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Chair

The Honourable Kevin Sorenson

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● (0940)

[English]

The Chair (Hon. Kevin Sorenson (Battle River—Crowfoot, CPC)): Order.

I welcome you all back. We've left the in camera portion and we're now in public.

We had some debate, and a motion has come out of it that Mr. Arya gave notice to last week. Michel, our clerk, has just circulated the motion to us.

I'll turn the floor over to Mr. Arya.

Mr. Chandra Arya (Nepean, Lib.): Thank you, Mr. Chair.

We have witnessed that there is still not full understanding of the powers and privileges of the standing committees of Parliament with respect to our seeking information from various departments. I also find that the accounting officers, mostly the deputy ministers, have not fully understood how they can communicate with the committees.

I recommend that we ask the parliamentary counsel to offer an informative session to all legal counsel of all departments, both on the privileges of the committees and how the departments can communicate with the committees.

The Chair: The motion is in order.

I see that you have the singular "Committee" rather than "Committees". I think it can be read either way. If you're talking about the committee, it could be any committee, really. It's not—

Mr. Chandra Arya: In the last word in the last sentence, it says "Committees".

The Chair: Yes, it is plural.

The motion is in order. We'll open it for some discussion.

Go ahead, Mr. Christopherson.

Mr. David Christopherson (Hamilton Centre, NDP): Thank you, Mr. Chair.

I want to thank Mr. Arya and compliment him on bringing in this excellent motion.

Colleagues will know that for all the years I've been here, this issue has tended to be one of the biggest we encounter, the issue of Parliament exercising its right, through the Auditor General, to access information from the executive. Oftentimes, as in this case,

the executive kind of forgets, and the government starts to think that the government is the top of the heap.

The reality is that it is Parliament. Committees are empowered with rights that are in the Constitution. It's part of our own check and balance that the executive is accountable to Parliament. When a deputy comes in and says to us as a committee that we can't have certain information, just flat out, without saying, "Hey, I'd like to go in camera, or we need to find a way, because there are security issues and it's sensitive", we have a problem.

We're open to that kind of thing. We understand that. We can find ways and we've done it before, but when a government department comes into any committee, particularly the public accounts committee, the premier accountability and oversight committee of Parliament, and tells us that we can't have information, we have a problem. We have a huge problem.

We're working our way through on a couple of instant cases that are in front of us, and they will unfold, hopefully, as they need to, but to send out the message....

Again, I've been here long enough. We had to do this once before, around 10 years ago. If I can share, and I won't belabour this, in many cases the deputy's inclination is to say no because they're protecting the department and they're protecting the government. That's their job, and I get that, but it's up to Parliament to say no. In this case, the information rightfully belongs to Parliament, and you have to provide it.

What happens is that the legal department in the department attached to the deputy doesn't give the deputy the advice he needs, which is, "Deputy, you can't say that to a committee. That's not going to work. We have to work on this and find another way to get them that information."

This is about saying to the parliamentary law clerk, "Please take the time to talk to the senior legal people in these departments to remind and advise them that when they advise their deputies, they need to keep in mind that Parliament is supreme." This is a nice, gentle, very Canadian way to remind deputies, through their legal departments, that you cannot say no to a committee when it asks for information.

I'll conclude where I began. I want to thank Mr. Arya. In my opinion, he's proven to be an incredibly strong member of this committee. This is an excellent motion that goes a long way to ensuring that we meet the goals of our mandate.

Thank you, Mr. Chair.

The Chair: Go ahead, Mr. Deltell.

Mr. Gérard Deltell (Louis-Saint-Laurent, CPC): Mr. Chair, I want to repeat what Mr. Christopherson has said. I welcome the good proposition of Mr. Arya.

I think what we're doing here is for the Canadian people. When we are asking tough questions, we need real answers.

In that case, unfortunately, I think we were not exactly on the same page. It will be a good opportunity for us to send a clear message to the person involved—but more than that, to all civil servants—that when we ask questions, we must think first and foremost of the Canadian people instead of protecting our departments.

The Chair: Thank you.

Does anyone else have anything on the motion?

I do have one comment. As I read this motion, although the intent is good, I'm wondering if there isn't something more we can add. Basically, what he is doing here is offering them an informative session. They could say, "No, that's fine." What if he sent out a letter showing what the committee's rights or roles are and the powers they have to do that, and then also offer this session? Deputy ministers and their legal counsels will say, "We know, actually." They could discount this thing pretty easily, couldn't they?

It says, "That the Committee recommend the Law Clerk and Parliamentary Counsel offers an informative session to all legal counsels of all departments to advise them...." It's to offer it.

• (0945)

Mr. David Christopherson: Yes, although I would suggest that woe be it to anybody who then denies us information who doesn't take the session, but that's after the fact. I'm—

The Chair: I'm not here to take away from his motion. I think it's good.

Mr. David Christopherson: It's a good point. That's one area where we could probably strengthen this up a little bit. There could be some accountability from the law clerk to let them know that we want to hear from the law clerk about how many departments participated, and more specifically about who didn't.

The Chair: It could say, "That the committee recommend that the Law Clerk and Parliamentary Counsel provide information to them, and also offer an informative session...."

Mr. Chandra Arya: Maybe we can consider amending it to "That the committee recommend that the Law Clerk and Parliamentary Counsel provide relevant information to all legal counsels of departments, and also offer an information session."

The Chair: All right. Are we good with the friendly amendment?

Mr. David Christopherson: I might suggest that we also circulate that document to all members of Parliament, because that's a civics lesson for all of us too.

The Chair: Okay. That doesn't have to be in the motion, but obviously it's public. We should be doing that.

Mr. Rémi Massé (Avignon—La Mitis—Matane—Matapédia, Lib.): There's just a technical detail in French, and we can make sure that someone reviews the French translation. It needs to be tweaked to reflect what the original version is saying. I can give you a couple of examples:

[*Translation*]

The wording "les renseigner sur les pouvoirs du Comité" may not reflect the essence of the message in English. As for the words "à la fourniture de l'information demandée", that is a flawed way of putting it.

[*English*]

The Chair: All right. We don't need to see the motion. We'll leave that with our experts in both official languages to make sure it's a good reflection of our discussion here today. I'll call the question, if we're ready for the question.

(Motion agreed to [See *Minutes of Proceedings*])

The Chair: Thank you for that.

Mr. Dillan Theckedath (Committee Researcher): I want to ask about a word, but maybe we can do it offline. I just want to ask some of the francophone members of the committee, if I could, Chair, with your permission.

[*Translation*]

Mr. Massé and Mr. Deltell, can we replace "les pouvoirs" with "l'autorité"?

[*English*]

Mr. Gérard Deltell: If you want to translate something, you have to have the whole sentence, and I would even say the whole paragraph. It involves the spirit behind each and every word, so it's more than a translation of words.

[*Translation*]

Mr. Dillan Theckedath: Okay. In that case, we could do a legal review. Someone who knows what they're doing will take care of it.

Mr. Gérard Deltell: The right term needs to be used, and the entire sentence or paragraph must be considered.

[*English*]

Mr. Dillan Theckedath: All right. *Merci*.

[*Translation*]

Thank you.

[*English*]

The Chair: Thank you.

Thank you, Rémi, for that. It carries unanimously.

That is it for our committee business. We're now going to go back in camera to look at our report number 4 on the RCMP. We have a couple of paragraphs left to do on that, and then we'll move into our other reports. We'll suspend and go in camera.

[*Proceedings continue in camera*]

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