



House of Commons  
CANADA

## Standing Committee on Public Accounts

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PACP • NUMBER 051 • 3rd SESSION • 40th PARLIAMENT

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EVIDENCE

**Thursday, March 24, 2011**

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**Chair**

**The Honourable Joseph Volpe**



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•(1545)

[English]

**The Chair (Hon. Joseph Volpe (Eglinton—Lawrence, Lib.)):** Colleagues, thank you very much for your patience. It's reciprocated, as usual.

We just have a few business items, and I'd like to go over them really quickly. They're in the realm of just cleaning things up before we go to reports.

The one thing we did not have an opportunity to vote on, of course, last week was the 19th report of the subcommittee, which met on March 9. It essentially dealt with who we were going to have on the witness list.

It seemed to be....

Mr. Saxton.

**Mr. Andrew Saxton (North Vancouver, CPC):** I just wanted to say that we don't object to this, but we do think it's probably worthwhile to deal with the current witnesses who are before the committee before we move on to the next step.

**The Chair:** I wanted to go through three items that have to deal with that, but I'm happy to hear you say that you don't object. So can I then very quickly dispense with this and say that because the 19th report really reflected people who we would have after we dealt with the current witnesses, we just accept it and go on?

**Mr. Andrew Saxton:** I think we should deal with the current witnesses first and then we can deal with this afterwards. That's what I would prefer to do.

**The Chair:** Well, all of these were going to come here on the 24th. That's today. So we're going to have to make one quick change, that it wouldn't be the 24th. I'm going to take the government House leader at his word—

**Mr. Andrew Saxton:** Next Tuesday could work for us. That's the 29th.

**The Chair:** —that we're going to be here next week.

**Mr. Bev Shiple (Lambton—Kent—Middlesex, CPC):** Oh, we planned on it.

**The Chair:** So I'd like to have this as just an open date.

**Hon. Navdeep Bains (Mississauga—Brampton South, Lib.):** TBD.

**The Chair:** Yes, TBD, or just take out the words. Agreed?

**Some hon. members:** Agreed.

**The Chair:** Thank you.

**Mr. Andrew Saxton:** As I said, we'd like to deal with the current witnesses before we deal with these ones, so let's deal with the current ones first.

**The Chair:** Are you asking me, Mr. Saxton, to go to the rest of the agenda, which has to do with correspondence, or are you...?

**Mr. Andrew Saxton:** Why don't you carry on what you're doing and then we'll—

**The Chair:** What I'm dealing with is one at a time. I want to deal with this report, Mr. Saxton. If you want to go ahead and delay things, that's okay.

**Mr. Andrew Saxton:** Well, we have other witnesses before the committee, and I thought we were going to deal with those witnesses before we go on and cast the net even further onto the next witnesses.

**The Chair:** Mr. D'Amours.

[Translation]

**Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.):** Mr. Chairman, the first item on our agenda is committee business. It is important to get updates so that we know where we stand at the present time.

I believe this is what you have been trying to do for a while now. If members opposite would just let you speak, we would be able to move forward and get some more information—

**The Chair:** Agreed.

**Mr. Jean-Claude D'Amours:** —unless they intend to keep interrupting you in order to shut you off.

**The Chair:** Mr. D'Amours, it was my intention to discuss the subjects that have almost been agreed on already. The Standing Committee on Procedure and House Affairs has already made a decision. So I would simply ask this committee if it approves the work done by our colleagues, yes or no. Mr. Saxton said he agreed. So I accepted his answer. However, now Mr. Saxton seems to have other—

[English]

**Mr. Andrew Saxton:** Chair, you love to put words in my mouth. I did not say "yes". I said that we did not object—

**The Chair:** You said you didn't have a problem.

**Mr. Andrew Saxton:** —to this particular steering committee recommendation. But what I was saying was that we should deal with the current witnesses who are before the committee before we cast our net further and talk about further witnesses.

**The Chair:** There is nobody here just yet.

**Mr. Andrew Saxton:** No, but the witnesses who were before the committee, as you well know, are the Auditor General and the former Public Sector Integrity Commissioner. I'm just saying that we should deal with the witnesses who have already been before the committee, because you have indicated an interest—or Mr. Christopherson, who is not here, has indicated—

**The Chair:** Would you like to wait for Mr. Christopherson, or his replacement, at least, to come and speak on his behalf?

**Mr. Andrew Saxton:** I think it's a good idea.

**The Chair:** Let me deal with the part that doesn't deal with him, and then we can go on.

This is contingent on the study continuing. In the event that we do continue, your committee has said, "Let's carry on."

• (1550)

**Mr. Andrew Saxton:** What are we doing with the Auditor General and the former Public Sector Integrity Commissioner?

**The Chair:** Now that we have Mr. Christopherson here, and there appears to be a desire on the part of Mr. Saxton to switch the agenda so we can deal with Mr. Christopherson's motion before the committee last March 10, before we accept what he has already said, he does not object to....

Mr. Christopherson, I'm going on a little bit to let you catch your breath.

I'm going to link the two, but I'm not forgetting that you have said you have no objection to the committee's report.

**Mr. Andrew Saxton:** I can't guarantee my colleagues—

**The Chair:** I know, you can't guarantee anything from minute to minute.

Mr. Christopherson, on March 10 you moved a motion that—we don't have the exact wording here, but you wanted to have.... We're looking for the exact wording.

Mr. Christopherson moved:

That, in relation to the study of the Report of the Auditor General of Canada on the Public Sector Integrity Commissioner of Canada, the Auditor General of Canada and Christiane Ouimet, the former Integrity Commissioner of Canada, be invited to appear at the next available meeting.

There was some debate. The chair looked for any dissent, there was none, so we said yes, we would proceed on that. So we are at that stage.

I think, Mr. Saxton, you wanted to have a vote on that. If you wanted to have that motion confirmed, we can do that right now.

Those in favour of Mr. Christopherson's motion, please indicate in favour.

(Motion agreed to)

**The Chair:** It's unanimous. Thank you.

**Mr. David Christopherson (Hamilton Centre, NDP):** Mr. Chair, I have a point of order.

Mr. Chair, I appreciate that. Twice now we've got into a jam as to whether the vote was taken. Once I saw it was going to carry, I let it

go, but if there was a chance it was going to lose, I was going to argue that it did carry at that meeting.

We've got into a habit of looking around, and if there's no agreement, we move on and the minutes don't reflect hard decisions. This is one example. The other one is there. I can't think of it right now, but there was another example in the last while.

I would urge that we make a point, even if it's unanimous...that you make some declaration, Chair, that finds its way into the minutes, regardless of how we did it, by vote, voice, nod. So it's clear we made that decision and it has the weight of an approved motion.

Thank you.

**The Chair:** Thank you very much.

**Mr. Andrew Saxton:** I second that.

**The Chair:** All right. I think we all agree on that, so that's fine.

Mr. Young, on that same point of order?

**Mr. Terence Young (Oakville, CPC):** Thank you, Chair.

On that same point of order, I think the one Mr. Christopherson is thinking of is where the bells began to ring, calling the committee back to the House, and you proceeded to coerce the committee to keep on going, that we didn't have a proper vote—

**The Chair:** We don't need that point of order anymore, Mr. Young. Thank you. We've already made a decision—

**Mr. Terence Young:** I'm not finished, Chair.

**The Chair:** You are finished. It's not a point of order.

**Mr. Terence Young:** I say I'm not finished, Chair.

**The Chair:** I'm sorry, going on to the—

**Mr. Terence Young:** This is your problem today. You're paying a price for the way you run this committee. There's no trust, because you overrule members. You don't hear points of order. You're expressing your bias in everything you do. The committee doesn't trust you.

If you went by proper procedure and you recognized points of order in an unbiased manner, the committee would run more smoothly.

**The Chair:** Thank you, Mr. Young.

I'm going to move to the 19th report.

Mr. Saxton.

**Mr. Andrew Saxton:** Mr. Chair, thank you very much.

I think what's very important is that we ensure that the witnesses who have already been before the committee and the witnesses whom Mr. Christopherson has just presented in a motion that was passed come before these witnesses who are proposed in the steering committee's recommendation.

If that is the case, we have no objection. But we do feel it's important that we finish with this set of witnesses before we get into another set of witnesses, and therefore, based on that, we would not object to this report.

**The Chair:** I don't think the steering committee laid out a timeline, other than to say that once we get through those witnesses, this is the list and there may be others. What you see before you, minus the date we have now cancelled, because obviously that's today's date, is a reflection of the committee's desire to go beyond the witnesses we had to make the situation much more complete.

We don't see this as happening before, but it's consequent to....

• (1555)

**Mr. Andrew Saxton:** Mr. Chair, I take what you're saying is that you agree that these witnesses would come after the witnesses that Mr. Christopherson in his motion recommended come together. Is that correct?

**The Chair:** I can only interpret for you what was the general tenor of the discussion. The steering committee.... I mean, if you want, you can move that it be these and/or others, but that these appear after the others.

**Mr. Andrew Saxton:** That is if they appear at all, yes.

**The Chair:** That is if they appear at all.

**Mr. Andrew Saxton:** Yes, okay. I can move that. That's a very simple way to....

**The Chair:** Go ahead, make the motion.

**Mr. Andrew Saxton:** Okay. I move that these witnesses, should they appear before this committee, would appear after the witnesses—that's the Auditor General and the former Public Sector Integrity Commissioner—Mr. Christopher moved in his motion. These witnesses would be after those two witnesses.

**The Chair:** We'll go to Monsieur D'Amours.

[*Translation*]

**Mr. Jean-Claude D'Amours:** Mr. Chairman, I have difficulty supporting this motion. I did not object to that of Mr. Christopherson. He wants us to invite both at the same time. I am not opposed to that.

However, Mr. Saxton's motion raises a problem. If we are not able to have them appear at the same time, or if one of the two parties refuses to appear at the same time as the other, it means that we do not get to see any of the others. We will never get a chance to hear from the others if one of the two parties, either Ms. Ouimet or the Auditor General, refuses. I doubt that the latter would refuse to appear before the committee, but we have no guarantee as to what Ms. Ouimet might do. This motion would mean that if one of those two witnesses refused to appear at the same time as the other, we would not be able to see anybody else in the future. I cannot accept such a motion.

If the intent, rather than providing flexibility, is to ensure that no one else can appear before the committee, I will vote against this. I will never support this.

[*English*]

**The Chair:** Okay.

Go ahead, Mr. Christopherson.

**Mr. David Christopherson:** Sorry, I was conferring with my staff during part of it, so if I'm off base, bring me back quickly.

It seems to me that the wording of the motion is the next available date. That would suggest, and Mr. D'Amours makes a good point, that we may actually skip over a couple of opportunities. Is it absolutely imperative that we hear them in that order only? I guess that is the question. I'm open to hearing the arguments for it. But I think Mr. D'Amours' point that this motion may block what would otherwise make sense....

We want to do something next Thursday, but we can't if somebody can't make it. The next thing we do is slot in important work as close to that subject matter as possible to get the file going. Through you, Chair, would the motion have the effect Mr. D'Amours is questioning, of negating our ability to call in those folks?

**Mr. Andrew Saxton:** Mr. Chair, I think everybody would agree that the main issue before the committee right now is the disagreement between the Auditor General and her report and the former Public Sector Integrity Commissioner. That's really the crux of the issue this committee is faced with. We have two agents of Parliament—one former agent of Parliament and one current agent of Parliament—who are basically at opposite ends of this argument. We're trying to get to the bottom of this matter. Obviously, the only way we can get to the bottom of this matter is to find out where they're coming from, basically, because they're at opposite ends of this argument.

So for us to move on to new witnesses before we have the opportunity to get to the crux of the matter, which is with these two witnesses, I think is premature. That's why I'm saying that it would be best for us to deal with the two witnesses who are at opposite ends of this argument first, before we move on to new witnesses, because they may resolve it. If we hear from both of those witnesses, we may be satisfied afterwards that we agree with X or we agree with Y, and we won't have to move on to new witnesses.

**Mr. David Christopherson:** Chair, if I can, if I still have the floor, could I ask if there is anything that would preclude us putting in something that gives us a little bit of wiggle room? I'm just worried. Mr. D'Amours makes a very good point. If they don't come in, the two of them, and sit there, and we have that meeting, by supporting your motion, unless there's a new motion, we prevent ourselves, by rule, from bringing in anybody else. We may decide that we're having a problem, but for good reason, the next committee might want to do that in the next Parliament. So could we not leave a little wiggle room, rather than making it absolute today?

• (1600)

**Mr. Andrew Saxton:** Mr. Chair, I'm open to wiggle room.

**The Chair:** Hold on.

Go ahead, Mr. Bains.

**Hon. Navdeep Bains:** Thank you, Chair.

I, too, just want to second what Mr. D'Amours was saying, because we know the positions of the Integrity Commissioner and the Auditor General, regardless of the fact that they haven't had the opportunity to sit face to face and address one another before committee. We are familiar with their positions.

Ideally, we would like them to come sooner rather than later. In the absence of that, I think there are other relevant witnesses who are implicated in this who need to be brought forward to committee as well.

Getting an arrangement, as we've seen with Ms. Ouimet in the past, has been, at times, challenging, to put it politely. This potential date when the Auditor General and Ms. Ouimet come before the committee could be in weeks, if not in months. So until then, if we want relevant witnesses to help add more context to it, I think that makes a lot of sense. I think that's a reasonable request, and that's why I don't support the motion.

**The Chair:** Mr. Kramp.

**Mr. Daryl Kramp (Prince Edward—Hastings, CPC):** I think we're "if"-ing. Why don't we deal with the reality we have and we'll put in an order to call these witnesses? If we can't get them for some particular reason, then at that point we'll make a decision on where we need to go. Why are we "if"-ing? Let's deal with the reality. We've asked the duality of witnesses to appear. If at some particular point it's a problem, they can't, they're delaying, or whatever, then we move on to other options. For us to be trying to amend, and here we go and there we go, why? We're at a moot point. Let's recognize the reality of where we are with this Parliament as well. There's no sense our belabouring this point right now.

**The Chair:** Thank you, Mr. Kramp.

I know others want to speak on this.

You've hit the nail on the head. Let me read for you what the motion was so we don't misinterpret what we're talking about. The latter part of the motion, Mr. Christopherson, was that they be invited to appear at the next available meeting. It wasn't that they both must appear, which is perhaps what Mr. D'Amours interpreted your amendment to be. I'm sure that wasn't your intention.

I think Mr. Kramp is right. Our first obligation is to see if we can get them both here together. If they can't both be here together, we'll continue on our list. That's all. At least we've given an indication that we want them both here together. The word is "invite".

**Mr. Andrew Saxton:** As long as every effort is made.

**The Chair:** Of course.

Can I now proceed in accepting this 19th report without the date? I'm sorry, we've already agreed. Thank you.

Now are you withdrawing your motion?

**Mr. Andrew Saxton:** Based on what was discussed and agreed, now I can withdraw my motion.

**The Chair:** So you're withdrawing it.

Thank you.

[*Translation*]

Just a minute, I will [*Inaudible—Editor*] the correspondence, since the issue has obviously been resolved.

[*English*]

This would probably be helpful with regard to what Mr. Kramp has suggested, and I'm happy that Mr. Saxton withdrew his motion. I want to draw the committee's attention to this. You have received in

the last couple of days a communication. I'm not going to read it all because one of the pieces was privileged and confidential. It went to the clerk's office and immediately to every member's office. It came from Heenan Blaikie regarding the appearance of Madame Christiane Ouimet before the Standing Committee on Public Accounts. I won't read it. I want to respect the privileged and confidential nature of the request. It is in both official languages. You received that on March 11.

On March 18 you also received from the Auditor General a letter plus an appendix addressing some of the points raised by Mr. Whitehall in his letter, but essentially it refers to statements that had been placed before the committee during Madame Ouimet's testimony. All of you have that. It did not indicate that it was privileged and confidential, especially since it went not only to the clerk but it also went to Madame Ouimet. So Madame Ouimet has what all of us have. I am assuming that what Madame Ouimet has is also in the hands of her lawyer.

On March 22, referencing both letters, I sent a further letter of response to Mr. Whitehall. You will see that it was to him; it was not to the Auditor General.

I did speak to the Auditor General about appearing before the committee, in fact, because the Auditor General called the clerk. The Auditor General did not write that letter in response to our conversation.

Mr. Whitehall answered me that very afternoon of March 22, and you have a copy of that letter as well. Essentially, my letter just confirmed his willingness to appear with his client before this committee in the week of April 4, assuming of course that the House is sitting then, and if it is, then we will have Madame Ouimet. We don't know whether we will have the Auditor General. The only thing I can tell you about the Auditor General's conversation with me is that I asked, in the event that her schedule couldn't allow her to be here, whether she would be prepared to have her deputy speak on her behalf. I don't think I'm saying anything out of turn, and it's a paraphrase, but she felt it would be more appropriate for her to be present if that were going to take place.

There is at least some element of willingness. I'm very cautious about that because, as I read the letters—and I'm no different from any of you, and we can draw our own conclusions—that would be quite a feat to have them both here at the same time.

In fairness to both, Madame Ouimet, according to the letters you have before you, and her lawyer would probably have a very exhaustive presentation they'd like to make to the committee, and having somebody else here to juxtapose every position might seem like more of a debate than could be satisfied in the two hours we would accord, unless of course we were to make a decision that we would go well beyond the two hours.

•(1605)

On the part of the Auditor General, as all of you can see for yourselves with the appendix, I think the information that she would have would be copious, to say the least, and it perhaps might take more than a face confrontation with Madame Ouimet to exhaust. It would appear, as you will see from my last communication to Mr. Whitehall, that that information might already be in the hands of Madame Ouimet, but we don't know for sure.

Are there comments, colleagues?

Mr. Kramp.

**Mr. Daryl Kramp:** Once again, there are a lot of “ifs”. However, if in the opinion of this committee there is copious information, as the chair has quoted, that we might want or need from either Madame Ouimet or the Auditor General, and the committee feels we should entertain either one of them to investigate more fully their responses and/or concerns, then I see no difficulty with having that meeting prior, to see if they can clear up any misunderstandings and/or difficulties they have with each other's testimony.

However, that hasn't been stated. I still believe it's imperative that we eventually have the two of them together. If we can dissolve this ambiguity prior to, with clarification that either one of them can provide, so be it. Maybe I'm prejudging it a bit to suggest that wouldn't happen, but at this particular point, if the committee feels it's worthy of investigating each position more fully, so be it.

I personally think that at some point, sooner rather than later, we're going to have to have both of them together, where one can't play off the other. I really think we need that clarification.

I don't want to move away from that position, so my only point would be if we need further clarification, with an additional meeting with either one of them prior to, if the committee feels that is worthy based on the information and letters we would get from either/or, so be it.

But I don't want to lose that original motion from Mr. Christopherson, to be able to bring both of them in at the same time.

•(1610)

**The Chair:** I'm not taking any of that discussion as an indication that we are now reversing the motion. I think we're still there.

Mr. Christopherson.

**Mr. David Christopherson:** It's definitely complicated. But it's not the first time we've dealt with complex issues with copious amounts of detailed background. Again, there are a few of us here who can point to a couple of files where we went...I think it was 15 meetings in the case of the RCMP pension issue.

I have to tell you, Chair, when things start to get too complex, my reaction is always to pull back and ask what the fundamental questions are—back to the simplest questions. At this stage I'm listening. I'll listen to good ideas.

My inclination is bring them in, do it the way we usually do it, give them the time we usually give them, and if we find it's not working, then at that moment we can start to grapple with how we want to do this. There are a lot of options we can look at.

But I would suggest that rather than trying to figure out ahead of time what the right tweaking to our process would be, my inclination is to do it the usual way, bring them in, and we'll make decisions about how we move forward as we need to.

I guess I'm very much in the corner of Mr. Kramp because I think I just said what he said, with different words.

**The Chair:** Mr. Shipley.

**Mr. Bev Shipley:** Exactly. I didn't know what David was going to say, but I agree.

We've got two very strong individuals here, who are agents of the government—one was, and one still is. And the response letter that happened on the same day as yours is very strong. Not having them side by side, as we do with other ones, would not do justice to this. We will be played off, and then we'll be wondering how we're going to fix it.

These are very significant individuals. They are very strong in their opinions, and they need to justify those in front of this committee, together.

**The Chair:** Okay.

Mr. Saxton.

**Mr. Andrew Saxton:** Mr. Chair, if I hear my colleagues correctly, the first choice is to have them both here at the same time. The question is, what happens if we can't get them both here at the same time, or if it's going to take a long time to get them here at the same time, are we willing to have one at a time? It's an alternative.

Obviously our first choice is to have them both here, but in the event that we're unable to have them both here, is one of them better than none of them, in the interests of time? I'd just like to ask my colleagues for their opinions.

Mr. Christopherson, you're pretty clear that you'd like to have them both here at the same time.

**Mr. David Christopherson:** My worry, Chair, is that we'll be back into the same loop. I agree with Mr. Shipley. They're going to play us off against each other. Eventually the lawyer, or Ms. Ouimet, is going to come out with some technical interpretation of why the Auditor General is wrong, and I'm not going to have a clue which, professionally, is the right answer.

I definitely think we need them both here. That is the way we do things. I need the ability, as a layperson—and I'm probably the biggest layperson here in terms of my lack of academic training—to ask the questions that I see, hear an answer, and then ask the other one, “What do you think about that?” Then I can make a judgment based on my intuition rather than just whether I know their profession or not.

It's a long way to say yes, we need them both.

**Mr. Andrew Saxton:** I agree with Mr. Christopherson. We've actually had each of them here individually already anyway, so the next step would be to have them here together.

**The Chair:** Okay, colleagues, let me think. Mr. Shipley has just withdrawn his desire to speak again because what we're all doing now is trying to give some guidance to the chair in interpreting that motion.

Yes, colleagues, I think we are all in agreement that the first step would be to get both agents of Parliament, one former, one current, before the committee at the same time. I'm taking as well an indication from that, as I said to Mr. Whitehall in my original letter, that the committee will reserve the right to extend that hearing or to have additional hearings. I'm taking from this that colleagues around this table might—I'm not going to prejudge anybody—even want, during the course of a meeting, before we get to the end, to move that we extend the hearing or come back later. Certainly that's what I'm going to advise both agents, one former, one current.

I'm going to suggest to all colleagues that you read some of that documentation that's referred to, because you have a good portion of it already, all of you. If you read it, you'll have an opportunity to be prepared.

You will note as well that I advised Mr. Whitehall that this is not a court, and I thanked him for his advice to us about how we'll conduct our business, but we will conduct our business as we will conduct our business. We have a different objective from a court of justice. We don't pretend to be that. We are parliamentarians.

I'm taking all of your interventions as an indication that we get both individuals here together at the earliest available date, and we'll take it from there.

Mr. Christopherson.

• (1615)

**Mr. David Christopherson:** I have just one last thought. You mentioned earlier, Chair, your discussion with the AG about possibly having her deputy. There does come a point where if it's taking too long, we need to get practical about it. So I would hope that we would get dates that work for us and Ms. Ouimet first, and then put those to the Auditor General in the hope that she can attend one of your first round of short lists. But if that doesn't work, then hopefully somebody will look at whether the letter of that motion could be eight months from now, because it had to be the two principals, whereas if we could do it—assuming we were staying—within a few weeks with one and the deputy, I'd rather have it sooner than later, because that could be played against us too. “I can't make that” and “I can't make that”; by the time you bring in the AG's availability and our availability—it has to meet us too—we may be deliberately pushing this thing into foreverland. So a little flexibility....

If we nail down Ouimet, let's not let it go for lack of having the AG, when perhaps her deputy could make it, and that would make the hearing more timely.

**The Chair:** Mr. Saxton.

**Mr. Andrew Saxton:** I just want to remind the committee that we do have the option of ordering them to come. If we want to go nuclear, we can go nuclear. That is always an option. It is not a preferred option, but it is a backup option.

**Mr. David Christopherson:** We always have the government member to remind us they have the hammer.

**The Chair:** Mr. Saxton, thank you for raising that again. We've raised this in the past. I'm wondering whether you are prepared to move that if I don't, by the clerk, through our negotiations, get a date of compliance earlier rather than later, we just say “You're going to

come at such and such a day, and if you don't, we're going to issue a subpoena.”

**Mr. Andrew Saxton:** Mr. Chair, I think it's premature to say that. I think we should try first our best efforts to get them here voluntarily.

**The Chair:** In other words, you want me to come back and tell you the best efforts failed before you're willing to go nuclear.

**Mr. Andrew Saxton:** I want you to tell me the best efforts succeeded. That's what I want you to tell me. You have to have a positive attitude.

**The Chair:** I want to see how nuclear you want to go, Mr. Saxton.

**Mr. Daryl Kramp:** Chair, we have faith in your ability to suggest they be here.

**The Chair:** All right.

I'm finished with the correspondence, unless somebody has any questions on the correspondence.

Mr. Shipley.

**Mr. Bev Shipley:** Mr. Chair, you said I didn't have a question, and I should be the one who withdraws it, not you.

My point is that we asked Madam Ouimet to come; we said, “You need to come”, and she finally did. We have the same authority with our agents to be forceful. I think obviously the letter of the 22nd from Madam Ouimet's lawyer will have her here. The Auditor General will show up. You don't need to subpoena her, but you do have to take the authority as chair to say “This is the committee's decision and we will set a date. If this doesn't work, tell us a date that will, so that Madam Ouimet will be here.” You have to take the leadership on it.

Thank you.

• (1620)

**The Chair:** Well, I'm cognizant of the fact that the Auditor General's mandate ends in a couple of months, and I don't know where the next step in her career is going to take her. She may never become available again, in which case, then, Mr. Christopherson's suggestion about going to the deputy may be an operative one. We have tried to be as accommodating to Madame Ouimet as anybody could imagine, even though from the very earliest of meetings some members wanted to be very tough. So I'm going to take what you say, Mr. Shipley, as an indication that you want me to be as direct as anybody can possibly be—

**Mr. Bev Shipley:** As you usually are.

**The Chair:** —and to insist. I don't know whether I have to have a motion to say that the chair has the authority to do that. We operate sometimes by consensus, so I thank you for that note of support.

Mr. D'Amours, you have a question.

[Translation]

**Mr. Jean-Claude D'Amours:** Mr. Chairman, I simply wanted to make sure that you had finished your presentation.

**The Chair:** I have finished.



**Voices:** Oh, oh!

**Mr. Jean-Claude D'Amours:** I simply wanted to be certain of that, Mr. Chairman.

Therefore, if I have your permission to speak, I would like, first of all, to give to our clerk a document that she could distribute to all committee members, which would facilitate things.

I will wait until everyone has received a copy. I am convinced that this will simplify everyone's understanding of the issue.

[*English*]

**The Chair:** Mr. Dreeshen, a point of order.

**Mr. Earl Dreeshen (Red Deer, CPC):** Thank you. I tried to get your attention before we went into any particular motion. So may I have the floor?

**The Chair:** Yes.

**Mr. Earl Dreeshen:** Thank you.

I wanted to go back to what Mr. Christopherson said when he said that in reality what we're doing is we're looking at the Office of the Auditor General. If it's somebody who's a deputy from the office, they would be the ones being presented here. I don't think specifically it's a personality conflict between the Auditor General and the former commissioner, so I think if it is two months from now or whatever, it's important that the principals from the Auditor General are the ones who are presenting their findings. I don't think it's a one-on-one situation. That was the point I wanted to bring up.

I think a lot of people, when they look at the sorts of things that have been happening, feel that it is two people butting heads here, and I don't believe this is the case. So I would suggest that we don't necessarily have to get caught up in that situation if it happens to be a month or two months from now, as your concern was whether or not Madam Fraser would be able to attend.

**The Chair:** Thank you very much, Mr. Dreeshen.

I took great pains to refer to them both as agents, former and current. I realize that there might be some perceptions. Certainly people can take those perceptions about two individuals, two personalities in conflict. That's not our business. I don't take it that way. It's not our interest. We want to know whether the report has bearing and whether...that's all.

**Mr. Earl Dreeshen:** We have already passed that motion, so when you're talking about the agent from the Auditor General, you're not specifically talking about Sheila Fraser.

**The Chair:** No. The first indication was that she would be the officer. I raised the question that assuming that the House continues its work, she may not be personally available after the end of May, but that doesn't mean necessarily that she won't be. I just threw that as a flag. Of course, if the House does not sit, then we don't have to worry about it until the House resumes, and then the committee, however it's structured, can deal with it as it wants. But from our point of view, at least we tie that knot.

**Mr. Earl Dreeshen:** Thank you.

**The Chair:** Thank you, Mr. Dreeshen.

Monsieur D'Amours.

[*Translation*]

**Mr. Jean-Claude D'Amours:** Thank you, Mr. Chairman.

Given that I have provided you with a document, I am going to read it. I am doing so in the context of committee business. It is a motion. I will read it and then I would like us to—

• (1625)

[*English*]

**Mr. Daryl Kramp:** On a point of order, Mr. Chairman, the motion is presented here. I don't think it is within the terms of acceptance without 48 hours, in order to go on the agenda, so I don't think we can entertain this motion at this particular point.

**Mr. Andrew Saxton:** However, next Tuesday we could.

**Mr. Daryl Kramp:** For the next meeting, on Tuesday, it is no problem.

**The Chair:** Mr. Kramp, we're in the business portion of the committee meeting and this is being raised as an item of business, so it's in order. Whether we want to deal with it is another story, but it is in order to present.

**Mr. Daryl Kramp:** Fine.

**The Chair:** Thank you.

[*Translation*]

**Mr. Jean-Claude D'Amours:** Thank you, Mr. Chairman.

I had underscored the fact that I was making this presentation in the context of committee business. The motion reads as follows:

That the committee report the following to the House of Commons:

Whereas reports of the Auditor General of Canada are of critical importance to our democracy and whereas the Auditor General Act states that—section 5—each additional report of the Auditor General to the House of Commons made under subsection (1) shall be submitted to the House of Commons on the expiration of thirty days after the notice is sent pursuant to subsection (4) or any longer period that is specified in the notice and the Speaker of the House of Commons shall lay each such report before the House of Commons forthwith after receiving it or, if that House is not then sitting, on any of the first fifteen days on which that House is sitting after the Speaker receives it. And whereas the Speaker of the House of Commons continues to hold office during dissolution of Parliament, that notwithstanding the Act, the committee calls on the Speaker of the House of Commons, in the event of dissolution of Parliament, to post a copy of any report of the Auditor General on the Parliamentary website the same day that he receives it.

I believe this motion is relatively simple, Mr. Chairman. With your permission, I would like us to deal with it immediately.

[*English*]

**The Chair:** Is there debate?

Mr. Saxton.

**Mr. Andrew Saxton:** Thank you, Mr. Chair.

I thank Mr. D'Amours for this motion, for his tabling it today. I would say that it is something, obviously, everybody on this committee understands. We're not going to be dealing with it today because it requires 48 hours' notice in advance and there were other motions even ahead of this one.

So we will look at this perhaps next Tuesday, when there would be an opportunity to deal with that at the next meeting of the committee, Mr. Chair.

**The Chair:** I'm sorry, I was getting advice on your observation. I already did rule that it was in order and I did say that we were in the business section of the committee.

**Mr. Daryl Kramp:** We need 48 hours for a notice of motion.

**The Chair:** No, you can raise a motion from the floor if you're in the business—

**Mr. Daryl Kramp:** You can't do that.

**Mr. Andrew Saxton:** Mr. Chair, I have a motion that has been on the floor of this committee since February 11. That motion takes precedence over this motion. We have discussed the issue of dealing with documents over and over again in this committee, and we need to deal with this once and for all to prevent this committee chair from constantly allowing documents to somehow be leaked to further his and their party.

**The Chair:** Just a minute. Mr. Saxton, if you want to make a point, make a point.

**Mr. Andrew Saxton:** It happened. Mr. Chair, it happened, and you know it happened.

**The Chair:** I can make the same accusation as you. Make the point, but don't make an accusation.

**Mr. Andrew Saxton:** It was allowed to happen, so I would like to read my motion of February 11, 2011.

**The Chair:** Mr. Saxton, just a moment.

**Mr. Andrew Saxton:** It was:

That, with respect to the study of the Report of the Auditor General of Canada on the Public Sector Integrity Commissioner, the Public Accounts Committee invite the Privacy Commissioner—

**The Chair:** I call the meeting to order.

Mr. Saxton, just a moment. Nobody has said that your motion is not acceptable. You haven't moved it. Your motion is there. Any time you want to move it, you can bring it up. You haven't brought it up. That doesn't prevent—

**Mr. Andrew Saxton:** I did bring it up.

**The Chair:** Mr. Saxton, you did not bring it up today. Mr. D'Amours has brought forward a motion. It doesn't mean that his motion is out of order just because you have a motion on the table that you haven't presented.

**Mr. Andrew Saxton:** The normal practice of this committee is that anything that's put forward is put forward 48 hours in advance. We have always stood by that. We've always followed those rules. You yourself have followed those rules in the past, so we must follow proper parliamentary process and give 48 hours' notice to motions of this kind.

That's what I'm saying, and I have a motion that I would like to be heard. It was put on the table on February 11. I would like to read that motion now.

•(1630)

**The Chair:** Mr. Bains.

**Hon. Navdeep Bains:** On a point of order, if Mr. Saxton wants to bring his motion, let's deal with the motion we're dealing with. To all of a sudden circumvent that debate and bring your motion—you're more than entitled to move your motion, but right now my colleague Mr. D'Amours brought in his motion, because we're dealing with

committee business. This has to do with the committee's agenda. That's why he brought forward his motion. If it doesn't receive unanimous consent, that's a separate issue, but it's in order unless it has to do with other items of committee work.

We are dealing with committee business, so the chair's ruling made sense.

I don't see, Chair, right now how you could even entertain a second motion until we deal with Mr. D'Amours' motion.

I would humbly request that Mr. D'Amours'—

**Mr. Andrew Saxton:** Mr. Chair, this is not acceptable.

**The Chair:** Just a moment, Mr. Saxton.

**Mr. Andrew Saxton:** You know it's not acceptable. It's never happened.

**The Chair:** Mr. Saxton, just a moment.

**Mr. Andrew Saxton:** It's not acceptable.

**Hon. Navdeep Bains:** As I was saying, Chair, my point of order is that we deal with Mr. D'Amours' motion first, and then of course I have no hesitation to deal with Mr. Saxton's motion.

**The Chair:** I've already ruled on this. You can keep challenging if you want to, but there is already a motion on the table that's being debated. I have consulted with our clerk on two occasions during the course of this discussion about whether that motion is in order, and the clerk—I'm giving her a moment or two here to bring that forward so we can read it for you specifically.

Madam.

**The Clerk of the Committee (Ms. Joann Garbig):** For information, if I could first refer to page 1,051 of *House of Commons Procedure and Practice*, second edition, this is a section that has to do with the decision-making process in committee:

The Standing Orders do not require that notice be given before moving a motion in committee. However, to avoid situations where the members of a committee are forced to consider issues without warning, committees usually deem it appropriate to adopt rules on notice for substantive motions. Such notices normally require 24 or 48 hours.

This committee did adopt such a motion on March 11 with its other routine motions, and that motion reads as follows:

That 48 hours' notice be required for any substantive motion to be considered by the Committee, unless the substantive motion relates directly to business then under consideration, and that the notice of motion be filed with the Clerk of the Committee and distributed to members in both official languages before consideration is given.

What the chair has said is that this rule applies in the following way to the motion of Monsieur D'Amours, which is that since the committee is currently in a discussion of committee business and the member has an item of business to bring before the committee, the notice is not required in the present circumstances.

**Mr. Andrew Saxton:** I totally disagree with that. That is the most biased interpretation of an opinion I've ever seen—

**The Chair:** Just a minute. Hold on, Mr. Saxton—

**Mr. Andrew Saxton:** It is totally ridiculous—

**The Chair:** Mr. Saxton, just please come to order.

As I said, you can be disruptive or everybody can have an opportunity to be involved one at a time.

**Mr. Terence Young:** Well, Chair, I hope you'll let people be involved—

**The Chair:** One at a time.

**Mr. Terence Young:** —without cutting them off like you normally do.

**The Chair:** The first one I have is Mr. Christopherson.

**Mr. David Christopherson:** Thank you, Chair.

I wish now that I'd spoken up earlier when the ruling was on. As most of you know, I try not to play partisan; when I'm being partisan, I put it on the table, say I'm about to be partisan, and away I go. To Mr. D'Amours, I am not here.

I'm having some real difficulty understanding the interpretation that the chair is holding based on the advice from the clerk. My understanding is that when we're in business and dealing with a particular file or a particular report, if somebody says, "I move that we have a system of dealing with that document in the following way", that motion wouldn't need notice because we are seized of that issue at the moment and we're trying to work it through in the way that we make decisions and motions.

The line of demarcation is whether it's a substantive motion or not. This is not related to any matter in front of us. It's a policy matter of the committee that one of the members is asking us to consider changing. That seems to me to fit clearly in the notification period.

I can give you what the substantive parts are and why I have some difficulty with this. I can relate it to other officers, other reports, other things that go on. I have some feelings about it, but I'd like to do a little work on it.

Anyway, I would deem this to be a substantive motion, a stand-alone motion that affects the policy of the committee. It's a change in policy, and I think this does require notice. I would say that whether I was supportive of it or not, but I clearly think that this is brand new and it's big. Therefore, it needs to be given the 48 hours' notice, in my humble opinion.

• (1635)

**The Chair:** Thank you, Mr. Christopherson.

Go ahead, Madame Faillie.

[*Translation*]

**Ms. Meili Faillie (Vaudreuil-Soulanges, BQ):** I have spoken little since the beginning, but I have listened to what others have said.

Mr. Chairman, you drew attention to the fact that the Auditor General was coming to the end of her mandate. I believe that the courteous thing to do would be to allow her to table her final report. This is why I am going to support this motion. It is important, out of courtesy to the Auditor General, that we apprise ourselves of her reports. She works very hard and has already given notice of her intention of tabling reports in the spring, as she has done every year. Unfortunately, we are facing a reality, and if an election were to be held in the near future, we would not have the benefit of those reports. You mentioned this during committee business, and I am of the view that this motion is in order.

[*English*]

**The Chair:** I think we're now going into discussion on the merits of the item, and I think Mr. Christopherson began by saying that he might not think that this motion, despite the interpretation I gave, would be in order. I did consult with the clerk beforehand, so I think we are in the process of discussing whether this motion is in order. I said I would hear everybody on it, so let's maintain the discussion in an orderly fashion on whether you accept that this motion is in order. Let's leave the substance of it aside.

I have Mr. Saxton and Mr. Kramp.

**Mr. Andrew Saxton:** Thank you, Mr. Chair.

I'd like to move that this particular document be required to have 48 hours' notice, as would be normal. When it comes to the Auditor General, she can certainly come back. She has an office that supports her and deputies who can certainly come back and bring reports to us, so I don't think that's a justification for changing the procedure of this committee.

I would move that 48 hours' notice be required for this particular document and that we attend to it at the very next opportunity that this committee sits.

**The Chair:** Go ahead, Mr. Kramp.

**Mr. Daryl Kramp:** Chair, I'm certainly no constitutional authority, but we have to operate within rules no matter who the witnesses are or what the topic is.

The understanding I have is actually very similar to Mr. Christopherson's. If we are dealing with an issue here, it wouldn't matter what that issue is or whether we are prepared or not to deal with a motion; if that motion is presented in both languages during the period when we are dealing with that subject, that motion would be in order.

However, this motion brought forward today has nothing to do with our topic of conversation. We're not into an investigation, we're not interrogating witnesses, and we're not dealing with the subject, so it is not substantive to our discussion today and it is absolutely and unequivocally out of order.

Either we have a set of rules here that we follow or we don't, notwithstanding the issue. We are playing politics again here, and we have to get away from politicizing this committee. We have a set of rules. Let us follow them, because once we start going down this path, Chair, we have a very serious problem: this committee ceases to function when we do that.

Based on those terms and conditions, Mr. D'Amours is just not in order. It has nothing remotely to do consistent with the substantive discussion we're having here today, so how can it be presented without notice? It absolutely cannot be. It wouldn't matter what the topic is; we have to follow our rules of order, because otherwise this committee either ceases to function or just carries on in the paralysis that it has had for this last little while.

If you wonder why we're going to an election regardless of the positions of any of the parties and with this Parliament becoming pretty well dysfunctional, it's because of crap like this. We have to start dealing with reality.

• (1640)

**The Chair:** Stay on topic, Mr. Kramp.

As I read the mood here, we can do one of two things: either we can adjourn the debate on the motion and have it brought up at a further discussion, or Mr. D'Amours may wish to withdraw it and move it again at a later date. I'm going to ask the latter question first, and I'll ask it of Mr. D'Amours.

[*Translation*]

**Mr. Jean-Claude D'Amours:** Mr. Chairman, my question is clear.

Furthermore, it is not up to us, as members sitting around this table, to decide if the motion is in order. We can provide our opinion as to whether or not we think that it falls within the committee's order of business. You are the chair, we have a clerk, and we have documentation containing the information needed to verify if the question is in order or not. I believe that that fact has been well established.

I do not understand why certain members of Parliament refuse the principle of transparency. We talk about accountability, and I believe that we are in fact here faced with a refusal of transparency. One must also ask why certain members are trying to prevent things from moving forward. What are they afraid of?

We have senior officials in the House, independent officials who do their job. We ask them to ensure that all of the work done within government follows the rules. The only thing I am asking is that there be transparency, that we ensure that any reports completed by the Auditor General be presented to the public.

What is the problem with transparency? What is the problem with certain members who do not want the public to know certain things? What are people afraid of? Perhaps the report will be a positive one. Why be fearful of having the Auditor General come with a report and recommendations? Unless someone is trying to hide something.

Those members who refuse the principle of transparency should now think twice about it before making that kind of comment.

Mr. Kramp, we are talking about transparency and

[*English*]

accountability, it was supposed to be from your government, and you said that it's crap? I hope that next time you will think about those words before mentioning it.

[*Translation*]

Mr. Chairman, my motion is there, it remains, and I am asking that we deal with it.

[*English*]

**The Chair:** Okay.

Well, I have Mr. Saxton, who has made a motion. For the purposes of the clerk's being able to keep us all on track, would you just simply put—

**Mr. David Christopherson:** Mr. Chair, could you just hear my point of order? It will take ten seconds.

It seems to me that the easiest thing is for you to either reaffirm your decision or to alter it. If you make a ruling, the way it normally goes is that the question is asked, I challenge it because I think it's out of order, and you make a determination. When there's debate, the committee then has the right to determine by vote whether we want to sustain the chair or not. That ends the matter.

The easy thing would be for you to make a ruling, and then the next step would be for this committee either to sustain your ruling or to overturn it.

**The Chair:** Well, I'd—

**Mr. David Christopherson:** But I leave that with you. That's just my suggestion.

**The Chair:** Maybe that will avoid the other thing.

I'm going to sustain the ruling, and if you want to challenge the chair, then we can get it reversed.

**Mr. Andrew Saxton:** But Mr. Chair, you asked Mr. D'Amours a very simple question, and he responded that he's not going to be withdrawing it, so—

**The Chair:** If he doesn't want to withdraw it, I'll just say that it's still in order and you can challenge me and we can deal with it with a vote.

**Mr. Daryl Kramp:** Then I would challenge the chair.

**The Chair:** Thank you very much.

Those of you who would sustain the chair's decision that it is in order, please put up your hands.

(Ruling of the chair overturned)

• (1645)

**The Chair:** Thank you. The chair's ruling is defeated 6 to 4. The motion by Mr. D'Amours is withdrawn. He can always bring it back at another time. It's defeated.

**Mr. David Christopherson:** No, no, Chair, what was defeated—

**The Chair:** I'm sorry, it's deemed inadmissible. That's the correct language.

**Mr. David Christopherson:** Well, again, I disagree with that. I don't think it's inadmissible. It's just that it's now been tabled and Mr. D'Amours, after 48 hours, has the right to move it at any subsequent meeting. That's not inadmissible. It's still tabled with the committee. We still take it in.

**Mr. Andrew Saxton:** It's not voting against it, either.

**Mr. David Christopherson:** That's right.

**Mr. Andrew Saxton:** It's voting against its admissibility at this time.

**The Chair:** Thank you, Mr. Christopherson.

Mr. D'Amours can re-present that motion at any time he wants with the appropriate notice.

Thank you.

**Mr. Andrew Saxton:** Mr. Chair, may I suggest we move to adjourn, since we've dealt with the business at hand today?

**Mr. David Christopherson:** Isn't there a report?

**Mr. Andrew Saxton:** You don't think we can do that still?

**The Chair:** I'll put that question right away.

Those in favour of adjournment? Hands up those who want to adjourn.

**Mr. Bev Shipley:** Let's finish up on the report.

**The Chair:** Sorry, no. I'm dealing with this motion.

Those in favour of adjourning right now, put up your hand.

(Motion negatived)

**Mr. Bev Shipley:** Can I just make a suggestion that the first report that's not quite finished...that we just wrap that up?

**The Chair:** Thank you, Mr. Shipley.

I think the nays have it. We are going to proceed with that first report.

We'll go in camera, so we'll suspend for about two minutes.

*[Proceedings continue in camera]*

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