



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

44th PARLIAMENT, 1st SESSION

Standing Committee on Public Accounts

EVIDENCE

NUMBER 146

Wednesday, October 23, 2024

Chair: Mr. John Williamson



Standing Committee on Public Accounts

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• (1635)

[Translation]

The Chair (Mr. John Williamson (New Brunswick South-west, CPC)): I call this meeting to order.

Welcome to meeting number 146 of the House of Commons Standing Committee on Public Accounts.

[English]

Today's meeting is taking place in a hybrid format, pursuant to the Standing Orders. Members are attending in person in the room and remotely using the Zoom application.

Before we begin, I would like to ask all in-person participants to read the guidelines written on the updated cards on the table with respect to the audio system to prevent any feedback incidents. This is to protect the health and safety of all participants, especially our interpreters.

I have a kind reminder for all those in person and online. For your safety and the safety of our interpreters, it is very important that microphones are muted when individuals are not speaking.

All comments should be addressed through the chair.

[Translation]

Pursuant to Standing Order 108(3)(g), the committee is resuming consideration of report 6, Sustainable Development Technology Canada, 2024—reports 5 to 7 of the Auditor General of Canada, referred to the committee on June 4, 2024.

[English]

I was going to welcome Mr. Cannings to the committee, but he is not here. He is a new member.

[Translation]

We have a substitute today. Welcome.

[English]

I'll turn to our witnesses, and we will welcome our new member at a later date.

From the Privy Council Office, we have Donnalyn McClymont, deputy secretary to the cabinet, senior personnel and public service renewal; and Rima Hamoui, assistant secretary to the cabinet, senior personnel.

Ms. McClymont, you have the floor for five minutes, please.

Ms. Donnalyn McClymont (Deputy Secretary to the Cabinet, Senior Personnel and Public Service Renewal, Privy Council Office): Thank you, Mr. Chair.

[Translation]

Good afternoon, honourable committee members.

I want to start by recognizing that the lands on which we're gathered form part of the unceded traditional territory of the Algonquin Anishinabe nation.

Further to our appearance last month, my colleague and I are here today to assist the committee in its study of Sustainable Development Technology Canada.

[English]

I understand that the committee is specifically seeking clarity on the process by which Ms. Verschuren was appointed to the Governor in Council position of SDTC chair in 2019.

In September 2018, an open, transparent and merit-based selection process was launched to find qualified candidates to fill the chair position. This process, as I mentioned previously, yielded a total of six candidates who were recommended to the then minister.

I recognize that the committee has asked for further details related to this appointment. On that point, I would like to just take a few moments to provide some context on our approach to the management of candidate information.

There are two key elements that guide us in our work. First, the Privy Council Office has a legal obligation under the Privacy Act to protect personal information. We take this obligation seriously, as well as the responsibility it entails. Second, as only a small fraction of individuals who apply for GIC positions are appointed, the fact that an individual has applied can be sensitive if released and could cause both professional and reputational damage.

In addition, throughout our selection process, we gather a lot of detailed personal information, including responses to interview questions, information gathered through reference checks, and assessments made by the selection committee. Protecting this information is vital to our work. Applicants and candidates can reasonably expect that it is kept confidential, as it would be in any standard human resource practice. This is to maintain the integrity of the process so that individuals are not dissuaded from applying for these important roles.

That said, we recognize that the committee has sought clarification on the selection process for Ms. Verschuren, and we know that it is very important to your study. We have, therefore, taken a very exceptional measure to seek Ms. Verschuren's consent to provide to the committee the details related to her appointment. This information has been sent to the committee clerk, but I will go through it in detail.

I would also just like to mention that I have discussed this approach with the Privacy Commissioner, given this unprecedented action on our part, and he thought that this was an appropriate approach in the circumstances.

I'll just go through it quickly.

Ms. Verschuren applied to the selection process through our open online portal on April 30, 2019. She was interviewed on May 14, 2019. Her application, interview and references were assessed by the committee, and she was found to have met the criteria. As such, she was identified as a qualified candidate and was provided, through an advice letter, to former minister Bains as a recommended candidate on May 21, 2019. The Governor in Council appointed her on June 19, 2019, to the position.

[Translation]

I hope that this information will be helpful to the committee. Thank you for your attention. We would be pleased to take your questions.

The Chair: Thank you.

[English]

Next, we will begin our first round of questions by members. You each have six minutes.

Mr. Perkins, you have the floor, please.

Mr. Rick Perkins (South Shore—St. Margarets, CPC): Thank you, Chair.

Thank you, witnesses. It's nice to see you again.

In response to a production order or documents motion here at the committee around Ms. Verschuren's appointment, PCO, as the witness has referenced, provided documents, and there are 107 pages. Pages 12 to 30, pages 48 to 66, pages 78 to 84 and pages 97 to 103—in total, 41 pages—were redacted. You can see them here. They were redacted, which seems to be a PCO habit these days.

Can you tell me who told you to redact these pages?

Ms. Donnalyn McClymont: Mr. Chair, as I noted from the outset, as public servants, we are obligated under the Privacy Act to protect personal information.

That said, I would really emphasize for the committee that we have taken some very exceptional measures to provide as much information as possible to strike a very delicate balance of giving the committee the information that they need to do their work while respecting the personal information of the individuals who were qualified for the various processes.

I would just say that, above and beyond that, we also sought Ms. Verschuren's agreement to provide details about her appointment.

• (1640)

Mr. Rick Perkins: That wasn't my question.

Who authorized or said that these pages should be redacted in PCO?

Ms. Donnalyn McClymont: Mr. Chair, we operate under the auspices of the Privacy Act, and we would have gone through the pages ourselves. My team would have looked and applied the Privacy Act. If we'd had any questions, we would have consulted with our legal counsel.

Mr. Rick Perkins: Did the Prime Minister's Office review this before it was released?

Ms. Donnalyn McClymont: Not to my knowledge, Mr. Chair. If they had an opportunity, not from our office.... They wouldn't have reviewed it, no.

Mr. Rick Perkins: Will you table with this committee all the emails within PCO and PMO with regard to what should be done with these documents before they were tabled in committee?

Ms. Donnalyn McClymont: I'm not quite sure I understand the question.

Mr. Rick Perkins: Well, you would have had lots of communication and emails back and forth when you got the stack of documents about what to redact and hide from the committee and what not to, so will you table those emails with the committee?

Ms. Donnalyn McClymont: We'll endeavour to see if we have any records on hand that could be helpful in that work, for sure.

Mr. Rick Perkins: It's really hard to get at the details of this thing because, of course, Ms. Verschuren testified, and the first answer is usually the correct answer. She testified three times that she has not applied for anything in her life and that Minister Bains called her twice before that. A week later, she wrote a letter saying that of course she applied. I suspect that she applied after she had had the two calls from Minister Bains.

Does anything that you've redacted here deal with the issue of Minister Bains' phone calls to Ms. Verschuren to talk about taking this on, the job she didn't apply for?

Ms. Donnalyn McClymont: Mr. Chair, we have provided the information as requested, and that would include the advice letter. As I mentioned, the advice letters that were requested would also contain personal information about the applicants.

I would just underscore that we did note in our letter back that we didn't have any documents that had any transaction, to the member's question, between ourselves and the minister or the minister's office or the Prime Minister's Office, for that matter, on her application or any further details.

Mr. Rick Perkins: The witness is obviously aware that we've now been three weeks in the House dealing with a privilege motion about the breach of privilege of the House order for documents related to SDTC from every government department, which did not say to censor them or redact them, but the government has redacted quite a few, and PCO is on the list.

If these documents were provided to the law clerk, were they provided in this redacted form?

Ms. Donnalyn McClymont: Yes, Mr. Chair, we would have provided exactly the same redactions to the package that we would provide to the law clerk. It would be consistent with the law.

Mr. Rick Perkins: This is a list from the law clerk of the latest departments that redacted documents versus the ones that didn't. There's a small list of those that didn't redact, and a long list of those that did, and a couple of agencies that have refused to comply.

What I'd like to know, because you're part of the Privy Council team, is who in the Privy Council Office made the decision to send the order out to government departments saying, "We want you to filter the House of Commons request through the Privacy Act and the Access to Information Act." That filter was not part of the House's motion, and this is the point that we've been discussing for the last three weeks in the House. Who made the decision to send that filter out?

Ms. Donnalyn McClymont: Mr. Chair, I wouldn't really be in a position to answer that. My assumption was that I was here today to discuss the appointment.

To try to be as helpful as I can be on this point, I would say that we would apply the legislation, the act, to our redactions.

Mr. Rick Perkins: I appreciate that, but that's not what the House order was. I'd like you to please table with the committee—

Mr. Francis Drouin (Glengarry—Prescott—Russell, Lib.): I have a point of order, Mr. Chair.

The Chair: Hold on for just one second, Mr. Perkins.

Yes, Mr. Drouin.

Mr. Francis Drouin: Again, I respect that my honourable colleague, who was himself a Governor in Council appointment before this time, is asking questions the witness is clearly not able to answer and it's not her responsibility. He's asking a—

• (1645)

The Chair: Mr. Drouin, you are up in just a little bit—

Mr. Francis Drouin: Yes. I'm just saying to have a little respect for witnesses and maybe we can get somewhere.

The Chair: The witness is actually—

Mr. Rick Perkins: Have a little respect for your colleagues in the House.

Mr. Francis Drouin: I'll publish your personal address.

Mr. Rick Perkins: Go ahead. I'm in the phone book.

The Chair: Mr. Drouin, you are up next.

The witnesses are being quite forthcoming. Ms. McClymont is answering questions—

Mr. Francis Drouin: [*Inaudible—Editor*] phone books.

Mr. Rick Perkins: They do in Nova Scotia. It shows you how much you know about this country.

The Chair: Gentlemen.

Mr. Perkins, you're not helping either. The floor will be yours in a second. I'm going to turn it back over. You have a little bit of time left, and then I'll go to Mr. Drouin.

The witness is not being maltreated here. She is responding to the best of her ability, in my opinion, and is being forthcoming. I recognize that Mr. Perkins is probing, which is his right to do.

Mr. Perkins, I don't know if you want me to go right to the witness, because we only have about 20 seconds left, or if you want a little bit of time. Okay, you have time to finish your question, and then we'll hear from the witness.

Thank you.

Mr. Rick Perkins: Will you table with this committee who is the person in PCO and PMO who sent out the order to redact the documents based on these two acts? Could you table that name with this committee, please, at some point?

Ms. Donnalyn McClymont: Unfortunately, I don't have that in front of me. I wasn't prepared to speak to that today.

Mr. Rick Perkins: You can table it in the future.

Ms. Donnalyn McClymont: We will go back, check with our colleagues and do our best to get it to the committee as quickly as possible.

Mr. Rick Perkins: Thank you.

It wasn't so tough, Francis.

The Chair: Thank you very much.

Look, we have professional civil servants here who are able to answer our questions. I think if we pose the questions in a manner that is respectful, even if they're tough, we should allow them to answer.

Mr. Drouin, you have the floor now for six minutes, please.

Mr. Francis Drouin: Thank you Mr. Chair.

I certainly agree that we have professional public servants here. My issue is that they were brought here for a reason, and then we suddenly go on a wild goose chase, which Mr. Perkins knows very well because he was appointed on February 21, 2008, as a GIC to the Business Development Bank of Canada.

I would ask the PCO, is it normal to release the personal information of individuals who have been appointed to various boards of the government when they are labelled as GICs?

Mr. Rick Perkins: Does it take 107 pages to put her address in?

The Chair: Pardon me.

Mr. Perkins, until the end of your time, the room was quiet for you. I would ask you to extend the same courtesy—

Mr. Francis Drouin: Mr. Perkins doesn't like the truth.

The Chair: Mr. Drouin, please, you're—

Mr. Francis Drouin: It's my time, isn't it?

The Chair: I've paused the clock.

There's no point in you two winding each other up, because it won't end well for the interpreters, as well as our time here.

Mr. Drouin, you have five minutes and 30 seconds left.

I'm starting the clock again.

Ms. Donnalyn McClymont: Mr. Chair, as I mentioned in my opening comments, absolutely, I think we do everything we can, as stewards in the public service, to protect the information that's provided to us, particularly in our line of business.

As I mentioned at the outset, we respect the Privacy Act. I think when somebody applies for a GIC position, they would absolutely expect that would be respected. Also, it's an HR management practice that if people are going to apply for positions, they expect that their information will be held in the strictest confidence.

Mr. Francis Drouin: If I was to table a motion today asking for Mr. Perkins' personal information, because he was appointed by the Conservative government back in 2008—we know his history; we know he worked for Brian Mulroney, a Conservative Prime Minister—obviously, the PCO would still redact his personal information.

I don't want to put you in a partisan position. That would be the normal practice for anybody who's been appointed to a Governor in Council position. Is that correct?

Ms. Donnalyn McClymont: Mr. Chair, the member is correct. For whoever applies, their personal information would be protected under the Privacy Act.

Yes, that's correct.

Mr. Francis Drouin: Mr. Chair, I'm listening to my honourable colleagues on the other side. Again, I respect the process we're in here today. These people were before committee not too long ago. Why are they here again today? I'm still trying to figure out what the opposition is trying to get out of these witnesses, knowing full well that the appointment that was made had the same objective as Mr. Perkins' did. They both donated to a Conservative potential leader contestant.

The idea that this is a green slush fund with a bunch of Liberals is idiotic.

• (1650)

[*Translation*]

It's silly. It's stupid. Mr. Perkins doesn't even want to listen to the answers anymore. He left the table. He isn't even here anymore. The truth is, he has been—

[*English*]

The Chair: Mr. Drouin, I've stopped the clock. I'm just going to wait for Mr. Perkins, who is leaving.

Thank you, Mr. Perkins.

Mr. Drouin, you have the floor again for just over three minutes.

[*Translation*]

Mr. Francis Drouin: I don't like to talk behind the backs of members of Parliament who aren't here. However, with all due respect, I don't believe that this process will help us discover the truth. The opposition members know quite well that their reason for filibustering in the House of Commons with their matter of privilege is that Parliament must hand over documents to the RCMP. We

heard this loud and clear from a number of members in the House and also from the RCMP commissioner, which poses a problem for me.

Witnesses, I want you to confirm one thing today. I won't identify the individual who said this. We heard that a person could suddenly be appointed to a board of directors without having applied for the position.

Before the government appoints a person to a board of directors, I imagine that the person must have applied for the position. Is that right?

[*English*]

Ms. Donnalyn McClymont: Mr. Chair, the member is right. In the current construct, this government has chosen to create an open, transparent and merit-based application process for all Governor in Council appointees, which means that we have a portal. Folks apply through that portal, through opportunities. They are assessed. Ministers are provided with advice on qualified candidates, and it's up to the minister to choose and put a recommended name forward for the position.

It is ultimately the prerogative of the Prime Minister and the minister in question in terms of whom they choose to appoint to the position. Other governments in the past have taken different approaches in terms of using processes, or not, of appointing candidates to positions.

[*Translation*]

Mr. Francis Drouin: Again, no one can be appointed randomly, even if a minister discussed a potential candidate. A minister or a member of Parliament—whatever the case may be—may say that a person would be a good candidate to sit on a public sector board of directors. However, this doesn't mean that the person will be appointed. In principle, a check must be conducted.

How does the Privy Council Office conduct checks?

[*English*]

Ms. Donnalyn McClymont: It is quite possible that a minister could make a recommendation directly to the Governor in Council, and it could be approved without a process. That is possible. It would be up to the government to decide if that's how they want to run their appointment system.

This government has chosen to do it on the basis of an open, merit-based process, so in the current construct, you have to go through an appointment process in order to be appointed, but that really is ultimately up to the Prime Minister in terms of how they want to structure the appointment system.

Currently, as I said, you apply through a portal. We have opportunities. You could go on our website right now and see those opportunities. You would apply. If you met the qualifications and you were screened in, you would get invited to an interview. We would interview you. A selection committee made up of the Privy Council Office, the Prime Minister's Office, the department in question and the minister's office would interview candidates, and recommended candidates would go forward for reference checks and would ultimately end up on an advice letter to a minister. If the minister—

The Chair: I'm going to stop you there. You are a little over, but I'm sure we'll come back to this. I appreciate your explaining the system to us.

Thank you.

[*Translation*]

Ms. Sinclair-Desgagné, you have the floor for six minutes.

Ms. Nathalie Sinclair-Desgagné (Terrebonne, BQ): Thank you, Mr. Chair.

I'm relieved to hear that the appointments were based on merit. I wonder what would have happened if that hadn't been the case. It would have been quite something.

I have many questions, so I'll get right to the crux of the matter.

Is the Privy Council Office aware of the Raymond Chabot Grant Thornton report?

• (1655)

[*English*]

Ms. Donnalyn McClymont: Mr. Chair, we are absolutely aware of the report, yes.

[*Translation*]

Ms. Nathalie Sinclair-Desgagné: Have you been briefed on the report's preliminary findings, which were tabled in late May or early June 2023?

[*English*]

Ms. Donnalyn McClymont: Mr. Chair, to the member's question, yes, we were kept apprised.

I was kept apprised directly by the deputy minister of the report and the work being undertaken, which was led by ISED at the time. We were kept apprised in the context of the fact that there were Governor in Council appointees on the foundation. If there were fundamental questions of issues with their conduct, it would have been up to us to advise the Governor in Council on consequences or actions related to conduct.

[*Translation*]

Ms. Nathalie Sinclair-Desgagné: When we look at the timeline of resignations, we see that a number of them took place after the tabling of the Raymond Chabot Grant Thornton report, between September 27 and the tabling of the Auditor General's report.

You read the report's preliminary findings. How could all these departures have been resignations? What happened in the meantime? Have you had any discussions with the board members?

[*English*]

Ms. Donnalyn McClymont: Mr. Chair, I did not have any conversations with the board members personally. I'm well aware that they resigned from their positions, but I was not in contact with any of them over the course of their appointments.

[*Translation*]

Ms. Nathalie Sinclair-Desgagné: You're speaking on behalf of the Privy Council. You said that the Privy Council, in general, wasn't aware of any discussions that might have taken place be-

tween the Privy Council or Industry Canada and the 10 board members who resigned. This means that the board members allegedly resigned of their own accord, even though the Raymond Chabot Grant Thornton preliminary report contained fairly serious allegations.

[*English*]

Ms. Donnalyn McClymont: Mr. Chair, I'm not aware of any conversations that would have transpired. If I had had any conversations with my colleague, the deputy minister of ISED, at the time, they would have been to underscore the need to be cautious in conversations with any members in the organization, because they were appointed to "good behaviour" tenure. This means there was a very high bar to remove them from office. That is a standard comment that I would make to any of my colleagues engaging with "good behaviour" appointees. We need to be cautious in conversations we have with them.

That would have been the extent of it, if I had had any conversations. I don't recall, and I certainly don't have any notes to the effect of conversations along the lines of the member's inquiry.

[*Translation*]

Ms. Nathalie Sinclair-Desgagné: As you just said, the standards of conduct are quite high. Why did so much time pass between the release of the Raymond Chabot Grant Thornton preliminary report in late May 2023 and the board member resignations almost seven months later?

After the tabling of the preliminary report, enough time passed for these members to approve new projects and advance some of their interests. Why didn't the Privy Council step in sooner?

[*English*]

Ms. Donnalyn McClymont: Mr. Chair, I appreciate the question from the member.

My colleagues at ISED moved as quickly as I would consider to be humanly possible to advance the report from RCGT and to provide advice to the minister.

From our perspective, as I said, it is a very high bar to remove "good behaviour" appointees. It means that you have to prove cause, which is why we were watching the circumstances very closely; if there was a bar for cause, we would have pursued that, for sure. Unfortunately, the circumstances were such that the individuals resigned and the investigation unfolded as it did.

[*Translation*]

Ms. Nathalie Sinclair-Desgagné: It's quite astonishing that you said that you must prove cause. The Conflict of Interest and Ethics Commissioner quickly showed that Ms. Verschuren was guilty of major conflicts of interest. Many people knew that there were serious issues. The preliminary findings of the Raymond Chabot Grant Thornton report made this quite clear.

Are you saying that, not only did the Privy Council—which appoints these people—know about this, but that you let these people leave of their own accord seven, eight or even nine months later? That's quite serious. Instead of waiting so long, you could have opened an investigation or acted more quickly. It takes nine months to grow a baby in the womb. That's quite a long time. I've carried a baby. I'm familiar with this.

• (1700)

[English]

Ms. Donnalyn McClymont: Mr. Chair, I appreciate the member's question and the desire to see rapid action in this set of circumstances.

I would reiterate what was said when we appeared previously. We talked about the construct of this foundation and that they were “good behaviour” appointments. You have to prove cause; that's set out in the legislation, and that can be a very challenging thing to do. You need a lot of facts and evidence. Quite frankly, that was part of the reason why fact-finding was being undertaken, to make sure that we had all of the information.

To the member's question about additional investigations, our expectation was that we would get to the facts through the RCGT report and we would then take whatever action was necessary at that time. Ultimately, that's what our colleagues did. They put forward advice. We saw that there was a change in the structure and that the individuals who had been part of the board resigned.

I take the member's point, but I think that, at the end of the day, there was resolution, and quick resolution, as far as I'm concerned. I have seen reports take much longer than this. I think we all did our best to move as quickly as possible in the circumstances.

[Translation]

The Chair: Thank you.

Mr. Boulerice, you now have the floor for six minutes.

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Thank you, Mr. Chair.

Ms. Hamoui and Ms. McClymont, thank you for agreeing to address some key issues raised over the past weeks. These issues have caused a bit of political turmoil, so to speak. We're trying to shed light on the situation and understand it better.

Does the Privy Council Office conduct the required checks during the selection process, or does it rely on the good faith and word of the people who apply? There's a big difference between the two.

Ms. McClymont, when you appeared before the committee on September 5, my colleague, Mr. Desjarlais, asked how you dealt with the significant conflict of interest issues involved in the selection process.

You said the following:

[English]

It starts in the notice of opportunity. A very detailed paragraph sends candidates to the website of the commissioner. It goes through the obligations for candidates, if they wish to apply, of how they have to adhere to the act.

[Translation]

How do you ensure that the candidate has read and understood these definitions?

[English]

Ms. Donnalyn McClymont: Mr. Chair, it's an excellent question that the member raises.

As I said at my last appearance, it's posted on our website. It's very clear on our website. Our expectation is that individuals will pay close attention to that. I mentioned the last time that there are about five touchpoints, from the notice of opportunity all the way through to appointments, where we ensure that individuals are made aware of their obligations under the act, if they are to become a Governor in Council appointee.

To respond to the member's question, we are trying to beef this up and we are asking more probing questions throughout the course of the interactions with candidates to get to the heart of what the member is asking, to make sure not only that they've read it but that they understand it. Ultimately, we do that in the interview itself, where we have a conversation at the end. I can tell you I'm doing an interview process right now for a very senior-level position and I am asking the candidate several times, not just once.

I think that will be the lesson that we will take from this—to make sure that they don't just read it but understand it—and we will work with the Ethics Commissioner's office to that end.

[Translation]

Mr. Alexandre Boulerice: It's good that your answers today align with the answers that you gave us last time. This means that I can dig a bit deeper.

When you were last here, you said something quite similar to what you're saying now. You told us the following.

[English]

“In the interview process, we ask the candidates point-blank if they have any real or perceived conflicts in relation to serving in the role.”

[Translation]

This brings me to another question. I want to know whether candidates have both read the definition and understood the difference between a conflict of interest and the appearance of conflict of interest. It's a bit of a grey area. There can be a number of interpretations.

How do you make sure that they understand the important nuance between “conflict of interest” and “appearance of conflict of interest”? The appearance of conflict of interest has often been an issue in previous governments, which I won't identify.

• (1705)

[English]

Ms. Donnalyn McClymont: That's an excellent question. The previous Conflict of Interest and Ethics Commissioner raised this as a challenge. The act talks about real conflicts, and perception is really for individuals to manage.

We don't try to lead candidates, but if candidates flag anything for us that we have concerns with, as was done in the case of Ms. Verschuren, we refer them to the commissioner's office, and we make sure they've had the opportunity to talk that through with the office.

To your point, if they give us examples, we do emphasize perceived conflicts, and not just actual conflicts. It is part of our constant improvement, and we will give more consideration to that. It's a very good point.

[Translation]

The Chair: You have 90 minutes left.

Mr. Alexandre Boulerice: Mr. Chair, did you say 90 minutes? That's a long time.

Voices: Oh, oh! (laughter)

The Chair: Sorry. I meant 90 seconds.

Voices: Oh, oh! (laughter)

Mr. Alexandre Boulerice: Okay.

In Ms. Verschuren's case, you said that you urged her to check that she understood her obligations and the definition of a conflict of interest and the appearance of conflict of interest. You also said that her appointment was based on merit. What merit did Ms. Verschuren demonstrate when she had a whole record of potential conflicts of interest or appearances of conflicts of interest?

[English]

Ms. Donnalyn McClymont: We have discussed this previously, but again, in that set of circumstances, I did say before and I would say again that it was a best practice that she was referred to the office. The Ethics Commissioner's report talks about the fact that she spent a fair amount of time with the office going through her personal circumstances to make sure that she would be aligned with the legislation and could have mitigation measures put in place for her conflict of interest.

As we've talked about here.... I know the Ethics Commissioner was here earlier in the week, and he and his office emphasized, as I would emphasize again, that all the tools were in place to protect the board members. Those, unfortunately, were just not adhered to, and they actually did not get very good legal advice.

We do warn candidates that, ultimately, the Ethics Commissioner is the adjudicator and the administrator of the act and has final word on conflicts of interest. That's where they should have gone to get any source of nuance in terms of how to deal with some of the issues that they were facing as board members, not outside legal counsel.

[Translation]

The Chair: Thank you.

[English]

To begin our second round, Mr. Cooper, you have the floor for five minutes, please.

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Thank you very much, Mr. Chair.

Ms. McClymont, a motion adopted by this committee ordered the production of all communications between the PCO, then minister Bains' office, the Prime Minister's Office and the Department of Industry respecting the appointment of Annette Verschuren as the chair of the green slush fund.

In response to that order, you wrote to the committee on behalf of the PCO indicating that, aside from one document that is being hidden from this committee by the Trudeau government on the basis of cabinet confidence, no communications can be found. How is that possible?

Ms. Donnalyn McClymont: It's a fair question to ask. We did go carefully through the documents. We had nothing on hand. I was in Rima Hamoui's position at the time of the appointment, and I have racked my own brain to make sure there's nothing more we could share with the committee, but we do not have any records.

I would—

Mr. Michael Cooper: With the greatest of respect, I find it incredible that we have a government appointment of a chair who is responsible for overseeing one billion taxpayer dollars, and the position of the PCO, the Prime Minister's department, is that not a single communication other than one—not even an email—can be traced in the PCO, the Prime Minister's Office, the Department of Industry and former minister Bains' department and office.

I have a real tough time accepting that.

• (1710)

Ms. Donnalyn McClymont: As I mentioned at the outset, we've provided all of the documents that we have. The advice letters are the final records that we keep of the deliberations of the selection committee and the advice provided to the minister. We do not maintain other documents.

Mr. Michael Cooper: There's not a single email that can be found in anyone's inbox in the Prime Minister's Office, the Department of Industry and former minister Bains' office—not even a single email.

I have to say that the reason I'm having more difficulty accepting that answer is based on the news of today, in which Blacklock's reported this morning that an IT official in Justin Trudeau's government deleted emails and texts relating to Trudeau's \$60-million arrive scam. In other words, the Trudeau government was wilfully destroying evidence to cover up arrive scam.

Now we have another Liberal corruption scandal, involving \$400 million that improperly went out the door during Ms. Verschuren's tenure as chair of SDTC, and this committee is trying to get to the bottom of why former Liberal minister Navdeep Bains appointed—

Mr. Francis Drouin: I have a point of order, Mr. Chair.

The Chair: Just one second, Mr. Cooper.

Yes, Mr. Drouin.

Mr. Francis Drouin: He's making false accusations. The member knows that it's a Conservative member who made donations—

The Chair: Mr. Drouin, this is not a point of order. Your side is up in a minute.

Mr. Francis Drouin: I just want to point it out on the record. The truth is important, Mr. Chair.

The Chair: Mr. Drouin, we go back and forth and, hopefully, at the end of this process we do get to the truth.

A Liberal member is up next, in about two minutes.

Mr. Cooper, you have the floor.

Mr. Michael Cooper: Mr. Chair, this committee is trying to get to the bottom of why former Liberal minister Navdeep Bains appointed Ms. Verschuren as chair of SDTC, notwithstanding the fact that she had blatant conflicts of interest and he knew about those conflicts of interest. Now, all of a sudden, there are no records and communications that can be found. How convenient.

Ms. Donnalyn McClymont: Mr. Chair, I would just reiterate that we have done our best not just to provide the documentation that we have, but to be as forthcoming as we can be, to find the right balance and to support the committee in its work by redacting personal information but giving the minutes of the committee meetings and the outcomes of the reference checks. All of that information was provided to the committee, and we took the exceptional measure of seeking Ms. Verschuren's approval and consulting the Privacy Commissioner to provide as much detail as we could.

Mr. Michael Cooper: With the greatest of respect, Mr. Chair, all I can say is that if, in fact, there are no emails, no communications whatsoever that can be found, it demonstrates that Ms. Verschuren's appointment was cooked up by Minister Bains to see that Justin Trudeau's preferred candidate was put in place. It demonstrates that the process.... There was no process. It was cooked up by Minister Bains. It was a sham to get this conflict-ridden person, Ms. Verschuren, who was receiving \$12 million in funding from SDTC at the time of her appointment. It's a disgrace.

The Chair: Thank you very much.

Up next, we have Ms. Yip for five minutes, please.

Ms. Jean Yip (Scarborough—Agincourt, Lib.): Thank you for coming.

We are rather spirited today. Would you like to respond to the assertion Mr. Cooper just made? I'm sure we'd all like to hear the truth.

Ms. Donnalyn McClymont: I would say that it is pretty standard that we wouldn't have emails back and forth with the minister's office or the Prime Minister's Office. The deliberations of the selection committee, as I mentioned, are held in the advice letters, and we provided that. It would not be standard for us to be privy to any kinds of conversations that would happen at the political level in relation to an appointment, so we would not have emails from

the Prime Minister's Office or the minister's office, or be privy to any of those discussions.

I feel that we have done our utmost to provide as much information as possible to support the committee in its study, while doing our best to respect the individual's privacy and the Access to Information Act and the Privacy Act.

Ms. Jean Yip: Thank you for clearing that up.

You are unable to provide this committee with board minutes from the selection committee that considered the Verschuren appointment, citing that these records are “transitory in nature and disposed of once an appointment is made.” Your letter to this committee states, “Official records of deliberations are reflected in...the advice letter, and...candidate summaries”. I'm wondering whether you can speak to this.

• (1715)

Ms. Donnalyn McClymont: Mr. Chair, as I mentioned, the selection committees are like an interview board, so we take notes on the interview as it transacts. We have individuals on staff who serve as scribes, and they take that information from the selection committee and put it into the advice letter. Ostensibly, what you have are the minutes of the selection committee, the final formal document.

We do between 30 and 60 processes a year. We interview between 5,000 and 10,000 people. We cannot, under the Privacy Act, hold that level of information on every single person from every single interview. We try to keep good records in terms of the final documents, which are the advice letters.

Ms. Jean Yip: Could you elaborate on what advice letters are? Who do they go to? What constitutes advice?

Ms. Donnalyn McClymont: Mr. Chair, you have the advice letters in front of you, so you can see that they are an overview of the process itself: when it was launched, how many people applied and what the diversity stats and backgrounds were in terms of ethnocultural diversity and linguistic diversity. We then provide an annex to the minister that explains how many qualified candidates there were and a snapshot of each candidate. It is a summary of the interview itself, a summary of the reference checks, and sometimes—not in this case—for senior leadership positions, we will do a psychometric assessment, which would provide information from a psychologist regarding the person's aptitude and abilities to serve in the role.

You can see that it is very sensitive information that we hold, and sometimes the candidates themselves don't even have this information about themselves that we hold. You can see why we feel very strongly that it's very important that we do everything humanly possible to protect that.

Ms. Jean Yip: In your selection, were you able to meet the diversity standards?

Ms. Donnalyn McClymont: Mr. Chair, that is a good question. The government's goal is to try to increase diversity across ethno-cultural equity-seeking groups. I would say that, over the course of the government's tenure, they have done quite a good job in increasing diversity. We are at about gender parity in terms of positions across the Governor in Council community. We are at about 17% visible minorities, 6% persons with disabilities and 8% indigenous Canadians, so it's quite good in terms of representation across the GIC community.

In this particular case, the legislation specifically requires that the board be representative of men and women. It absolutely would have been a goal of the selection committee at the time to make sure that they had men and women represented, as well as a cross-section from individuals across the country, which is also a requirement under the SDTC foundation legislation.

Ms. Jean Yip: At your last appearance, you stated that there were no faults in the Verschuren appointment process and that the process was followed closely. You've also previously stated that it's not uncommon for there to be conflicts with appointees and that, in such cases, you refer them to the Ethics Commissioner's office.

In the case of Ms. Verschuren, this was done. Is that right? Is it the appointee's responsibility—

The Chair: Ms. Yip, I'm going to cut you off there. I know that was a very short question, but you are over your time. We'll come back to you.

[*Translation*]

Ms. Sinclair-Desgagné, you have the floor for two and a half minutes. I'll give you and Mr. Boulerice a few extra seconds, given the interpretation delay.

Ms. Nathalie Sinclair-Desgagné: Thank you, Mr. Chair.

Let's talk about the board members. Ms. Verschuren resigned on December 1, 2023. Jill Earthy resigned in January 2024. Erin Mahoney resigned in May 2024. Guy Ouimet resigned on June 3, 2024, almost a year after the release of the first version of the Raymond Chabot Grant Thornton report.

You said that you advised people at Innovation, Science and Economic Development Canada to be cautious in conversations. Could you elaborate? They all resigned, so we know that sensitive issues must have been discussed. Did you receive any further information on this? Were you kept in the loop?

• (1720)

[*English*]

Ms. Donnalyn McClymont: Mr. Chair, I would just reiterate that “good behaviour” appointees are afforded a certain degree of independence from government. As I said, they can only be removed for cause. You see those often in organizations like the Immigration and Refugee Board, for example. Those members have to be protected, because they're making tough decisions and they need to know that they can make those decisions without any fear of reprisal or removal for making those decisions.

[*Translation*]

Ms. Nathalie Sinclair-Desgagné: Are you saying that there was no reason to remove these board members?

[*English*]

Ms. Donnalyn McClymont: Mr. Chair, the point I'm trying to make is to draw a parallel. They had the same stature as somebody in a tribunal. They were “good behaviour” appointees to be fully independent from government. That was the decision that was made at the time the legislation was passed by Parliament. It is a very unusual construct—

[*Translation*]

Ms. Nathalie Sinclair-Desgagné: Okay. My time is limited.

You're telling me that perhaps you hadn't yet built up sufficient grounds to remove them. Instead, the board members resigned as a result of difficult conversations.

They all resigned. Certain conversations pushed them towards the exit door.

What can you tell us about these conversations?

[*English*]

Ms. Donnalyn McClymont: Mr. Chair, I would reiterate that when I am talking to any of my colleagues who are dealing with “good behaviour” appointees, I always caution them to be very careful. The bar to remove someone for cause is very high.

[*Translation*]

Ms. Nathalie Sinclair-Desgagné: Okay. However, we aren't talking about removals. We're talking about resignations. They all resigned. They all resigned for certain reasons. Conversations took place to get them to resign.

What do you know about these conversations?

[*English*]

Ms. Donnalyn McClymont: Mr. Chair, I would reiterate that I am not privy to any kind of conversations that would have happened with any of the members.

If I had been in any kind of discussions, like I said, as I would with any deputy or any colleague who's dealing with “good behaviour” appointees, I would have said that they have to proceed with prudence. If we wanted to remove these board members, we would have had to have a very solid case for cause. As I said, that bar is very high. It's usually a demonstration of things like fraud or mismanagement of funds. We would have had to have quite a detailed dossier to be able to do that.

[*Translation*]

Ms. Nathalie Sinclair-Desgagné: Wait—

The Chair: Mr. Boulerice, you have the floor for three minutes.

Mr. Alexandre Boulerice: Thank you, Mr. Chair.

Ms. McClymont, in response to my last question, you said something that caught my attention. I want to make sure that I understood it correctly.

You said that the board members had all the tools needed to do their job. However, they may have received poor legal advice.

What exactly did you have in mind?

[English]

Ms. Donnalyn McClymont: Mr. Chair, I was referring back to the Ethics Commissioner's report. He did a postscript, where he said that it was an unfortunate set of circumstances where poor legal advice was provided. The issue turned on the fact that the legal advice for many of the board members was that they did not need to formally recuse themselves from decisions but to abstain, which meant that they did not remove themselves from the room.

The Conflict of Interest Act requires that individuals who are required to recuse must remove themselves from the room. It's not good enough to abstain. That was the poor legal advice that they received, which was the foundation of why he levelled his decisions against Ms. Verschuren.

[Translation]

Mr. Alexandre Boulerice: Who gave them this legal advice? You said that the advice came from an external source. Whom did it come from?

[English]

Ms. Donnalyn McClymont: I'm not a super great expert in terms of the structure of SDTC.

Just going on the Ethics Commissioner's report, they had outside counsel that supported the board. It was that individual who provided the advice to the board members.

[Translation]

Mr. Alexandre Boulerice: What steps can be taken to ensure that this doesn't happen again?

[English]

Ms. Donnalyn McClymont: This is a fundamental question going forward. I have spoken to the Ethics Commissioner about this. I think it's going to be very important to ensure that individuals understand this—not just up front, but, as we talked about, in the appointment process, which is obviously our responsibility. The Ethics Commissioner is the guardian of the legislation. Making sure that people adhere to it over the life of their appointment will be something that we will continue to discuss in terms of trying to educate and inform Governor in Council appointees of their obligations.

• (1725)

[Translation]

The Chair: You have 45 seconds left, Mr. Boulerice.

Mr. Alexandre Boulerice: Okay.

During a selection process leading to appointments of this nature, do you have ways to check the accuracy of the responses provided by individuals who state that they read and understood their obliga-

tions and that they had no conflict of interest or appearance of conflict of interest to report?

Do you take their word for it, or do you use methods to check the accuracy of their statements?

[English]

Ms. Donnalyn McClymont: Mr. Chair, as I've mentioned, our job is to make sure that people are made aware. It's ultimately the Ethics Commissioner's responsibility to administer and adjudicate the legislation.

I would reiterate the fact that, in the circumstances surrounding Ms. Verschuren's appointment, I do think that it was a best practice that she was referred to the commissioner's office. She spoke to the office and they had a detailed conversation. According to the Ethics Commissioner's report, they went through the kind of conversation the member is referring to, to make sure that they deconstructed her obligations under the legislation against her personal circumstances.

Absolutely, I think that is important, but it is really the remit of the Ethics Commissioner.

The Chair: Thank you.

Mr. Nater, you have the floor for five minutes.

Mr. John Nater (Perth—Wellington, CPC): Thank you, Mr. Chair.

Thank you to our witnesses for joining us.

Ms. McClymont, I want to start with you.

Am I correct that you've worked at the Privy Council Office for about 20 years, or at least 20 years?

Ms. Donnalyn McClymont: Yes, Mr. Chair. Tomorrow, actually, I will have 30 years in the government. I started in 1994 at the Department of Canadian Heritage as a management trainee, and I joined the Privy Council Office working in plans and priorities in 2003.

Mr. John Nater: Congratulations on nearly 30 years. That's an excellent accomplishment.

You are very familiar with government and how government operates and with your duties as a public servant. First of all, to whom do you report in your current position?

Ms. Donnalyn McClymont: I am the deputy secretary to the cabinet for senior personnel and public service renewal. I was appointed on the recommendation of the Prime Minister in 2021, and I report through the Clerk of the Privy Council Office.

Mr. John Nater: Did you discuss with the clerk your testimony today?

Ms. Donnalyn McClymont: I certainly gave the clerk a heads-up in terms of how I was going to approach things, some of the questions that we thought would be anticipated, and how best to support the committee in their deliberations.

Mr. John Nater: This is getting to where my concerns are. You are a 30-year public servant. You report directly to the Clerk of the Privy Council, yet the actions that you and your office have undertaken are actually contrary to the Constitution. You came here today and you said in response to previous questions that you withheld information from Parliament, that you redacted information that Parliament has the constitutional authority to request.

Do you accept that Parliament has the constitutional authority to call for documents without redactions?

Ms. Donnalyn McClymont: Mr. Chair, I understand very well and I am following very closely, as a student of public policy, the debate that's actively going on.

I would reiterate my opening comments that we are responsible, as public servants, and that this is an active debate that goes well beyond me and my responsibilities. I understand the law clerk's position and the opposition's position, but I am also bound and swore an oath when I took office as a public servant that I would respect the laws that we are bound by, and we are bound by—

Mr. John Nater: I'm going to interrupt you, though.

Part of that oath—part of the oath we all take as parliamentarians—is to respect the Constitution, and the Constitution provides Parliament with the unfettered authority to call for documents. This is laid out very clearly. Beauchesne says very clearly:

Committees may send for any papers that are relevant to their Orders of Reference. Within this restriction, it appears that the power of the committee to send for papers is unlimited.

The law clerk has been very clear. Bosc and Gagnon is very clear.

There's a helpful document here that says, “Based on principles firmly established in constitutional and parliamentary law, a House of Parliament has the full authority to summon and compel the attendance and testimony of any person and to summon and compel the production of any document.” It's very clear. There is no grey matter here. It's very clear. Parliament has the authority to request documents unredacted.

Here we have 100-odd pages with heavy redactions, which are unconstitutionally made, because Parliament has the authority to call for these documents. It's very clear. Do you accept that Parliament has this authority, or is it the position of the Privy Council Office that you are above the Constitution and you have the authority to black out information rather than provide the information duly requested by a committee? Is that the position of the Privy Council Office?

• (1730)

Ms. Donnalyn McClymont: Mr. Chair, I would just reiterate that it has been the position of consecutive governments that the application of the laws that Parliament passes has to be respected in the production of documents, and that is what we have done here. We have protected information under the Privacy Act, solicitor-client privilege, cabinet confidences and sensitive business information, and that's our obligation under the law as public servants.

Mr. John Nater: I would make it very clear. There are clear examples within this 44th Parliament where committees have ordered, and individuals have produced, documents that violate even solicitor-client privilege.

This power is higher than solicitor-client privilege, and yet the Privy Council Office says that you are above the Constitution.

I find that wholly unacceptable when Parliament, as a whole, as the House of Commons, in these committees passed this, and yet you've taken it upon yourself at the Privy Council Office to block that information that has been duly requested. I think it's highly troubling that this is the position that PCO has taken.

The Chair: Thank you very much.

We're turning now to Ms. Bradford.

You have the floor for five minutes, please.

Ms. Valerie Bradford (Kitchener South—Hespeler, Lib.): Thank you, Mr. Chair.

Thank you to the witnesses for being with us today.

I have a couple of initial questions to clarify the GIC appointments.

Ms. Verschuren has been appointed to positions of consequence by both Liberal and Conservative governments. She was appointed by former prime minister Mulroney to a science and tech council back in the nineties. I'm wondering if a PM appointment of that sort would be considered a GIC appointment.

Ms. Donnalyn McClymont: I'm not familiar with that appointment. It could have been. There is a provision under the Public Service Employment Act that allows for ministerial appointments, so the Prime Minister could have used that power at the time. There are other vehicles for appointments. I'm not familiar with that one, but it is absolutely possible.

Ms. Valerie Bradford: Ms. Verschuren was also appointed by former finance minister Flaherty to serve as an economic adviser on his economic council at the height of the 2008 recession. Would that type of position have been a GIC-appointed position, in your opinion?

Ms. Donnalyn McClymont: Again, it would depend on the vehicle that was used at the time. I'm not familiar with it. Some ministers actually have authority under their legislation. I'm not sure if the finance minister does, off the top of my head, but ministers can make their own appointments. It is possible, again, to use the provision I referred to under the Public Service Employment Act to appoint ministerial advisers, so that could have been a vehicle.

There are occasions where individuals serve on a pro bono basis as advisers, but there is no formal appointment mechanism. There are different mechanisms. I'm not sure exactly which one would have been used, but it is absolutely possible, to your question, that it could have been a GIC appointment.

Ms. Valerie Bradford: Can you check into those two instances, please, and get back to us in writing with what you find?

Ms. Donnalyn McClymont: We could, yes.

Ms. Valerie Bradford: Can you speak to Ms. Andrée-Lise Méthot's appointment to the SDTC board of directors? I believe she was appointed back in 2016, so you were definitely around at that time. Was she a GIC appointee?

Ms. Donnalyn McClymont: No, this individual was not appointed by the Governor in Council. As I said earlier, the SDTC foundation was a very novel structure. The members of the foundation actually appointed eight of the directors, and she was one of those eight directors appointed by the foundation itself.

Ms. Valerie Bradford: Okay. She was appointed by the foundation, but not by the board of directors. Is that correct?

Ms. Donnalyn McClymont: She was appointed by the members of the foundation, through the legislative framework that allowed for the appointment of the other eight directors on the board. That's how she was appointed.

Ms. Valerie Bradford: Okay. That should bring some clarity, then, to my Conservative colleagues.

With respect to the redaction of documents, there's been much made about the documents that are being presented having being redacted. You've been a public servant for 30 years and in your current department since 2003, I think you said.

Under the previous government, prior to 2015, did you redact documents? Was it a common practice then to submit redacted documents?

• (1735)

Ms. Donnalyn McClymont: Over the course of my career, as the member referred to, I have worked on a lot of access to information documents when we provided them either for individual requests coming from outside or for the production of documents for parliamentary requests. Yes, 100%, I would have been responsible over the course of my career for reviewing documents, determining redactions and making recommendations on redactions.

Ms. Valerie Bradford: It was because of personal privacy concerns, as you stated earlier. Is that correct?

Ms. Donnalyn McClymont: It was for all of the key elements: the Access to Information Act, the Privacy Act, solicitor-client privilege and cabinet confidences. Quite frankly, a lot of my career has been spent working on policy committees, under this government and previous governments, and we would have redacted for cabinet confidence purposes. I've seen it all, I guess.

Ms. Valerie Bradford: It wouldn't matter what government was in power at the time. The same rules would apply. Is that right?

Ms. Donnalyn McClymont: That's correct.

Ms. Valerie Bradford: All right.

How do PCO appointments deal with flagged conflicts of interest in an application? What do you do with this information, and what weight does it hold in any deliberations or PCO considerations?

Ms. Donnalyn McClymont: When we see in an application somebody who may have a conflict, sometimes it's such that it's not going to be possible for the person to proceed. We may just screen them out, quite frankly, if the conflict is seen to be insurmountable. Generally speaking, we have a conversation with the individual over the course of the appointments process.

As I said, it really is a best practice from our perspective for individuals, pre-appointment, to engage with the Ethics Commissioner to make sure that either they will divest so that they have no conflicts, or solid mitigation strategies are put in place to ensure that they won't find themselves in a conflict over the course of their appointment.

The Chair: Thank you. That is the time, Ms. Bradford, I'm afraid.

We're beginning our third round. Unless I hear otherwise from members, this will be our last full round, with various amounts of time.

Mr. Cooper, you have the floor for five minutes, please.

Mr. Michael Cooper: Thank you, Mr. Chair.

I want to go through the steps that led to the appointment by former Liberal minister Bains of Annette Verschuren as chair of SDTC.

Is it correct that, on March 15, 2019, PCO provided a short list of five recommended candidates for chair of SDTC to former Liberal minister Navdeep Bains?

Ms. Donnalyn McClymont: That is correct, Mr. Chair.

Mr. Michael Cooper: Ms. Verschuren was not on that list. Is that correct?

Ms. Donnalyn McClymont: That is correct, Mr. Chair.

Mr. Michael Cooper: We know, based on the report of the Ethics Commissioner, that in April 2019, Minister Bains called Ms. Verschuren. Then, on April 30, 2019, a month and a half after PCO had provided Minister Bains with a short list of five recommended candidates, Ms. Verschuren submitted an application. She was interviewed by the selection committee on May 14, 2019. Is that correct?

Ms. Donnalyn McClymont: That is correct, Mr. Chair.

Mr. Michael Cooper: Just to confirm, the selection committee comprised representatives from Minister Bains' office, the Prime Minister's Office, the Department of Industry and PCO. Is that correct?

Ms. Donnalyn McClymont: That is correct, Mr. Chair.

Mr. Michael Cooper: Okay.

Then, on May 21, 2019, a second letter was sent by the PCO to Minister Bains, adding to the short list of recommended candidates a sixth name, that being Ms. Verschuren. Is that correct?

Ms. Donnalyn McClymont: That is correct, Mr. Chair.

Mr. Michael Cooper: How many candidates did PCO interview between March 15, 2019, when the short list of five recommended candidates was submitted to former minister Bains and when PCO provided the second letter with Ms. Verschuren's name on May 21, 2019?

Ms. Donnalyn McClymont: Mr. Chair, maybe I'll just go through a few numbers. For the March 15 letter, there would have been 54 applicants at that time—

Mr. Michael Cooper: My time is limited, and I asked a very straightforward question.

I understand that there were 54 candidates who applied in the fall of 2018. Ms. Verschuren wasn't one of them. There was a short list of five. I'm asking how many were interviewed between the letter with the five recommended candidates on March 15 and the second letter on May 21, 2019, when Ms. Verschuren's name was added to the list.

• (1740)

Ms. Donnalyn McClymont: I'm sorry. I understand your question. There would have been an additional 47 applicants. Sixteen were short-listed, and three interviews were conducted for the May 21, 2019 letter.

Mr. Michael Cooper: There were 47 additional applicants between March 15 and then.

Ms. Donnalyn McClymont: That's correct.

I'm sorry; that's not correct. Between October of—

Mr. Michael Cooper: No, I want to be very clear. I'm asking about the time between March 15, 2019, and May 21, 2019.

Ms. Donnalyn McClymont: That's correct. We reviewed applications on—

Mr. Michael Cooper: How many were submitted between those dates? You had a short list. It was in the minister's possession for a month and a half. Then he calls Annette Verschuren and asks her to apply. She applies. She gets interviewed. She gets added to the list.

How many other candidates did the selection committee interview during that period?

Ms. Donnalyn McClymont: We interviewed an additional three candidates for the—

Mr. Michael Cooper: Did they apply after March 15, 2019?

Ms. Donnalyn McClymont: No, they applied after October 12, 2018.

Mr. Michael Cooper: They didn't apply after March 15, so Ms. Verschuren was the only candidate who applied after March 15, 2019.

Is that correct?

Ms. Donnalyn McClymont: Mr. Chair, I will just clarify. I apologize, because I know it is confusing with all of these different dates.

We reviewed applications on October 12, 2018. We interviewed eight individuals for that first batch to March 15, 2019. In that intervening period, between October 2018 and May 2, 2019, an additional 47 people applied. We short-listed 16, and we interviewed three.

Mr. Michael Cooper: What was the last date that you provided?

Ms. Donnalyn McClymont: It was May 2, 2019.

Mr. Michael Cooper: Of the candidates who were short-listed, six candidates—

Ms. Donnalyn McClymont: Sixteen candidates were short-listed.

Mr. Michael Cooper: Well, six candidates made the final list to the minister—not 16, but six.

Ms. Donnalyn McClymont: That is correct.

Mr. Michael Cooper: How many of those, other than Ms. Verschuren, had conflicts of interest with SDTC?

Ms. Donnalyn McClymont: Mr. Chair, I apologize. That's personal information, and I am not able to provide details of the five other candidates and their personal circumstances. I refer back to the fact that we provided the summaries of each one of those individuals in terms of their candidacy through the selection committee review and the reference checks.

The Chair: Thank you very much.

I believe we will get back to you, Mr. Cooper, so I'll cut things off there.

Ms. Khalid, you have the floor for five minutes, please.

Ms. Iqra Khalid (Mississauga—Erin Mills, Lib.): Thank you very much, Chair.

Thank you to the witnesses for being here today. I really appreciate it.

I'll get right to it. When a position becomes available and a PCO posting goes out—a call for candidates—what are the next steps for PCO? Does PCO habitually receive lists of relevant individuals from government departments? Do departments mass-email stakeholders? How does it work?

Ms. Donnalyn McClymont: Mr. Chair, the question around outreach is a very important one. We are a pretty small shop, and we focus on the selection processes themselves and the appointment process. The outreach is really, in our view, the responsibility of the department, the minister's office and, ultimately, the minister to try to attract and find the best candidates.

You're right; there are lots of different vehicles that can be used, including mass mail-outs. I would say to the committee that it is not unheard of for the minister's office, the Prime Minister's office or even the minister to make outreach connections with potential candidates who are qualified for the positions and to encourage them to apply. That is absolutely part of the open process.

Ms. Iqra Khalid: Thank you. I appreciate that.

When the posting for the chair position was posted in September 2018, what happened next? Did the department provide you with names? Did PCO do any outreach to potential candidates? What exactly happened there?

Ms. Donnalyn McClymont: Mr. Chair, we would not have done the outreach. It would have been, really, up to the department, the minister's office, and the minister to do the outreach to try to attract candidates. They would have applied through our portal. We would have looked at the portal on October 12, 2018, to see who was in there. We would have assessed who was eligible, and then we would have run interviews.

We do not close the processes until an appointment is made, so it is not uncommon for us to provide advice to the minister and then look into the portal after the fact and find that, potentially, some very good candidates have applied, and we will do a second pass of interviews until an appointment is made. Our goal there is to make sure that we're providing the best advice to the minister and, ultimately, the Prime Minister and cabinet, on the most qualified candidates for the position.

• (1745)

Ms. Iqra Khalid: I appreciate that, but it took over a year to fill the chairperson position for this role. Are these usual timelines? Did PCO have any difficulty finding candidates in this instance? Why did it take so long?

Ms. Donnalyn McClymont: Mr. Chair, I would say that this bedevils me constantly. I would like things to go more quickly—we all would. We do our best. It gets complicated when you're trying to attract good people.

To the member's question, it is sometimes hard to find good people. I worry that it gets harder, not easier, in the current context, media-charged, focused.... It's hard to attract really qualified people for some of these positions, and then it's hard to get selection committee members together, coordinating, sometimes, with deputy ministers and their schedules. I'm not trying to make excuses, but it is hard to keep the machine moving.

As the member points out, is this the standard? Yes, it can take us anywhere from six months to a year to find good people, run a selection process, and have a minister make a decision and make an appointment, and we're very clear about that on our website. It can take time to find good people, make the decisions and get those good people into place.

Ms. Iqra Khalid: Lastly, I'll ask you, why do you think you're here today?

Ms. Donnalyn McClymont: I feel that we're here today to provide some important clarification. As Mr. Perkins said, there seems to be a bit of confusion around Ms. Verschuren's appointment. I think it's important, for the committee's work, to understand that there was an application and a process that she went through, and that she was recommended, ultimately, by the minister. We're very happy to come and to give those explanations to the committee for its important work.

Ms. Iqra Khalid: Thank you very much for your time. I appreciate it.

The Chair: Thank you very much.

[Translation]

Ms. Sinclair-Desgagné, you have the floor for three minutes.

Ms. Nathalie Sinclair-Desgagné: Thank you, Mr. Chair.

Let's review the timeline of events. The Raymond Chabot Grant Thornton firm tabled a preliminary report in May 2023. You read its preliminary findings, which were quite devastating. After that, nothing happened at all between May and September, when Raymond Chabot Grant Thornton tabled the final report. Nothing happened again until October when the Auditor General announced that she was starting a study. Unlike the Raymond Chabot Grant

Thornton study, this study would be public. At this point, the resignations began to mount. They all took place between the Auditor General's announcement and the day that she tabled her report. The CEO resigned first, in November 2023. The last board member, Mr. Ouimet, resigned the day before the Auditor General tabled her report. I think that there are few coincidences here. However, I'll ask you to answer these questions.

Did people wait for the announcement of a public report before resigning? Did you ever intend to ultimately make the decision to remove people or conduct investigations? Did the Auditor General's decision to release a report speed things up in the end?

[English]

Ms. Donnalyn McClymont: Mr. Chair, I can't speak to the motivations for the individuals in question and why they may have chosen to resign.

[Translation]

Ms. Nathalie Sinclair-Desgagné: Haven't you read the resignation letters?

[English]

Ms. Donnalyn McClymont: I'm sorry. Can you repeat the question?

[Translation]

Ms. Nathalie Sinclair-Desgagné: Have you read the resignation letters?

[English]

Ms. Donnalyn McClymont: Mr. Chair, I don't remember seeing them directly myself. We would have received them, because any Governor in Council appointee who—

[Translation]

Ms. Nathalie Sinclair-Desgagné: Could you please send us the board members' resignation letters?

[English]

Ms. Donnalyn McClymont: Mr. Chair, we'll check to see if it's possible to provide those letters. I will warn the committee that, unfortunately, they may come back redacted, given potential personal information.

• (1750)

[Translation]

Ms. Nathalie Sinclair-Desgagné: You can remove the addresses. They don't interest us.

However, the information regarding the reason for their resignation remains highly relevant to our study. I would be disappointed if the committee were unable to access these resignation letters given that they play a key role in this study.

[English]

Ms. Donnalyn McClymont: Mr. Chair, we'll have a look to see what's in the realm of the possible and what we have in our records that we can provide to the committee.

[Translation]

The Chair: You have 30 seconds left.

Ms. Nathalie Sinclair-Desgagné: Okay.

I want to pick up on the excellent questions asked by my colleague, Mr. Boulerice.

An Osler partner who gave Ms. Verschuren poor advice bears the blame. However, we learned from current board members that this firm continued to give them advice.

Does that make sense to you?

[English]

Ms. Donnalyn McClymont: Mr. Chair, I wouldn't be in a position, really, to comment on that. I know that other witnesses have been here from the board and have given explanations.

[Translation]

Ms. Nathalie Sinclair-Desgagné: Have you seen the findings of the Osler report?

The Chair: Sorry, but your time is up.

Ms. Nathalie Sinclair-Desgagné: I would just like to hear the answer. Is it yes or no?

[English]

The Chair: If you want to provide a yes-or-no answer, go ahead.

[Translation]

Please repeat your question briefly.

Ms. Nathalie Sinclair-Desgagné: Thank you.

Have you seen the findings of the Osler firm and compared them to the findings of the Raymond Chabot Grant Thornton report?

[English]

Ms. Donnalyn McClymont: I personally have not seen the Osler report or had an opportunity to do a comparison.

The Chair: Thank you very much.

[Translation]

Mr. Boulerice, you have three minutes.

Mr. Alexandre Boulerice: Thank you, Mr. Chair.

I would like to ask for the witnesses' indulgence and patience as I go over some facts.

We have a Conservative colleague here waving around redacted or incomplete documents. He's taking exception to this, perhaps rightly so. I'm not saying that this is a good thing or a bad thing.

I just want to remind you that the end of Mr. Harper's Conservative government was marked by a contempt of Parliament, the first in Canadian and Commonwealth history. Why? It refused to give parliamentarians the costing documents for certain measures. These

include tax cuts for big business, the purchase of fighter jets and repressive measures tied to its law-and-order philosophy.

I find it quite ironic that a Conservative is getting all worked up when a Conservative government under Stephen Harper was found in contempt of Parliament for refusing to give documents to parliamentarians. I don't know whether this amounts to hypocrisy or forgetfulness.

I apologize to the witnesses for this tangent. However, I wanted to bring up this fact.

When you spoke in September, you said the following:

[English]

"We do one last check again, of course, before the appointments".

[Translation]

What do you mean by "one last check"?

[English]

Ms. Donnalyn McClymont: We send to candidates a confirmation of their terms and conditions of employment, and we do one last verification in writing—as I said, it's part of our five touchpoints—just to reiterate that it's important that they adhere to the obligations they are held to under the Conflict of Interest Act.

[Translation]

Mr. Alexandre Boulerice: I have one more question.

At the end of this process, do people need to sign a document or swear an oath to say that they'll abide by the law?

[English]

Ms. Donnalyn McClymont: We absolutely require that individuals attest that they will adhere to their obligations throughout the course of their appointment.

[Translation]

Mr. Alexandre Boulerice: I don't have any more questions.

The Chair: Okay. That's fine.

Thank you, Mr. Boulerice.

[English]

We're turning back to the official opposition.

Mr. McCauley, you have the floor for five minutes, please.

Mr. Kelly McCauley (Edmonton West, CPC): Thanks, Mr. Chair.

Thanks for some of your answers today.

I want to get back to a question that Mr. Perkins, I think, asked earlier. Who directed you to redact these documents? You didn't do it of your own volition. We know very clearly that Parliament has a right to order these documents, so who ordered you to redact these documents?

Ms. Donnalyn McClymont: I would say that when—

Mr. Kelly McCauley: I'm not asking what you would say. It's a straight question, so I'd like a straight answer. Who ordered you to redact these documents?

Ms. Donnalyn McClymont: When a request comes in, either through the Access to Information Act or a production of papers, central coordination within PCO will send out a request, and we are asked to comply with the request that's been presented, like I said, either under ATIP or production of parliamentary documents, and it would be—

• (1755)

Mr. Kelly McCauley: Ms. McClymont, I'm going to interrupt you. This is not under the ATIP act. It's not under the Privacy Act. This is a direct order from Parliament. We have unfettered access to records, as long as those records exist in Canada. That is the law. The law clerk has stated as such. Parliament has ordered it.

Who directed you, or someone else, to redact these documents before sending them back to us? It's not a group decision. It's not something in the ether. I would like the name of the person who directed you to redact those documents, please.

Ms. Donnalyn McClymont: It's the Access to Information Act that we rely on—

Mr. Kelly McCauley: I'm sorry, but I'm going to interrupt you. The Access to Information Act is not a person. It did not all of a sudden become sentient and order you to redact those documents.

What is the name of the person who ordered you to redact the documents to present to committee?

Mr. Francis Drouin: Mr. Chair, I have a point of order.

The Chair: Just give me one second, Mr. McCauley.

Mr. Francis Drouin: He is making an assumption that somebody ordered this. The witness is trying to explain how they go through the process, but he won't let the witness finish the answer.

I'm having a hard time understanding. If we want to get to the bottom of the truth, we must let the witness speak. Let the witness speak.

The Chair: Mr. Drouin, your side will be up in just a few short minutes.

Mr. Francis Drouin: I'm sorry, Mr. Chair, but we have to have an orderly debate. I don't care—

The Chair: Actually, Mr. Drouin, this is not debate time. This is the—

Mr. Francis Drouin: Exactly. When a member of Parliament asks a question, we have to let the witness answer, and we're not letting the witness answer. We keep interrupting.

The Chair: Mr. Drouin, you are wrong about that.

Mr. Francis Drouin: No, I'm not wrong. I've been here for nine years. This is not how we operate in committees.

The Chair: Well, you've been wrong for nine years.

This is the member's time—and that applies to your side as well as the opposition—to ask the witnesses, to interrupt them and to re-focus the question.

Mr. Francis Drouin: I'm just wondering about this, Mr. Chair. Are we opining on the witness's testimony, or do we want the answer? This is what I'm asking. Do you want the truth, or do you want members—

The Chair: Well, the truth, that's a—

Mr. Francis Drouin: We might as well not have witnesses if they're not able to answer.

The Chair: Not at all, Mr. Drouin. This is a—

[*Translation*]

Mr. Francis Drouin: At some point, sacrifice—

[*English*]

The Chair: I'm sorry that you don't like the way the opposition asks questions, but they're entitled to ask them, and if they—

Mr. Francis Drouin: They're not asking a question. They're opining. They're asking a question and then they keep interrupting.

The Chair: That's your interpretation, sir.

[*Translation*]

Mr. Francis Drouin: Yes, but at some point—

[*English*]

The Chair: That's your interpretation. We give you the opportunity to ask questions your way and to ask the witnesses to focus—

Mr. Francis Drouin: And I don't interrupt the witnesses when they answer, because I have respect.

The Chair: Actually, Mr. Drouin, I think you interrupt people more than you realize.

[*Translation*]

Mr. Francis Drouin: No, but—

[*English*]

The Chair: Again, what I see here, Mr. Drouin, is that every time you jump in and interrupt the officials here, it looks like you have something to hide. The official is actually doing a job here—

Ms. Iqra Khalid: I have a point of order, Chair.

Mr. Francis Drouin: You're opining on my opinion.

The Chair: I am, because you're sitting there doing the same thing to me.

Mr. Francis Drouin: That is because I cannot listen to the witness.

That's the point, Mr. Chair. If we are going to have an honest conversation here, we must let the witness answer the question.

[*Translation*]

Come on!

[*English*]

The Chair: All right, except—

[*Translation*]

Mr. Francis Drouin: At some point—

[English]

The Chair: —the opposition has a great point that there are rights of Parliament that have not been respected. Mr. McCauley is trying to get to that very answer.

[Translation]

Mr. Francis Drouin: I understand, but I can't hear the answer.

[English]

Ms. Iqra Khalid: I have a point of order, Chair.

The Chair: Mr. Drouin, your side will have an opportunity—

Ms. Iqra Khalid: I have a point of order, Chair.

The Chair: Yes, Ms. Khalid, go ahead.

Mr. Francis Drouin: It's not about my side. It's about decorum.

Mr. Kelly McCauley: That's a good one, Francis.

The Chair: Ms. Khalid, go ahead.

Ms. Iqra Khalid: Thank you very much.

I do have to say that there is a point to be made about decorum. You are chair, and it is very difficult for members of all parties to digest your own opinions on this committee. As you know, Chair—and I respect you immensely—being neutral and non-partisan on this committee is very important, and I really appreciate that my colleague has expressed his views. I have said time and again that when witnesses come before committees, they should be given the opportunity to respond to the questions that they are being asked.

This is not an interrogation. This is not an opportunity to grasp for whatever clips the opposition may want to fundraise off tomorrow or today. This is a fact-finding mission, as Monsieur Drouin clearly pointed out.

Chair, I would really expect you to do your job as chair, to be non-partisan and to ensure that there is decorum in how we operate as members and how we treat witnesses in this committee.

The Chair: Thank you very much.

I'm going to go back to Mr. McCauley.

Again, as I said, this time belongs to the members. Mr. McCauley has been respectfully asking just to pinch the question in a little bit more.

Mr. Drouin, you're your own worst enemy here when you interrupt yourself.

Ms. Khalid, I am equally hard on the Conservatives when they do the same.

• (1800)

Ms. Iqra Khalid: No, you're not.

The Chair: I stopped the meeting and waited for one Conservative member today because I was tired of him lobbing at your side.

If you weren't here for that, I'm sorry—

Ms. Iqra Khalid: Chair, I've been on this committee for a year.

The Chair: Mr. McCauley, you have the floor. You have just over three minutes.

Mr. Kelly McCauley: Which minister is responsible for withholding the information that the committee has ordered?

Ms. Donnalyn McClymont: Mr. Chair, I'm not sure I quite understand the member's question. At the end of the day, we in my group would have been the ones to determine the redactions.

Mr. Kelly McCauley: So it's PCO, and the Prime Minister is the minister in charge of PCO.

Again, I'll go back to the original question. Who ordered or directed these documents to be redacted? It had to come from someone. It wasn't on its own. Who was it, please?

Ms. Donnalyn McClymont: Mr. Chair, as I mentioned, there is a central coordinating unit within PCO that directs, when we get requests for parliamentary documents, to prepare the documents, to respect the requests from the parliamentarians and to apply the necessary legislation.

Mr. Kelly McCauley: Walk me through the process. Did you receive this and then go to this central governing board? Did they provide it in writing? Was it a phone call or an email?

Ms. Donnalyn McClymont: We normally get an email sent out at senior levels, so the email probably would have come to me directly or perhaps to Rima.

Mr. Kelly McCauley: Would you provide that email to us, please, with the directions?

Ms. Donnalyn McClymont: We can certainly have a look to see if we have that on hand, Mr. Chair, and we'll do our best to provide it as quickly as possible.

Mr. Kelly McCauley: You mentioned “on hand”, and I'm greatly concerned. You mentioned other documents, and you said you don't keep documents. You repeatedly referred to the ATIP law. Government has very specific instructions on holding and keeping documents, yet earlier you stated, when Mr. Cooper was asking, that there was only one email about a specific subject. You stated that you didn't keep the records and you didn't keep documents.

Are you following what is required by the Access to Information Act or the ATIP act on keeping records?

Ms. Donnalyn McClymont: Mr. Chair, we absolutely hold the responsibility as good stewards. Information management is a top priority for me in our branch, and we absolutely take that responsibility very seriously.

As I've mentioned to the committee, the selection committee processes are really like an interview panel where people take notes, and we use those notes as the final documents of the advice letters.

Mr. Kelly McCauley: Those notes have to be kept, though. They are required to be kept, but you threw them out.

Ms. Donnalyn McClymont: Mr. Chair, as I mentioned, they're handwritten notes and they are considered transitory.

Mr. Kelly McCauley: I'm sorry, but handwritten notes are required under the ATIP act to be kept. They're not to be thrown out. They're no different from texts or emails. They are required to be kept.

Do you not see an issue here?

Ms. Donnalyn McClymont: Mr. Chair, as I've mentioned, the notes are used to formulate the final advice, and that is the final record. That is the requirement in terms of our record-keeping, of our obligations, both within the organization and also under the law, to keep a final record of the deliberations of the selection committee.

Mr. Kelly McCauley: How much time do I have, Chair?

The Chair: You have enough for one last brief question.

Mr. Kelly McCauley: Very quickly, just walk me through a simple, really easy one.

You said the "good behaviour" appointments have a very high bar for dismissal. I'm looking at the process for hiring. Everyone has to sign off on the Governor in Council appointments candidate declaration and certification form, which covers the ethical and political activity guidelines for public office holders. Very clearly, a lot of the directors violated that statute.

Why is it so difficult to terminate them when they very clearly failed to follow the rules under the ethical and political activity guidelines for public office holders? I think they met a very high bar in violating these conflicts of interest.

The Chair: Thank you, Mr. McCauley.

I'll allow the witness to answer.

Ms. Donnalyn McClymont: Mr. Chair, it's a very fair question that the member asks: What is the bar for "good behaviour" appointees?

As I've mentioned, I'm not a lawyer by training, but our lawyers have advised us that it's cause, and cause is generally where there is illegal activity or fraudulent activity or, to the member's point, where a law has been broken. We would have to do an investigation and have a very solid dossier in order to remove someone. In this case, the individuals resigned before that course of action could have been taken.

• (1805)

The Chair: Thank you very much.

We go now to our final member, Mr. Erskine-Smith, joining us online.

You have the floor for five minutes, please.

Mr. Nathaniel Erskine-Smith (Beaches—East York, Lib.): From what I understand, there are two lines of attack from my opposition colleagues.

The first, just so I understand, is some kind of alleged impropriety in relation to Ms. Verschuren's appointment. What I want to get at is.... You said it's not unheard of—and it strikes me that it makes

eminent sense—for a minister or department to reach out to quality individuals to encourage them to apply for positions. Is that right?

Ms. Donnalyn McClymont: Mr. Chair, that is absolutely correct. It's part of the outreach strategy, and the expectation is that the minister's office, the department, and in some cases the ministers themselves will reach out to candidates to encourage them to apply.

Mr. Nathaniel Erskine-Smith: Right.

In a particular case like this, this isn't a friend of the minister's, to our knowledge. I haven't seen any evidence to that effect. This is an individual who was the former head of Home Depot Canada, who started the Michaels store, who has a lengthy history in business, who sits on any number of private sector boards and who sat on boards appointed by the former Conservative government, the Harper government.

Was there any reason to think, from the PCO's perspective, that there was a problematic relationship with the then minister?

Ms. Donnalyn McClymont: Mr. Chair, to the member's question, I would say, for myself, that when I look at the candidacy on paper, it is very solid. This is an Order of Canada recipient who ran a number of businesses. Ms. Bradford also made the point that she was appointed in other capacities as serving in government, so it would seem, certainly on paper, that she would have been a very strong candidate, absolutely.

Mr. Nathaniel Erskine-Smith: Okay.

The application is submitted, and you and your team are responsible for reviewing that application. The PCO team is certainly responsible for reviewing it.

Did PCO flag any concerns at all with Ms. Verschuren's candidacy?

Ms. Donnalyn McClymont: Mr. Chair, I wouldn't want to speak in terms of any kind of personal information we hold, but what I would say is that the Ethics Commissioner has been clear in his report that she was referred to his office and that there was a lengthy discussion, so I do think that is absolutely a best practice.

There are cases sometimes, as I've said, where the mitigation cannot be accomplished and the individual cannot be appointed. This was not the view of the Ethics Commissioner's office in this set of circumstances. If the rules for public office holders had been adhered to in terms of recusal and the act had been respected, I think that the commissioner's office thought it would be quite possible for her to serve in the chair role.

Mr. Nathaniel Erskine-Smith: That's because of her role and stake in NRRStor, I assume.

The second line of inquiry is in relation to the disclosure of documents. There are two questions that I have. One is in relation to... I'm going through the document and I see the redactions. The redactions, in many cases, are obviously related to individuals who are not Ms. Verschuren. I mean, there are other people who are applying, and I have no interest in that. I would like to know, though, with respect to any of the redactions that have been made.... I want to get to the letter separately, but specifically, with respect to the redactions and to the applications that were submitted—and I see there are pages 12 to 30, 48 to 66, 78 to 84, 97 to 103—there were not just redactions within a page but certain pages that were fully redacted, in accordance with section 19 of the Access to Information Act, specific to a privacy concern that you flagged.

Are those privacy concerns related to other individuals, or related to Ms. Verschuren?

Ms. Donnalyn McClymont: Mr. Chair, it would have been a combination of individuals. We were asked for the applications of individuals. That would be considered personal information. That is a good chunk of—

Mr. Nathaniel Erskine-Smith: I understand that, but I do think we should treat them differently. I think it would be useful for this to make sure that it's absolutely clear there's nothing hidden here. I think it's very important that.... I have no interest in information related to anyone else. I do not care.

My colleagues are right. We are Parliament. If there's any personal information related to Ms. Verschuren that you are concerned about and we're redacting because of the Access to Information Act, that is improper. Whether we hold this in camera or we determine amongst ourselves whether it should be public, we can, as a committee, discuss this. However, I think you should separate these and you should come back to the committee and say, "These particular instances have nothing to do with Ms. Verschuren, and these other instances do."

My last question, then, relates to the letter that was held back, based on the confidence of the Privy Council. What's the rationale for that? How can that be justified, given the parliamentary request?

● (1810)

Ms. Donnalyn McClymont: If you don't mind, I'd like to clarify the question. The letter that was held back...?

Mr. Nathaniel Erskine-Smith: Yes, for communications between the Privy Council and Minister Bains, there was, I think, one piece of communication that was held back because of confidence of the King's Privy Council. That was the document that we received, but that seems like an inappropriate withholding, I think.

Ms. Donnalyn McClymont: On that document, it was cabinet confidence, so that would have been advice to cabinet. You can take what you will, in terms of the appointment itself, why we would withhold that document.

To the member's question regarding the documents that we provided, I note that we did redact Ms. Verschuren's personal information. I think it's important to redact the personal information of all the individuals in question, but you do know, by deduction, that Ms. Verschuren was on the May 19 letter. She qualified for the

chair position. There was one individual who qualified for the chair position, so it is, to me, pretty clear—and we were clear with her on that point—that the information we provided would, *grosso modo*, reveal her candidacy, if you will.

As I said, Mr. Chair, I think we've been extremely forthcoming while trying to respect the personal information of not only Ms. Verschuren but all of the candidates, and as forthcoming as we can be in terms of her overall application.

The Chair: Thank you.

Mr. Erskine-Smith, your time has elapsed. Do you have one last question to wrap things up, or are you satisfied?

Mr. Nathaniel Erskine-Smith: I'm satisfied. I have one comment, perhaps.

I appreciate how forthcoming you've been, especially here today. I do think, though, that in the interest of ensuring that all air is cleared.... If you're saying this information could be found out some other way, then why redact it? I think full disclosure, as it relates to Ms. Verschuren, would be welcome.

The Chair: Thank you very much.

Thank you, Ms. McClymont and Ms. Hamoui, for your testimony and participation in relation to this study.

I have one question, which is about the resignation letters that Madame Sinclair-Desgagné requested. I want to be clear about what the request is and whether you think you'll be able to provide that. I believe Madame Sinclair-Desgagné understands redacting any personal information. I think you said you were going to endeavour to get them back to us in a format that would allow us to consider the contents. Is that right?

Ms. Donnalyn McClymont: We will endeavour to see if we're able to provide those, but as I said, we may have to redact certain information. However, we will check to see what is in the realm of the possible.

The Chair: Okay. The committee might take that up.

I know there have been requests for a number of pieces of information. Could you present those to the clerk in due course? We'll certainly look for that information.

It's not within 24 hours, so it is—

Mr. Kelly McCauley: It's 21 days.

The Chair: Yes. We typically like to have the information within 21 days as a courtesy, so we look forward to that.

I am now just going to.... Hold on. I have committee business here, but I'm not there yet. I will see hands shortly.

I'm going to suspend for two minutes while the witnesses excuse themselves.

● (1810)

(Pause)

● (1820)

The Chair: We're back.

You can both put your hands down. Thank you very much. I see you both.

We'll now proceed to have a quick discussion regarding committee business. Depending on you, this shouldn't take a whole lot of time.

We are expecting the public accounts for 2024 to be tabled in the next couple of weeks. It could certainly be before the end of October. That will probably trigger a subcommittee meeting to discuss how we want to incorporate those into our upcoming business.

We have motions to get witnesses through. I'm working on them. That is something this committee will be tasked with reviewing over two or three meetings. Again, it will be decided at the subcommittee.

In regard to our study on report 6, SDTC, I'm not necessarily proposing any action today, but I want to update you on a couple of witnesses who are pending.

The motion adopted to invite Mr. Navdeep Bains and reinvite the witnesses who were here today also proposed to invite Ms. Hilary Leftick. She previously worked in the PMO. She left PMO in 2022 and is not working in a similar capacity in the Government of Canada, so her information is not publicly available.

The clerk is doing everything possible to track her down in order to invite her to a future meeting. I was hoping to have her here today with PCO, because I am cognizant of the witness list in the calendar and thought they would have paired nicely together. Having said that, I think the witnesses today from PCO provided a good deal of information. That one is still pending, but it is proving to be difficult.

Then, with respect to the two ministers, Minister Champagne and Minister Guilbeault, invitations have been sent to their offices. We provided dates through to December, and we're hoping for positive responses.

On the upcoming Monday, we'll have Andrée-Lise Méthot as a witness.

I'm now going to recognize Madame Sinclair-Desgagné.

You have the floor.

[Translation]

Ms. Nathalie Sinclair-Desgagné: Thank you, Mr. Chair.

My motion should be dealt with quickly.

I'm asking for unanimous consent to urge the Privy Council to send us the board members' resignation letters. Obviously, the personal information would be redacted, but only information of that nature.

Can the committee give its unanimous consent?

[English]

The Chair: No, let's slow things down here a bit.

I'm curious. Have you submitted a motion to the clerk? I realize you're looking for unanimous consent—yes, I will come to members—and to the committee to order the production of the two resignation letters, with the agreement that personal information can be removed. I suppose by that you mean addresses.

• (1825)

[Translation]

Ms. Nathalie Sinclair-Desgagné: Did you say that there were two—

[English]

The Chair: Pardon me. I misspoke. It's the resignation letters, yes.

[Translation]

Ms. Nathalie Sinclair-Desgagné: There are more than two.

[English]

The Chair: It's a motion. It's not really UC. We could pass it quickly if we had UC, but I know Mr. Drouin wants to speak.

Ms. Khalid, I know you had it down. You're next on the list, once we deal with this matter.

Mr. Drouin, do you have something that you want to say about this?

[Translation]

Mr. Francis Drouin: Maybe I misunderstood.

Ms. Sinclair-Desgagné, I think that you asked for this during the meeting. Mr. Chair then specified that the letters must be submitted within 21 days.

I find it hard to understand why we would need this motion.

[English]

The Chair: Thank you, Mr. Drouin.

Yes, Mr. McCauley.

Mr. Kelly McCauley: Yes, I believe we passed a motion a couple of years ago in the committee that documented this. What witnesses agreed to provide us was to be done in 21 days.

It's very clear the witnesses did not commit to that. I think this motion is for UC to ask that they provide it, properly redacted for privacy concerns. However, very clearly, there was no agreement from the witnesses that they would provide it. In fact, one of them very clearly gave us a no to that, so I think we require a proper directive from the committee as an order—

The Chair: Let me speak to this quickly. The committee can certainly make that decision.

Mr. Kelly McCauley: I think that's what we're asking for.

The Chair: We, as a committee, do take it on good faith that witnesses will respond, and after 21 days, we can act again and then press it. I didn't see the head nodding or anything like that. That's all I'll say.

Mr. Drouin, did your hand go up again?

[Translation]

Mr. Drouin, you have the floor.

Mr. Francis Drouin: We could wait the 21 days and then pass a more stringent motion.

However, we're currently focusing on something that isn't important. With all due respect, no one here told us about this. So, no, we aren't giving our consent.

[*English*]

The Chair: That's fair enough.

[*Translation*]

Ms. Nathalie Sinclair-Desgagné: I don't see the connection.

[*English*]

The Chair: May I ask whether you submitted the motion to the...?

A voice: It's been distributed.

The Chair: Members like to have copies, and now that copies have been sent out, we will continue to debate this.

Madame Sinclair-Desgagné.

[*Translation*]

Ms. Nathalie Sinclair-Desgagné: I moved this motion on the spur of the moment. I thought that it would be a no-brainer and a faster process, since these are important documents. So there was no unanimous consent. The answer that we received... Ms. Hamoui shook her head “no”. Ms. McClymont said that they would see, after their conversation with the lawyers, whether they could give us the letters.

I think that it's important for our study and for the coming weeks to get the letters before the 21 days are up.

Mr. Drouin, I'm speaking to you too. I'm answering your question, but your telephone seems more appealing.

Mr. Francis Drouin: [*Inaudible—Editor*]

Ms. Nathalie Sinclair-Desgagné: Did you say two heads? I can't find the second one.

So we didn't get a clear answer. However, I think that we need to receive these documents before the 21 days are up. We'll be hearing from many witnesses over the coming days if there isn't any prorogation. We need to receive these documents as soon as possible.

Why wait? We aren't skipping any steps. This committee needs to send a clear message that we absolutely must receive these resignation letters.

The Chair: Mr. Drouin, did you want to speak?

The floor is yours.

Mr. Francis Drouin: Mr. Chair, once again, the witnesses are being accused of perhaps doing certain things or... I personally haven't seen any of that. However, I did hear Mr. McCauley talk to you about the 21 days. You answered that, here, documents are normally requested within 21 days. You repeated that to the witnesses, and they said they were going to see what they could do.

Before we alert the police, can we just let the witnesses do their job? We can then return to committee to debate these issues. Then, if necessary, we can take stricter measures. That's all we're asking for.

I have no idea... In the big picture of Sustainable Development Technology Canada, I don't think the letters of resignation are going to provide very telling information.

That being said, I would remind you, Ms. Sinclair-Desgagné, that you asked the witnesses for the documents, and they said they would take care of it. The chair repeated it at the end. You didn't mention the 21 days, but the chair did.

However, before we take drastic measures, can we just continue our work?

Also, I won't let you move motions without consulting us first. Start by consulting us first. Have a little respect for committee members, like last time.

You've blindsided us with this motion, and we don't agree.

● (1830)

The Chair: Thank you very much, Mr. Drouin.

Ms. Khalid, you have the floor.

[*English*]

Ms. Iqra Khalid: Thank you very much, Chair.

I'll echo the sentiments of my colleague. I also want to talk a bit about the precedent that we set in committees.

First and foremost, if we've been told 21 days, then I'm not sure why we're not waiting for that time. I say that because we are transitioning with SDTC. They are transitioning to a different model—to the NRC. That will happen in the coming year.

Yes, accountability is important, a hundred per cent. I think I've said multiple times in this committee and in other committees that accountability is very important.

I think that when we're working within the timelines and constraints of not just the House, but also departments, etc., if we've been told it's 21 days, then we should wait for those 21 days before we go into the production of documents.

That leads me to my next point, which I alluded to earlier, with respect to setting a precedent.

I have been in this position for nine years now. Over this past year and couple of months, I've noticed that we are calling more and more for the production of documents, without giving time to the agencies and departments we're asking for the documents to do their due diligence in producing them.

It's creating a strain on our House resources. It creates a strain on translation and interpretation to make sure that those documents fulfill the timelines of the motions that we are passing left, right and centre in all of the committees and in the House, etc.

It's a really bad precedent to set, I think, when we don't allow witnesses, experts and departments the time to actually produce the documents that they have said they're more than willing to provide within the timeline that they're offering.

For me, I think a 21-day timeline is quite reasonable. Pushing towards doing it sooner—doing it right now—is a really bad precedent for us to set. Quite frankly, it's disrespectful to House staff, to the people who support us on committees, and also to departments that have made commitments to provide...and have been actually quite forthcoming as we go deeper into this study on SDTC and its transition to the NRC.

I think that allotting them 21 days is the most practical way to go forward on this. If we're not willing to be even that forthcoming, where it's literally three weeks, then I think there's something completely dysfunctional with how we're operating here as parliamentarians on this bipartisan committee, where we've all made a commitment to put our partisan politics aside and come together to hold people accountable for how government dollars are spent.

I take the point and the value of what my colleague has brought forward. I think it's absolutely important for us to get to the bottom of what's happening here. At the same time, I recognize that there is a path forward over here as well. There is a transition to be made. There is not an urgency or a deadline to be pushing forward any document production order. When a department or agency counsel tells us that they will produce a document within a certain number of days, it is only respectful for us to respect the timeline they asked for. If we're not waiting for them and allowing them that timeline, I think we are doing a disservice to our public service.

• (1835)

Absolutely, accountability is why we are here. Accountability is why we sit on this committee for hours and hours on end and why we are diving into this study. That doesn't mean we put a rush on... What is the purpose? Absolutely, we are transitioning from SDTC to the NRC. There is work happening. Canadians have the right, a hundred per cent, to know what happened that brought us to this point. However, if there is a timeline, we should respect it before we push for the production of documents, which puts further strain on our House resources and departments.

I think waiting the 21 days is the best way forward. I am more than happy to revisit this motion after those 21 days have passed. It would be very disrespectful to our House staff, who support us on a daily basis, to move on this beforehand.

I'll park my comments there, Chair, but I would like to be put back on the bottom of the list again.

The Chair: Thank you.

Mr. McCauley, you have the floor next. Then I have Mr. Erskine-Smith.

Mr. Kelly McCauley: Thanks, Chair.

I would accept that if we'd had agreement or a positive response to the request from our witnesses. However, they made it very clear that it's, "We'll see," not, "We will provide." The motion we passed a couple of years ago requiring departments to provide documents or responses within 21 days had a positive response. It's not, "Get back to us in 21 days whether you bother to respond, or whether you will acquiesce to what the committee asked for." The committee asked several times for these documents and the answer was, "We'll see." It wasn't, "Yes, we'll get back to you." It was, "We'll

see. We'll consider it." One of the members very clearly indicated to the other member, "No, no." There was no, "We will provide it."

It's pointless if they say, "We'll get back," and we wait 21 days, when the witnesses made it clear they have no intention of giving it to us. "We will see," is not, "Yes, we'll provide the documents." That is why my colleague from the Bloc put forward this motion. It's very clear. The witnesses stated repeatedly that there was a high bar for terminating an order in council, "good behaviour" appointment. Very clearly, these people—several of them—violated the rules of conduct. It's very clear, as well, that they all submitted their resignations after the Auditor General made her views clear on this whole scandal.

I think it's a very reasonable request that the PCO provide us with resignation letters, perfectly redacted for privacy reasons. It has to come as an order from this committee, because the witnesses made it very clear. They did not say yes. They did not say, "Oh, of course we'll provide it." They said, "We will see." I understand what both Ms. Khalid and Mr. Drouin are saying. However, it's very clear the witnesses did not agree to provide us with those documents. That is why we have a very straightforward request to make an order for the production of the documents.

Thank you, sir.

• (1840)

The Chair: Thank you.

Mr. Erskine-Smith, you have the floor.

Mr. Nathaniel Erskine-Smith: Thanks very much.

My confusion is that I think, Chair, you said to the witness and restated at the end that there were 21 days. My intervention was a bit less clear, I think, in terms of whether I was asking for something specific or not...to actually come back to us with. I was saying they should, but I wasn't being prescriptive about it, as in, "I'm demanding that you do something."

Then you clarified, so they understood their obligations, saying the expectation is that they would come back within 21 days with those mandate letters. That is my understanding. Is that your understanding as well? You did say that to the witness, I thought...unless I misheard it.

The Chair: I don't like to enter into the debate, but I did that—

Mr. Nathaniel Erskine-Smith: I just want to clarify whether I misheard.

The Chair: No. I think you have it right.

Mr. Nathaniel Erskine-Smith: I appreciate that, because I thought maybe I misheard it, and you didn't say 21 days. If that's the case, I have no issue with passing a motion that says 14 days is probably improper, because you directed a witness already, on behalf of the committee, as to what her obligations and the expectations are. I'm perfectly comfortable, though, with your following up with the letter to say, "Further to my instruction, the expectation of the committee is that you provide us with these documents." It can say along the lines of...although it should say 21 days because that was the original instruction.

Anyway, that would be my preference and comfort level as opposed to, within minutes, contradicting the direction we already gave them. I don't think the original direction was untoward at all. It made sense. I think they agreed with what you were saying, because they didn't contradict you. That would be my "in the ordinary course" preference, because it's typical practice, I think.

The Chair: Thank you.

[Translation]

Mr. Boulerice, go ahead.

Mr. Alexandre Boulerice: Thank you, Mr. Chair.

Initially, when Ms. Sinclair-Desgagné moved her motion and asked for unanimous consent, I thought it was a good idea. It was in line with the request that the committee, including the chair, made to the witnesses.

However, the committee chair then spoke up and said that we had to assume that the witnesses were acting in good faith, which I quite appreciate. I think the motion is reasonable, but it's rushed, given the circumstances. I would prefer to give them time to do legal checks before agreeing to this request. It's prudent for them to say that they're going to check to see if they can send us the requested documents within 21 days.

It's always good practice to assume the good faith of witnesses. Therefore, I would wait a bit before supporting such a motion, even though I agree with its substance.

The Chair: Thank you very much.

[English]

Ms. Iqra Khalid: Thank you very much, Chair.

I really do appreciate all of the comments from my colleagues on this, because I believe that when we put forward motions within committees, we are setting precedent. A lot of the work that we do, especially when it's procedure-related, ends up in that big green book that we then rely on for decades afterwards. If we give deference to a witness and allow them a certain amount of time, then I think we should maintain that. That has been your ruling, as my colleague pointed out, and that is your discretion, as my colleague pointed out.

I want to address something that my colleague across the way, Mr. McCauley, brought up, when he presumed that the witness had no intention of providing those documents. I think that really speaks to exactly what Mr. Boulerice was saying and what colleagues across this table have said about the good faith aspect, the powers of a committee and the respect that witnesses give when they come and testify at a committee and make commitments to that committee.

Absolutely, the powers of the committee are outlined in convention, in our Standing Orders, in the way that the Speaker operates and in the way that you, Chair, operate within our committee. For a colleague to automatically assume that a witness is going to disrespect the rules of a committee or disrespect the values of a committee or the commitments made before a committee is a bit presumptuous. I think we owe it not only to the witness but also to the rules and regulations that govern our committee to respect the chair's dis-

cretion and to respect the timelines that have been provided to a witness before we get ahead of ourselves.

I'm a person who likes to operate in good faith until I'm proven wrong. I would like, Chair, for us to give that deference to any and every witness who comes before our committee—for them to be given the chance to respect the rules of the committee. I, personally, would like to have faith in every witness and in every expert who comes before this committee before I make presumptions as to what their intentions are. In this instance, given also the points I've made before—I won't repeat them, Chair—this motion is pre-emptory. It's premature, and it is, at this point, I feel, unnecessary. I think that we should revisit this after the timeline has passed.

I'll park my comments there, Chair.

Thank you.

• (1845)

The Chair: Thank you very much.

Mr. Drouin, go ahead.

[Translation]

Mr. Francis Drouin: I would like to hear the opinion of my colleagues who are now discussing the issue raised by Mr. Boulerice. We're talking, but I don't see how this approach will move us forward or produce results this evening or next week.

I move that perhaps the debate be adjourned and that the matter be revisited after the 21 days, as we requested—

[English]

Mr. Kelly McCauley: Can I just clarify something, because the translation...? Are you proposing or are you actually going to move to adjourn?

[Translation]

Mr. Francis Drouin: No, I said "perhaps".

[English]

Mr. Kelly McCauley: Okay. Thank you. I wasn't sure with the translation as it came through.

[Translation]

Mr. Francis Drouin: To make the chair's proposal clear for the witnesses, I suggest that we send a letter directly to them. That's along the lines of what Mr. Erskine-Smith was saying. That way, it would be clear that we expect a response as soon as possible. Once they have consulted the lawyers or the Privy Council Office and they have given us a response, we can make a decision. I think that's reasonable.

I'm not saying that we don't agree with Ms. Sinclair-Desgagné's proposal, but it's a draconian measure. It's just not necessary at this time.

Like Mr. Boulerice, I would like to believe that the witnesses are acting in good faith. Let's give them a chance to prove it to us by sending us the information. If they don't, we can take stronger action.

• (1850)

[*English*]

The Chair: I'm going to attempt to summarize where you're taking us, and then, if you like my summary, you can move your adjournment motion.

Mr. Drouin is suggesting that the clerk and I follow up with the officials who were here today from PCO, clearly outlining what

we're looking for, and then we will adjourn this meeting. If you are in agreement with that, please say so.

I have a motion to adjourn the meeting. I'm seeing some glum faces, so why don't we take a roll call?

(Motion agreed to: yeas 6; nays 4)

The Chair: We are adjourned.

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