



COMMUNIQUÉ

Ottawa—November 21, 2012

Today, the Parliamentary Budget Officer referred questions to the Federal Court which seek the Court's guidance as to whether work requested by the Leader of the Official Opposition is within the PBO's jurisdiction. The work requested asks the PBO to analyze the Government's Estimates to determine if the savings contemplated are achievable and/or have longer term fiscal implications.

The PBO is hopeful that a decision from the Federal Court will clarify the scope of his mandate, which some have disputed. The PBO is committed to providing the Senate and the House of Commons with analyses on the state of the nation's finances, the estimates of the government and trends in the national economy to the full extent he is able within his jurisdiction.



Court File No.: T-2096-12

FEDERAL COURT

MR KEVIN PAGE, PARLIAMENTARY BUDGET OFFICER

Applicant

and

MR THOMAS MULCAIR, LEADER OF THE OPPOSITION

Respondent

NOTICE OF APPLICATION

UNDER SECTION 18.3 OF THE *FEDERAL COURTS ACT* RSC 1985, C F-7

Joseph Magnet
Barrister and Solicitor
LSUC #19386E
c/o Tolga Yalkin
Office of the Parliamentary Budget Officer
Library of Parliament
50 O'Connor, Suite 919
Ottawa, ON K1P 6L2
Telephone: 613-797-5698
Fax: 613-947-8480
email: tyalkin@ottawa.ca
email: jmagnet@uottawa.ca

TO: Thomas Mulcair
Leader of the Official Opposition
House of Commons
Ottawa ON K1A 0A6

AND TO Attorney General of Canada
Justice Building
Kent and Wellington Streets
Ottawa ON K1A 0H8

TO THE RESPONDENT:

A PROCEEDING HAS BEEN COMMENCED by the applicant. The relief claimed by the applicant appears on the following page.

THIS APPLICATION will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court orders otherwise, the place of hearing will be as requested by the applicant. The applicant requests that this application be heard at Ottawa, Ontario.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or a solicitor acting for you must prepare a notice of appearance in Form 305 prescribed by the Federal Courts Rules and serve it on the applicant's solicitor, or where the applicant is self-represented, on the applicant, WITHIN 10 DAYS after being served with this notice of application.

Copies of the Federal Courts Rules information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPLICATION, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

Date: November 21, 2012

Issued by: _____

(Registry Officer)

ANN F. MURPHY
REGISTRY OFFICER
AGENTE DU GREFFE

Address of local office:

Registries of the Federal Courts
 Thomas D'Arcy McGee Building
 90 Sparks Street, 5th floor
 Ottawa, Ontario
 K1A 0H9

I HEREBY CERTIFY that the above document is a true copy of the original filed in the Court./

JE CERTIFIE que le document ci-dessus est une copie conforme à l'original déposé au dossier de la Cour fédérale.

Filing date

Date de dépôt

NOV 21 2012

Dated
 Fait le

ANN F. MURPHY
REGISTRY OFFICER
AGENTE DU GREFFE

APPLICATION

This is an application for a reference by the Parliamentary Budget Officer to refer the following questions of law and jurisdiction to the Federal Court for hearing and determination:

1. Whether it is within the Parliamentary Budget Officer's jurisdiction, pursuant to *Parliament of Canada Act* RSC 1985, c P-1, Section 79.2, to analyze:
 - a. the extent to which the fiscal savings that are outlined in the Government's Budget are achievable or likely to be achieved; and
 - b. the extent to which the achievement of the savings there outlined would result in fiscal consequences in the longer term,
2. Whether it is within the Parliamentary Budget Officer's jurisdiction pursuant to *Parliament of Canada Act* RSC 1985, c P-1, Section 79.3, to request from departments their planned fiscal savings premised on staffing reductions

The grounds for the application are:

1. *Federal Courts Act* RSC 1985, c F-7, Section 18.3(1).
2. *Federal Courts Act* RSC 1985, c F-7, Section 18.4(1).
3. *Parliament of Canada Act* RSC 1985, c P-1, Section 79.2, which mandates the Parliamentary Budget Officer to provide independent analysis to the Senate and to the House of Commons about the state of the nation's finances, the estimates of the government, and trends in the national economy.

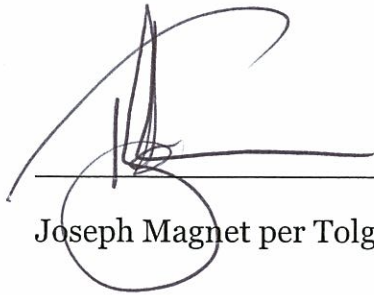
4. *Parliament of Canada Act* RSC 1985, c P-1, Section 79.3(1), which provides that the Parliamentary Budget Officer is entitled to request from deputy heads of government departments free and timely access to any financial or economic data in the possession of the department required for the discharge of his mandate.
5. The Leader of the Official Opposition asked the Parliamentary Budget Officer to provide specific analyses of the Estimates of the Government to the Senate and the House of Commons.
6. The Parliamentary Budget Officer responded explaining that he was unclear as to whether he had jurisdiction to undertake the required analyses and that he did not have the information he would need to undertake the required analyses.
7. The Leader of the Official Opposition responded, requiring that the Parliamentary Budget Officer obtain the information, conduct the analyses, and provide the analyses to the Senate and House of Commons.
8. The Parliamentary Budget Officer responded explaining that questions had been raised as to whether he had jurisdiction to request such types of information and that he would seek clarity on the scope of his jurisdiction to undertake the analyses and request the information.

This application will be supported by the following material:

1. Affidavit of Ms. Patricia Brown, Administrative Coordinator to the Parliamentary Budget Officer, with attached exhibits; and

2. Such further and additional materials as counsel may advise and this Honourable Court permit.

November 21, 2012

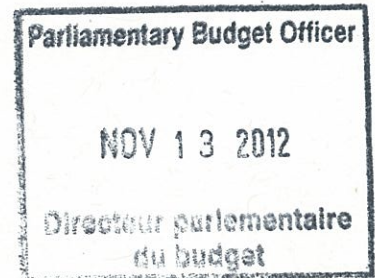


Joseph Magnet per Tolga Yalkin

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*Thomas Mulcair, Député/M.P.
Outremont*



November 8, 2012

Kevin Page
Parliamentary Budget Officer
Room 908, 50 O'Connor Street
Ottawa, ON K1A 0A9

Dear Mr. Page:

I want to thank you very much for the analysis you have recently provided in your report entitled, "Budget 2012: Monitoring Framework Update".

Despite this very important contribution, much analysis remains to be provided. In order for parliamentarians to do their job of voting supply and holding the government to account, they need adequate analyses of the Estimates. These analyses include the fiscal risks and consequences posed by the cuts outlined in Budget 2012. As such, I require your analyses as to:

- whether the savings that are outlined in Budget 2012 are achievable or likely to be achieved. (This will, of course, require you to analyse, as a condition precedent, how these savings are proposed to be achieved, i.e. by "efficiencies" or actual reductions in services to Canadians.); and,
- whether and the extent to which the failure to achieve them would result in fiscal consequences in the longer term (e.g. differed capital maintenance resulting in the requirement to replace an asset).

These analyses are among the major reasons your office was created. As such, I would be very grateful if you provided them to the House and the Senate as soon as possible.

Sincerely,

A handwritten signature in blue ink that reads 'Thomas Mulcair'.

Thomas Mulcair, M.P. (Outremont)
Leader of the Official Opposition
New Democratic Party of Canada



November 14, 2012

The Honourable Thomas J. Mulcair, M.P.
Leader of the Official Opposition
New Democratic Party of Canada
House of Commons
Centre Block
Room 409-S
Ottawa, ON K1A 0A6

Dear Mr. Mulcair:

Thank you for your letter.

Questions have been raised as to whether the analyses you require fall within my mandate. Further, at a minimum, to conduct these analyses, I would need to know the departmental savings premised on staffing reductions.

Yours truly,

A handwritten signature in blue ink, appearing to read "Kevin Page".

Handwritten initials "for" in blue ink.

Kevin Page
Parliamentary Budget Officer



*Thomas Mulcair, Député/M.P.
Outremont*

November 15, 2012

Kevin Page
Parliamentary Budget Officer
Room 908, 50 O'Connor Street
Ottawa, ON K1A 0A9

Dear Mr. Page:

Thank you for your response.

As you are aware, parliamentarians have an obligation to scrutinize the spending plans of the Government. In order to do this, they require and are entitled to your analyses on the Estimates.

If you need departmental savings premised on staffing reductions to perform these analyses, please request that data from departments, perform the analyses we require, and publish it.

Sincerely,

Thomas Mulcair, M.P. (Outremont)
Leader of the Official Opposition
New Democratic Party of Canada



November 19, 2012

The Honourable Thomas J. Mulcair, M.P.
Leader of the Official Opposition
New Democratic Party of Canada
House of Commons
Centre Block
Room 409-S
Ottawa, ON K1A 0A6

Dear Mr. Mulcair:

Thank you for your letter.

As you may be aware, in addition to whether I have jurisdiction to conduct these analyses, questions have been raised as to whether I have jurisdiction to request this type of data.

Before I make any decision about whether to accede to your demand, I will need clarification as to whether I have jurisdiction both to conduct the required analyses and request the data necessary to perform the analyses.

I will, therefore, seek a reference from the Federal Court on the matter, asking:

(1) whether it is within my jurisdiction to analyze:

- a. the extent to which the fiscal savings that are outlined are achievable or likely to be achieved; and
- b. the extent to which the answer(s) to (a) would result in fiscal consequences in the longer term, and

(2) whether it is within my jurisdiction to request departments to provide me with their fiscal savings premised on staffing reductions by program activity.

If the Court decides that I do not have jurisdiction to perform the analysis you require, it will not be performed and the data will not be requested. If the Court decides that I have jurisdiction to perform the analysis you require and request the necessary data, I will ask for the data and, when provided with it, endeavour to produce the analysis.

Yours truly,

A handwritten signature in blue ink that reads 'Kevin Page'.

Kevin Page
Parliamentary Budget Officer