the last two years, only seven requests have gone to the board for reconsideration. I can tell you that in all but one instance the previous decision made by the administration was held, so if you look at fourteen instances over two years, if you want to use averages, in one instance the decision of the board was different from the decision of the administration, so I think we're doing our job in terms of adjudicating claims according to the rules we have in place. Those rules do require receipts for all but a few items.

It's the same thing in government. To claim a per diem expense, you don't need a receipt, because you don't get a receipt for a per diem. It's an allowance paid in lieu of supplying receipts for meals. It's the same thing with mileage. If you drive so many kilometres, you're reimbursed for kilometres. We require a road travel log in which members complete the purpose of their travel, where they're going from and to, and the kilometrage claimed. When we get that claim, we verify with Google Maps to see whether that's reasonable. If it's reasonable, we pay the claim. If it's not, then we send a regret letter and we're back into that whole process again.

Clearly, we're inspired by what happens in government in terms of the regimes it has with respect to expenditures. The per diem we use is the one used in government. It's set by Treasury Board. The BOIE doesn't set that per diem. The kilometrage rate is also set by Treasury Board. We use that particular item as well.

Mr. Dave MacKenzie: Thank you.

My good friend Mr. Scott was talking about the issue of consensus. If you don't have consensus there is only one other way to resolve it. My understanding would be that you would have a vote. You're still not going to have 100% support in that regard. It seems to me that consensus, the way it operates today, is probably the best solution. It's not in a partisan sense. There are no cameras, as we have here today, so you'll end up with consensus.

Do you see any way other than those two options—votes or consensus?

Ms. Audrey O'Brien: Frankly speaking, Mr. Chairman, through you to Mr. MacKenzie, I do think that the even numbers of government and opposition members provide a good basis, and I think that consensus is really the best way to decide things, because you're deciding things for the good of the institution in the long run. You put on a slightly different hat—I'd venture to say a very different hat—if you're sitting around the Board of Internal Economy, because you're doing something for the House of Commons as an institution and as the elected House of Canadian democracy, at the risk of sounding highfalutin.

The Chair: Thank you very much.

Thank you, Mr. MacKenzie.

Mr. Julian, go ahead for four minutes, please.

Mr. Peter Julian: Thank you very much, Mr. Chair.

I am quite amazed by some of the Conservative comments by Mr. Opitz and Mr. MacKenzie about expenses. Mr. Opitz was critical of the fact that I've been posting, for seven years now, and that all NDP members actually post direct links from their websites to their expenses as members of Parliament. The reality is I've been doing it for seven years. People do talk to me about them at Tim Hortons, because they can access them. The NDP is the only party that does that. Every single NDP MP has that direct link.

I looked for that for Mr. Opitz and Mr. MacKenzie. They don't even have links to their expenses, so their constituents have no idea what they're spending. It's a little sad and a little unfortunate, so I'm certainly hoping they'll follow our lead on accessibility.

I want to come now to the issue of transition, which Mr. Scott raised.

We are really happy to have both of you back, Madam O'Brien and Mr. Watters. We really appreciate your kicking off and finishing up the study portion.

We do have the mandate to put in place independent oversight. The Auditor General says, "Bring in independent oversight". The public is saying, "Bring in independent oversight". Conservatives and Liberals may not be in agreement, but Parliament mandated us to do it, and, by golly, that's what we are supposed to do on behalf of Canadians. I'm wondering then what the transition to independent oversight might look like. I'd like your recommendations or comments on the model of putting in an independent oversight body, a little bit like what is done in Manitoba, which then follows up on administration that takes place through the House, or an IPSA model such as we see in the United Kingdom, which certainly has the advantage of not costing more but actually costing a little bit less than the existing House of Commons framework around finances.

Let's just move ahead with the mandate this committee was given. What is the transition period you foresee? What are the measures and the steps we need to take? What kind of model do you see for independent oversight so we can do away with the secretive, self-policing of the Board of Internal Economy once and for all?

● (1230)

Ms. Audrey O'Brien: If the decision were to be made to go from the Board of Internal Economy model to a different model—whether that be a commissioner, as in the case of Manitoba, or something like IPSA, as in the case of the United Kingdom—I think the first thing we would have to consider is the amendment to the Parliament of Canada Act, which right now vests in the House of Commons Board of Internal Economy the statutory authority for all it does.

Once that was done, and depending on which model of those two or any others you were going to proceed with, we could then begin to effect the bureaucratic changes that would be required. I think that the chief financial officer is in a better position than I to talk about those kinds of details.

Mr. Mark G. Watters: Thank you, Mr. Chair.

As the Clerk was saying, we did spend a few days speaking both to the House and to IPSA. Most of our questions for them were around the transition and the level of effort that was involved in it. The impression I came back with from those meetings was that in fact most of that £6 million to do that was new money. Rents, as you can appreciate, in the U.K. in the city of London are quite expensive. The agency had to be housed. It needed to acquire systems, administrative staff, and senior staff.

While it's true the number of clerical positions that were involved in the management of the accounts, as we have here, the 21 people I referred to in my initial testimony—

Mr. Peter Julian: I apologize, Mr. Watters, but it's more the transition, because Mr. Sills testified that there was a reduction in terms of overall expenses. I am interested in the transition process.

The Chair: Thank you.

We can be interested under Mr. Lukiwski, for four minutes, please.

Mr. Tom Lukiwski: Thanks very much.

Not to belabour a point, but again I guess we're going to have to agree to disagree with the position the NDP has, that this committee has been mandated to find a way to replace the BOIE. I don't believe that to be true. I believe we have to examine whether or not there's a need to replace the BOIE. At this point in time I'm not sure if there is. I've always been of the view that, if it ain't broken, don't fix it or don't even try to.

I go back to a number of words of caution we've heard from previous witnesses. Mr. Sills, who of course was a member of IPSA, cautioned us that in effect we should not even try to replace something unless there's a need to, unless there's a problem that exists. I haven't yet been able to identify any problems large enough that would require a replacement of the BOIE.

But I also go back to something, and I think I'd like to get a comment on this. Let's assume for a moment we determined there should be a different body constructed, an independent oversight body. One of the things Speaker Fraser cautioned us on was the fact that—and I'm sort of trying to put it in my own words I suppose—there would be almost a loss of corporate memory. In other words, one of the things that the membership of the Clerk and the chief financial officer brings to the BOIE is that knowledge of the institution. What Speaker Fraser was asking is what role the Speaker would have and what problems might occur by having members who don't have the knowledge of the institution itself when trying to determine, as examples, spending allocations on maybe a renovation of the West Block, or whether or not there was a need to enhance or beef up security services, or anything of that nature.

Starting with you Madam O'Brien, I'd like to get commentary from both of you on whether or not you feel that, if we go to independent oversight, we might be in a problem area in terms of lack of knowledge of the institution itself. Corporate memory is, I guess, the term I use.

• (1235)

Ms. Audrey O'Brien: Mr. Julian was talking about the transition period, and I think that whole business of the corporate memory becomes an issue in the transition.

We look at IPSA now, and it's been in place for three years, and by this time now they have created an informal liaison committee between members and IPSA, so that IPSA can better understand the needs of members and the various peculiarities of their constituencies and the peculiarities of their parliamentary functions and what they need to support those functions. I think that's certainly an issue we would have to take into consideration.

In the IPSA creation, because the scandal, as it was called, occurred very close to a general election, there was just an incredible haste to actually deal with that by the creation of IPSA. I think the haste with which it was created, created really a terrific burden for the people working at IPSA as well as the people at the House. So I think there would have to be, in any kind of handover, a measured approach to give the new people time to take over and take over with a better understanding, whereas IPSA was thrown off into the deep end of the pool very quickly.

The Chair: Four, three, two, one, you're out of time.

We will go now to Mr. Bellavance, for four minutes.

[*Translation*]

Mr. André Bellavance: Again, thank you, Ms. O'Brien, for joining us today. You were here when the committee began its study and here you are again as we wrap things up. We have come full circle.

Since your first appearance before the committee, we have heard from other witnesses, including two former House speakers, Mr. Milliken and Mr. Fraser yesterday. Their remarks shed light on progress as it relates to the Board of Internal Economy. Mr. Milliken told us that, in 10 years, he had seen very little in the way of change with respect to how the board operated.

Something former Speaker of the House John Fraser said really struck me. I was asking him about the representation of the Board of Internal Economy. Yesterday, we also heard from someone representing the Canadian Association of Journalists. We've talked a lot about transparency as it relates to the public and the media. But we haven't really discussed what happens on the inside. As I said yesterday, during my first seven years as an MP, our representatives on the Board of Internal Economy were Michel Guimond and then Claude DeBellefeuille. We had a rough idea of what went on and we trusted our whip to look after our affairs. We didn't ask too many questions.

Today, I'm in a different boat. The NDP and the Conservatives experienced the same thing from 1993 to 1997. The members of my party are in the dark. We don't really know what goes on at the Board of Internal Economy. The minutes barely tell us anything about what's going on or how matters are progressing.

Former Speaker Fraser told me that it was definitely possible to make adjustments as far as our representation in the House of Commons was concerned. Belonging to a party that isn't recognized or being an independent doesn't make us second-class citizens. And yet that's how the Board of Internal Economy treats us. If the solution ends up being business as usual and that's how it is, I completely disagree.

The first thing we need to do is stop navel gazing and make the changes required internally to improve representation. Next, the Board of Internal Economy needs to be more transparent to the public. What's more, whether it's legislated or at the Auditor General's request, once or twice a year, he or she should conduct the necessary audits of the board's activities. The Information Commissioner mentioned some requests to that effect that could be granted.

I don't want to put words in the mouth of former Speaker Fraser, given that, in his case, we were talking only about representation. Nevertheless, I would like to know whether we could overhaul the Board of Internal Economy, rename it and transform it into a different organization, one that was more in line with what I was talking about.

• (1240)

Ms. Audrey O'Brien: Mr. Chair, I consider representation to be important, and I completely understand the dissatisfaction around that.

I was interested in what Mr. Fraser said yesterday evening. On the three issues of representation, audits and access to information, I think we could make improvements to rectify the problems you raised, Mr. Bellavance, without dismantling or eliminating the Board of Internal Economy to create a completely new entity.

I agree, improvements are needed. There is room for improvement. It might necessitate a review of the Act of Parliament, which stipulates the Board of Internal Economy's membership, but it could be done.

[English]

The Chair: Thank you very much.

Mr. Julian, four minutes, please.

Mr. Peter Julian: Thank you very much, Mr. Chair.

Mr. Watters, I'd like to come back to the issue of transition. I'd like to get your thoughts, then, on how we put together the transition. Madame O'Brien spoke of a measured approach, and we certainly understand that. But we'd like to know, in terms of the transitional measures to take and in terms of the model, what suggestions you have for us.

Putting aside the debate around it, I think the motion is very clear, and I think the public has been very clear. We really need your forethought in terms of how to achieve this independent oversight, which is clearly what the Auditor General is calling for.

Mr. Mark G. Watters: Thank you.

Basically, Mr. Chair, the way I understand the question is, what would be the guide to proceed if we decided to go along this particular route?

Mr. Peter Julian: Yes.

Mr. Mark G. Watters: First of all, let me say that I think the 21 people in Finance Services who do the work of the adjudication of the claims would have to be moved over, out of the Finance Services of the House, and then basically replicate in the new agency what they do here. That can be done with some machinery change, depending on the entity that's created and that type of thing.

•(1245)

Mr. Peter Julian: Yes.

Mr. Mark G. Watters: But they would need to be supported, as I was saying a little earlier, by other infrastructure. They would need to be housed in a facility. They would need to have the support of a human resources department, or they would have to be able to buy that service from somewhere else. They would need systems. They would need their own audit regime as well. For the work they would do, they would need an appropriation to proceed. They would need a senior management.

Basically, it's the cost of putting the key in the door. You're creating a new entity. It's not a matter of just taking the people who are operationally doing the job that you want them to do; you need to surround them with the infrastructure to allow them to be able to do their job. If those people decide to organize, then you'll have to enter into collective bargaining agreements with the bargaining agent and so on. You can appreciate that there's a lot of work to do in that respect.

But it would be important also, Mr. Chair, to take the time. If there's one thing that was stressed to us when we met with the U.K., it was that six months to do this is just far too little time. As the Clerk was saying, some three years later, they're finding the middle ground and the sweet spot in terms of the relationship between the entity and parliamentarians. It takes some time to do that and to not rush things, because they need to be set up properly to do the job that we would expect them to do.

Mr. Peter Julian: But certainly between now and the next election, this is very doable, this actual list that you've put out. Having set up organizations, I certainly understand what you're saying about a measured approach. This could be in place and voters could see it in time for the next election, perhaps not for the immediate next fiscal year, but certainly for the fiscal year after that.

On the audit regime you're speaking of, the Auditor General, who is a strong proponent of independent oversight, has said as well that he wants to be involved in comprehensive audits. That's certainly something we support, and that's something that he would require some additional resources for. But he's been cut back by this government. I think there's a strong mood in the public for the Auditor General to be given those additional resources, because it's taxpayers' money, after all. The Auditor General, on behalf of the public, is ensuring that expenses are accurately undertaken.

I'll go to both of you, then, Madam O'Brien and Mr. Watters. Do you have a preference in terms of the Manitoba model with a commissioner, or the IPSA model? Do you have any thoughts on either of those? I'm saying that those are the two choices. You may have another choice, but I'm saying that with the presumption, of course, that the mandate Parliament has given us is that we're doing away with the secretive self-policing and the bureau of internal economy. Given that we're doing away with that, what is your preference in terms of model?

The Chair: A quick answer, please.

Ms. Audrey O'Brien: I guess that if one were to look at either Manitoba's or an IPSA model, I suppose that an IPSA model would seem somewhat preferable to me.

If you have a lone commissioner, it would seem to me that this person would have a crushing burden of expectations visited upon him or her in terms of independence. Who appoints the commissioner? Is it the government? Is it the House? How does that work?

IPSA has at least a number of people, and there are a number of statutory requirements for some of the positions. But it also has to be remembered that it is a Speaker's committee that actually chooses the members for IPSA, so that might work. Given that there are more of them to choose in IPSA, it seems to me that perhaps you could satisfy marginally more people than you could with the one person, and because this is much bigger than a Manitoba legislature, maybe that would be better.

Mr. Mark G. Watters: They have 57 members.

Ms. Audrey O'Brien: Yes, there are only 57 members.

The Chair: Thank you very much.

Mr. Richards, you'll finish us off today. You have four minutes.

Mr. Blake Richards (Wild Rose, CPC): Thank you, Mr. Chair.

It's good to have you both back.

As you know, I come from Alberta, and we have a saying, "All hat and no cattle". That is a saying that I think could very aptly apply to the NDP when it comes to transparency—"All talk, no action". Certainly we're hearing all this talk today about things on their website. Well, it's disclosure that of course Parliament provides. On Mr. Julian's website, for example, it's buried way down at the bottom. When you look at the actions we're taking and the Liberals are taking, there's certainly proactive disclosure. I just wanted to point that out, that there is some level of transparency that comes with that, in terms of disclosing your travel and hospitality on a line-by-line basis. Hopefully, we'll bring them into that at some point. They seem quite reluctant for some reason.

I want to continue my questioning in relation to expenses. My questions will be mainly for you, Mr. Watters, but, Ms. O'Brien, if there's something you feel you can add, please do.

Mr. Julian had a question about a new independent agency, something like an IPSA, which, as we heard from the IPSA officials themselves, actually works quite a bit like the Board of Internal Economy that currently exists. I believe 21 employees are responsible for adjudicating the claims put in by members of Parliament. You indicated that essentially, if something like that were created, those individuals would just have to move over and basically replicate what they do now under a different organization.

Mr. Mark G. Watters: That's right.

Mr. Blake Richards: I take it from that comment that you essentially feel that what's being done now is quite sufficient, in terms of combing through the expense claims that are put in, that you feel they're being adjudicated in a fulsome way and that the process is quite sufficient as it exists now.

• (1250)

Mr. Mark G. Watters: That's correct. I do.

Mr. Blake Richards: The bottom line has to do with the kinds of things we've seen with the four senators who have had a lot of

publicity recently based on some of the inappropriate expense claims that were made. IPSA was created in the U.K. as a result of some significant concerns that arose with some of the expenses being claimed by members there. I would assume you would feel that with the process we have, there's really no way we could see.... I know there are no guarantees in life, but there's really no way we could see, given the magnitude of expenses.... I suppose there is always the odd thing that could slip through, but we wouldn't see those kinds of things happening in our House of Commons because of the way our expense claims are adjudicated currently. Is that fair?

Mr. Mark G. Watters: The answer to that, Mr. Chair, as I think was said earlier by Mr. MacKenzie, is that the U.K. model was built on allowances rather than reimbursement against receipt, and our system is built on reimbursement against receipt. So the chance of that happening here would be much lower. There'd have to be collusion and there'd have to be—

Mr. Blake Richards: It would be significantly less likely.

Mr. Mark G. Watters: —dummy receipts actually provided to us for reimbursement. It would be fraud, as opposed to a regime in which it's based more on allowances. There's a lot of history as to why that is the case in the U.K. There was a huge push to keep salaries low and keep allowances high, and the House and IPSA would talk to you about that if you were to call them back.

Mr. Blake Richards: Sure.

Mr. Mark G. Watters: The regime we have here is quite different. Even in the salary of a parliamentarian in Canada versus a parliamentarian in the U.K., there's a huge difference, and they're beginning to grapple with that in the U.K. The drivers are completely different.

The Chair: Thank you, Mr. Richards.

I know it goes quickly.

We're going to call that our stopping spot for today. We would like to thank our witnesses again for coming back and helping us with our study.

We will suspend for just a minute while we go in camera to discuss what we're doing next.

[Proceedings continue in camera]

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