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Chair

Mr. Bob Mills

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• (1530)

[English]

The Chair (Mr. Bob Mills (Red Deer, CPC)): I would like to start off by welcoming our guests. Many of us have seen these guests before and are aware of who they are. I want to particularly welcome them.

Just for the members' interest, the way I would like to operate today is to end our cross-examination of the witnesses at 4:45. That would leave us from 4:45 until 5:30 to discuss the motion at hand, the intention being to vote by 5:30 so that members can go on to the Bill C-30 committee.

If I don't hear any objections, those will be the timelines I will follow. I'll ask you to be very precise in your questioning, and let's try to finish by 4:45 for our witnesses.

For our witnesses, let's begin. Mr. Toner, do you have a statement you wish to make?

Mr. Glen Toner (Member, Panel of Advisors, Office of the Commissioner of the Environment and Sustainable Development, As an Individual): Yes, Mr. Chair. I have about a 10-minute oral statement that I will make to the group.

By way of context and background, let me just tell you a bit about myself and how I ended up here in front of you today. I was educated at the universities of Saskatchewan and Alberta, and at Carleton, where I've taught for the last 24 years. My research interests are in energy, environment, and sustainable development policy. An example of the work I do is the recent UBC press book entitled *Sustainable Production: Building Canadian Capacity*. I also edit an annual volume entitled *Innovation, science and environment: Building Canadian Capacity*, and with a group of colleagues, I'm also organizing a major conference this fall entitled *Crafting the Future, Learning from the Past: The Path to a Sustainable Canada, 1987 to 2027*. So we're going to look back 20 years and then look forward 20 years.

From 1989 to 1991 I was an advisor to the deputy minister of Environment Canada during the development and launch of the Mulroney government's green plan under Ministers Bouchard, de Cotret, and Charest. In 1990 I wrote a paper on the relationship between industrialists and environmentalists, which led to the creation of the New Directions Group of corporate and environmental group leaders.

My first involvement with the Office of the Auditor General was prior to the creation of the commissioner, when I participated on an advisory committee on the audit of energy megaprojects. In 1994 I

was asked by officials of Environment Canada to chair the multi-sectoral advisory committee for the Chrétien government's *A Guide to Green Government*, which, as you know, provided the framework for the creation of the commissioner within the Office of the Auditor General.

Because of this background and work with all these different groups or elements of the policy community, in 1996 the first commissioner, Brian Emmett, asked me to create his multi-sectoral advisory committee. I did, and I've been a member of that panel since. I've also been an advisor on specific audit chapters each year. I'm currently an advisor on two audit chapters this year.

In 2004 I appeared as a witness before the Senate Standing Committee on Energy, the Environment and Natural Resources that produced the report "Sustainable Development: It's Time to Walk the Talk".

Therefore, my views have been forged as a participant and an observer in these issues and processes.

For the record, the commissioner's advisory panel is a group of distinguished Canadians from a broad range of backgrounds. I do not speak on its behalf. My comments today are my views only.

The question before us is, what lessons have we learned over this 10-year institutional experiment known as the Commissioner of the Environment and Sustainable Development within the Office of the Auditor General? It has produced 10 annual reports. These are of a consistently high quality and are particularly good on the performance audits. This is not surprising. It builds on the great strength of the Office of the Auditor General, producing ex-post, rear-view mirror types of financial and performance audits. On the other hand, we have seen the underdevelopment of the commissioner-type functions, being a champion, for example, for sustainable development.

For example, think of the Commissioner of Official Languages. That independent officer of Parliament is expected by everyone to promote the use of both official languages in the Government of Canada and to encourage the growth and use of both official languages in the country to ensure that all citizens can participate in federal institutions and be well served by them. The goal is to keep the country together, even to make it a model for other bilingual countries. These are honourable, forward-looking, commissioner-type functions.

In my view, two factors have contributed to the underdevelopment of the commissioner-type functions. The first is the stature of the commissioner as a second-level officer, an Assistant Auditor General within the Office of the Auditor General. This stature is too low a profile compared to other commissioners, either domestically or internationally.

Second, the legitimate, appropriate, and historic prohibition against the Auditor General's commenting on policy or offering policy advice—as the chief financial auditor of the Government of Canada—is understandable; however, there is no question that this factor has constrained the voice of the commissioner, who is, in this arrangement, an agent or employee of the Auditor General.

Hence the evidence to date shows us that the institutional experiment of the Commissioner of the Environment and Sustainable Development has been incomplete. It's strong looking backward; it's weak in looking forward and in effecting change in the government practice that affects future action.

Does looking forward matter? If the 19th and 20th century development model were still working well, we would not be having this discussion. There would be no Commissioner of the Environment and Sustainable Development, no House of Commons Standing Committee on Environment and Sustainable Development, no departmental sustainable development strategies, arguably, no *Our Common Future*, no green plan, no *Guide to Green Government*, no millennium ecosystem assessment, and no IPCC "Fourth Assessment Report". All of these reports, domestic and international, recognize that we have to look forward and change our development path to a sustainable one.

• (1535)

Indeed, sustainable development emerged from this international process over these past 20 years, and while it may be relatively early days in attempting to institutionalize sustainable development in our daily practices in the private and public sectors, we do know that sustainable development is inherently a forward-looking orientation.

In other words, we must employ foresight and consider seriously, before a decision or a policy is made, the environmental, economic, and social impacts, and the costs and benefits. The Conservatives' green plan made this argument very eloquently.

The scientific evidence is clear. The natural capital that sustains life now and that will in the future is under stress almost everywhere. The millennium ecosystem assessment began with the phrase, "At the heart of this assessment is a stark warning". You have just read the summary of the fourth assessment report of the IPCC. You've heard what the scientific evidence is telling us across the board. All of these drivers are real. They are not going away. Evidence indicates that these issues are more important to Canadians now than ever. Is this an issue that requires our parliamentarians to look forward? I think so. You have children; you have grandchildren. They are your constituents too. Is this an issue that requires your officer of Parliament to look forward? In my view, it is, absolutely.

What is to be done? If no changes are made, if the status quo structure is retained, let's be honest with Canadians and change the statute to rename the Commissioner of Environment and Sustainable Development the environmental auditor general, or actually just

environmental auditor, because there can only be one auditor general.

That is an honest description of the current office within the womb of the OAG. The environmental auditor can do excellent performance audits of existing environmental programs and report authoritatively to Parliament on the findings, no question. Yet, in 2007, as the Auditor General herself has noted, many Canadians are calling for a broader role for the commissioner. If you conclude that it is relevant for the commissioner to exercise commissioner-type functions, then the office has to be made independent of the Auditor General's Office. The Auditor General, I think, agrees with this.

An independent commissioner's office would determine independently what issues to explore. It could investigate innovative developments in other countries. It could anticipate problems and undertake special studies to show how they have been addressed in the private sector or at other levels of government and bring them to the attention of the parliamentary committee on environment and sustainable development and, through you, to the government.

As an independent officer of Parliament, the commissioner could make research-based recommendations but he could not make policy. He's not part of the executive. He would only have the powers of review and recommendation. Hence, the commissioner would be free to assess the performance of government programs. He would not be auditing himself. If the commissioner continued to audit departmental sustainable development strategies and government programs, then the independent commissioner could, without the current constraints of the OAG, comment on the broader implications of the performance audits' factual findings.

Is there a reason that an independent commissioner could not do high-quality performance audits? I do not know of any theoretical reason why this could not be done. Over the years, the Office of the Auditor General has developed rigorous processes and systems for doing performance audits, but auditors exist in private organizations and within government departments. As a recent innovation, for example, Environment Canada has a director general of audit and evaluation reporting directly to the deputy minister.

The commissioner's office could adopt the same high audit standards for its work, and perhaps some of the audit professionals who now do this work in the OAG would be willing to transfer their intellectual capital and experience to a fellow parliamentary officer's organization.

I see no reason why an independent commissioner could not carry out the majority of environmental and sustainable development performance audits, say three to six a year, as is now the case. The OAG would still have its ongoing audit work on the rest of the Government of Canada's programs. If, in that process, it identified environmental performance issues that should be raised, it could do so. Such an arrangement would minimize duplication of effort.

There's absolutely no reason I know of why two independent officers of Parliament could not work collegially and responsibly in this area. This is what happens in New Zealand. This broader scope of activity would raise the profile of the commissioner and perhaps increase the likelihood that it would be more effective in getting the government to take its fact-based audit findings seriously.

Such a commissioner's office would be an independent expert body that would make reasoned research-based arguments in favour of strengthening sustainable practices within the Government of Canada.

• (1540)

Sustainable development is not a partisan issue. It's not a Conservative, a Liberal, an NDP, a Bloc, or a Green issue. Political parties will continue to advocate certain types of policies and programs in this area. Companies and industry associations, environmental groups, academics, and others will continue in the finest democratic tradition to advocate changes of various kinds.

An independent commissioner would not displace or replace these actors. It could, however, be a venue for the housing of considerable expertise on sustainable development and environmental issues on behalf of all Canadians and could make reasoned, research-based arguments in this area to Parliament.

In conclusion, Mr. Chair, the experiment has been run and the evidence is in. The model of a commissioner as an agent of the Auditor General has run up against its institutional limitations. This is not a personnel problem; it's a structural problem. Environment and sustainable development issues are more significant today than they were in 1994. It is time to strengthen the role of the Commissioner of Environment and Sustainable Development. An independent commissioner is entirely necessary, viable, and doable.

Thank you.

The Chair: Thank you, Mr. Toner.

Mr. Desautels.

Mr. L. Denis Desautels (Former Auditor General of Canada, As an Individual): Thank you, Mr. Chairman. *Bon après-midi à tous.*

I'll be rather brief, Mr. Chairman. I have, in preparation for this afternoon's meeting, reviewed fairly carefully the proceedings of this committee that led to the creation of the function of Commissioner of the Environment back in 1995, to make sure I had a fresh memory of what took place, although I was quite personally involved in all of those discussions at the time.

I've also reviewed the proceedings of your committee held in the last two weeks, and I found many similarities between the questions and concerns that were raised back in 1995 and those that are raised

today, including, for example, the question of the expectation gap, which was well identified in 1995.

Let me just say that after considering all of what's been said in the last two weeks and what was said back then, my overall position is that the structure adopted in 1995 still makes sense. I think it's just as effective, if not more effective, than other approaches that could be adopted, such as that of a stand-alone officer of Parliament. In fact, this particular model has been recently adopted by the Province of Quebec, which has just appointed a commissioner of the environment following exactly the same model, the same structure, as in the federal government.

The expectation gap, of course, will always be a challenge. However, if an aggressive advocacy role is what is wanted by Parliament, as opposed to that of what I would call a vigilant watchdog, then Parliament should create a separate office. But in my books, there's no guarantee it will necessarily be more effective. I would also say that there are limits to how much advocacy an independent commissioner can really carry out and still respect the relationship with Parliament.

In any case, before a final decision on this is made, I think a proper analysis of the pros and cons of this structure and other comparable structures should be carried out, including an analysis of the successes and the failures of other approaches and models found in other jurisdictions.

On that, Mr. Chairman, I'll be quite pleased to answer questions of the committee.

• (1545)

The Chair: Good. Thank you very much, Mr. Desautels.

Mr. McGuinty.

Mr. David McGuinty (Ottawa South, Lib.): Thank you very much, Mr. Chair.

Thank you very much, Professor Toner. Good to see you again, Monsieur Desautels. *Toujours un plaisir.* I'd like to put a question to you, and I don't mean to put you on the spot because there are differing views here.

Professor Toner, I think you were quite clear that it was time. To re-quote you, "The model has run up against its institutional limitations".

Monsieur Desautels, you said you think the expectation gap might be overcome by a vigilant watchdog. You suggested there was no evidence to support that hiving off the position would strengthen the function, and yet there's no evidence to support that it wouldn't.

You both are experienced practitioners. I guess the question I'd put to you both is a very direct one. I'm not asking you to mind read or to mind-meld or to cast too far out, but given the practice of the past...is it now 10 or 12 years, Professor Toner?

Mr. Glen Toner: It's 10 years. There are nine substantive reports, plus the early report in 1997, so it's 10 reports in 10 years.

Mr. David McGuinty: Okay. I'm going to come to the practice over a decade, as well as all of the reports that have been issued that were from time to time critical of our government, critical of the new government, critical of the bureaucracy itself, and so on and so forth. I'm just trying to match the expectations gap in society particularly, Mr. Desautels. Most Canadians want to see their governments' feet held to the fire on this.

The position has evolved; the role has evolved; we live in a very competitive communication world. Don't you think—and both of you can comment—that the independence of this kind of position with the strength and advocacy role would go some distance in holding any government's feet more immediately to the fire? Don't you think this would help Canadians understand more about what is actually going on and what is not going on? I'm trying to get anything that would suggest this is not a good idea; I can't find it in the testimony from either of you.

Mr. Glen Toner: You can't find...what's not a good idea?

Mr. David McGuinty: I mean not splitting off the position. I can't see a reason that would preclude splitting off this position and having it evolve as you suggested, Professor Toner. It's time now to give the position full flight and to strengthen it. It can work symbiotically, as the New Zealand experience has demonstrated, and I think as even the Ontario experience with the Ontario environmental commissioner has shown to a certain extent.

Mr. L. Denis Desautels: I'm going to try that.

First of all, let me say that back in 1995 there were good reasons for asking the Office of the Auditor General to take this on. I think those reasons are quite well laid out in the testimony that came out back then, but if I may just refresh our minds on that, I think the arguments were that in terms of resourcing the functions with as much expertise as possible, the office brought to the function a body of expertise—not just in terms of environment, but also in terms of investigation and in terms of auditing—that was clearly important to the role of a new officer like the Commissioner of the Environment.

I think the notion of carrying out environmental work as part of a bigger whole and therefore respecting better the notions of sustainable development also made sense at the time, and it was one of the arguments used to justify putting it in the Office of the Auditor General.

I think as well that when you talk about independence, I'd be careful, because I would like to think that the Auditor General is quite independent; an officer within the Office of the Auditor General would be quite independent, maybe not from the Auditor General, but from the rest of the world, I would imagine. I think it's not necessarily a question of independence in that sense; I think the autonomy to do things on their own would be another way to look at it.

I think the good reasons for putting it in the Office of the Auditor General back then are still essentially there. Somebody said earlier that the environment is more important now than it was back then; I'm not so sure. It was very important back then; it was seen as an urgent issue, and I don't think that has necessarily changed a whole lot.

One thing I found difficult when it was under my control, one thing that was always a challenge, was to make sure the commissioner had an identity of his or her own and had sufficient autonomy to carry out the role in his or her name vis-à-vis parliamentarians and vis-à-vis the outside world. I think that is a delicate balancing act. I think it's doable, and I suppose other steps could be taken to give parliamentarians a bit of reassurance on that front if we continue with that model.

● (1550)

Mr. David McGuinty: That's fine, as long as we were reassured that the commissioner wasn't going to be fired by any source other than Parliament itself. That's part of the problem we're facing here.

I'd like to hear Professor Toner on this in terms of the evolution of the role.

You mentioned sustainable development, to paraphrase, not being a destination but rather a direction. Can you help us understand?

Mr. Glen Toner: Well, on your first point about the watchdog function, that is one function. If we look at these types of offices around the world, they all have that sort of function in some way where they do try to hold the government to account in some way for its past practice.

The way it's been done in this model is through performance audits of existing policies. They're planned out well in advance, and a rigorous process is applied over a year to bring them to fruition. So there's a certain amount of that done in the performance audits and even on an annual, ongoing basis on the sustainable development strategies.

With respect to the autonomy of the commissioner within the Office of the Auditor General, it's important to remember that in practice those reports coming to you are coming to you from the Auditor General. Therefore, the Auditor General's office has a great deal of concern—this balancing act that Mr. Desautels was talking about.

The reality is that on personnel decisions, on the scoping of audits, what will be done, what topics will be audited in terms of actually reporting, whenever the commissioner writes a report it's sent to the editorial staff, the communications people of the Office of the Auditor General to be vetted and reviewed. That makes sense if you're the Auditor General, because you have to be able to defend these documents when they go forward in your name.

So the autonomy of the commissioner within the office is one that is not great. It has evolved over time, but it's one that is not great.

In terms of sustainable development, these sorts of commissioner-type functions that I was talking about, looking forward, looking at other examples around the world, some of them have ombudsman-type functions that deal with public complaints, some of them review and evaluate policy—holding the watchdog role, if you will—while others do investigate sustainable development issues, like in transportation or fisheries. Some of them do anticipatory research to get ahead of the policy debates; others hold public consultations. In the U.K. they educate public officials. They can recommend government action, and some of them audit government programs. So there's a wide range of activities that these types of offices can undertake if they're autonomous.

Within the current construct, of course, working as an officer, an employee, of the Auditor General, there's a much narrower focus because of the legitimate constraints of the Auditor General.

• (1555)

Mr. David McGuinty: Can I put two other points, then, to both of you?

Last week the former Minister of the Environment, Sheila Copps, who shepherded this legislation originally through the House, wrote in her column that the interdepartmental opposition to an independent environmental auditor general was “so ferocious” that in order to get it through it had to be watered down. The compromise was to create the office administered through the Auditor General's office. That's point number one.

Point number two, with respect to the staff that would be required, the expertise that you referred to earlier, Mr. Desautels, doesn't this commissioner's office in the AG already possess that talent? Aren't we talking here about a more different formal division of staff that is already divided, effectively, in the AG's office? We're not talking here about massive bureaucracies; we're talking about strengthening the existing role of the staff and the budget they possess.

The Chair: I'm going to ask both of you to be very brief. Our time is just about up.

Mr. Glen Toner: With respect to Ms. Copps' arguments, yes, there was no question that there was a strong opposition amongst the bureaucracy. The point of parliamentary officers is not to please the bureaucracy—let's get that very straight. Their job is to hold their feet in the fire, that is to say, to be rigorous in their assessment of them. So, sure, there's opposition at the parliamentary level to being held to account. That's not a surprise.

The other thing, of course, is they were laying off 40,000 people at the time, too, and cutting back, so therefore they didn't want to be seen creating a new organization at the same time they were cutting back.

With respect to the staff within the office, the commissioner's group within the office of the Auditor General, again, what I'm about to say makes sense from the Auditor General's point of view. To go to your question, in terms of expertise, as you know, there's a new interim commissioner. They've also just taken out two of the long-standing principals—that's the level just below the Assistant Auditor General—who have been in the office for five years, and they've moved them off to another place in the office.

Now, from the AG's point of view, this makes a lot of sense because you view these principals as a corporate asset, and they rotate them every five years through various functions within the place. It does mean that the commissioner's staff is constantly evolving. In this current machinery it's constantly evolving, and people are moving in and out, and the commissioner doesn't have the autonomy over the personnel and staffing of that office.

The Chair: Mr. Desautels.

Mr. L. Denis Desautels: On the opposition in 1995 to the creation of a separate office, there probably was some of that. But I recall that even more important than any internal opposition was the desire on the part of the government to not create a new organization. In 1995 we were in the middle of program review, and all departments were being cut back. I think there was a very strong desire to not create a separate office. That was perhaps one of the driving factors for asking us to take it on.

There is a group of people within the commissioner's office right now with very strong technical expertise on environmental issues and sustainable development. I think they're doing a very credible job. The rest of the group strengthens this smaller group in certain aspects. It strengthens them in normal evidence gathering and auditing. It supports your conclusions much more strongly in terms of communications and evaluation of results.

So I think the presence of the rest of the office, in my experience in the five years I saw it at work, gives the smaller group more strength, and there is better coverage of the whole government. You have over 600 people on the lookout for issues and feedback for the benefit of the commissioner. The point I'm trying to make is that the bigger office helps the smaller group.

We keep coming back to the issue of whether it would be more effective to have a separate stand-alone office. We use as examples other officers of Parliament, such as the Commissioner of Official Languages, the Privacy Commissioner, and so on. There are quite a number of stand-alone officers of Parliament both here in Ottawa and in other jurisdictions. I would suggest to the committee that if you analyze the impact of each one of those on whatever mission they have, it's not always what you might think it is.

I think there's a lot of frustration out there on the part of these officers of Parliament. When I was Auditor General, a number of them came to me and said they wished they had the influence I had in changing things. In other words, being alone is not always fun. They had their levels of frustration as well, and many times they envied the attention we were getting with our reports and our ability to move things sometimes.

• (1600)

The Chair: Thank you.

Mr. McGuinty, there is a five-minute debt that you owe the rest of the members, so we'll try to figure out how to handle that.

Mr. Bigras.

[Translation]

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

Welcome, Mr. Toner, Mr. Desautels.

First, I'd like to tell you, Mr. Desautels, that, in the past, we have always appreciated the rigour of your reports and those of Ms. Fraser. Among other things, your work enabled the opposition to question the government more effectively. Your reports were very rigorous in that regard.

I'd like you to go back to the end of your sentence because that's ultimately the main argument. We wonder why the Commissioner of Official Languages and the Privacy Commissioner have their own offices, whereas the Commissioner of the Environment can't be independent. What do you think warrants us having an independent Commissioner of Official Languages and a Commissioner of the Environment who has to report to the Auditor General? I suppose that, before getting around to creating that position, some factors led us to make it so that the Privacy Commissioner and the Commissioner of Official Languages didn't have to report to the Auditor General.

Why then is that possible for official languages, but not for the environment?

Mr. L. Denis Desautels: That's a tough question. Mr. Chair, in most cases — and this may be the case in other areas as well — some parliamentary officials have a fairly clear, precise and specific mandate. Whether it concerns access to information, privacy or elections, generally these are very specific mandates that can be carried out exclusively, without risk of duplication or overlap with the mandates of other parliamentary officials.

As regards the environment, this isn't that clear. Even before people began to talk about creating the position of Commissioner of the Environment, it was clear that the Auditor General had felt the need to conduct thorough environmental audits. I remember working on the audit of the Great Lakes Remedial Action Plan Program and the St. Lawrence and Fraser River remedial action plans.

Often, when you audit a lot of government programs, it's hard to separate the environment and sustainable development aspect from the rest. That's why, in these cases, it could be argued that there are certain advantages in combining performance audits and environmental audits.

Other fields are like that, such as, for example, everything pertaining to human resources management. The Public Service Commission of Canada reports to Parliament, in theory, and has quite specific human resources management functions. The Auditor General and the Public Service Commission people have occasionally had to talk to each other in order to divide responsibilities. Occasionally, it has even been suggested that the Auditor General should go further and cover some of those aspects.

Consequently, it may be that some areas, which are under the authority of a parliamentary official, may not be isolated as easily as certain other areas, such as privacy, elections or official languages.

● (1605)

Mr. Bernard Bigras: It's interesting to see that these two questions, these two very important issues for Canada, come under the authority of an independent commissioner. With regard to official languages, we don't need to redo the history of Canada to know that this issue was fundamentally important for governments, particularly the Trudeau government. Privacy is also something fundamental in Canada.

Isn't the fact that this independence is granted to these commissioners a sign of the importance that Canada attaches to these two issues: shouldn't the creation of a commissioner position be linked to values rather than an audit? I wonder.

Mr. L. Denis Desautels: Mr. Chair, I agree with Mr. Bigras: creating these positions, whether it be that of Commissioner of the Environment or that of Privacy Commissioner, immediately indicates and sends the message that these are important and fundamental questions for the Parliament of Canada.

That said, does creating that kind of position within an existing organization diminish the importance that Parliament attaches to a question? It is possible not to agree on that point. I think that creating this kind of position in an organization highly respected by the general public can have the contrary effect. The original plan was to give the office the most credibility possible as quickly as possible by establishing it within an organization that already enjoyed a certain amount of respect from the public.

That argument can be used to contend that an attempt was made to reflect the importance the Canadian government attached to it by creating this position within an organization that already enjoyed a certain reputation.

Mr. Bernard Bigras: I have a final question.

About a year and a half ago, I took part in a mission with the Speaker of the House of Commons, in particular to Australia and New Zealand. At that time, I had the opportunity to meet New Zealand's Commissioner for the Environment. He has independent powers. That's clearly stated in the act.

According to the definition of functions in the document our research officer has prepared for us, the Commissioner for the Environment is a guardian and an advocate.

Here's what I'm reading about one of the functions of New Zealand's Commissioner for the Environment:

Advocate: investigating concerns that citizens raise about the environmental performance of public agencies, and encouraging preventative measures and remedial actions.

That's a broad power. It isn't quite defending a cause, but almost. He's also an auditor, information provider and advisor.

You said earlier that before making that kind of decision, that is to say recommending that the Commissioner be independent, an analysis must be conducted of the advantages and disadvantages.

What disadvantage do you clearly see in the Commissioner of the Environment becoming independent? Is there any disadvantage so significant with regard to audits that the Commissioner should continue to report to the Auditor General?

•(1610)

Mr. L. Denis Desautels: Mr. Chair, as regards disadvantages, there would simply be the loss of certain economies of scale and a certain degree of efficiency. That stems from the fact that that role is now played within an entity that already covers pretty much the universe of government.

In my view, in operational terms, the fact that the two are in the same box, a box of that size, reinforces an efficiency that, to a certain degree, would be lost if they were separated.

Of course, that's not insurmountable, but, if there were a separate office, that office and the Office of the Auditor General would have to agree on a division of the area and avoid needless overlap. That's obviously feasible, but there would nevertheless be a certain loss of efficiency.

Mr. Bernard Bigras: Thank you.

[English]

The Chair: Thank you.

Mr. Cullen.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Thank you, Chair.

Thanks to our witnesses.

I want to start with the broader picture and then narrow it down to the specific policy recommendations that this committee is seeking to make to government.

The current issue that I think many of us around this table and much of the Canadian public are most seized with is on climate change, on a government and a society response to what is a long-term and difficult initiative but yet is critical in terms of our response.

Mr. Toner, could you comment on a general question? How are we as a nation doing with respect to our obligations and commitments to climate change efforts?

Mr. Glen Toner: I didn't prepare extensive notes or thoughts on that today, but we're obviously not doing well. There was a report last week out of the Munk Centre, at the University of Toronto, that placed us last.

It's actually indicative of a broader problem. I hate to say this, but for most of the comparative studies that are being done on our performance across the board these days, I've been involved in a few of them, and, frankly, it was easier to make the case for Canada back in the nineties than it is now. When we get involved in these comparative ones, we just don't look good.

I'm talking about the OECD, not only academics but organizations that are comparing and contrasting Canada's performance across the board. One of the reasons is that we don't have an institution in this country doing independent, forward-looking, foresight types of work.

Look at the title of this document from the Commissioner in New Zealand, "Creating Our Future: Sustainable Development for New Zealand". Unconstrained, it gets ahead of the policy debates and creates a space for Canadians to talk about climate change within a

broader perspective. Climate change is not only an environmental issue. As you well know, it's a transportation issue, it's an energy issue, and it's a resource development issue. It's a whole bunch of other issues as well, such as housing, the design of cities, etc.

One of the reasons we're slipping in the competitiveness game is because we don't have anyone making the space to have these debates in this country. Perhaps an independent commissioner could do that.

Mr. Nathan Cullen: I think there's an assumption in your comment, because there are think tanks and various lobbyists and groups around the country, but perhaps they don't occupy that space of legitimacy or independence or non-partisanship.

Mr. Glen Toner: This function is outside of the executive branch of government. This reports only to parliamentarians and to Canadians through parliamentarians. They're not mixed up in the day-to-day politics

To do my research, yesterday I called up Morgan Williams, the commissioner from New Zealand, and I talked to him. I asked him what makes it work for them there, what lessons we could learn from them.

He said one of the things is that credibility flows from the quality of the work they do in reporting to the parliamentary committee. They can do audits, but they work in conjunction with the Auditor General's Office and help the Auditor General's Office scope its environmental work. He said they did work on invasive species and the biological security of New Zealand. He said the commissioner's functions are to get out ahead of the policy debates, and that you can play a valuable educational role in society by not being moulded by the political mood of the day.

That's a bit different from a lot of the other think tanks that have taken an advocating position of some kind out there. It stands above that sort of partisan dispute and creates a space to do the forward-looking thinking.

•(1615)

Mr. Nathan Cullen: That's why I started with the question on the overall effectiveness of programming to this point.

I have a question for you, sir. Under classical auditing terms, would one take up the issue of comparing a government's promises to the programs it's laid out to meet those promises? The government says we will achieve X and lays out a series of programs that only achieve half of X. Under classical auditing guidelines, would that be a situation on which the auditor would comment?

Mr. L. Denis Desautels: My answer to that, Mr. Chairman, is that yes, because you're talking here about how well a government has been delivering—

Mr. Nathan Cullen: Maybe I should make my point more explicitly. Take the issue of climate change. The government says we promise to reduce by 100,000. It releases a plan that's laid out over a number of months, and it has a number of different components, without anyone really watching all of the components. Would an auditor take up all of those promised announcements and say they actually only add up to 50,000 and not 100,000?

Mr. L. Denis Desautels: I think you're bringing in another dimension. If you're saying that as the government is making an announcement or laying out plans of what it's going to do down the road, I don't think it would be proper for an auditor or, I would say, even a stand-alone commissioner to get involved in the middle of the debate between members of Parliament at that point. So certainly we would not do that.

We will certainly do it, though, once a program has been approved and it's working, to see whether or not the government actually delivers what it said it would deliver with that program. That's fair game. It's the same with other key questions. One example I could use is the gun registry. You would not have wanted the Auditor General or another agent of Parliament to get involved in that debate at the time about whether or not it was a good thing to do. I think once the program is in place, whether or not it's achieving what it was supposed to achieve is a subject of a legitimate audit.

Mr. Nathan Cullen: I will agree on your first condition. I'll disagree with you on your second, because when it comes to climate change, the whole point has been the planning. Ineffective plans have led to the results we have right now. I don't say this for partisan reasons. I'm looking as objectively as I can at the case as it was made to Canadians in signing Kyoto and then in laying out some plans to achieve Kyoto. It was not until two or three years after the fact that we as parliamentarians from all parties were able to go through the audit of the programs and say, my goodness, I think we're off track. Now we're so drastically off track that the debate is just by how much as opposed to whether we can get back on.

I'd like to make a point about the costs. If you look at the costs of creating a separate, stand-alone office, Ms. Fraser's testimony would probably show that at the time costs were against that. My staff has pulled up some of the actuals, and we're talking about \$5 million or \$6 million, as we've heard from Ms. Fraser and from others as a cost estimate. Compare that to the multi-billion-dollar mistakes available.

The effectiveness of the commissioner's office must be improved. I disagree with Ms. Fraser's comment on the policy options available to this point, and that it should be housed in her office and should file a report four times a year. That is the suggestion at this point, and I fundamentally disagree with that.

It seems to me when we talk about the autonomy of the office—Mr. McGuinty alluded to it at the very end of questioning—there's a distaste in my mouth, and I think in many Canadians', as to what exactly happened with the Commissioner of the Environment's office in the last month. We don't know.

As a former Auditor General before a parliamentary committee, you answer, I assume, almost every question given. You were an officer of Parliament when you were functioning in that role?

Mr. L. Denis Desautels: Yes.

Mr. Nathan Cullen: You were answerable to the committee members, who posed questions of some reasonableness to you.

We were left without answers to a basic question. We asked about the effectiveness of the Commissioner of the Environment. We were given answers that maybe there wasn't enough media attention when the commissioner delivered reports—there weren't enough reporters

in the room—or perhaps the government hadn't made enough corrections in its course.

I am left with an unsettling reality that something happened in terms of the Commissioner of the Environment, which I don't know the answer to yet. I am left with no assurances that things will improve under the current recommendations put forward by the auditor.

I have a question for Mr. Toner.

In terms of governments' responses—I'm drawing on the U.K. and New Zealand experiences, which have been more effective than we have when dealing with their own climate change challenges—how critical is it in these uncertain times, when it comes to the environment and climate change, to have an effective Commissioner of the Environment?

• (1620)

The Chair: Be very brief, Mr. Toner, please.

Mr. Glen Toner: That's a hard question to answer—absolutely. There is no question that they can be proactive, thinking, engaged organizations that can hopefully move the country forward and make some changes that are required. But they don't make policy. They encourage and do research and try to convince governments to act, but you can't draw a direct line to their functions and performance of governments necessarily.

The Chair: Thank you.

Mr. Warawa.

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

I'll be sharing my time with Mr. Harvey.

Thank you, witnesses, for being here today.

Mr. McGuinty and Mr. Cullen have made comments expressing concern regarding Madam Gélinas not being the commissioner anymore. This appears to have spurred the discussion we're having today. I don't know if that's accurate, but those comments have been made at more than one meeting.

When Madam Fraser was here on the 8th, she said the office has become a world leader in environmental auditing, that auditors from around the world have requested our advice, and that many of them have taken courses on environmental auditing that we have developed in Canada.

After your testimony and the questioning is done, this committee will be faced with the task of deciding what direction we will recommend to the government. We have had you, the Auditor General, and Mr. Thompson, the new acting commissioner. Each of you is providing the committee with a different recommendation.

My first question is this. Do you agree with the comment of the Auditor General that we are world leaders and that countries are seeking our advice about structure?

Mr. Glen Toner: She is right. I said in my testimony that we do very good environmental auditing. The office does very good work.

An organization called INTOSAI has a working group on environmental audit. The Canadian team from the commissioner's group within the OAG has been instrumental in growing that group. In fact, one of the principals and one of the assistant auditors general are in South Africa as we speak at one of those meetings.

If the committee wants very good environmental auditing—looking at what government has done and criticizing and commenting on that—then we have very good capability of doing that with the current machinery. There is no question.

Mr. Mark Warawa: Mr. Desautels, would you agree, then, with the comments of the Auditor General that we are world leaders and that what we have right now is working?

Mr. L. Denis Desautels: Mr. Chairman, yes, I agree. I've been gone from the office for five or six years. When I left, Canada was very much at the front end of environmental auditing, worldwide. And I believe this position has just been reconfirmed and reaffirmed.

I would like to make one other little comment, picking up on what Mr. Toner said, that this is all excellent auditing, but it's always looking backwards. As a former auditor, I resent a bit being pictured that way, always looking backwards. I think if auditing is properly carried out, it does offer a lot of good information as to which way you should go forward. I think a better understanding of what's worked and what has not worked is very good input for good policy and good management in terms of avoiding errors in the future. So it's not just looking backwards. In my view, there's a forward-looking element to this that's quite important.

•(1625)

Mr. Mark Warawa: So if the two of you were to audit the performance of this committee in making a wise decision, have we had adequate testimony here to make this decision, considering that if we are world leaders and we're talking about changing structure...? As I said, my first comments were that there have been questions why Madam Gélinas is no longer the commissioner. Is that a good motivator to rush into a change?

Mr. L. Denis Desautels: Mr. Chairman, as I said in my opening comments, I think you'll be making a very important decision, and I think once you make it, it's going to have an impact for years to come. It has to be taken with all the right information, and I'm not sure you have it yet. As I said, certain countries, certain jurisdictions, have adopted a different model, where the commissioner is more independent and is expected to comment more on policy. You should look at those and see whether or not it has produced what you would hope would be achieved in those circumstances and compare that against what this system has generated. I think we may be a little hard on the current system and what it's produced, because I think it's produced some really good work.

And I think in answer to Mr. Cullen's question earlier, as to where Canada stands, if you look at some of the commissioner's own reports, I think it will answer some of those questions. It needs to be thoroughly analyzed and compared to what you've been getting so far, against what these other jurisdictions are producing and where you would want to be. So I think it's a very important decision.

The Chair: Mr. Toner.

Mr. Glen Toner: Yes, absolutely, it is a very important decision. My audit advice to the committee would be to think seriously about this. It seems to me this is an historic opportunity, just as it was 10 years ago. A certain path was taken then. I think we've come up against the limits of that path, just the structural limits.

There are three options, it seems to me. One is the continuation of that historic path, which has some real strengths. I've tried to make that clear—some real strengths. Another one is to create a commissioner, a forward-looking position that could do all those other things we've talked about but leave the environmental audit function to the Auditor General. That's the one the Auditor General herself has said could be a possibility. The other one you saw from my oral presentation is my argument to create a fully formed commissioner who can do both forward-looking work and performance audits. You need to have them in the same shop.

This is an historic moment, so I don't think you should rush into it. I think it would be good to hear from some of these other commissioners in these other countries who've struggled with these same issues. And maybe you'd want to have some of the other people who've been involved.

We've both been involved in various ways—for 10 years I worked very closely with these people, and Mr. Desautels, of course, was the boss of the first two commissioners. So we're only part of the story. If you really want to have a full assessment, I think you would have to have more people in.

The Chair: Mr. Harvey.

[Translation]

Mr. Luc Harvey (Louis-Hébert, CPC): I'm going to share my time with my friend Mark because he isn't very generous: he doesn't leave me very much.

You talked about the independence of the Commissioner of the Environment and Sustainable Development, but isn't his current role independent? No one interferes with what he decides or anything whatever.

Even more, last week, Ms. Fraser was here and explained to us that, if ever the position of Commissioner of the Environment were separated from her office, a Commissioner of the Environment or environmental auditor position, whatever the case may be, would have to be recreated. She nevertheless said that she needed that position within her office.

If ever we had two commissioners of the environment and they did not agree, what would happen? I have a lot of questions and, ultimately, not a lot of time. So I will leave you with that.

•(1630)

[English]

Mr. Glen Toner: I don't think you'd have to have two environmental auditors. It is true that if the majority of environment and sustainable development performance audits and the continuing work on the sustainable development strategies were done by the separate office, then the AG's office would continue to look at environmental issues that impact on all the other government activities and programs it audits in an ongoing way.

I don't see that being problematic. Two offices can work together and share out the work in that way, with one being focused on specific environment, sustainable development issues, and the other one looking at where there are environmental issues in transportation, or fisheries, or northern development, or other program areas.

[*Translation*]

Mr. L. Denis Desautels: Mr. Chair, the term "independence" of the Commissioner is used, but, as I said earlier, the Office of the Auditor General is very independent, and as a result, the Commissioner should be independent from the rest of the machinery of government.

We especially talk about the Commissioner's independence from the Auditor General and from the Auditor General's organization. I think we can ask ourselves certain questions on that subject here today.

You could explore with the Auditor General ways of giving the Commissioner of the Environment the greatest possible independence with regard to the reports prepared by the Commissioner. That person would essentially be responsible for them and would prepare separate reports, apart from those produced by the Auditor General.

So if the Commissioner remains within the office, he or she can be given powers like that in order to have greater independence than currently exists.

Mr. Luc Harvey: When I take...

[*English*]

The Chair: Very briefly, please, Mr. Harvey. Your time is up.

[*Translation*]

Mr. Luc Harvey: The fear I have about reinforcing the role, or the desire of certain persons to do so, is that it might give the Commissioner a political role. The opposition's role is the opposition's role. As Mr. Bigras said earlier, when they received reports from Ms. Fraser, they read them and they were work instruments. It was up to them to do the work of critics.

Is it up to the Commissioner or the person responsible for the environment to play that role?

[*English*]

Mr. Glen Toner: I don't see where you get this being a political role. What the political parties do with the information once it comes out is up to them. It's up to you what you do with it. The government can use it as well, if they want, to see what has worked and what hasn't, and to take that and to strengthen their programs.

No, I don't think you'd say any of the other commissioners are political, and certainly not the Auditor General, so why would the commissioner's role be a politicized role?

[*Translation*]

Mr. Luc Harvey: I'm talking about the change we want to make to the role.

[*English*]

Mr. Glen Toner: He or she is an independent officer of Parliament, answerable through the two Speakers to all parliamentarians, no more or less politicized than any other commissioner.

The Chair: Let's just move on.

Mr. Regan and Mr. Rota, please.

[*Translation*]

Hon. Geoff Regan (Halifax West, Lib.): Thank you, Mr. Chair.

I think Mr. Desautels has very clearly stated the question with regard to independence. It isn't a matter of independence from Parliament or from the government; it's a matter of independence from the Auditor General.

Do you agree that the Auditor General's priorities won't be the same as those of the Commissioner of the Environment?

• (1635)

Mr. L. Denis Desautels: Mr. Chair, it might be that the two don't have the same agenda, depending on the audits they've conducted in one year or another. However, I don't think that's as big a problem.

Based on my experience, when I was Auditor General, we had good discussions, of course. Ultimately, I wanted the Commissioner of the Environment to be the only Commissioner of the Environment. I didn't want an Auditor General to be the de facto Commissioner of the Environment. So I always wanted to give the Commissioner as much independence as possible in choosing his subjects and drafting his reports.

I think it's quite important to continue in that direction, not only for the Commissioner of the Environment himself or herself, but for parliamentarians who would like to have an official who takes care of them and who is dedicated solely to that subject, in order to meet their needs.

Hon. Geoff Regan: I agree that this is an important issue, but today we're not drafting or studying a bill. We're considering a resolution that we will be presenting to the government. Of course, it's possible that we may draft a bill on this matter in future.

In that case, if Parliament decided to create an independent Office of the Commissioner of the Environment, is there anything that would prevent the human resources of the Office of the Auditor General from dealing with that of the Commissioner of the Environment, as was done, for example, in the case of the staff of the Department of Justice?

Mr. L. Denis Desautels: Mr. Chair, I believe that, if Parliament decided to create an independent Office of the Commissioner of the Environment, it would be relatively easy to transfer certain experts permanently from the present office to the new structure. It would also be possible to enter into certain service agreements so that the one could occasionally do work for the other.

I think these are operating methods that are entirely possible. The important problem that will remain to be solved will be to see how far such a commissioner can go in promoting new policies. I think that's where the entire issue lies.

Hon. Geoff Regan: Thank you.

[*English*]

The Chair: Mr. Rota, the story is never to go second. You have about three-quarters of a minute, so make it one quick question.

Mr. Anthony Rota (Nipissing—Timiskaming, Lib.): The argument that's coming up very often today is on being independent. I see that as only part of the issue. I guess it's the function that really comes into play, and that is the real argument.

When I think of an auditor, I think of someone who performs a perspective on historic operations, and I don't think there's any argument on that. When I think of an advocate or a commissioner, I think of someone who looks to the future or helps us plan for the future and build a vision.

Years ago I used to teach finance at a community college, and one of the things we looked at is when you're driving down the road you have a windshield in front of you and that's where you're going; that's where you want to go. The auditor's position is very important. We have a wonderful Auditor General, but that's the rear-view mirror. You cannot go forward by concentrating on the rear-view mirror. That's a very important part. You have to know what was behind you and what you went by.

So my question is, can you comment on and differentiate between the role of an auditor and that of an advocate or a commissioner? If we were to leave the commissioner's position in the Auditor General's office, how would that influence their work, and how would that limit them or how would that free them?

• (1640)

Mr. Glen Toner: Let me answer those in reverse. This also goes back to the previous question.

With respect to the autonomy of the commissioner within the Office of the Auditor General, the reality is that the commissioner is sort of a second level official there, as part of the Auditor General's team. There's a real requirement for team play and being a team player.

Sometimes if you're a commissioner you're going to have to be a lone wolf. You're going to have to be out in front of what everybody else is doing and thinking. In fact, that's one of the commissioner's functions.

You've asked what they would be. They're things like getting out ahead of the policy function or policy debate by deepening the knowledge base in society, feeding into policy through advice to Parliament, enriching and advancing the thinking on what the policy construct needs to be in the future, responding to parliamentarians to do forward-looking work, and playing a valuable educational role in society, because the commissioner wouldn't be caught up in being moulded by the political mood of the day—the way parliamentarians themselves are.

So there are a number of sort of forward-looking functions that a commissioner could play, but not in the current arrangement. This simply could not happen, and no one says it could.

The Chair: Mr. Calkins.

Mr. Blaine Calkins (Wetaskiwin, CPC): Thank you, Mr. Chairman.

I'm going to go back to the line of questioning the last time we had witnesses here. When you look at the text of the motion that's been proposed by Mr. McGuinty, some of the bulleted points are: "making the Commissioner a full and independent Agent of Parliament",

"clearly affirming and appropriately circumscribing the duty of the Office of the Commissioner to advocate", "requiring that the appointment of a Commissioner be approved by both the House and the Senate", and so on.

If you went to look at the mandate of the national round table on the environment, you would think that the author of this motion basically went back and looked at the points, which were brought up, and the points in the act, which started the round table back in 1988.

I'm wondering if you can differentiate for me, because the national round table maintains a secretariat, so it receives some funding at arm's length from the government. If you take a look at the advocacy point in this motion, the NRT acts as an advocate for positive change and raising awareness among Canadians. If you look at the independence, it says the NRT is structured as a round table in order to facilitate the unfettered exchange of ideas.

It seems there's a lot of duplication going on here, and I'm wondering if you could establish and clarify for me what the difference is. Maybe we're just talking about amending the role of the national round table to make it more effective or efficient. It also talks in here about bringing together all parties: aboriginal people, with their experience and mandates; the scientific community; business leaders; and so on.

It seems to me that if you have a consensus-building organization, such as the NRT, it would lead to what I consider much better policy advocacy than a sole person operating in complete independence from anybody else. If they've got a particular bee in their bonnet, they can pretty much do whatever they want.

Could you please differentiate what you think this motion would do, compared to what the NRT is currently doing?

Mr. Glen Toner: I think I can. I've worked a lot with the round table over the years, and it is accountability.

The initial round table idea came out of something called the National Task Force on the Environment and the Economy. That was when the Brundtland Commission, the World Commission on Environment and Development, came to Canada in the mid-1980s. The Canadian Minister of the Environment set up a round table, or a multi-stakeholder group, made up of people from industry, environmental groups, universities, and ministers. They enjoyed working together so much they said let's institutionalize this process and report to the Prime Minister.

That's the big difference. The round table does its work on behalf of the executive. It responds to requests from the Prime Minister; it's doing that right now. It's doing some very good work on long-term emissions reductions into the middle part of this century. But it's working on behalf of the government; it's part of the government. It's at arm's length, but it responds and answers directly to the round table.

Does it do good consensus-building work? I've worked with them on a number of projects over the years, and they bring together people from all the different groups, put them around the table, and try to find the common ground. Based on that, they come up with sort of a state of the play: Where are we at? Where can we go? What can we recommend to the Prime Minister on this?

I think a mistake was made, because this Prime Minister downgraded the reporting to the Minister of the Environment instead of to the Prime Minister—but that's just my point of view.

• (1645)

Mr. Blaine Calkins: But you would agree that there's a lot of duplication in the work and the knowledge base. Part of your testimony, Mr. Toner, when you came here was that we need to create a central body of all this information. The information is held in the academic institutions from coast to coast to coast, which are part of this national round table. Would it be logical to change the mandate of the national round table, then, so that it reports to Parliament rather than to the executive of the government, and leave the audit capabilities alone for the Office of the Auditor General?

Mr. Glen Toner: It would be a very different round table, I think. I suppose it would be possible.

I don't know how you'd make it accountable or answerable to Parliament. I'm not sure how that would work.

The other question is, could an independent commissioner also have these sorts of outreach opportunities that could allow them to gain these points of view from different players in the policy community?

That's what the U.K. commission does, but the U.K. Sustainable Development Commission came out of the round table in the U.K. It reports, again, directly to the Prime Minister and to the ministers. So there's more of a two-way relationship there between the executive leadership of the government and people who are doing research in those areas.

I don't see that there would necessarily be a lot of overlap, particularly if the two entities were noticing what each other was doing and presumably would choose to focus on different things or work collaboratively on some projects in terms of doing forward research.

Mr. L. Denis Desautels: Mr. Chairman, a lot of the debate in 1995 was around that, and we made the point quite clearly that if we were to assume the role of commissioner, we would not be able to get into the policy area and be proactive on the policy front, and other organizations would have to be put in place to play that role. The national round table was seen, at the time, as maybe fulfilling that need to exercise pressure on government and on parliamentarians to take certain policy directions on the environment.

The Chair: Thank you, Mr. Calkins.

Mr. Lussier, are you okay, or do you have one tiny question?

[*Translation*]

Mr. Marcel Lussier (Brossard—La Prairie, BQ): No. I'm going to keep my speaking time for later.

[*English*]

The Chair: Thank you. A couple of other people here owe you that, Mr. Lussier.

Anyway, I'd like to thank our guests certainly for being here. I think it has been very valuable. We've heard two sides, and it has helped increase our knowledge on this subject. So thank you very much.

We will now go into discussion of this motion. Certainly our witnesses can stay. This is an open meeting, if you care to hear what is said.

We have Mr. McGuinty's motion. So, Mr. McGuinty, as mover of this motion, would you like to begin?

I think we've gone through the reasons and what this is, so could we keep it really brief? We have three-quarters of an hour. I know the time is critical, so if you don't have to say it, don't say it.

Mr. McGuinty, I'll let you begin, as it is your motion, and we'll go to Mr. Calkins next, and then to Mr.—

Mr. David McGuinty: There is no need at this time, thank you.

The Chair: Okay.

Mr. Calkins.

Mr. Blaine Calkins: Thank you, Mr. Chairman.

In light of the testimony that we've heard today, I'm wondering if there is a will around this table to hear more witnesses on this, or if it's something that should be wrapped up today.

As a new parliamentarian, I'm certainly learning a lot by having these discussions, but for some of the rest of my colleagues at this table, I'm not sure if there is a will. I don't want to belabour this thing too long, but it may be that we should hear from some representatives of some other countries to see how their implementation and processes have worked as far as a commissioner of the environment is concerned. I'd sure like, for my own benefit, to hear that.

The Chair: Mr. Vellacott, quickly, and then Mr. Regan.

Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC): I have a question here. I ask the members, and I'm not sure what kind of an answer I'll get—and it would have been good to ask our witnesses here today, too—if in fact there had not been a seemingly somewhat abrupt completion to Ms. Gélinas' role there, would we even be having a discussion like this today?

As the members opposite have indicated, we really don't have a very clear picture, but if in two or three months from now we have a better or clearer understanding of what that was all about, at such point as we do....

Up until this point, nobody seemed to be raising the issues here. We've heard her several times and actually seemed pleased with her work. I think she has been non-partisan. She has criticized the Conservatives. She has heavily criticized the Liberals of the past here as well. So I guess on that balance of things she's done a fair-minded, objective kind of job.

I didn't hear a big hue and cry at all before, frankly. But I don't know. Maybe in this vacuum of knowledge and not knowing what all transpired here and what prompted this, all of a sudden now we have this coming forward. So I'm wondering if some of us are going to have a little egg on our faces and feel a little foolish a couple of months from now when maybe we have some better understanding of what this completion of her role was all about.

• (1650)

The Chair: Mr. Regan, you had a comment.

Hon. Geoff Regan: Thank you, Mr. Chairman.

You'll get it right in due course, anyway.

I don't think it matters what this was precipitated by. The fact is, we're into a discussion of this, but it is really only a discussion. We aren't looking at legislation. We aren't separating the role with this motion today. We're reporting to Parliament that it's our view. And then I think it's up to the government to look at this question and study it, or it may be that Parliament decides it wants to have us study this, for example, or have somebody else look at this in that kind of detail.

And even though my colleague Anthony jokes that he'd like us to go to New Zealand to study what they're doing there—it all sounds very nice—I don't think we need to go quite that far. We've had a good discussion that brings us now to the point where we can make a decision in relation to his motion, which is not legislation but is simply advice to Parliament.

Those are my views.

The Chair: We'll go to Mr. Cullen.

Mr. Nathan Cullen: Part of what we did around this being proposed, because it was considered before this, was to do an actual literature review of other examples. I think the greatest indictment of our system has been the ineffectiveness to this point. There have been moments of effectiveness over the last year, but in the midst of that increased awareness and view of the environment, we lost our Commissioner of the Environment, with no real understanding as to why.

So at the time, when it was finally starting to get attention for various factors, I think a change was precipitated. I don't think the two issues can be fully separated at all, and I don't think they should be. What particularly happened in this case does have some bearing on my vote, certainly, and I would hope it would for other committee members as well.

It's well taken that this goes back to Parliament and that the government has to respond to the committee's will, if it passes and is expressed. But I would say to the government members, and to those others making decisions when this comes to the House, that this is a time when it is most critical for Canada to have a voice that is given the credibility and the weight that is needed for this issue, because we are desperately off course.

And that voice has often been in the wilderness, the voice that Ms. Gélinas and her predecessors before her raised.

The Chair: We'll go to Monsieur Bigras.

[*Translation*]

Mr. Bernard Bigras: Thank you, Mr. Chair.

I don't think the purpose of this study is to recall past events concerning the departure of Ms. Gélinas, but rather to examine the office and how we can give it added value. So I think we should get away from these discussions that may have taken place and the outcome of which we definitely will not know in the weeks to come.

I think we must make a decision now. I have nothing against hearing other witnesses, but I'd like the clerk to tell me whether we

have exhausted the list of witnesses who were referred to us by colleagues. Have other names been submitted to the clerk?

The Clerk of the Committee (Mr. Justin Vaive): We've tried to contact all the witnesses whose names were suggested to us. Unfortunately, the short notice given for the two meetings that we had didn't enable the other witnesses to appear before the committee.

Mr. Bernard Bigras: Was that simply a time issue? Did those witnesses want to appear on these questions?

The Clerk: Yes. All those that I contacted wanted to come. Unfortunately, they were unable to come because of scheduling conflicts.

Mr. Bernard Bigras: How many witnesses would like to appear?

The Clerk: At least six to eight other individuals were contacted. Unfortunately, they could not come last Thursday or today. It's really a scheduling issue.

Mr. Bernard Bigras: I don't think we should treat this matter lightly. Perhaps we could have another meeting on this matter to ensure that we have the range of witnesses and all the opinions before we proceed with a vote on Mr. McGuinty's motion.

So there could be another, broader meeting to enable all the witnesses who so wish to appear before the committee in order to be heard on this matter.

• (1655)

[*English*]

The Chair: We certainly could try to schedule that. The discussion was about finishing today. That was the original agreement that Mr. McGuinty agreed to and that I think all members did. So we should think about that, but let's just move on and clear a couple of more people.

Go ahead, Mr. Warawa.

Mr. Mark Warawa: The discussion right now is centring around whether we should hear from more witnesses. I do have some other questions, with your permission, I could move on and maybe we could come back to that.

There's been concern expressed by the Auditor General regarding the use of the word "advocate" in the motion, I believe. It says "the Commissioner to advocate on environmental and sustainable development issues". My question is, what is meant by the word "advocate"?

From the Library of Parliament, we each received a brief, and there is a definition from New Zealand of what they mean by "advocate". So, Mr. Chair, through you to Mr. McGuinty, because it's his motion, is he using the same definition of "advocate" as what we see in this brief? If you like, I can read that, or are you familiar with that?

Mr. David McGuinty: I want to hear the comments on this, Mr. Chair.

The Chair: Can you just quickly tell us, what does "advocate" mean?

Mr. Mark Warawa: We've moved on from the witnesses, have we not?

The Chair: I think we're hearing from everyone here. Let's do that first, and then we can decide—

Mr. Mark Warawa: I have a question, Mr. Chair. I just want to clarify the structure.

The Chair: Mr. Bigras, do you have a point of order?

[Translation]

Mr. Bernard Bigras: I don't think we'll hold a debate on the motion. First, it hasn't been moved. The question that must be resolved...

[English]

The Chair: Yes, we are.

[Translation]

Mr. Bernard Bigras: The motion hasn't been moved. We're currently discussing in order to determine whether we are going to continue our study on this issue.

Hon. Geoff Regan: The motion has been moved.

Mr. Bernard Bigras: The motion has already been moved?

[English]

The Chair: The motion was moved.

[Translation]

Mr. Bernard Bigras: So the debate concerns the motion?

An hon. member: Yes.

Mr. Bernard Bigras: All right, we're debating the motion. Perfect.

[English]

The Chair: Mr. Warawa, do you want to continue, as quick as you can?

Mr. Mark Warawa: I do. As I started my comments, I think as we discuss specifics of the motion before us, it may give us an idea whether more information from witnesses is needed. Considering what the witnesses said, both witnesses had shared today that this is a very important decision we're making, and that more witnesses should be considered. I don't have a problem with that.

My question specific to the motion we're discussing is about the use of the word "advocate". The first witness we heard from was the Auditor General. She addressed the word "advocate" with concern. She shared that there was a possible conflict in using the term "advocate". She acquitted it to somebody who would help draft policy. If you're drafting policy, creating policy, and then in turn auditing yourself, you'd be in conflict and couldn't do that. So I think we need to very clearly know what the motion means.

The brief on New Zealand from the Library of Parliament is saying an advocate is investigating concerns that citizens raise about the environmental performance of public agencies and encouraging preventative measures and remedial actions.

So, through you, Chair, to Mr. McGuinty, is that what your definition of "advocate" is in your motion?

Mr. David McGuinty: I'd like to hear from other witnesses, Mr. Chair.

The Chair: We'll hear from everyone.

I just remind members that, as has been said I think, this is simply sending it on to government. So our decision is going to be, do we send it to government and let them set up the study and what format that will take, the committee or whatever? Also, do we need more witnesses? Do we need to hear more, and so on? If we do, as the clerk has mentioned, with the difficulty of getting people in a week's time, we probably will have to do this in two weeks' time or whatever. I just remind the members of that.

Remember, too, that in the definition read by Mr. Warawa, there is a petition process within the environment auditor general where citizens already can be advocates, can go to the commissioner and ask the commissioner to do that. Having done that with Sumas 2, I know that process does work, where you go and say, I think the government isn't taking this seriously enough, do something, and of course the environment auditor general took that up as a petition and did something with it. That was from a citizen's perspective.

So let's go to—

• (1700)

Mr. Mark Warawa: Mr. Chair, I did not hear the answer.

The Chair: Mr. McGuinty wants to hear all of the comments, and then he will comment, because it's his motion.

Let's just go to Mr. Harvey, then Mr. Warawa again, and then Mr. Vellacott.

[Translation]

Mr. Luc Harvey: At our meeting, Ms. Fraser explained to us that the Commissioner of the Environment had previously written a number of reports. Until the moment the events concerning Ms. Gélinas occurred, I don't think anyone had any criticism to make of the situation, the quality or the direction of the reports, and so on. We can unanimously say that the work was well done. At no time in the past 10 years was any problem of interference, independence or anything whatever reported. I believe that all members from the parties agree that the work was done.

Today, we are having a debate to determine whether the Commissioner of the Environment and Sustainable Development should continue to report to the Auditor General. As Bernard said, I don't feel very comfortable making such an important decision too quickly. I don't see the urgency of that. Furthermore, a Commissioner of the Environment has already been appointed to replace Ms. Gélinas. We should take the time to see how that goes. I don't see any urgency because the work is being done. History shows that the work has always been done. So I don't see why we should move so quickly.

Objectively, I'm not making a scene, except that I find it hard to understand why this is suddenly urgent.

[English]

The Chair: Mr. Vellacott.

Mr. Maurice Vellacott: I was wondering, Mr. Chair, if it's a possibility. If Anthony would like for us to go over there, is there a possibility of doing videoconferencing, setting it up with maybe the New Zealand Auditor General and also the Commissioner of the Environment? Maybe we can arrange it that way, although I don't know if our budget would allow it. It's not inexpensive to do that kind of thing, but that would be a consideration as well.

The Chair: We did make a decision to have Tim do that research. Of course, he produced that paper for us that did summarize things. You've been using it.

There are all kinds of ways we could do this, but I don't believe Mr. McGuinty's original intention was to do full-scale research on this whole thing, because obviously this could be a major project.

I do remind members that we do have CEPA going on, and it would be nice to finish it sometime. We do have until May, but I don't think we want to go that long. And of course we do have Bill C-30 going on, and a number of you are very busy with that. I put that into perspective, again with what has been proposed.

That's the last speaker I have. Mr. McGuinty, could you now comment, please?

Mr. David McGuinty: Absolutely.

Mr. Chair, I think we would benefit from one more meeting at which we hear testimony. I'm reminded of the debate we had on Bill C-30. It now appears that government members want to delay this decision, but I do respect the fact that we need to get some good testimony here. We've seen two very good witnesses today. We had the Auditor General herself, but we may want to call Madame Gélinas and have her explain how she sees the office moving forward, for example. But I think one more meeting would be helpful for us.

I'm sure nobody here wants to delay this decision, but it's important to get some more commentary. Why don't we schedule the next meeting as one where we can get some witnesses in, and then we can put it to a vote at the end of that meeting?

Again, I would be particularly pleased if Madame Gélinas herself could show and speak to the merits of hiving off the position, about strengthening it, and so on. She would also I think help to clarify for Mr. Warawa his concerns about advocacy, about where advocacy begins and ends. There are some concerns about that, and I share those concerns.

But I think there's a consensus around the table that we need to strengthen the position, so I would like to see another day, with the indulgence of the committee members. Let's bring in one, two, or three witnesses and move on from there.

• (1705)

The Chair: Again, we certainly can invite Ms. Gélinas. I'm not sure of the legal implications if she's undergoing court proceedings or whatever is happening there. Obviously, we'd have to check that out, but we could invite her.

As the clerk mentioned, there were about six or seven other names. We did ask the Privacy Commissioner. I believe his reason was that he was so new on the job that he hadn't reported to his own committee yet, and that it wasn't quite right that he appear before our

committee before his own. That probably will be remedied by the time we might have him.

What we have scheduled is CEPA for about four meetings, and then we were going to do the private members' business. Then, of course, there's the two-week break. We could try to schedule this for near the end of that period, before the break, in order to get it done before then.

Mr. David McGuinty: Next week?

The Chair: Again, it depends on witnesses. The problem there is whether or not we could get people by a week from today. I don't know. We can try and we can see what happens.

Is that a consensus? Is everybody in agreement with that? Are there any other comments on that?

Mr. Warawa, you had a comment.

Mr. Mark Warawa: CEPA is what I would see as the number one priority at the committee. I would say the number two priority is dealing with the private members' bills. Then as the third priority, I would see us dealing with the office of the commissioner.

As you've heard, we're world-renowned and acknowledged for the good work and structure that we have now. If we want to make it better, open it to a hearing, but as far as the priorities that this committee needs to deal with are concerned, I don't want to see us sideline CEPA. Also, we have an obligation to deal with the private members' bills too.

In the scheduling, have it when it's convenient and practical, as long as we're not stalling in continuing with CEPA. That's my concern.

The Chair: Mr. Scarpaleggia.

Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.): Thank you, Mr. Chair.

Just to address one of your concerns, maybe it could be communicated to Madame Gélinas that if she did come, we wouldn't ask her questions that would make it very difficult for her. We would just ask her about how she views the role of the commissioner, ask her how she feels about the advocacy role, and so on.

I'm a little surprised at Mr. Warawa's comments. A couple of minutes ago, the members on the other side were arguing for extending the hearings on this topic for quite awhile. Mr. McGuinty simply suggested that we do it quickly and in one more meeting.

Personally, if it's a question of moving on with CEPA, I agree that CEPA is important. I would be in favour of scheduling a committee meeting outside of the regular block of time, just to have one more meeting on the environment commissioner.

The Chair: You may have a few members here who might not think that's a great idea—

Some hon. members: Oh, oh!

The Chair: —but you'll have to deal with them yourself, Mr. Scarpaleggia.

Mr. Cullen.

Mr. Nathan Cullen: Just quickly, I know how difficult it has been to get the witnesses we want, so why not push the date off a week or so, although not extensively, in order to get the right people in front of us, rather than just having a few folks here and then saying we need another meeting. Let's get one, get it right, and, as Mr. Warawa said, get to some of the other things the committee is pressing with.

We've been holding onto CEPA for far too long. There are a lot of environmental groups that want to see this review done and out before any whiffs of an election are in the air.

• (1710)

Mr. Mark Warawa: Mr. Chair, can we leave the discretion to you and the clerk?

The Chair: It's only reasonable that we do have time so that we do get the witnesses we want. If we start rushing and saying we have to have them in one week, we're going to end up in the same predicament we're in now.

Mr. David McGuinty: Mr. Chair, could you give us an idea of the drop dead date by which we would have this completed?

The Chair: Again, the last day we're here before the break is March 1.

Mr. David McGuinty: Right. That's three weeks from now.

The Chair: That's not quite three weeks from now. It's two weeks from Thursday.

Mr. David McGuinty: So we should be able to get this done and reported to the House, depending on the outcome of the vote, if need be, before the break.

The Chair: Yes, if that's desirable. We could maybe shoot for the Monday or the Thursday of the week of February 26.

Mr. David McGuinty: Monday would be great.

The Chair: It can be reported the next day, depending on the vote.

Mr. David McGuinty: I'm looking forward to getting back to CEPA. We can put this to bed with one more meeting.

The Chair: One of the difficulties is that we aren't quite sure how long CEPA is going to take once we get into those recommendations. We are just about ready to start recommendation 1, so there are 29 to go. It would be nice to get started and move on.

Mr. David McGuinty: Is there all-party agreement to have this reported and done by the 26th, or the 27th at the latest?

The Chair: I think so. I don't see any reason.... That gives us two and a half weeks to get witnesses.

Is there any other comment?

The committee is adjourned.

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