REPORT OF THE SPECIAL COMMITTEE ON

REFORM

OF THE HOUSE OF COMMONS

JUNE 1985

James A. McGrath, P.C., M.P.
Chairman

REPORT OF THE SPECIAL COMMITTEE ON

REFORM

OF THE HOUSE OF COMMONS

JUNE 1985

James A. McGrath, P.C., M.P.
Chairman

Published under authority of the Speaker of the House of Commons by the Queen's Printer for Canada

Available from the Canadian Government Publishing Centre, Supply and Services Canada, Ottawa, Canada K1A 0S9

The Special Committee on the Reform of the House of Commons has the honour to present its

THIRD REPORT

In accordance with its Order of Reference of Wednesday, December 5, 1984, your Committee has examined the powers, procedures, practices, organization and facilities of the House of Commons and submits the following report:

CONTENTS

APPENDICES

MEMBERS
SPECIAL COMMITTEE ON THE REFORM OF THE HOUSE OF COMMONS

CHAIRMAN

James A. McGrath, PC
St. John's East (Newfoundland)

FIRST VICE-CHAIRMAN

André Ouellet, PC
Papineau (Québec)

SECOND VICE-CHAIRMAN

Bill Blaikie
Winnipeg-Birds Hill (Manitoba)

Lise Bourgault
Argenteuil-
Papineau
(Québec)

Albert Cooper
Peace River
(Alberta)

Jack Ellis
Prince Edward-
Hastings
(Ontario)

Benno Friesen
Surrey-White Rock-
North Delta
(B.C.)

ORDER OF REFERENCE

On Wednesday, December 5, 1984, the Special Committee on the Reform of the House of Commons was appointed and received the following Order of Reference:

ORDERED,—That a Special Committee of the House of Commons to be composed of Mrs. Bourgault and Messrs. Blaikie, Cooper, Ellis, Friesen, McGrath and Ouellet, be appointed to act as a Parliamentary Task Force on the Reform of the House of Commons to examine the powers, procedures, practices, organization and facilities of the House of Commons, bearing in mind the balance between the respective constitutional responsibilities and roles of the House of Commons and the Government, such an examination to include, but not be limited to, the following matters:

(a) the Permanent and Provisional Standing Orders;
(b) the role of the private member in the House of Commons;
(c) the accountability of Ministers to the House of Commons;
(d) the legislative process;
(e) the funding, facilities and staff support services made available to Members of the House of Commons;
(f) the administration and management of the House of Commons; and
(g) the procedures and powers of Committees of the House of Commons and the role and the use of parliamentary task forces;

That the Committee have all the powers provided to standing Committees pursuant to Standing Order 69(8);

That the Committee have the power to retain expert, professional, technical and clerical staff;

That the Committee and members of the Committee have the power, when the Committee deems it necessary, to adjourn or travel from place to place inside and outside Canada and that, when deemed necessary, the required staff accompany the Committee or members of the Committee, as the case may be;

That all the evidence adduced by the Special Committee on Standing Orders and Procedure and the reports of that Committee as tabled in the House of Commons during the 32nd Parliament be referred to the Committee;

That notwithstanding the usual practices of this House, if the House is not sitting when an interim or final report of the Committee is completed, that the Committee shall report its findings by depositing with the Clerk of the House and that it shall thereupon be deemed to have been laid upon the Table;

That the Committee be authorized to include in its interim and/or final reports drafts of proposed permanent or temporary Standing Orders drawn to give effect if concurred in by the House, to any permanent or temporary change or changes proposed by the Committee;

That the Committee be authorized to include in its interim and/or final reports recommendations as to the implementation of any reforms proposed in the reports of the Committee;

That Messrs. Penner, Binns, Comeau, Duguay, Jardine, Ravis and Young be appointed as alternate members of the Committee;

That changes in the membership of the Committee be made only pursuant to Standing Order 69(4)(*b*); and

That the Committee shall report to the House finally no later than June 28, 1985.

PREFACE

Since its creation on December 5, 1984 the Special Committee on the Reform of the House of Commons has held 57 meetings and presented reports to the House on December 20, 1984 and March 26, 1985.

Between December 1984 and June 1985 we heard 50 witnesses and, in reply to a call for submissions published in newspapers, received 185 briefs or letters. It has not been possible to address all the suggestions and proposals made by the various submissions. However, these documents are on file in the Committees Branch and constitute a valuable resource for future committees or individuals interested in parliamentary reform.

During visits to Washington (February 12-15), Bonn (May 13-15), Paris (May 16-17), and London (May 20-23), the committee had an opportunity to compare procedures through discussions with legislators and staff in these countries.

The recommendations of this committee are the most ambitious attempt to pursue major and comprehensive reform in the more than one hundred-year history of the Canadian House of Commons. A project of this magnitude would not have been possible without the support received by the committee from all members of the House of Commons and from its highly professional staff. Whether we have met the challenge inherent in this unique opportunity is for others to judge.

The impetus for reform could not have been sustained without the active support and ongoing encouragement of the Prime Minister, the Leader of the Opposition and the Leader of the New Democratic Party. The Prime Minister gave a prominent place to the establishment of this committee in the Throne Speech of the new government and has continued to demonstrate his commitment to the work we have undertaken. Both opposition leaders have encouraged our efforts with equal vigour.

Like the performance of a symphony orchestra, the spotlight tends to fall on the conductor rather than on the many significant contributors who ensured the harmonious, coherent and comprehensive report presented here. The staff of the committee worked diligently to ensure that the report would be produced with utmost professionalism within the limited time available. The fact that in seven months this committee produced two interim reports and its final report before the termination of its mandate is a tribute to their professionalism and dedication. The committee owes a great debt of gratitude to its entire staff, and we would like to thank the following individuals who contributed in different ways to the work of the committee. Sandy Birch, Bruce Carson, Claude Desrosiers, John Holtby, Maurie Jorre de St. Jorre, Philip Laundy, Gary Levy, Jean Macpherson, and Maureen Mancuso formed the committee's permanent staff from the beginning of its mandate. Alistair Fraser, a former Clerk of the House of Commons and our first witness, helped the committee to focus its deliberations. Lucie Gratton, Kathryn Randle and Georges Royer provided editorial services for the report. Finally Francine Degagné, Pauline LeBon, Brenda Petetski and Jeannette Tannis provided support services to the committee.

I wish to thank my six colleagues on the committee for their patience and support. That we were able to operate by consensus without once voting on an issue is a testament to their selfless dedication to reform.

Parliamentary reform is an ongoing process. Others in the future will continue and improve upon the work of this committee. From this evolutionary process, however, there is emerging a Parliament that is uniquely Canadian — attempting to meet the challenges and expectations of Canadians.

James A. McGrath, PC
Chairman

CHAPTER I

The Role of the Private Member

As a new Member of Parliament, I do not know the mechanics of this institution as well as some of my colleagues. I am absolutely amazed at how little input private members have into the formulation of legislation, policies and/or regulations. It appears to me that most of the time we are told what a minister will be announcing in 48 hours and we do not have access, any means to study or contribute or change the finished product. But members must go to their constituencies to explain and support the decision of the government. Sometimes this is extremely difficult.

Barbara J. Sparrow, MP
Calgary South

The purpose of reform of the House of Commons in 1985 is to restore to private members an effective legislative function, to give them a meaningful role in the formation of public policy and, in so doing, to restore the House of Commons to its rightful place in the Canadian political process.

At the most recent election the people of Canada elected 282 members to the House of Commons. When the number of cabinet ministers, parliamentary secretaries, opposition party leaders, and the various caucus and House officials is subtracted from that number, there are some two hundred private Members of Parliament. In recent years the influence of the private member in the legislative process has been seriously reduced. As a result, the private member's role as an ombudsman for his or her constituents has taken on greater importance. This development has been aided and encouraged by the advanced technology adopted by the House and by the increase in the number of staff working in members' offices in Ottawa and in their constituencies. This has led many concerned with the future of the parliamentary system to reflect on the appropriate role for members of the House of Commons.

Throughout the ages, legislators, historians and philosophers have speculated about whether representatives' first loyalties should be to constituency, to party, to country or to their own conscience. Aristotle, Thomas Hobbes, John Locke, Jean-Jacques Rousseau, Montesquieu, Thomas Jefferson and others have addressed the

question. Perhaps the most frequently quoted authority is Edmund Burke, a member of the British House of Commons more than two hundred years ago. In a speech to the electors of Bristol in 1774, Burke criticized Members of Parliament for acting as representatives of particular interests. He claimed Parliament was not

> a congress with ambassadors from different and hostile interests which each must maintain as an agent and advocate, against other agents and advocates; but parliament is a deliberate assembly of one nation, with one interest, that of the whole; where, not local purpose, not local prejudices ought to guide but the general good, resulting from the general reason of the whole. You choose a member indeed; but when you have chosen him, he is not a member for Bristol, but he is a Member of Parliament.

Society in the twentieth century is different from the one in which Edmund Burke lived, yet his classic statement still serves as one ideal when we consider what Parliament ought to be as we approach the twenty-first century. Unlike Burke, however, parliamentarians today represent a diverse electorate, and their concepts of the proper role or roles for a representative are equally varied.

Members of the House of Commons unquestionably have a role with respect to their constituents. Members also belong to political parties. As party members, they are often obliged to submerge their personal beliefs in those of the party and vote accordingly in the House of Commons. The member that disagrees consistently with the party is often dismissed as a maverick. We believe the country would be better served if members had more freedom to play an active role in the debate of public policy, even if it meant disagreeing with their parties from time to time.

Years ago, Parliament was the primary source of legislative initiatives. Today, the legislative role of Parliament and its members is not to formulate but, at best, to refine policy. The onus of presenting legislative initiatives is now borne largely by the government, whose wishes are carried out by the votes of its supporters. This change in our system of government was not the work of any single person or group. Rather it is the result of an increase in the responsibilities of government and steps taken by the executive to deal with these duties. It was inevitable that the expansion of government activities would require changes in the executive functions of government and a decline in the ability of the legislative branch to serve as the conduit through which individuals and groups could initiate and influence policy.

It is time to change this situation. Private members must once again become instruments through which citizens can contribute to shaping the laws under which they live. The formulation of legislation used to be a central task for Members of Parliament, and it must become so once again. To put private members back into this policy role is not easy, but there are compelling reasons for doing so. If the private member is to count for anything, there must be a relationship between what the private member and the institution of Parliament can do and what the electorate thinks or expects can be done.

Our system of government has changed since 1867 in ways that have influenced the relative importance of private members. The influence and stature of others in the political process have risen. In addition to the increased role of the executive, federal-

provincial conferences have raised the political profile of the provincial premiers. Court decisions dealing with the division of powers and the general evolution of society have lead to a greater role for provincial governments. The adoption of the *Charter of Rights and Freedoms* in 1982 has changed the role of the courts. Laws not specifically exempted from the operation of the *Charter* are open to review by the judiciary to ensure that they do not violate the provisions of the *Charter*. The door is therefore open for the courts to play a larger role in defining public policy.

The influence of these participants in the political arena is unlikely to diminish. We must therefore strengthen the role of the House of Commons, and the key to restoring confidence in our central democratic institution is to enhance the involvement of the private Member of Parliament in a number of areas. The means of accomplishing this goal was the challenge that faced this committee throughout its work.

CHAPTER II

The Confidence Convention Re-Examined

Experience has been that the longer a government is in office the more every vote is maybe not a vote of confidence but a vote of reputation, which is close to confidence, and therefore you have to have uniformity.

Benno Friesen, MP
Surrey-White Rock-North Delta

In our First and Second Reports we made recommendations to enhance the role of the private member with regard to both committees and the general operation of the House of Commons. We realize, however, that these recommendations and those in this report will have little effect if traditional party discipline in the House continues. If their role is to become more meaningful, private members need to be able to assert a degree of independence without prejudice to the loyalty they owe to their parties.

Party discipline is related to certain misconceptions about our system of constitutional government. We therefore thought it wise to review the confidence convention. We commissioned the Hon. Eugene Forsey, a former Senator and a constitutional expert, and Mr. Graham Eglington to prepare a report. We also had an opportunity, while the committee was in Britain, to hear evidence from former British Prime Minister James Callaghan, former MP Mr. George Cunningham and Professor Philip Norton, a noted student of politics, on the subject of government defeats in the British House of Commons.

We have reached the conclusion that what is called for to resolve the issue is a change in attitudes rather than changes in the rules and procedures of the House. *Attitudinal changes are required on the part of governments, the leadership of parties, and private members themselves.*

The confidence of the House of Commons in the governing party lies at the heart of what we have come to know as responsible government. This form of government requires that the cabinet be responsible for its actions to an elected legislature. It implies necessarily that there be a policy-making body of ministers bound to provide unanimous advice to the Sovereign; that the public service be under the control of

political leaders responsible to the legislature; and that both the executive and the legislature be responsible to the people.

Ministerial responsibility, along with the fusion of the executive and legislative branches, are distinguishing features of responsible government. The rules relating to these features are not set down in the Constitution. They are governed by convention, precedent and common sense. There is no single definition of ministerial responsibility; there are, in fact, three parts to the doctrine.

First there is the responsibility of a minister to the Queen or the Governor General; this is often overlooked, but it is basic to our constitutional order. Governments are not elected but appointed, and ministers serve not for a term, but until they die, resign or are dismissed.

Second, there is the individual responsibility of a minister to the House. This revolves around the questions of when a minister should offer his or her resignation and when should it be accepted or asked for. The answers seem to turn on the personal and political relationship between the minister and the prime minister. The principle is accepted, however, that where there is personal culpability on the part of a minister, in the form of private or public conduct regarded as unbecoming and unworthy of a minister of the Crown, the minister should resign.

The third responsibility is that of the ministry collectively to the House. If the confidence of the House is lost, it spells the end for the ministry unless the government is granted a dissolution and is sustained by the electorate.

Confidence from an Historical Perspective

The standing of a government in the House and the passage of its legislative program have come to be regarded as essential parts of responsible government. This was not always the case. In the nineteenth century political parties gained importance. This led to significant changes in the United Kingdom and in Canada as the parties, and particularly the leaders, appealed for votes in an enlarged and increasingly pluralistic electorate. The task of the House of Commons was reduced to voting on the legislation and estimates presented to it by the government.

The rarity of defeats of government measures in Great Britain (except in the minority situation in 1924) led rapidly to the development of a constitutional myth that every vote was a test of confidence. Any dissenting or cross-voting members on the government side were seen to be placing the government in jeopardy or risking dissolution of the House. In recent years, there has been more and more cross-party voting. In the seven-year period between April 1972 and April 1979, there were sixty-five defeats of government measures in the British House. This was not the end of responsible government. The government did not cease to govern. It was simply forced to modify or abandon some of its policies in deference to the House. Even with the large government majorities in recent years, there has not been a return to the inflexibility of the executive that marked earlier administrations. This kind of flexibility is not unlike what existed in early Canadian parliaments in the time of Sir John A. Macdonald when government measures were defeated a number of times without the government falling.

Recent British experience makes it clear that at present losing a vote, even on a financial measure, is not automatically a matter of non-confidence entailing either resignation of the government or a dissolution of the Commons. The government can decide how it will treat its loss. Whatever a government may say or imply in order to intimidate its own parliamentary supporters, a lost vote in itself does not involve resignation or dissolution.

The same phenomenon of lost votes that took place in Great Britain in the 1970s was also evident in Canada during that same period and, to a lesser extent, even earlier. At the start of the first session of the twenty-ninth parliament Prime Minister Trudeau said, "Some things for us will be questions of confidence. Some things would mean the demise of the government. . .But I hasten to add that other questions, if they go against us, will not be interpreted by the government as a defeat of the government. We shall accept amendments."

The minority government of Pierre Trudeau lost eight of eighty-one recorded votes between 1972 and 1974. Setting aside the vote of May 8, 1974, which brought down the government, four of the lost votes were on government bills, two were on motions pertaining to parliamentary committees, and one was on a supply item, specifically on a supplementary estimate of $19,000 for Information Canada.

The minority governments of Lester Pearson lost three votes. Two were on appeals of a ruling made by the Speaker. The third came February 19, 1968. A vote ended with the defeat on third reading of Bill C-193 respecting income tax. This vote was regarded as sufficiently serious to require the government to introduce a motion to the effect that the House did not consider its vote of February 19 as a vote of non-confidence in the government. The motion was passed, after debate, on February 28.

It is clear from both British and Canadian experience that a government that has lost a vote in the House on a matter of confidence faces the choice of resigning or asking for dissolution. A government that has lost a vote on some other matter may remain in office and may choose to ask for a vote of confidence.

Since every vote in the House is not a matter of confidence, it is not true that a government that loses a vote in the House can simply have the House dissolved. As a rule, the Governor General accepts the advice of the prime minister. In certain cases, however, the Governor General is justified in refusing an immediate request for dissolution.

The Private Member and the Confidence Convention

The important question is how far a government will go in tolerating votes lost as a result of freedom of action by its private members. How far can private members on the government side expect to deviate from party discipline without undermining confidence in the government? We believe that a government that wishes to give its private members a role in policy making will let them know, first, what it can and cannot accept and, second, that unquestioned obedience to the ministerial line is not the only route to advancement in the party. Private members, public servants and political advisers should be informed that the House is to be allowed to determine some matters, and that every detail of every measure will not be regarded as a matter of confidence.

The corollary to these statements must be that private members on the government side have certain rights and duties. How far can they fairly and reasonably go, even under a government willing to allow considerable freedom? In the normal exercise of their legislative functions, government members should be able, without fear of retribution, to amend or defeat clauses in bills; make amendments to bills implementing ways and means motions; reduce estimates as a mark of disapproval of either the administration or a particular program; concur in committee reports critical of government activities and administration; and reject proposed legislation outright or pose amendments.

Precedent shows that responsible government does not break down and government does not become unworkable when the executive bows to the wishes of the House on a wide variety of matters in a wide variety of circumstances. It is useful by way of summary to place government defeats into three categories, noting that each one invites a different response from the government.

A government defeated on a vote of confidence is expected to resign or seek a dissolution. Three types of votes can be termed confidence votes. First, there are explicitly worded votes of confidence. These state expressly that the House has or has not confidence in the government. Next are motions made votes of confidence by a declaration of the government. The government may declare that if defeated on a particular motion before the House, even one that is not an explicitly worded vote of confidence, it will resign or seek a dissolution. Then there are implicit votes of confidence. Traditionally, certain matters have been deemed to involve confidence, even though not declared to be so by the prior statement of the government. Falling within this category is the granting of supply. Failure to grant supply is regarded as the established means by which the House can demonstrate its lack of confidence in the ministry. However, it should be noted that a single defeat on a specific estimate would not in itself constitute a vote of non-confidence. In fact, because of the multiplicity of votes on all the aspects of supply, this is largely a category that has fallen into disuse. One could argue that this type of defeat actually belongs in the category of defeats that are not votes of confidence.

The second category is lost votes on items central to government policy but not made matters of confidence prior to the vote. The government in this case can either seek an explicit vote of confidence from the House or resign or request a dissolution. If the government opted for resignation or asked for dissolution, this would make the lost vote one of confidence retrospectively. There should normally be few votes that fall into this category.

The last group is votes on items not at the heart of government policy; these are obviously the most numerous during any parliament. Although a lost vote on second reading of a major bill might fall within the second category mentioned above, a loss on one or more of the many divisions during the committee and report stages would usually fall within this third classification.

Our examination of the confidence convention leads us to conclude that a necessary step in conceding greater independence to individual members is for governments to relax their discipline over their supporters, at least to the extent of indicating in advance those measures and policies to which the confidence convention

would apply. Any measure that a government regarded as essential to its overall program could be declared a confidence issue. Opposition parties would remain free to introduce non-confidence motions. Otherwise, it would be assumed that a lost vote on a government measure would not necessarily involve its resignation. Free votes have customarily been allowed on such matters of conscience as capital punishment, but our proposal extends and goes beyond that principle.

Attitudinal Change

Implementing this practice would call for a change of attitude on the part of governments. It would also call for a change of attitude on the part of opposition parties, which would cease to be able to extract the maximum political advantage from defeats of government measures. They also would need to reciprocate by relaxing discipline over their own supporters. But if neither governments nor opposition parties could be persuaded to change their attitudes, it would still be open to private members to take the initiative by changing theirs.

Once elected, Members of Parliament are legally and constitutionally entitled to act independently. In the House they can speak and vote as they like. If they choose to deviate from the line taken by their parties they are free to do so, provided they accept the political risks. Obviously, members frequently out of sympathy with party policy would probably come to the conclusion that they no longer belonged in the party. But it is not reasonable to expect that all members of a political party will agree invariably on every conceivable issue. Political parties in our country tend to be based on broad coalitions of opinion. There is agreement within parties on major policies and principles, but room for divergence of opinion on specific issues, matters of conscience and matters of detail. Rigid discipline is hardly compatible with the philosophy of a democratic political party, and reasonable latitude consistent with loyalty to the party should be permitted the individual members of any party.

In conclusion, we offer several observations. Although they can have no legal effect in our system of government, they should serve as an indication of the direction in which this committee believes the House of Commons should develop.

- **A government should be careful before it declares or designates a vote as one of confidence. It should confine such declarations to measures central to its administration.**
- **While a defeat on supply is a serious matter, elimination or reduction of an estimate can be accepted. If a government wishes, it can designate a succeeding vote as a test of confidence or move a direct vote of confidence.**
- **Defeats on matters not essential to the government's program do not require it to arrange a vote of confidence, whether directly or on some procedural or collateral motion.**
- **Temporary loss of control of the business of the House does not call for any response from the government whether by resignation or by asking for a vote of confidence.**
- **In a parliament with a government in command of a majority, the matter of confidence has really been settled by the electorate. Short of a reversal of**

allegiance or some cataclysmic political event, the question of confidence is really a fait accompli. The government and other parties should therefore have the wisdom to permit members to decide many matters in their own deliberative judgement. Overuse of party whips and of confidence motions devalues both these important institutions.

The Positive Effects of Dissent

The expression of dissent can have positive effects for both the institution of Parliament and its members. It may have a direct and sometimes observable impact on public policy. As a result of defeated measures, the threat of defeat, or simple dissent not entailing defeat, governments might modify or withdraw certain measures. This opens the way for the House to become more vital and significant in influencing policy than it has been for a long time and a more accurate reflection of Canadian public opinion.

Private members should take the lead in impressing this on the leadership of their respective parties. One member taking an independent stand might end up paying a heavy political price, but a sizeable body of members following the same line could not be ignored. Private members could exert their own pressures, even cross-party pressures, but this kind of initiative will require new procedures and new attitudes.

Ideally, we would like to see a change of attitude on all sides. If the greater flexibility we envisage can be achieved by mutual agreement, so much the better. Innovative action of this kind will call for political courage on the part of all concerned. Nevertheless, if the necessary changes of attitude come about, not only would the role of the private member become more meaningful, but parliamentary government itself would become more effective.

In the following chapter we argue that the House of Commons has come to a turning point in its development. The recommendations we propose in the balance of this report are intended to set a course for that development for years to come.

CHAPTER III

The Evolution of the House of Commons

I think one of the reasons why a lot of people run for Parliament is that they feel they have something to say. I always thought that if I could just get to say these things in the House of Commons, that would be significant, it would matter. . . . However, since I have come to Ottawa, everything I say is suspect, if it is listened to at all. So there is this incredible frustration. What ought to be the pinnacle of exchange of ideas is in fact the black hole in which nobody listens to anybody.

Bill Blaikie, MP
Winnipeg-Birds Hill

The procedures and practices of a legislative assembly are not easily reformed. There exists a deep-seated, almost mystical reverence for the established way of doing things. It takes a brash parliamentarian even to question the status quo, and much patience, determination and political will on the part of reformers to get any significant measures adopted. To emphasize some of the difficulties, this chapter begins with a brief look at more than a century of attempts to reform Parliament.

The Good Old Standing Orders, 1867-1962

The practices and procedures of the House of Commons adopted in 1867 were a refinement of those in force in the United Province of Canada (1840-1867), which in turn based its rules on those of the legislative assemblies of Upper and Lower Canada.

For nearly a hundred years after Confederation, federal parliamentarians showed great reluctance to change the Standing Orders. A closure rule was introduced in 1913, but it was in answer to an immediate crisis and was seldom used in later years. Some reforms were effected in 1927, chiefly a forty-minute limit on most speeches, but this went no real distance towards improving the effectiveness of the House, regulating debates or apportioning time.

At various times during the 1940s and 1950s, procedural committees were established, but not until 1955 did any significant recommendations emerge. One of the

rules adopted at that time guaranteed private members a fixed number of days for their business. Other changes provided for certain limitations on the length of speeches, the length of the budget debate and the Address in Reply to the Speech from the Throne.

In 1958 a government was elected with the largest majority in Canadian history. During this period greater use was made of standing committees. However, the procedures of the House remained, in most substantive respects, those of 1867.

The Pace Quickens, 1962-1969

From 1962 through 1969 the question of parliamentary reform was high on the political agenda. Part of the impetus for change came from a succession of elections (1962, 1963 and 1965), all of which returned minority governments.

The handling of government business placed great pressure on the House. In 1964-65 and 1966-67, each session lasted approximately eighteen months. Delegation of more work to committees, coupled with more stringent control of Parliament's time, were seen as the obvious way to relieve the pressure on the time of the House and enable the government to see its business dealt with.

Following a crisis when the government was unable to get supply approved by Parliament and had to resort to the use of Governor General's Warrants, a Special Committee on Procedure and Organization was appointed. This committee and its successors made a thorough examination of all aspects of the House, and many of their proposals were adopted. Among the important reforms finally adopted in 1968 were the following:

- Estimates were no longer considered by the Committee of the Whole House but were sent to standing committees, where they would be considered and reported back (or deemed to have been reported back) by May 31 each year.
- In exchange for the time lost debating estimates, the opposition was given a total of 25 days on which they could choose the topic of debate.
- Most bills were referred to standing committees.
- The need for a debatable financial resolution prior to introducing a money bill was abolished.
- The right to appeal a ruling of the Speaker without notice was abolished.
- The oral question period was recognized in the Standing Orders, and a time limit was set.

Taken together, the reforms implemented during the 1960s constituted a major change as far as the Canadian House of Commons was concerned. Almost every fundamental area of procedure — including supply, ways and means, the legislative process, the committee structure, the powers of the Chair, question period, private members' business, the hours of sitting and the allocation of time — was affected. However, although the standing committees were reorganized and given more work, little was done to give MPs more input to policy before legislation was presented. The following lessons of the 1960s should be kept in mind when considering this committee's report:

- Wide-ranging parliamentary reform *is* possible.
- Most proposals were implemented on a trial basis before being adopted on a permanent basis.
- Most reforms were adopted by all-party consensus, although in some cases the procedure committees failed to get unanimous agreement. Time allocation was adopted by the House only after closure was used in July 1969.

Recent Attempts at Reform, 1970-1984

No major reforms took place during the 1970s, although a sub-committee of the Standing Committee on Procedure and Organization was created in 1976 to look into the use of time, private members' business and committees. Parliamentary reform was an issue during the 1979 election, and a position paper on the subject was tabled in November 1979 by the late Hon. Walter Baker. Following defeat of the minority Clark government the issue was again put off, but not for long.

An unprecedented situation arose in March 1982 when the division bells rang for fifteen days as the result of an opposition protest over introduction of what they argued was an omnibus bill relating to the National Energy Policy and affecting several government departments.

When the problem was finally resolved, a wide-ranging debate on parliamentary reform was held, and on May 31, 1982, a twenty-member Special Committee on Standing Orders and Procedure was created. Its mandate was to consider the Standing Orders of the House and procedures in the House and its committees and to draft Standing Orders to give effect to the changes it recommended. The committee produced ten reports covering many areas of procedure and organization.

In December 1982, the major recommendations in the committee's Third Report were adopted unanimously by the House on a one-year experimental basis. As a result, an annual parliamentary calendar was established; evening sittings were abolished and replaced by an earlier start in the morning; votes were scheduled on a more predictable basis; ninety-second statements by private members were introduced before question period, replacing motions under Standing Order 43; and time limits for most speeches were shortened, with a ten-minute period set aside for questions and comments following the speeches.

While the recommendations of the Third Report were adopted, subsequent reports on many varied and contentious issues were not dealt with before dissolution of the thirty-second parliament in 1984. Among other things these reports recommended a new method of electing the Speaker; establishment of legislative committees; new committees to improve scrutiny of financial matters; and numerous other organizational and procedural changes.

Our First and Second Reports

On December 20, 1984 this committee tabled its First Report. We reiterated and refined some of the earlier committee's recommendations. First, we recommended that

the Speaker cease to be nominated by the prime minister and be elected by secret ballot.

Then we recommended changes to the committee system, including a mechanism whereby any four members of a standing committee could call for a meeting. Ad hoc legislative committees were proposed to replace standing committees for clause-by-clause review of legislation after second reading. These legislative committees would be chaired by members drawn from a panel of chairmen chosen by the Speaker. We also recommended that ways and means bills be referred to the new legislative committees.

We proposed a Board of Internal Economy to replace the existing Commissioners of Internal Economy and recommended that its membership include private members of the House. We concluded that all references to confidence should be removed from the Standing Orders. This would not affect the right of any member to present a motion framed in confidence terms.

Pursuant to Standing Order 69(13), we requested a comprehensive response to the report. On April 18, 1985 the response was tabled by the President of the Privy Council. We were pleased and encouraged by the generally favourable response, which indicated the government's intention to support adoption of most of the proposals for a trial period of one year beginning in September 1985.

By mid-March 1985, we had finished discussing a number of matters, which we presented to the House in our Second Report, tabled March 26. In it we proposed simplifying the Royal Assent procedure. We also recommended changes in Standing Order 1 to eliminate references to the practices of the House of Commons of the United Kingdom. We proposed that committees give radio broadcasters access to their proceedings from outlets already available in committee rooms. The balance of the Second Report dealt with two important matters: a new method of voting in the House and control of the precincts of Parliament.

We recommended that the House adopt an electronic voting system. After the Speaker puts the question, the division bells would ring for fifteen minutes. During this period members would register their votes; the results would be displayed on a electronic panel. This would amount to a considerable saving of time over the present method of voting and of assembling members to record their votes.

In relation to the precincts of Parliament we proposed that they be placed under the authority of a new officer, the Intendant of Parliament, responsible to both Houses. Parliament would have a capital budget. The Centre Block would be designated primarily a legislative building, with a consequent reallocation of office space now used by ministers and ministerial staff. Finally, in view of the urgent demand for space for members of the House, we recommended that the House of Commons be given custody of the building now occupied by the Department of Justice adjacent to the Confederation Building.

CHAPTER IV

The Standing Committee System

The power of committees should be increased dramatically with a view to several committees chaired by opposition members. There must be a further increase in the number of permanent staff attached to the committees, and powers to access documents and witnesses must be increased. Surely to make Parliament work, there must be an imaginative application of democracy to the committee structure, where opposition views are supported by powers as well.

Jim Fulton, MP
Skeena

In the previous chapter we outlined changes to the committee system during the 1960s as well as subsequent reforms. It remains to tie the recommendations in our previous report — specifically, the use of ad hoc legislative committees and more staff support for standing committees — into an overall reform of the committee system to make it more effective and more attractive to Members of Parliament and the public.

The Role of Standing Committees

The members of the House of Commons constitute a large and, for the most part, untapped body of expertise that could be put to much better use through a reorganized committee system.

The system in place since the mid-1960s requires that the same standing committees scrutinize the estimates, consider legislation, and undertake investigations. As a result, none of these functions is carried out in an ideal way by members burdened heavily with constituency work and other demands on their time and energy.

Bearing in mind the recommendations in our First Report, the goals of reform of the standing committee system are

- to enable Members of Parliament to perform more effectively their function of scrutinizing government departments;

- to introduce a degree of flexibility into the committee system, making it readily adaptable to changes in government organization;
- to have related government departments and Crown corporations, as well as the other agencies that report to or through departments, examined by parallel standing committees;
- to distribute the workload more evenly among committees so that members can participate more effectively; and
- to reduce the number and size of committees.

In recent years, most of the investigation and provision of advice on public policy has been performed by special committees with specific mandates and short periods of time within which to report to the House. These committees have done some excellent work. However, we believe that if the committee system were reorganized, such studies could fall within the mandates of standing committees. A vigorous standing committee system should also reduce the need for extra-parliamentary commissions.

The structure we recommend would result in the standing committees for the most part paralleling government departments. This should allow committee members to gain a great deal of knowledge about departments as they monitor their activities. The expertise gained could result in the growth of committee influence over government policy.

For committees to reach this position, their authority must be increased. To accomplish this, standing committees should be given broad authority to carry out studies and other related work arising out of their review of departmental activities and to report their advice on various matters of policy to the House. This blanket power would be in addition to committees' current powers in relation to departmental estimates and annual reports.

Committees would use their new authority to study the relevant government department in sufficient depth that a committee would become familiar with and be able to analyze and comment effectively on the government's future policy and expenditure plans. For example, with this broad mandate, a committee could examine the appropriateness of the legislation pertaining to, as well as the activities and expenditures of, a particular department.

By reviewing legislation administered by the department, as well as that establishing it, a committee could address broad policy issues. Will the legislation be appropriate in ten years' time? Should the mandate of the department be changed? Are certain parts of its mandate no longer required? In addition, committees could study policy initiatives flowing from legislation but resulting in little or no federal expenditure, such as the functions of some quasi-judicial regulatory bodies. Committees could also draft bills to deal with matters revealed through this work.

4.1 We recommend that each standing committee have before it the full departmental policy array to review and to report on, including, but not restricted to the following: the reasons for a department's statutes; the statutes themselves; a department's objectives in relation to its statutory mandate; the activities carried out in pursuit of these objectives; a department's immediate

and long-term expenditure plans for these activities; and the achievements of the department measured against its objectives.

The Structure of the Standing Committee System

We have received many proposals for reorganizing the existing standing committee structure in one way or another. For example, it could be restructured to reflect the expenditure envelope system. Alternatively, regional committees could be established with a view to categorizing issues by region and referring them to the appropriate committees. Interest groups, each wanting its own committee, would have had us add to the system on an ad hoc basis. We considered these and other alternatives, as well as the objectives stated earlier, in reaching our recommendations.

4.2 We recommend that the standing committee structure reflect, as much as practicable, the organization of government.

In certain cases it would be possible to use the same standing committee for two or more related departments, for example, the Departments of Justice and the Solicitor General. We also recognize the need for committees to deal with the management of the House of Commons and special areas where commissioners or other officials report to Parliament. A number of joint committees of the Senate and House of Commons form a third category of standing committees.

4.3 We recommend that the following standing committee structure be established:

Standing Committees

a) —Aboriginal Affairs and Northern Development
—Agriculture
—Communications and Culture
—Consumer and Corporate Affairs
—Defence and Veterans Affairs
—Energy, Mines and Resources
—Environment and Forestry
—External Affairs and Foreign Trade
—Finance and Economic Affairs
—Fisheries and Oceans
—Government Operations
—Justice and Solicitor General
—Labour, Employment and Immigration
—National Health and Welfare
—Regional Industrial Expansion
—Research, Science and Technology
—Secretary of State
—Transport (18)

b) —Human Rights
—Management and Members' Services
—Procedure and Privilege
—Public Accounts
—Striking Committee (5)

Standing Joint Committees

c) **—Regulations and other Statutory Instruments**
—Official Languages
—Library of Parliament (3)

This list of committees approximates today's government organization. As that organization changes, the committee system should be adapted to the new structure.

It would be up to the committees themselves to define their mandates in relation to the departments and agencies falling under their aegis. The assignment of departments and agencies to committees should be decided by the liaison committee of chairmen (see Recommendation 4.14).

Membership on Standing Committees

For the new committee structure to function at maximum effectiveness, the membership of individual standing committees should be reduced.

4.4 We recommend that most committees be composed of seven members. Some committees should continue at their present level of membership, but there should be no fixed minimum for the size of standing committees. This reduction may result in consequential changes in the number of members having the right to convene a committee meeting.

Reducing the size of committees would have at least two positive results. It would allow more time for probing and effective questioning. At present, members have to yield the floor to other members, even when they are pursuing a particular line of questioning. Reduced membership should allow more time so that thorough questioning of witnesses would be the rule rather than the exception. Smaller committees should also result in members valuing committee assignments and doing their best to be appointed to the committees of their choice. We also wish to make clear that membership on committees would not be obligatory.

4.5 Consistent with the theme of reducing the size of committees and giving them more independence, we recommend that parliamentary secretaries not be members of standing committees.

Related to the question of committee membership is the matter of substitution. The present system of alternates was adopted in 1983 pursuant to a recommendation of the Special Committee on Standing Orders and Procedure. Not only has the alternate concept failed to alleviate the problem it was designed to deal with, but it has created further problems. The previous committee also wanted to reduce committee membership. However, the practice has developed in many committees that alternates attend meetings in addition to, not in place of, regular members. Therefore, the size of committees has not been reduced, the burden of committee membership remains heavy, and the time available for asking questions remains scarce.

Another problem is that the list of alternates is constantly being changed. Instead of well informed alternate members that occasionally take the place of regular

members, it often happens that the alternate is not particularly knowledgeable about the subject matter before the committee. This is similar to the situation that existed prior to adoption of the system of alternates.

We have considered a number of possible approaches to this problem, the solution to which is central to the success of the committee system we propose. If we are to have true reform of our parliamentary institutions, members should be given the right and responsibility of finding their own replacements for meetings they cannot attend. This would allow a member to find a replacement with a similar point of view on the issues before the committee.

4.6 We recommend that alternate membership on committees be abolished. Members unable to attend would be responsible for their own replacements by notifying the chairman in writing of the name of the replacement.

As is the case with many of our recommendations, our idea here is to give members more responsibility and control over their own parliamentary lives and to lead them slowly but surely away from the concept that everything in the House of Commons is controlled by the whips, the house leaders and the prime minister or the leaders of the other parties. Such a change is not only desirable, but we believe it would be welcomed by those parliamentarians that now carry virtually complete responsibility for what goes on in the House and its committees.

The Budget and Government Spending

We noted with interest the statement by the Minister of Finance in his budget of May 23, 1985 about the desirability of a fixed date for delivering the budget. This committee had reached that conclusion during its deliberations on restructuring the committee system and as a result of our visit to the Bundestag in Bonn and the National Assembly in Paris.

A budget handed down on a fixed date during the supply period in which January occurs would be of great benefit to members concerned with the review of government finances and to the public at large. This is but one of the reforms essential for more effective review of government spending.

In keeping with our discussion of the powers of standing committees, we have concluded that a new method for dealing with the estimates has to be devised to make the procedure whereby the House grants supply to the government a meaningful operation.

4.7 We recommend that the main estimates tabled in the House of Commons be deemed referred to the appropriate standing committees for review without the need for a specific resolution of the House. The committee to which each estimate is referred should be decided by the liaison committee of chairmen (see Recommendation 4.14). For a period of fifteen sitting days after receipt of the main estimates, each committee member would be allowed to submit no more than ten written questions to departmental officials per class of main estimates referred to the committee. Responses to these questions are to be received not later than May 1.

Under this proposal, if members of the committee were not satisfied with the answers they received, they would still have the opportunity, prior to the main estimates being reported back to the House, to re-call the minister or the minister's officials before the committee to respond orally to further questions or to clarify and expand on the answers previously received by the committee members.

4.8 We recommend that the Leader of the Opposition have the power to suspend the guillotine on the main estimates of a government department of his or her choice for a further two weeks beyond the date on which the main estimates are deemed to have been reported back to the House. The estimates of that department would stay in the appropriate committee, and questioning of the minister and/or departmental officials would continue. Under this provision the Leader of the Opposition would be required to give notice not later than three sitting days before May 31.

In addition, the House should have the opportunity for a meaningful debate on the main estimates.

4.9 We recommend that the motion to concur in the main estimates be the subject of debate on the last allotted day. This debate could be extended for a maximum of twelve hours beyond the normal hour of adjournment. At the end of the debate, the Speaker would put all questions necessary to dispose of the concurrence motion and all stages of the bill based on it.

Committees and Witnesses

As committees move towards closer scrutiny of government departments, it will become essential for them to know that their requests for witnesses to appear to answer questions will be enforced.

At present, when a summons issued by a committee to a witness is disobeyed, the committee, if it wishes to pursue the matter, must send a report to the House asking that the House order the attendance of the witness or order a reluctant witness to answer particular questions in the event of a refusal to answer when ordered by the committee.

Witnesses that still refuse to obey the order of the House can be declared in contempt of the House. The penal jurisdiction of the House empowers the House to impose a formal reprimand or to commit the offender to jail for a period not exceeding the remainder of the session. The problem with this procedure is that the former alternative does not properly address the problem, while the latter is such a drastic alternative that it has been used only once in our parliamentary history.

4.10 We recommend that legislation be introduced empowering the House of Commons to impose a fine for contempt of Parliament.

Ministerial Responsibility

The individual responsibility of ministers concerns the administration of their departments. It is no longer reasonable that a minister be accountable or responsible

when, through no fault of the minister, senior officials misuse or abuse their powers. Our first two reports dealt to some degree with the issue of ministerial accountability. Proposed changes to the committee system recommended in this report should result in more appearances of ministers before committees, and committees should be better prepared to question ministers and their officials. All of this is designed to give members more tools with which to hold ministers accountable. The question that remains, however, is what the extent of a minister's accountability should be.

The idea of a minister being responsible for everything that goes on in a department may once have been realistic, but it has long since ceased to be so. A minister cannot possibly know everything that is going on in a department. The doctrine of ministerial accountability undermines the potential for genuine accountability on the part of the person that ought to be accountable — the senior officer of the department.

We have heard many arguments that a new doctrine of deputy ministerial responsibility relating exclusively to matters of administration should be established. In this context administration includes policy implementation. Such a doctrine would set out the obligations of senior public servants and include the obligation to testify before parliamentary committees on matters of administration. Under this system, the testimony of deputy ministers before committees would be an everyday occurrence. Furthermore, regular open contact between the senior public service and Members of Parliament should lead to a more realistic understanding of administrative practices and more precise pinpointing of accountability. This is not to suggest that under such a system ministers would not be involved in administrative issues or cases. Obviously they will and should be. Where ministers do involve themselves directly in administration, it follows that they will be accountable for their specific decisions. Moreover, they will continue to be held accountable in Parliament by traditional means. Deputy ministers will also continue to offer policy advice, as they do now, when requested.

This concept of deputy ministerial responsibility for administration is only a slight modification of traditional parliamentary government. It will not always be easy to draw a distinction between policy, for which the minister should be accountable, and the matters that fall within the administration of a department. Nevertheless, as long as there is a reasonable likelihood that this distinction can be made in most cases, it is worthwhile to draw the line.

4.11 We recommend that all ministers co-operate with committees exercising their expanded mandates by making available public servants that may be called to testify before a committee.

Drafting Legislation

The present method of drafting legislation is long and arduous. It begins in departments and winds its way through various interdepartmental and cabinet committees before finding its way to the House of Commons. Standing committees should be able to play an important part in influencing policy through the legislative process.

Parliamentary committees should become critical components in the consultation process that takes place before legislation is introduced. This would enable groups and

individuals to meet, to place their views on the public record, and to examine and react to each other's views. Experts and concerned parties should also be permitted to comment on the subject matter of bills. A minister would then have a wider choice of advice on proposed legislation.

At present, clause-by-clause examination takes place in committee after second reading when the principle of the bill has already been decided. Under our proposal, the government could choose to hear public reaction *before* second reading stage. An additional benefit would be that second reading would become more focused and less protracted if members were more familiar with the contents of a bill they had examined in committee prior to second reading. This could be accomplished if governments adopted the practice of referring some bills to standing committees after first reading.

More use could also be made of existing Standing Order 72(1) which allows, as an alternative procedure for introducing bills, a motion to appoint a committee to prepare and bring in a bill. Such an order of reference could be given by the House upon adoption of a motion presented by a private member, during private members' business, to have a committee bring in a bill on a particular subject. The committee could then prepare the bill which, once reported to the House, would be deemed to have been given first reading and would proceed through the normal process. After second reading the bill would go to a legislative committee.

4.12 We recommend wider use of parliamentary committees to review draft legislation, to conduct general inquiries when policy choices have not yet been made, and to bring in draft bills.

Presentation of Committee Reports

Once committee reports have been prepared, we believe there should be a better method of bringing them to the attention of the House of Commons.

4.13 We recommend that members tabling committee reports in the House be permitted to give a short description of the recommendations contained therein.

The time allowed for such presentations would be at the discretion of the Chair. This procedure would not replace the present rules relating to concurrence.

Co-ordination Among Standing Committees

At present, there seems to be no co-ordination or formal communication between the chairmen of committees on the matters being studied by them. Matters such as the presentation and debate of reports to the House should be co-ordinated so that the maximum amount of public awareness can be gained for this important work. With more frequent use of the power to carry out studies on matters emanating from the review of annual reports and the broad mandate given to committees, it will become important for committees to avoid duplicating the work of other committees. This could be accomplished by establishing a liaison committee of standing committee chairmen.

4.14 We recommend that the chairmen of standing committees constitute the liaison committee of chairmen.

Budgets and Staff for Standing Committees

A theme of our first two reports was to put members firmly in control of House affairs while increasing the effectiveness of the House through improvements to the committee structure. Our First Report recommended that standing committees be given staff and be required to submit budgets. Taken together with our other recommendations, these changes will create a markedly different operating environment that will require new management approaches and techniques.

Along with their expanded role and authority, standing committees will have greater responsibilities for performing that role and for the financial resources entrusted to them. This new environment will place a premium on the management skills of committee chairmen. The following recommendations attempt to balance the often conflicting goals of allowing maximum independence while maintaining accountability for resources. They set out a management strategy to deal with the significant issues raised by our First and Second Reports. Other less significant issues have been left to the Board of Internal Economy to address.

In proposing that committees be allocated fixed budgets, this committee hopes that by adopting a sound budgeting system, as well as the ancillary systems and structures that would have to support it, committees will greatly enhance their operations and, in so doing, improve the opportunities for members to perform their duties effectively.

The recommendations set out below are designed to achieve the following objectives:

- to make committees independent by virtue of an approved budget and the authority to act within it;
- to establish a management structure within which the House can be assured that committees are operating efficiently and effectively; and
- to identify some of the mechanisms necessary for the Board of Internal Economy to do this on behalf of the House.

A budget is simply the detail associated with a plan of action. In this regard some committees will not know what their plan is until they have been in operation for some time. Some standing committees may have a reasonable idea of what their financial requirements will be from year to year, but this may not be true for all committees. Our proposal should apply to both circumstances.

4.15 We recommend that, at striking, each committee be advanced a preliminary sum of money to undertake planning and organization.

For committees with limited financial requirements, this sum could see them through all their activities. This advance should not apply to sub-committees of standing committees, as these will be part of the main committee and should therefore be financed from its budget. In this way the House, the Board of Internal Economy, the

Striking Committee and the administrative units of the House will know the financial implications of committee activity. To remove any financial uncertainty concerning this advance, committees should be precluded from exceeding their advances. This will require close scrutiny by the comptroller and strong budget control on the part of committees.

As set out in our First Report, the Board of Internal Economy will become the focus of financial management in the House of Commons; therefore this should be the place for budget approval. Each committee that is likely to exceed its advance would have to submit a budget for Board approval. This will make for three general types of budget submissions: annual budgets for ongoing committee activities; project budgets for special activities not foreseen or mandated at the time of main estimates; and supplementary submissions for funds in addition to funds already allocated.

Initially the Board will probably have difficulty determining the appropriateness of budget submissions, but in time it will be possible to forecast how much a given type of study or committee activity should cost. The Board will therefore require advice on the appropriateness of proposed budgets as well as on the myriad financial, management and policy issues that will arise by virtue of the Board's position as the focus of management decision making in the House. The source of this advice should be independent of the committees and line units making budget submissions so that the advice is impartial and the Board controls its own direction.

4.16 We recommend that the Board of Internal Economy establish a small secretariat to support its activities.

The secretariat should function like the Treasury Board Secretariat does in relation to the Treasury Board. It could provide policy advice, monitor implementation of Board directives and advise the Board on budget submissions. The secretariat would also be able to manage the flow of paper to the Board, keep minutes, and prepare briefing papers and other information the Board requires.

With a strong Board of Internal Economy in place, committee budgets will be subject to thorough review. After that review, and if approval is granted, the Board would delegate the authority necessary to expend the funds to the committee chairman.

4.17 We recommend that committee chairmen be given full signing authority for spending funds within their committees' approved budgets, subject to any restrictions the Board may set out in policy directives.

At present the *Financial Administration Act* delegates this authority to the Speaker. An amendment to the legislation will therefore be necessary to place the Board in a position to be able to delegate to committee chairmen.

Responsibility for controlling committee budgets will reside with committee chairmen, supported by the systems and procedures put in place by the comptroller. The format of annual and project budgets will need to be standardized to meet the reporting requirements of the central financial system. With committees established as full responsibility centres, financial reports will gain importance. Similarly, the comptroller will need systems to ensure that committees stay within their budgets and comply with policy established by the Board.

4.18 We recommend that the Board of Internal Economy direct the comptroller to develop committee budget input, control and reporting systems for review and approval by the Board prior to implementation.

With committees operating as responsibility centres there will also need to be periodic assessments of their success in meeting their objectives. Obviously, committees are ultimately responsible to the House, but short of this there is no system to evaluate their performance. There are two options for establishing this vital link in the accountability cycle. Committees could submit annual reports of activities and expenditures to the House for review, or the House could delegate responsibility for this function to a person or group.

Given the heavy demands on time in the House, the first option would likely result in little or no scrutiny. But without some type of assessment, operational reports from committees would not serve a useful purpose. The second option is therefore to delegate the review function to the Board of Internal Economy. The Board would then be able to synthesize the results reported by all committees and report them to the House along with the financial detail it thought appropriate. The Board is the logical place for this to be performed, because all political parties would be represented and there would be a good link to the financial environment within which budget allocations would be made. In this way, the Board would be able to oversee the entire management cycle within which committees operate.

4.19 We recommend that the Board of Internal Economy table in the House of Commons a detailed annual report on the expenditures and activities of committees.

The size of the budget a committee receives will depend on what is expected of it and how much is available. These will be the central questions in the system of budgeting. In designing a workable system, this will have to be taken into account, as will the basic question of where decision-making authority resides.

Standing committees will have broad mandates to investigate policy and expenditure issues. How they choose to do this will be at their discretion. Over a period of years, the appropriate funding levels for the various committees will become apparent, but setting first- and second-year budgets will be a problem for both the committees and the Board of Internal Economy. In approaching this question, the committee considered several options before reaching a recommendation.

4.20 We recommend that the liaison committee of chairmen set the budget level of each committee within an overall financial ceiling set by the the Board of Internal Economy. Assigned budget levels would include an amount for ongoing operations and an amount for special projects. Once their budget levels had been assigned, committees would draw up detailed budgets and submit them to the Board for item-by-item approval.

In addition to the direct benefits of this recommendation, it would allow the Board of Internal Economy to undertake the other work on its agenda without getting into confrontations with committees over the substantive basis of the projects brought forward.

The items that will actually appear in a given committee's budget will depend on its terms of reference, the type of committee it is, and its projected level of activity. The requirements of a given committee for staff, travel funds, office space and other items will depend on the volume of work before them. A committee's budget should cover items over which the committee exercises discretion, as well as the cost of services influenced by its activities, while at the same time remaining simple to understand and easy to operate within.

It is far too early to say precisely what each standing committee will require in the way of a budget. Much of this will be decided by the budget reference level allocated by the liaison committee of chairmen. Although specific amounts cannot be set now, principles to guide the process can be identified. We suggest the following principles:

- Committees should be the ultimate decision makers on the size and type of staff they need.
- Committee budgets should reflect *all* expenditures they are likely to incur.
- Committees should be able to decide how they will approach a given topic.
- Committees could create sub-committees for specific purposes, but we would warn against the danger of overburdening the system with a proliferation of sub-committees.
- The Board of Internal Economy should establish global financial policy, including such items as allowable per diem rates, methods of travel, standards of office accommodation, and general standards of services supplied by House services units.
- Systems and procedures should be designed so that cost control reflects the unique parliamentary environment.

Given the higher level of committee activity, there may be a need for more staff. How this is to be supplied is an open question. This committee received various submissions and comments advocating a number of sources for this staff — the Library of Parliament, the House of Commons, the Parliamentary Centre, the Auditor General, the Economic and Science Councils — or, alternatively, building permanent staffs around the committees. Other potential sources of staff include private consultants, government departments and the academic community. To tie committees to one source at this point would do a disservice by limiting flexibility and reducing the chance for innovative staffing alternatives to emerge as each committee addresses its own requirements.

4.21 We recommend that each standing committee be given a research budget, which it could then use to purchase the research services it requires within the limits set out in the financial policies of the Board of Internal Economy.

To be accountable a committee must have both the responsibility and the authority to choose its staff and organization. As well, it is reasonable to expect that committees will develop a working knowledge of the researchers available in their subject areas and an assessment of the relative value of their services. The House recently appointed an interim research co-ordinator whose job is to advise committees on acquiring appropriate research services. This advice will no doubt be of assistance as committees establish themselves and attempt to identify their staff needs.

On our visit to Westminster, we were impressed by the tradition whereby professionals lend their expertise to parliamentary committees at modest cost. Given our recommendations to increase the powers and enhance the prestige of committees, we would hope that a similar tradition would develop in Canada.

Conclusion

If the recommendations proposed in this chapter regarding the role, powers, structure, membership and management of standing committees are adopted, we believe the House of Commons will undergo a major transformation. No longer dominated solely by the government's agenda, and led by strong chairmen and active private members, committees will become influential and important in their own right.

CHAPTER V

The Scrutiny of Order-in-Council Appointments

We would like members of a committee or Members of Parliament to be told: you have an important role, you must make a choice or help the Prime Minister to make a choice. I am not sure that the Prime Minister would be opposed to this because it must be a heavy burden to have to choose all those people without attracting criticism. Is it a good decision? Is it a good appointment?

Lise Bourgault, MP
Argenteuil-Papineau

One of the turning points in parliamentary democracy was the victory secured by the Commons over the Monarch in the choice of ministers to advise the Crown. Most aspects of the Crown's prerogative are now exercised on ministerial advice for which the ministers and the cabinet as a whole are answerable to Parliament.

With the expansion of government, many new public offices were created and are filled by order in council. It is impossible to tell the exact number of such appointments, but they run into the thousands, and in virtually all cases there is no requirement for parliamentary approval. Order-in-council appointments can be divided into several categories, including officers of Parliament, officials reporting to Parliament, judges, ambassadors and high commissioners, senior public servants, senior executives and directors of Crown corporations, and members of regulatory boards, tribunals and agencies.

Successive prime ministers have come under increasing criticism regarding their nominations to some of these offices. We believe it is in the long-term interest of everyone (prime ministers, opposition parties, private members, and the individuals appointed) to find a mechanism whereby MPs and others can have some role in this process without contradicting any fundamental principle of our system of government.

In the course of our hearings we asked many witnesses about scrutinizing order-in-council appointments. All agreed it was a difficult problem for both members and ministers, but none came up with any positive suggestions as to how we might proceed.

Our discussions on this matter reflected the difficulties involved and required much give and take on all sides. We believe, however, that our proposal will be acceptable to all parties and will enhance the role of Parliament.

Lessons of the American Experience

In Washington we had an opportunity to learn about the American process of advice and consent for presidential appointments. That procedure (in which the House of Representatives plays no part) provides for certain nominations to be sent to the Senate committee with jurisdiction in the area concerned. The committee usually considers the matter in public but can, by majority vote, decide upon closed hearings. In this case all subsequent proceedings on the nomination take place *in camera*. Following hearings to consider the suitability of the nominee, the committee reports to the Senate. The final question to be decided is "will the Senate advise and consent to the nomination?". If no decision is taken by the end of a session, the president has to renew the nomination the following session. Statistically the number of direct refusals by the Senate is minuscule, but some nominations have been withdrawn or remained unconfirmed for various reasons.

One criticism of the American system is the large number of appointments that can, theoretically, be considered. The Constitution gives advice and consent power to the Senate in relation to the appointment of ambassadors, cabinet members, and judges of the Supreme Court. In addition, many statutes provide for advice and consent procedures for appointments and promotions of officials at many levels of the public service and in boards and agencies.

Another criticism is that the intensity and thoroughness of scrutiny varies from committee to committee. Most have no written standards, so nominees are not subject to the same degree of review, although it is usual for committees to assess each appointment within their jurisdiction according to some standard criteria. The Committee on Governmental Affairs, for example, has adopted a general guideline stating that

> the committee shall recommend confirmation upon finding that the nominee has the necessary integrity and is affirmatively qualified by reason of training, education, or experience, to carry out the functions of the office for which he was nominated.

Some committees require background information on nominees, such as a financial statement, a biographical sketch and a security clearance. The Committee on the Judiciary has a special staff to investigate nominations. The Committee on Governmental Affairs designates a chief investigator and a minority investigator and assigns them specific tasks relating to nominees. Some committees prepare written questions to be answered by nominees at their hearings. Most require a certain period to elapse between the nomination and the commencement of the hearing. They also impose a time limit on the duration of the hearing. It is rare, however, that a committee will file a report on a nominee, and the absence of reports has also led to some criticism of the process.

The main problems with the American system can be summarized as follows: too many appointments are subject to the process; committees tend to hold hearings only on appointments where they are likely to obtain publicity; and some qualified men and women may be discouraged from accepting public office because of the confirmation process.

These problems could all apply to Canada if we adopted a confirmation process. In addition, it could be perceived as removing from cabinet the appointment power, which is constitutionally fixed with the executive. Furthermore, if appointments came to be considered tests of confidence, the procedure would actually increase party discipline, which is the opposite of what this committee has recommended.

House of Commons scrutiny of *all* order-in-council appointments could lend some relatively minor positions an unwarranted importance. On the other hand, if only a few appointments are to be subject to scrutiny, what criteria will be used to distinguish between those that are scrutinized and those that are not? Would such a distinction make non-scrutinized appointments seem even more independent and, therefore, less accountable?

While anticipating such objections, we believe that the potential benefits of a confirmation process would outweigh the problems. It should result in greater prior consultation by governments to avoid embarrassment. This type of informal mechanism is the hallmark and strength of responsible government. Parliament's traditional relationship with the executive comes not only through approval, rejection or alteration but also through the deterrent effect of bad publicity. The House of Commons exists to represent the people of Canada, to legitimize the rule of the executive and to hold the government accountable. It must receive the tools to pursue that mandate. One of those tools is the scrutiny of government appointments.

Review of Appointments by the House

In proposing a method of reviewing executive appointments, we are guided by the following principles:

- The primary purpose of a nomination procedure is to seek out and facilitate appointment of the best possible people.
- It is vital to the health of a political system that the public come to look upon public appointments as more than political patronage.
- Notwithstanding the aforementioned principles, there are good reasons for excluding certain appointments from any political scrutiny process at this time.
- Other appointments warrant different degrees of scrutiny, and for each category we recommend a specific process.

Deputy Ministers

Although deputy ministers have great power, they can be closely scrutinized by their ministers who are accountable to Parliament. Nevertheless, most deputy ministers exercise wide discretion, and their predisposition to administer in a given way will affect the direction of their departments. Given the expanded role of standing committees in

examining government operations, the appointment of a new deputy minister is a significant event, the implications of which should be subject to question by the appropriate standing committee.

5.1 We recommend that when an individual is appointed to the position of deputy minister of a department the appropriate standing committee have the power to call the appointee for public questioning on such matters as it deems appropriate.

This questioning would not have to be restricted to administration. However, to avoid the possibility that an appointee would be asked to disclose ministerial confidences, we suggest that this committee appearance occur as soon as possible after the appointment.

5.2 We recommend that the name of the person appointed to the position of deputy minister of a department be laid upon the table of the House of Commons immediately upon the appointment being made. The appropriate standing committee may call the appointee for questioning on matters relating to the appointment within thirty sitting days of tabling.

This would be sufficient authority for the committee to conduct an inquiry as to the appropriateness of the appointment. The committee would have ten sitting days from the commencement of its inquiry in which to complete its work and report to the House.

Crown Corporations

We recognize the need for the varying degrees of independence enjoyed by Crown corporations. Although they are responsible to the House through their financial statements, as is any corporation to its shareholders, there is often no opportunity to hold a particular minister directly accountable. For this reason it is important to give members of the House an opportunity to comment on appointments at the time they are made.

5.3 We recommend that all order-in-council appointments to Crown corporations be subject to the same procedure as for deputy ministers.

Regulatory Agencies

Regulatory boards, tribunals and commissions adhere to no uniform structure. A 1980 study by the Law Reform Commission of Canada classified regulatory bodies according to the extent (or absence) of executive control over their decisions. Because of the diversity of regulatory bodies, this task is extremely difficult. It is rendered even more so by the fact that what is provided for by statute often is not translated into practice.

Nevertheless, we believe it is possible to identify several regulatory agencies that are involved in substantive policy making and over which the executive has little control. In keeping with the report of the Law Reform Commission, we believe these to

be the Canadian Radio-Television and Telecommunications Commission, the Canadian Transport Commission and the National Energy Board.

Individuals appointed to these agencies decide what we can watch on television, how we travel and what we will pay for it, how much petroleum is produced and who will produce it, and numerous other matters that affect the daily lives of all Canadians.

Because of the influence of these agencies and their distance from ministers, we believe the procedure for order-in-council appointments to them should require not only that names be submitted to the appropriate committee of the House of Commons, but that an adverse report from the committee should constitute a veto of the nomination. In our system of responsible government, which operates by precedent and unwritten understanding, we do not believe that legislation, such as a Crown appointments act, is necessary, although that might be considered in the future.

5.4 We recommend that the names of nominees to the Canadian Radio-Television and Telecommunications Commission, the Canadian Transport Commission and the National Energy Board be laid upon the table in the House immediately upon nomination. Nominations would then be deemed automatically referred to the appropriate standing committee for a period of thirty sitting days after they have been laid upon the table. During that period the committee can hear witnesses or call a nominee for questioning. If the committee does not report to the House during the thirty-day period, a nomination would be deemed automatically approved by the committee. Should the committee report negatively on a nominee within the requisite time period, it would not be considered a matter of confidence, but the government would be obliged to withdraw the nomination.

House of Commons Officers

In the case of House of Commons officers, such as the Clerk and the Sergeant-at-Arms, we believe appointments should be submitted to a committee of the House.

5.5 We recommend that nominations of persons to be appointed by order in council to serve the House of Commons be deemed automatically referred to the Standing Committee on Government Operations and be subject to the same approval procedure as applies to nominees to regulatory agencies (Recommendation 5.4).

Other Officials

Several officials appointed by order in council are responsible to the House or to Parliament. Among others, these are the Chief Electoral Officer, the Auditor General, the Privacy Commissioner, the Information Commissioner, the Human Rights Commissioner, the Commissioner of Official Languages, the Parliamentary Librarian and the Associate Parliamentary Librarian.

5.6 We recommend that all nominations of officials reporting to the House of Commons or to Parliament be submitted to the appropriate standing committee and be subject to the same approval procedure as applies to nominees to regulatory agencies (Recommendation 5.4).

Conclusion

In making recommendations regarding scrutiny and confirmation of certain appointments, we are heading into uncharted waters. If our recommendations are accepted and if they work well, the House may consider extending the confirmation process to other regulatory agencies or to appointments to Crown corporations. If the procedure does not work or is used as a means of tying up committee proceedings, then we will have misread and misunderstood the desire of our colleagues to pursue genuine reform of the House of Commons.

We urge members of the House not to conclude that scrutiny of appointments will ever be more than a partial answer in Parliament's continuing struggle to hold the executive accountable. The size, scope and complexity of the modern state mean that individual ministers, as well as private Members of Parliament, are in constant danger of losing control over the direction of public policy. They must use every means at their disposal to prevent this.

Of all the subjects the committee considered, this was by far the most difficult. But it is also the one that holds the most potential for the kind of change we believe members of all parties desire. We have heard repeatedly about the need for new attitudes towards Parliament. However, unless imaginative new procedures are put in place, little progress can be made in developing new attitudes.

CHAPTER VI

The Review of Delegated Legislation

Parliamentary control of delegated legislation is not possible unless there resides in the Houses of Parliament a power to disallow such legislation.

Hon. Eugene Forsey, PC

Parliament has an obligation to ensure that no legal requirements are imposed on Canadians except those that Parliament itself has approved or authorized the executive to enact. Although Parliament delegates to the executive the authority to make laws, it is still Parliament's duty to hold the executive accountable for the exercise of that authority.

Through the Joint Committee on Regulations and other Statutory Instruments, Parliament has given itself the means to scrutinize delegated legislation, but a great deal remains to be done to assure effective parliamentary control.

Having recommended the introduction of legislative committees in our First Report, we urge these committees to review in particular the enabling clauses in bills, that is, those clauses that grant the executive or government agencies the authority to make subordinate legislation. Committees may wish to bring to the attention of the House that a particular enabling clause is too vague, grants unnecessary law-making powers, or may authorize the making of retroactive regulations. The legislative committee studying a bill might also wish to suggest that the Joint Committee review the entire enabling clause.

We are also concerned that many regulations contain matters of policy that are never debated in the House of Commons. We therefore suggest that all standing committees use their mandates to review the policy and merits of statutory instruments made pursuant to legislation for which they are responsible. This review could be carried out by a standing committee on its own initiative or at the suggestion of the Joint Committee on Regulations and other Statutory Instruments. Such a policy review by standing committees is important because of the tendency of governments to present to Parliament general legislation pursuant to which the executive adopts regulations containing the real substance of the law.

We realize that Parliament, through the Joint Committee, achieves a good measure of scrutiny of subordinate laws, but it is now time for the House of Commons to give itself the means to make the scrutiny more meaningful.

6.1 We recommend that the House of Commons adopt a mandatory procedure for affirming or disallowing delegated legislation and regulations made pursuant to an act of Parliament.

6.2 We recommend that all delegated legislation and regulations made pursuant to an act of Parliament be referred to the appropriate standing committee of the House of Commons in addition to being referred to the Joint Committee on Regulations and other Statutory Instruments.

The joint chairmen of the Standing Committee on Regulations and other Statutory Instruments made submissions to this committee. They recommended adoption of disallowance and affirmation procedures by both the Senate and the House of Commons. These recommendations, which are set out in Appendix 3, provide a framework for the kind of procedure we envisage.

Adoption of our recommendations by the House of Commons will limit the discretion of the executive and will provide the House with a check not only on legislation but also on the exercise of ministerial discretion in the making of subordinate legislation.

CHAPTER VII

Procedural Reforms

We should have in place a system whereby private members' bills would have to clear a series of hoops to make them come out the other end at a much higher level of quality. Then any private member's bill that comes through that process, that trial by fire, would have a resolution. It would have a vote. Also, those private members' bills should be able to allow expenditures or spending of public funds.

Albert Cooper, MP
Peace River

In addition to restructuring committees and giving them increased powers, it is essential for the enhancement of the House of Commons and the role of the private member that certain procedural reforms be made. These include greater disciplinary powers for the Speaker; making the petitioning of the House by the public a more meaningful exercise; creating a means whereby more private members' bills come to a vote; reorganizing the order of business in the House; and limiting the number of written questions while requiring that they be answered within a certain period.

Taken together, these changes constitute a major reform. We believe they will lead eventually to a redefinition of the House as a place for serious discussion of political issues by elected representatives.

Disciplinary Powers of the Chair

Having previously recommended that the Speaker be elected by the House by secret ballot, we now consider whether the disciplinary powers of the Chair should be clarified and strengthened. Under the present Standing Orders, the only sanction available to the Speaker in cases where disorder arises is to "name" the offending member. The normal practice after a member is named is that the government house leader moves a motion to suspend the offending member. The period of suspension usually proposed is the remainder of that day's sitting, which is a very mild penalty. A recorded division almost invariably takes place when the motion is put to the House.

The Chair is vulnerable under this procedure for two reasons. First, the government house leader is under no obligation to move a motion for the offending member's suspension. Second, if the motion is made, the House is under no obligation to adopt it. A failure to follow through on the naming of a member would lead to a serious undermining of the Speaker's authority. The Standing Orders make no provision for two sanctions that are available to the Chair in many other parliamentary jurisdictions. We believe they should be adopted by the House.

The first would empower the Speaker to order a member that consistently defied the authority of the Chair or was otherwise grossly disorderly to withdraw from the chamber for the remainder of the sitting. This power would enable the Speaker to deal with an offending member without having to resort to a motion of the House and would involve a lesser sanction than that implicit in the naming of a member. The naming procedure would still be available to the Chair if the offending member refused to withdraw or persisted in his or her defiance.

In cases where the Speaker felt obliged to resort to the naming procedure, we believe there should be an obligation on the House to decide the issue of a member's suspension. The motion would be made by the government house leader or another minister of the Crown. The penalty proposed in the motion would be a specified number of days of suspension from the service of the House, the terms of the motion being determined by the member proposing it.

The risk that the motion might be defeated in the House would remain, but we see no way of avoiding this. We would hope that a majority of the members present would recognize the importance of sustaining the Speaker's authority.

The second power we wish to see conferred on the Speaker is the authority to suspend a sitting or to adjourn the House until the following sitting day in cases of grave disorder of a general nature. Circumstances can arise, fortunately only rarely, in which disorder is so general that it would be impossible to single out the offending members. In our view, the only way to deal with this kind of situation is to give the Speaker the authority to leave the Chair and allow the House to calm down. The Speaker would be empowered to suspend the sitting for a specified period or until a fixed time later in the sitting. Alternatively, the Speaker could adjourn the House until the following sitting day if this appeared to be the better course.

7.1 We recommend that the Speaker be empowered to order the withdrawal of a member for the remainder of a sitting and to suspend a sitting or to adjourn the House in cases of grave disorder.

7.2 We recommend that the proceedings consequent upon the naming of a member be set out in the Standing Orders.

The Report Stage

We believe that the report stage is not used constructively. The report stage was introduced into the legislative process as part of the procedural reforms implemented in 1968. One of the results of those reforms was the reference of the majority of bills to standing committees following second reading. The report stage was designed to

provide opportunities to members not involved in the committee stage of a bill to propose amendments when the committee reported the bill back to the House. Thus, an MP that was not a member of the committee dealing with a bill would not be deprived of the right to propose amendments. It was also designed to enable the government to introduce last-minute technical amendments. It was not envisioned, however, that the report stage should provide a means of reopening the entire committee proceedings.

The practice of using the report stage as an obstructive tactic has developed because of the frustration of the opposition parties with the manner in which controversial bills are frequently dealt with at the committee stage. The report stage has become, in the words of one member, a vehicle for vengeance, a method of retaliation against what is seen as a stubborn refusal by government to make any concessions to opposition views when amendments are proposed in committee.

The recommendations we propose regarding the report stage should be seen in the overall context of reform of the legislative process. It is our assumption that in future most bills will be considered in legislative committees, where adequate time will be devoted to clause-by-clause study and where opposition amendments will be given reasonable consideration. If these hopes are realized, there would be neither need nor justification to use the report stage in the manner in which it has been used in the past.

To expedite proceedings at the report stage, Standing Order 79(10) was incorporated in the report stage procedure. The Standing Order reads as follows:

> The Speaker shall have power to select or combine amendments or clauses to be proposed at the report stage and may, if he or she thinks fit, call upon any Member who has given notice of an amendment to give such explanation of the subject of the amendment as may enable the Speaker to form a judgement upon it.

Although successive Speakers since 1968 have used the power under the Standing Order to combine amendments, they have never used the power to select.

The power to select is also vested in the Speaker of the British House of Commons, where it is used extensively. The British Speaker has complete discretion in the use of this power although he exercises it through consultation and in accordance with certain principles. One principle is that an amendment disposed of in committee will not be selected unless it is one of exceptional significance that merits further discussion.

We believe that the report stage in our own legislative process should be neither a rehash of committee proceedings nor an opportunity for unlimited obstruction of a measure. We believe it should be a stage at which new amendments are proposed, including amendments to implement government undertakings. To achieve this reorientation of the report stage, no amendment to the Standing Orders would be necessary. What would be required is for the Speaker to use the power to select amendments under Standing Order 79(10).

We therefore conclude that the Chair should use the powers provided in Standing Order 79(10) in accordance with certain principles and with the benefit of consultation. An amendment disposed of in committee should not be revived unless it is of exceptional significance. Amendments ruled out of order in committee should not be

reconsidered unless there are reasonable grounds for doing so. Amendments proposed to implement government undertakings should be selected automatically. In selecting other amendments, the Speaker should seek guidance through consultation. The Speaker should determine, in consultation with the house leaders, which amendments are regarded as the most important from the party point of view.

The Speaker should also consult the individual members proposing amendments and use the power under Standing Order 79(10) to seek an explanation of an amendment. The Speaker should take into account whether a member could make the same points by speaking to another amendment rather than proposing a separate one. In general, the Speaker should consider the degree of support that amendments command, the significance of what an amendment seeks to achieve, the rights of the parties to propose the amendments they consider most important, and the right of individual members not to be overlooked in the selection process.

We recognize the significance of the power that Standing Order 79(10) places in the hands of the Speaker. This is no doubt why successive Speakers have hesitated to use the power to select without further direction from the House.

7.3 We recommend that the Speaker use the power under Standing Order 79(10) to select as well as combine amendments at the report stage.

Reorganization of Private Members' Business

One step needed to enhance the role of the private member is to change significantly the method of dealing with private members' business. The House does not attach any great importance to private members' business as it is now organized. This is evident from the fact that members are seldom greatly concerned to claim the priorities they have drawn in the ballot governing the use of private members' time, and this is largely because private members' bills and motions rarely come to a vote.

Our proposals are designed to achieve a number of improvements in the way private members' business is dealt with. They would tighten the conditions of the ballot, widen the scope of private members' legislation, and ensure that some private members' bills and motions come to a vote.

Our first proposal is to broaden the scope of private members' business by eliminating the rule that bills and resolutions containing financial provisions cannot be introduced unless a Royal Recommendation has first been signified. Although the Constitution provides that such a bill or resolution may not be adopted or passed in the absence of a Royal Recommendation, it does not prevent the introduction of such a bill or resolution prior to the signification of a Royal Recommendation. Standing Order 66(2), on the other hand, requires that such a recommendation accompany the introduction of the measure. The House could change this requirement of the Standing Order without violating the Constitution.

If this reform were implemented, a private member would be able to introduce a bill or resolution containing financial provisions, and debate could take place. In the event that the House gave the bill second reading or adopted the resolution, it would be up to the government to decide whether to allow the measure to proceed further by

sanctioning a Royal Recommendation. If none were forthcoming, we would recommend that the measure not be allowed to proceed further, for the simple reason that to do so would be a waste of time. The government would not lose its financial control. However, the proposal would allow a wide range of important private members' bills and resolutions to be debated and would oblige the government to declare its position on them.

To increase the importance attached to private members' business, members require a number of incentives. At present, any member can enter the draw whether or not he or she has a bill or motion to propose. We believe that to be eligible to enter the draw, a member should have ready a properly drafted bill or motion that is procedurally in order. We also propose that there be a series of draws. In the first instance, the members drawing the first twenty places in the ballot should be allowed to proceed with their bills or motions. All bills from members successful in the ballot would be introduced and given first reading. Having succeeded in obtaining a place, a member would be obliged to use it or lose it. In other words, the member drawing first place must use his or her opportunity; otherwise the position would be conceded to the member drawing second place, and so forth.

We also propose a system of multiple sponsoring. Any member supporting a bill or motion, up to a maximum of twenty members, would be able to add his or her name to it, thus providing an indication of the extent of support commanded by a measure. We would limit the number of sponsors to twenty to eliminate the possible danger that a large number of sponsors would be seen as an advance decision on a measure. Only the member in whose name the bill or motion stands would be able to move it, as is the case now, unless the House by unanimous consent, and with the consent of the member sponsoring the measure, allowed another member to do so. Multiple sponsoring would also eliminate the introduction of a multiplicity of bills dealing with the same subject. Members wishing to introduce bills or motions substantially the same as one already on the *Order Paper* would be told that this was out of order, but that they could add their names to the existing bills or motions provided the number of sponsors did not exceed twenty.

Of the twenty bills and motions emerging from the first ballot, a maximum of six should be allowed to come to a vote in addition to any on which the House might be able to reach a decision after not more than one hour of debate. A committee of six private members, drawn proportionately from all parties represented in the House, would be appointed by the Speaker. The chairman of the committee would be appointed from the chairmen's panel — which we recommended in our First Report and which is shortly to be established — and would be completely neutral in conducting the committee's proceedings. The chairman would be in addition to the six members, and the chairmanship of the committee could be rotated from time to time among the members of the chairmen's panel. The committee could be called the Committee of Selection of Private Members' Business.

The committee would have a dual function. It would select the bills and motions that would come to a vote if not disposed of in the first hour of debate, and it would determine the number of hours of debate, to a maximum of five, to be allocated to all bills and motions selected.

Further draws would take place as the bills and motions drawn in the first ballot were disposed of. The number of places to be balloted for in subsequent ballots would be determined by the number of items already disposed of. Similarly, the number of items selected for a mandatory vote would equal the number of such items already disposed of. Bills and motions successful in the ballot but not selected by the committee would keep their place in the order of priority but would be dropped from the *Order Paper* after one hour of debate unless disposed of sooner. Those selected by the committee would be revived for debate during ensuing private members' hours. The bill or motion would be voted on at the conclusion of the time allocated or earlier if the debate were concluded prior to the expiry of the time.

To illustrate what would happen, let us assume that item #1 was selected following the first ballot as a measure that would come to a vote and had five hours of debate allotted to it. After its first hour of debate, it would come back to the House after the other nineteen priority items had also had their own hour of debate. It would subsequently return again, in its proper sequence, as often as necessary until it had received five hours of debate, unless it was disposed of earlier.

It is our confident expectation that the proposed committee would become a body of considerable prestige in the parliamentary process. In appointing members to the committee we would expect the Speaker to consult private members rather than house leaders, and it would probably be advisable to select members from among those not successful in the ballot. It can thus be anticipated that membership changes would take place from time to time, particularly following new ballots.

The committee would decide the criteria to be applied to measures selected to come to a vote and would have complete discretion in arriving at these decisions. Members sponsoring bills or motions would be invited to appear before the committee to explain or argue their cases. The significance of a measure would probably be an important criterion, although we would hope that the degree of support that a measure could command would not become an overriding factor in decisions. We would expect the committee to take account of less popular measures that nevertheless reflect significant minority opinion. We see the committee as one that would be politically impartial, its only bias being in favour of the rights of private members, regardless of party.

One of the committee's most important responsibilities would be to decide the number of hours to be allocated to a bill or motion. While it is difficult to lay down precise guidelines, we would expect that a non-controversial measure commanding general support would be brought to a decision after one or two hours of debate, whereas one of major impact and substance would probably require the maximum of five hours. These judgements can only be left to the proposed committee, but it would be expected to recognize that a bill or motion of major import could not be brought to a vote unless reasonable opportunities for debate had been made available.

A private member's bill that received second reading (excluding financial bills to which the Royal Recommendation had not been signified) would be referred to a legislative committee like any other bill, and no time limits would be applied to its passage through the committee. If and when reported to the House, two further hours would be made available if necessary for the report stage and third reading combined.

All votes necessary to dispose of the bill would be taken not later than two hours after the commencement of the debate on the report stage and third reading combined. To avoid any disruption of the normal parliamentary timetable, we recommend that the two hours of debating time, and any additional time that might be necessary for voting purposes, should commence at the moment of interruption of business on any sitting day, other than a Friday, designated by the proposed Committee of Selection of Private Members' Business for considering the measure concerned.

To increase the opportunities for participating in debates on private members' business, we recommend that the length of speeches during private members' hour be reduced to ten minutes.

7.4 We recommend that the organization of private members' business be reformed in accordance with the following provisions:

a) The introduction of a private member's bill containing financial provisions would be admissible. A second reading debate would take place on such a bill but it could not proceed beyond second reading unless a Royal Recommendation was signified.

b) No member could enter a draw for private members' business unless he or she was ready to present a properly drafted bill or motion.

c) A series of draws for private members' bills and motions would take place throughout a session. The first draw would be for twenty places, and the successful members would be required to proceed with their items of business at the appropriate time or lose their priority. Subsequent draws would take place as items of business were disposed of, the number of places balloted for being equal to the number of items disposed of.

d) Any member supporting a bill or motion, to a maximum of twenty members, would be able to add his or her name to it. No member could introduce a bill or motion substantially the same as one already on the *Order Paper*.

e) A Committee of Selection of Private Members' Business would be appointed consisting of six private members nominated by the Speaker and a chairman appointed from the chairmen's panel. This committee would select six bills and motions from the twenty items successful in the first ballot as items that would come to a vote if not disposed of in the first hour of debate. It would also determine the number of hours of debate, to a maximum of five, to be allocated to all bills and motions so selected. Additional bills and motions would be selected by the committee from the items drawn in subsequent ballots, the number to be determined by the number of votable items already disposed of.

f) The committee would invite members sponsoring bills or motions to appear before them and present their arguments as to why their items should come to a vote.

g) A private member's bill that received second reading and successful passage through a legislative committee would be brought to a vote after two further hours of debate devoted to report stage and third reading combined. These proceedings would take place at the normal hour of

adjournment on any sitting day other than a Friday, the day to be designated by the proposed Committee of Selection of Private Members' Business.

h) The length of speeches during private members' hour would be reduced to ten minutes.

Petitions

Public petitions addressed to the House of Commons constitute one of the most direct means of communication between the people and Parliament. It is by this means that people can voice their concerns to the House on matters of public interest. However, despite the considerable effort spent preparing and circulating petitions to gather signatures, once they have been presented in the House and received, it is rare that further action is taken.

We agree that the right to petition Parliament is a fundamental right of the citizen and that petitions are an integral part of the process whereby the people of Canada speak to their elected representatives. However, the use that is made of this right gives us some concern. The procedure governing petitions should be defined more clearly to generate respect for the process and make it more meaningful.

There is a definite need to clarify the rules relating to petitions, to promote increased uniformity in their presentation and to ensure that they are acceptable by the House in terms of content. There should be guidelines concerning the form of the petition and the signatures placed on it.

We also believe that legitimate petitioners should be entitled to a response. In the British House of Commons all petitions that are in order are presented, and the Clerk of the House is directed to transmit them to a minister of the Crown. Any observations that a minister may make in reply to a petition are laid upon the table by the Clerk of the House and ordered to be printed as supplements to the *Votes and Proceedings*.

In the Legislative Assembly of Ontario, the Standing Orders specify that "the Ministry shall provide a response to a petition within two weeks of its presentation". This at least forces the government to take note of the content of petitions.

We also believe that members of the House of Commons should not be able to petition the House on their own behalf. As elected representatives, they have many opportunities to make their views known. They do not need the additional advantage of being able to petition the House.

7.5 We recommend that the procedure governing petitions be reformed in accordance with the following provisions:

a) Petitions must be examined as to form and content by the Clerk of Petitions before being presented in the House.

b) Petitions must be addressed to the House of Commons.

c) **A petition must contain a properly formulated request dealing with a matter within the authority of Parliament. The object of the request must be expressed in clear and precise language and need not contain the traditional archaic language.**

d) **Petitions can be written, typewritten or printed, but they must be free of erasures and interlineations.**

e) **The prayer of a petition must appear on every sheet if it consists of more than one sheet of signatures.**

f) **The signatures on a petition must be original signatures written directly on the petition and not pasted on it or otherwise transferred to it.**

g) **A petition must be signed by no fewer than twenty-five people that are not Members of Parliament.**

7.6 **We recommend that all petitions received by the House be referred to the minister acting as the government house leader, and a response should be provided by a minister of the Crown within two weeks of the presentation of the petition. The response should be laid upon the table by either the minister acting as the government house leader or the minister concerned.**

Emergency Debates

A frequent and legitimate complaint of private members is that the proceedings of the House of Commons do not always reflect the concerns of the community in a timely way. Events of major importance occur in Canada and although they may be raised during question period, they do not necessarily find their way to the floor of the main debating chamber of the nation.

The House has a provision for emergency debates. In his testimony before the committee, Mr. Speaker Bosley indicated that the present rule on emergency debates, with its open-ended time limit, lends itself to dilatory tactics. We believe this concern should be eliminated.

7.7 **We recommend that emergency debates be held between 8:00 p.m. and midnight, with speeches limited to ten minutes, except for the mover, who should be allowed twenty minutes. The provisions of Standing Order 8(4)(*a*) should be employed if the House wishes to continue the debate beyond midnight.**

We note that in deciding on the acceptability of a motion for an emergency debate, the Speaker is not bound to give reasons for a decision (see Standing Order 30(7)). However, the practice has developed of giving reasons. This has led to an accumulation of precedents that militate against the granting of emergency debates. We encourage the adoption of the practice of not giving reasons in the hope that it will permit the Speaker to grant more applications for the debate of real emergencies and thus provide the House with opportunities for timely debate on matters of concern to Canadians.

The Order of Business in the House

We have received many recommendations on the subject of the order of House business during a parliamentary day and have concluded that it is time to take a more rational approach to the order of business in the House.

7.8 We recommend that on Monday, Tuesday and Thursday after the opening prayer, the House deal with Routine Proceedings and, upon their conclusion, with the Orders of the Day. After the mid-day interruption, statements by members under Standing Order 21 would occur. These statements should be shortened from ninety to sixty seconds, so that more members can make them. This would occur until fifteen minutes after the hour, as at present, and question period would follow. At 3:00 p.m. the House would return to Orders of the Day.

The order of business for Wednesday and Friday would remain as it is now.

Written Questions

The *Order Paper* has become crowded with written questions demanding written answers from the government. As there is no time limit within which the government must respond and no limit to the number of questions a member can place on the *Order Paper*, this becomes a futile method of trying to elicit information from the government. In other legislatures we visited there is either a limit on the number of questions that can be asked, an onus on ministers to reply within a certain period, or both.

7.9 We recommend that a member be permitted to place no more than four questions on the *Order Paper* at any one time. The government, through the appropriate minister, would be required to respond to written questions within thirty sitting days of the date when the question was placed on the *Order Paper*.

To avoid the possibility that members would try to get around the four-question rule by asking questions containing numerous sub-questions, all written questions should be directed to the Clerk for close and careful scrutiny as to form and content.

7.10 We recommend that the Clerk of the House have the power to reject outright or to split into separate and distinct questions those questions that contain unrelated sub-questions.

Standing Committee Meeting Times

We are aware that our recommendations with regard to the committee system will place enormous demands on the time of members and, if not properly regulated, could interfere with the amount of time members devote to their duties in the chamber. The proposed legislative committees deal solely with legislation, which in many instances will have to be dealt with on a priority basis. These committees should be entitled to sit during periods when the House is sitting. However, if the new standing committees we have recommended were also to sit during this period, it would put severe strains on the chamber.

When the hours of sitting were changed in 1982, it was envisaged that members would take advantage of the House not sitting in the evening and use this period for committee work.

7.11 We recommend that standing committees not be allowed to sit during periods when the House is sitting, but should use the period from 9:00 a.m. to 11:00 a.m. and from 8:00 p.m. to 10:00 p.m. for their work while the House is in session.

The Prayer

We are of the opinion that the prayer now used in the House of Commons to open each day's proceedings does not reflect Canada's pluralistic society. Rather than recommend that a new prayer be devised to accommodate all religions practised in Canada, we believe that a different approach should be taken.

7.12 We recommend that the Speaker of the House be charged with inviting, on the advice of parliamentarians, representatives of Canada's various religious faiths to lead the House in a prayer appropriate to their faith, at the commencement of each day's sitting. We also recommend that the public be admitted to the galleries prior to the prayer.

Reports from Official Parliamentary Delegations

In recent years there has been an increase in the number of official parliamentary delegations travelling inside and outside Canada. The work of these delegations is important for Canada, and we are concerned that there is no vehicle by which these delegations can report on their work to the House of Commons.

7.13 We recommend that all official parliamentary delegations financed by the Canadian Parliament be required to report to the House on their work. Such reports should be tabled in the House during the period set aside for committee reports. Members tabling these reports should be permitted to give a short description of them.

Vacant Constituencies

If a member of the House resigns, dies or otherwise vacates his or her seat, the people living in the constituency are without a representative until a by-election is held. Under present Canadian law this vacancy can continue for a considerable period of time.

During our visit to Washington we were impressed with the American method of dealing with the problem. In the House of Representatives a vacant constituency is administered by the Clerk of the House. Some of the staff of the former member are retained and become temporary employees of the office of the Clerk. This assures a degree of continuity of services to those living in the affected district. A mechanism similar to that in effect in the United States House of Representatives should be instituted in Canada with respect to seats in the House of Commons that become vacant during the course of a parliament.

7.14 We recommend that, when a seat becomes vacant, the services provided to constituents continue under the auspices of the Clerk of the House of Commons. We recommend that two staff persons of the former member remain in the employ of the Clerk, one in the constituency office and one in the parliamentary office of the former member.

The Clerk should also have the authority to fill vacancies in these positions should they occur. This recommendation represents a temporary measure designed to serve constituents during a vacancy. It should in no way encourage the government to delay by-elections.

CHAPTER VIII

Administrative Reform

My feeling is that parliamentarians would be better served if there were a number of people who were not necessarily competing against one another to serve parliamentarians but complementing one another.

Hon. André Ouellet, PC
Papineau

Part of our mandate was to examine the funding, facilities and staff support available to Members of Parliament as well as the administration and management of the House of Commons. We made certain proposals regarding these matters in our First Report and we believe that the recommendations in this chapter will complement those suggestions.

In theory, Parliament could meet to transact public business with virtually no office staff for members and minimal support services. Some would argue that the public would be better served by part-time parliamentarians that kept their respective jobs and came to Ottawa for a few months each year when the House was in session. However, the trend of the past thirty years has been in the other direction. Longer sessions demand full-time legislators supported by staff in their Ottawa offices and constituency offices and by numerous services provided by House of Commons staff. As long as citizens demand and governments provide more programs and services, we do not believe reductions in the legislative branch should be contemplated. On the other hand, we have some concerns as to whether existing resources are organized in such a way as to facilitate implementation of our proposals in earlier chapters.

Administration of the House

In the last parliament, as the result of a study by the Auditor General, significant changes took place in the internal management of the House. Much of this went on without the direct involvement of members, and there were few opportunities for all members to participate fully in these decisions. We believe the legitimate right of members to control the House of Commons should be reinforced. For this reason our First Report proposed a Board of Internal Economy.

The Speaker, as Chairman of the Board, will continue to be involved in its operation. Over the past few years the Speaker has assumed an increasingly heavy administrative load and has come to been seen, incorrectly we believe, as a "Minister for the House of Commons". This description signals an incorrect concept of the Speaker's role in running the House. Members must not only run the House, they must feel that they are in charge. We place a high priority on restoring the pre-eminence of the House of Commons and of proceedings in the chamber. It is difficult to do this when its presiding officer has been removed to the back corridors to deal with administrative matters. As it evolves, the Board of Internal Economy might find it useful to examine the systems used in the Federal Republic of Germany and in France. In both countries much of the administrative burden is borne by members other than the Speaker. The presence of the Deputy Speaker on the Board of Internal Economy could be a vehicle the Board might wish to consider.

8.1 We recommend that the Board of Internal Economy examine the administrative systems used in the Bundeshaus of the Federal Republic of Germany and the National Assembly of France.

The roles of the permanent officers of the House have also undergone changes. In our Second Report, for example, we recommended that the office of Parliamentary Intendant be created. We wish to make clear, however, that the Sergeant-at-Arms will continue to be responsible for security within the parliamentary precincts.

The Clerk of the House has concentrated more and more on the procedural sector, and we understand the need for such expertise in the House. The role of the Clerk of the House of Commons should be one of leadership and inspiration for all employees of the House. For this reason the Clerk of the House must be, and be seen to be, the principal permanent officer of the House, accountable to it, and its bodies, for operations of the House of Commons.

8.2 We recommend that the Clerk of the House of Commons have ultimate responsibility for the administration of the House.

Changes recommended in this report will significantly alter the operation of the House of Commons and its committees. They will place new, and in some cases unforeseen, demands on House staff. For example, our proposals for committee budgets and staff will present new challenges to those providing services to committees. The management of committee budgets will take on a new significance. The role of the committee clerk will change. Different skills and knowledge will be required to staff each type of committee. Procedural expertise will be needed for legislative committees, but managerial skills will be essential for the new standing committees. Because the roles of legislative and standing committees are completely different, it will be necessary to analyze carefully what their staff and organizational needs will be.

8.3 We recommend that the Board of Internal Economy commission a study of the organization and staff resources required to implement the changes we propose in the committee system.

Law Clerk and Parliamentary Counsel

The legislative committees will need additional assistance. In a joint submission the Canadian Bar Association and the Law Reform Commission of Canada drew our attention to the lack of adequate legal services for committees. For some years the Office of the Law Clerk and Parliamentary Counsel has been unable to meet fully the requirements of members. Levels of pay have been less than those of the Department of Justice, making recruitment difficult.

We believe that the Board of Internal Economy should be the guarantor of adequate legal services for members. The Law Clerk and Parliamentary Counsel should be responsible to the House and its agent, the Board of Internal Economy, for providing full legal services for the House and its members. Private members' business will take on new importance, and bills must be drafted in proper form. Legislative committees must have assistance in examining and amending bills. From time to time standing committees will require legal assistance in conducting inquiries or drafting proposed legislation. Many of these requirements cannot be met entirely from permanent staff, and the most appropriate method of doing so should be identified.

8.4 We recommend that the Board of Internal Economy study the new role of the Office of the Law Clerk and Parliamentary Counsel with a view to increasing its permanent staff and to adjusting their rate of pay to that available in the Department of Justice. In making this recommendation we also recognize that the Office of the Law Clerk and Parliamentary Counsel should be authorized to recruit and co-ordinate temporary assistance as necessary to fulfil its new roles.

Co-ordination of Services for Members

We have made recommendations that will require additional staff and services. We have also heard from officials of various branches of the House arguing that they need more personnel to fulfil the requirements of members. This may well be correct. But before hiring additional staff we believe it is important to know whether existing services are organized and being used as efficiently and effectively as possible.

There appears to be little co-ordination and consultation among the three administrations that make up the parliamentary establishment (the Senate, the House of Commons, and the Library of Parliament). We have not made a complete survey, but it appears that there is duplication of effort in office automation, research, administration and other service areas. Could existing resources be used more wisely, thus allowing new services to be added?

8.5 We recommend that the Board of Internal Economy undertake a survey of services available to members of the House of Commons and the Senate with a view to eliminating duplication and ensuring that members receive efficient and effective services.

In addition to our general concern about the use of existing services, we believe it is appropriate to consider the research services offered to members of the House and to committees. We recognize that there will be an increased demand for staff experience

in working with parliamentary committees. We have had the benefit of a submission from the Parliamentary Librarian and have seen the research assistance available to the members of four other national legislatures. We believe that a reorganization of research services should be considered, including an investigation of ways to bring together experts now found in the Committees and Private Legislation Branch, the Parliamentary Relations Secretariat, the Research Branch of the Library of Parliament, the Table Research Branch and other units of the House.

Seminars for Members and Staff

We believe there is a need for continuing public policy and how-to seminars modelled on those offered by the Library of Congress in Washington. These seminars would bring together knowledgeable individuals from both inside and outside Parliament and would be particularly useful to new members and their staffs. In Washington these seminars are a kind of "University of the Hill", involving all elements of the legislative community. Their long-term effects on the political process would be substantial.

8.6 We recommend that the Library of Parliament undertake to provide seminars to members of the House of Commons and their staffs.

Privacy of Lobbies

A practice has developed in recent years whereby people other than members have been allowed into the lobbies. This intrudes on the privacy of members and inhibits their work.

8.7 We recommend that only members of the House of Commons be allowed in the lobbies. The leaders of recognized political parties and their house leaders should be entitled to no more than one legislative assistant each in the lobby at any given time.

We are also aware that the opposition lobby is shared by the three political parties. As the lobby is now arranged, it is impossible for any party to hold meetings or discussions in private.

8.8 We recommend that the opposition lobby be divided in such a way as to secure some degree of privacy for the members of the parties that share the lobby.

CHAPTER IX

Parliament and Television

What we have been discussing, with all due respect, has not been electronic *Hansard* but merely changing the rules sufficiently to allow television to come in and look at committees.

Jack Ellis, MP
Prince Edward-Hastings

Television has become an important vehicle for communicating what goes on in Parliament. After years of study and debate, the House of Commons introduced regular live coverage of its debates in the fall of 1977 following a unanimous report of an all-party committee chaired by the Speaker. The committee was naturally concerned about the effect television would have on proceedings. Guidelines for covering proceedings were suggested and ultimately adopted by the House. Among other things, they provide for an electronic *Hansard*. All proceedings are broadcast and kept as a permanent record; this is done under the control of the House itself. It was also decided that cameras would focus only on the person speaking. Although televising debates has to be considered an overall success, we have heard from members and witnesses that it is time to re-examine the way television is used to present and broadcast parliamentary proceedings.

New Guidelines for Televising the House

The guidelines adopted in 1977 reflected an uncertainty about how television would change the operation of the House and the behaviour of MPs. There was also a fear that tapes could be used out of context to embarrass a member or misrepresent what happens in the House.

The evidence of the past eight years suggests that television has caused only a few changes. For example members now applaud rather than thump their desks to signify approval. Members also tend to move around the chamber to sit at the desks behind the person speaking. Attempts to counter the impression that a member is talking to an empty House are not really successful. No one is really fooled; the game of musical chairs simply adds an artificial element that would be unnecessary if there were greater public understanding of the reasons why members are not always in their seats in the House of Commons.

9.1 We recommend that the guidelines for televising debates be reviewed by the Standing Committee on Procedure and Privilege.

Televising Committee Proceedings

We come now to another difficult question. Should committee proceedings be televised and, if so, how should it be done? In our Second Report we recommended introduction of audio broadcasting of committee meetings but deferred any decision on television until we had fully elaborated our proposed new committee system.

The arguments in favour of televising committees are virtually the same as those for televising the House of Commons. In the United States, committees of the House of Representatives were actually televised long before the House agreed to permit its own proceedings to be broadcast. This is not surprising, given the importance of committees in the congressional system. Even if the committee system we propose is adopted, parliamentary committees will still not be as powerful as congressional committees. Nevertheless, they will be much more interesting than committees are now, and that is probably the strongest argument in favour of televising them.

We received many submissions from members and others in favour of televising committees. We also recognize the significant cost involved. We took these considerations into account in reaching the following recommendations.

9.2 We recommend that some committee rooms be equipped to handle televised meetings of committees.

9.3 We recommend that television cameras from the television networks be allowed into the committee rooms to televise proceedings from fixed positions. The networks could also explore a pooling arrangement for television coverage.

9.4 We recommend that a media relations officer be appointed. This officer would co-ordinate media requirements with regard to television coverage under the direction of individual committee chairmen and would report to the liaison committee of chairmen.

A True Parliamentary Broadcast Network

If our proposed changes result in more interesting television viewing, the next logical step is to improve the distribution network, which is not as dynamic or imaginative as it could be, and the program format. The present format for introducing each day's television broadcast was devised at a time when members were cautious about television in the House. By today's standards it is boring and restrictive. This is not the fault of the television hosts; they are confined by guidelines governing their broadcasts.

Admitting the cameras and producing an electronic *Hansard* distributed by a satellite and cable network was hailed as a significant step towards greater citizen involvement in the political life of Canada. These hopes have not been fully realized. The proceedings of the House are broadcast live, and the House timetable is such that most potential viewers are away from their television sets during the broadcast period.

At the conclusion of the business of the House, question period is re-played. Then the transmission ceases; costly equipment and networks stand idle until the House resumes on the next sitting day. During summer and other adjournments the system remains dormant, with cable companies losing the use of a channel. This is a cause of annoyance to cable subscribers and a waste of a valuable opportunity to provide information television.

An inexpensive alternative would be to repeat the proceedings of the House at times when a larger audience might tune in. Another would be to broadcast committee proceedings. A third option would be to transmit National Film Board productions. A fourth option is the concept of the American Cable Satellite Public Affairs Network (C-SPAN), which provides full and inexpensive coverage of meetings, addresses, and phone-in programs on public affairs, as well as broadcasts of legislative proceedings.

The time has come to permit more scope for the person anchoring broadcasts of House proceedings. It should be possible to provide better explanations of House proceedings and contribute to increased understanding of the proceedings. To accomplish this it will be necessary to locate the Canadian Broadcasting Corporation anchor facilities in the Centre Block rather than at the present location, which is several kilometres from the House of Commons.

9.5 We recommend that the House of Commons provide on-site facilities for the parliamentary service of the Canadian Broadcasting Corporation, and that fuller use be made of the parliamentary service.

CHAPTER X

Increasing Awareness About Our Parliamentary Institutions

It has been my sad experience to note that most Canadians do not have the foggiest perception of how our federal parliamentary system functions. Most are much more familiar with the U.S. process.

Lorne Greenaway, MP
Cariboo-Chilcotin

In addition to the recommendations in earlier chapters, we believe our parliamentary institutions could be improved simply by finding more ways to communicate to the public what the House of Commons represents and how it works.

Visitors Orientation Centre

During our visit to the National Assembly in Paris we noted that when a member's constituents visit the Assembly they take part in an organized program and tour conducted by officials of the National Assembly. Such a service could be of great educational benefit to Canadians visiting Parliament Hill.

10.1 We recommend that the House of Commons establish a Visitors Orientation Centre. The Centre would give tours of the House of Commons and offer oral and video presentations providing a comprehensive view of the tasks performed by members of the House of Commons in Ottawa and in their constituencies. The presentation should include an explanation of how the House of Commons functions and ensure that visitors receive more comprehensive information about the House.

New Swearing-In Ceremony

Perceptions about what is important are influenced to a great degree by symbolism. For example, a new cabinet is sworn in at Rideau Hall; in recent years these ceremonies have been televised coast to coast. Meanwhile, MPs take their oaths of office in the Clerk's office. It is hardly surprising that the public is left with the

impression that one group is important and the other is not. The widespread assumption that members do not count for much unless they are in the ministry will not change in the minds of the media and the public until it changes in the minds of members themselves. This committee has tried to propose recommendations that, in time, will contribute to this change in consciousness.

10.2 We recommend that before the start of each parliament, there be a collective swearing-in ceremony where all members would be sworn to their common task as MPs. This ceremony should be televised nationally. Members would still take the oath individually to meet administrative requirements. The swearing in of a new member after a by-election would follow the present practice and take place in the office of the Clerk of the House of Commons.

Parliamentary Fellows Program

For more than a decade the Canadian Political Science Association, in co-operation with the House of Commons, has sponsored a program of parliamentary internships. Ten people selected by competition are offered a one-year scholarship to work for members of the House of Commons. Although some interns have had work experience, most are recent graduates. Without detracting from this program, which we feel was an excellent initiative, we believe there is also room for a Parliamentary Fellows Program. People already employed by government or private enterprise could spend one year working on Parliament Hill. The purpose of this recommendation is to create an opportunity to study Parliament. However, we believe this should take place at no additional expense to the taxpayer. Therefore, the private and public sector employers of those participating in the program should be asked to continue to pay the salary of these Parliamentary Fellows. A similar program exists in the United States and has proved very successful.

10.3 We recommend that a Parliamentary Fellows Program be established.

Association of Former Parliamentarians

During the committee's visit to the Congress of the United States we met with members and staff of the Association of Former Members of Congress. We were impressed by the work done by former members to teach students and others about the way Congress operates. We are pleased to note that as a result of our private suggestion, former members of the House of Commons and the Senate are organizing an Association of Former Federal Parliamentarians. Former members are a largely untapped resource for Parliament, in both the educational and the representational spheres.

CHAPTER XI

It's a New House

What will come out of the reform process is a Parliament that follows neither the traditional model of Westminster nor the congressional system, but one that is uniquely Canadian.

Hon. James McGrath, PC, MP
St. John's East

The recommendations contained in our three reports to the House are designed to have a dramatic effect on the role of the private members of the House of Commons and on their attitudes towards the institution. With the adoption of our recommendations, private members will have the opportunity to play a positive role in the policy-making process, Parliament will benefit from their contributions, and Canadians will witness the emergence of a revitalized and vibrant institution.

These recommendations are no more than tools that members can choose to use to craft changes in our parliamentary system. Their ultimate influence and effect will depend on members themselves and on the political parties to which they belong. Without a significant change in attitudes on the part of all those that concern themselves with Canadian politics, implementing these changes will accomplish little. Members of the media, for instance, should be less quick to portray dissent as necessarily a sign of weakness within a party or as a challenge to its leadership. It could in fact be a sign of strength and maturity.

The new committee system, the scrutiny of appointments, and the procedural changes recommended for the House will not have their maximum effect if members continue always to vote the party line. Private members, both in committee and in the House, must exercise at least some measure of independent judgement if Parliament is ever to be reformed in a meaningful way.

This independence cannot be acquired by private members acting alone. There must be a clear indication from the leadership of all political parties that they are willing to pay whatever price it takes to rejuvenate the House and make it effective and understandable in the eyes of Canadians.

The development of political parties — and with it the expectation that there be some correspondence between stated policies and actual performance when in government — was crucial to the maturation of our political process. Likewise, the practice of party discipline should not be seen only in a negative light. Caucus solidarity is a convention based on an important democratic principle — that is, respect for decisions arrived at by due democratic process. Nevertheless, the judgement of this committee, and of almost all our witnesses, is that Canadian politics has become too dominated by the ethic of party solidarity. We have suggested reforms that would bring a modest balance to the tension between independent judgement and party discipline.

Institutional reform is a challenging task, but not an impossible one. We cannot solve our problems without change in our institutions of government. We need ways of opening the process to fresh ideas and new approaches to the way we are governed. The work of reform does not end with publication of our report. It is a blueprint members can use to help them begin to shape the role of the House of Commons for the remainder of this century and the beginning of the next. Having begun to prepare our political institutions for the twenty-first century, let us continue this process in the next few years, not only in the House of Commons but also in the Senate.

We urge the House of Commons and the Government to implement our recommendations and request, pursuant to Standing Order 69(13), that the Government provide a comprehensive response to this Report.

APPENDIX 1

Recommendations

Chapter 2 The Confidence Convention Re-examined

The Committee makes the following observations with respect to confidence:

- A government should be careful before it declares or designates a vote as one of confidence. It should confine such declarations to measures central to its administration. (page 9)
- While a defeat on supply is a serious matter, elimination or reduction of an estimate can be accepted. If a government wishes, it can designate a succeeding vote as a test of confidence or move a direct vote of confidence. (page 9)
- Defeats on matters not essential to the government's program do not require it to arrange a vote of confidence, whether directly or on some procedural or collateral motion. (page 9)
- Temporary loss of control of the business of the House does not call for any response from the government whether by resignation or by asking for a vote of confidence. (page 9)
- In a parliament with a government in command of a majority, the matter of confidence has really been settled by the electorate. Short of a reversal of allegiance or some cataclysmic political event, the question of confidence is really a fait accompli. The government and other parties should therefore have the wisdom to permit members to decide many matters in their own deliberative judgement. Overuse of party whips and of confidence motions devalues both these important institutions. (page 9)

Chapter 4 The Standing Committee System

4.1 We recommend that each standing committee have before it the full departmental policy array to review and to report on, including, but not restricted to the following: the reasons for a department's statutes; the statutes themselves; a department's objectives in relation to its statutory mandate; the activities carried out in pursuit of these objectives; a department's immediate and long-term expenditure plans for these activities;

and the achievements of the department measured against its objectives. (page 16)

4.2 We recommend that the standing committee structure reflect, as much as practicable, the organization of government. (page 17)

4.3 We recommend that the following committee structure be established (page 17):

Standing Committees

a) —Aboriginal Affairs and Northern Development
—Agriculture
—Communications and Culture
—Consumer and Corporate Affairs
—Defence and Veterans Affairs
—Energy, Mines and Resources
—Environment and Forestry
—External Affairs and Foreign Trade
—Finance and Economic Affairs
—Fisheries and Oceans
—Government Operations
—Justice and Solicitor General
—Labour, Employment and Immigration
—National Health and Welfare
—Regional Industrial Expansion
—Research, Science and Technology
—Secretary of State
—Transport (18)

b) —Human Rights
—Management and Members' Services
—Procedure and Privilege
—Public Accounts
—Striking Committee (5)

Standing Joint Committees

c) —Regulations and other Statutory Instruments
—Official Languages
—Library of Parliament (3)

4.4 We recommend that most committees be composed of seven members. Some committees should continue at their present level of membership, but there should be no fixed minimum for the size of standing committees. This reduction may result in consequential changes in the number of members having the right to convene a committee meeting. (page 18)

4.5 Consistent with the theme of reducing the size of committees and giving them more independence, we recommend that parliamentary secretaries not be members of standing committees. (page 18)

4.6 We recommend that alternate membership on committees be abolished. Members unable to attend would be responsible for their own replacements by notifying the chairman in writing of the name of the replacement. (page 19)

4.7 We recommend that the main estimates tabled in the House of Commons be deemed referred to the appropriate standing committees for review without the need for a specific resolution of the House. The committee to which each estimate is referred should be decided by the liaison committee of chairmen (see Recommendation 4.14). For a period of fifteen sitting days after receipt of the main estimates, each committee member would be allowed to submit no more than ten written questions to departmental officials per class of main estimates referred to the committee. Responses to these questions are to be received not later than May 1. (page 19)

4.8 We recommend that the Leader of the Opposition have the power to suspend the guillotine on the main estimates of a government department of his or her choice for a further two weeks beyond the date on which the main estimates are deemed to have been reported back to the House. The estimates of that department would stay in the appropriate committee, and questioning of the minister and/or departmental officials would continue. Under this provision the Leader of the Opposition would be required to give notice not later than three sitting days before May 31. (page 20)

4.9 We recommend that the motion to concur in the main estimates be the subject of debate on the last allotted day. This debate could be extended for a maximum of twelve hours beyond the normal hour of adjournment. At the end of the debate, the Speaker would put all questions necessary to dispose of the concurrence motion and all stages of the bill based on it. (page 20)

4.10 We recommend that legislation be introduced empowering the House of Commons to impose a fine for contempt of Parliament. (page 20)

4.11 We recommend that all ministers co-operate with committees exercising their expanded mandates by making available public servants that may be called to testify before a committee. (page 21)

4.12 We recommend wider use of parliamentary committees to review draft legislation, to conduct general inquiries when policy choices have not yet been made, and to bring in draft bills. (page 22)

4.13 We recommend that members tabling committee reports in the House be permitted to give a short description of the recommendations contained therein. (page 22)

4.14 We recommend that the chairmen of standing committees constitute the liaison committee of chairmen. (page 23)

4.15 We recommend that, at striking, each committee be advanced a preliminary sum of money to undertake planning and organization. (page 23)

4.16 We recommend that the Board of Internal Economy establish a small secretariat to support its activities. (page 24)

4.17 We recommend that committee chairmen be given full signing authority for spending funds within their committees' approved budgets, subject to any restrictions the Board may set out in policy directives. (page 24)

4.18 We recommend that the Board of Internal Economy direct the comptroller to develop committee budget input, control and reporting systems for review and approval by the Board prior to implementation. (page 25)

4.19 We recommend that the Board of Internal Economy table in the House of Commons a detailed annual report on the expenditures and activities of committees. (page 25)

4.20 We recommend that the liaison committee of chairmen set the budget level of each committee within an overall financial ceiling set by the the Board of Internal Economy. Assigned budget levels would include an amount for ongoing operations and an amount for special projects. Once their budget levels had been assigned, committees would draw up detailed budgets and submit them to the Board for item-by-item approval. (page 25)

4.21 We recommend that each standing committee be given a research budget, which it could then use to purchase the research services it requires within the limits set out in the financial policies of the Board of Internal Economy. (page 26)

Chapter 5 The Scrutiny of Order-in-Council Appointments

5.1 We recommend that when an individual is appointed to the position of deputy minister of a department the appropriate standing committee have the power to call the appointee for public questioning on such matters as it deems appropriate. (page 32)

5.2 We recommend that the name of the person appointed to the position of deputy minister of a department be laid upon the table of the House of Commons immediately upon the appointment being made. The appropriate standing committee may call the appointee for questioning on matters relating to the appointment within thirty sitting days of tabling. (page 32)

5.3 We recommend that all order-in-council appointments to Crown corporations be subject to the same procedure as for deputy ministers. (page 32)

5.4 We recommend that the names of nominees to the Canadian Radio-Television and Telecommunications Commission, the Canadian Transport Commission and the National Energy Board be laid upon the table in the House immediately upon nomination. Nominations would then be deemed automatically referred to the appropriate standing committee for a period of thirty sitting days after they have been laid upon the table. During that period the committee can hear witnesses or call a nominee for questioning. If

the committee does not report to the House during the thirty-day period, a nomination would be deemed automatically approved by the committee. Should the committee report negatively on a nominee within the requisite time period, it would not be considered a matter of confidence, but the government would be obliged to withdraw the nomination. (page 33)

5.5 We recommend that nominations of persons to be appointed by order in council to serve the House of Commons be deemed automatically referred to the Standing Committee on Government Operations and be subject to the same approval procedure as applies to nominees to regulatory agencies (Recommendation 5.4). (page 33)

5.6 We recommend that all nominations of officials reporting to the House of Commons or to Parliament be submitted to the appropriate standing committee and be subject to the same approval procedure as applies to nominees to regulatory agencies (Recommendation 5.4). (page 34)

Chapter 6 The Review of Delegated Legislation

6.1 We recommend that the House of Commons adopt a mandatory procedure for affirming or disallowing delegated legislation and regulations made pursuant to an act of Parliament. (page 36)

6.2 We recommend that all delegated legislation and regulations made pursuant to an act of Parliament be referred to the appropriate standing committee of the House of Commons in addition to being referred to the Joint Committee on Regulations and other Statutory Instruments. (page 36)

Chapter 7 Procedural Reforms

7.1 We recommend that the Speaker be empowered to order the withdrawal of a member for the remainder of a sitting and to suspend a sitting or to adjourn the House in cases of grave disorder. (page 38)

7.2 We recommend that the proceedings consequent upon the naming of a member be set out in the Standing Orders. (page 38)

7.3 We recommend that the Speaker use the power under Standing Order 79(10) to select as well as combine amendments at the report stage. (page 40)

7.4 We recommend that the organization of private members' business be reformed in accordance with the following provisions:

a) The introduction of a private member's bill containing financial provisions would be admissible. A second reading debate would take place on such a bill but it could not proceed beyond second reading unless a Royal Recommendation was signified.

b) No member could enter a draw for private members' business unless he or she was ready to present a properly drafted bill or motion.

c) A series of draws for private members' bills and motions would take place throughout a session. The first draw would be for twenty places, and the successful members would be required to proceed with their items of business at the appropriate time or lose their priority. Subsequent draws would take place as items of business were disposed of, the number of places balloted for being equal to the number of items disposed of.

d) Any member supporting a bill or motion, to a maximum of twenty members, would be able to add his or her name to it. No member could introduce a bill or motion substantially the same as one already on the *Order Paper*.

e) A Committee of Selection of Private Members' Business would be appointed consisting of six private members nominated by the Speaker and a chairman appointed from the chairmen's panel. This committee would select six bills and motions from the twenty items successful in the first ballot as items that would come to a vote if not disposed of in the first hour of debate. It would also determine the number of hours of debate, to a maximum of five, to be allocated to all bills and motions so selected. Additional bills and motions would be selected by the committee from the items drawn in subsequent ballots, the number to be determined by the number of votable items already disposed of.

f) The committee would invite members sponsoring bills or motions to appear before them and present their arguments as to why their items should come to a vote.

g) A private member's bill that received second reading and successful passage through a legislative committee would be brought to a vote after two further hours of debate devoted to report stage and third reading combined. These proceedings would take place at the normal hour of adjournment on any sitting day other than a Friday, the day to be designated by the proposed Committee of Selection of Private Members' Business.

h) The length of speeches during private members' hour would be reduced to ten minutes. (page 43)

7.5 We recommend that the procedure governing petitions be reformed in accordance with the following provisions:

a) Petitions must be examined as to form and content by the Clerk of Petitions before being presented in the House.

b) Petitions must be addressed to the House of Commons.

c) A petition must contain a properly formulated request dealing with a matter within the authority of Parliament. The object of the request must be expressed in clear and precise language and need not contain the traditional archaic language.

d) Petitions can be written, typewritten or printed, but they must be free of erasures and interlineations.

e) The prayer of a petition must appear on every sheet if it consists of more than one sheet of signatures.

f) The signatures on a petition must be original signatures written directly on the petition and not pasted on it or otherwise transferred to it.

g) A petition must be signed by no fewer than twenty-five people that are not Members of Parliament. (page 44)

7.6 We recommend that all petitions received by the House be referred to the minister acting as the government house leader, and a response should be provided by a minister of the Crown within two weeks of the presentation of the petition. The response should be laid upon the table by either the minister acting as the government house leader or the minister concerned. (page 45)

7.7 We recommend that emergency debates be held between 8:00 p.m. and midnight, with speeches limited to ten minutes, except for the mover, who should be allowed twenty minutes. The provisions of Standing Order 8(4)(*a*) should be employed if the House wishes to continue the debate beyond midnight. (page 45)

7.8 We recommend that on Monday, Tuesday and Thursday after the opening prayer, the House deal with Routine Proceedings and, upon their conclusion, with the Orders of the Day. After the mid-day interruption, statements by members under Standing Order 21 would occur. These statements should be shortened from ninety to sixty seconds, so that more members can make them. This would occur until fifteen minutes after the hour, as at present, and question period would follow. At 3:00 p.m. the House would return to Orders of the Day. (page 46)

7.9 We recommend that a member be permitted to place no more than four questions on the Order Paper at any one time. The government, through the appropriate minister, would be required to respond to written questions within thirty sitting days of the date when the question was placed on the *Order Paper*. (page 46)

7.10 We recommend that the Clerk of the House have the power to reject outright or to split into separate and distinct questions those questions that contain unrelated sub-questions. (page 46)

7.11 We recommend that standing committees not be allowed to sit during periods when the House is sitting, but should use the period from 9:00 a.m. to 11:00 a.m. and from 8:00 p.m. to 10:00 p.m. for their work while the House is in session. (page 47)

7.12 We recommend that the Speaker of the House be charged with inviting, on the advice of parliamentarians, representatives of Canada's various religious faiths to lead the House in a prayer appropriate to their faith, at the commencement of each day's sitting. We also recommend that the public be admitted to the galleries prior to the prayer. (page 47)

7.13 We recommend that all official parliamentary delegations financed by the Canadian Parliament be required to report to the House on their work. Such reports should be tabled in the House during the period set aside for committee reports. Members tabling these reports should be permitted to give a short description of them. (page 47)

7.14 We recommend that when a seat becomes vacant, the services provided to constituents continue under the auspices of the Clerk of the House of Commons. We recommend that two staff persons of the former member remain in the employ of the Clerk, one in the constituency office and one in the parliamentary office of the former member. (page 48)

Chapter 8 Administrative Reform

8.1 We recommend that the Board of Internal Economy examine the administrative systems used in the Bundeshaus of the Federal Republic of Germany and the National Assembly of France. (page 50)

8.2 We recommend that the Clerk of the House of Commons have ultimate responsibility for the administration of the House. (page 50)

8.3 We recommend that the Board of Internal Economy commission a study of the organization and staff resources required to implement the changes we propose in the committee system. (page 50)

8.4 We recommend that the Board of Internal Economy study the new role of the Office of the Law Clerk and Parliamentary Counsel with a view to increasing its permanent staff and to adjusting their rate of pay to that available in the Department of Justice. In making this recommendation we also recognize that the Office of the Law Clerk and Parliamentary Counsel should be authorized to recruit and co-ordinate temporary assistance as necessary to fulfil its new roles. (page 51)

8.5 We recommend that the Board of Internal Economy undertake a survey of services available to members of the House of Commons and the Senate with a view to eliminating duplication and ensuring that members receive efficient and effective services. (page 51)

8.6 We recommend that the Library of Parliament undertake to provide seminars to members of the House of Commons and their staff. (page 52)

8.7 We recommend that only members of the House of Commons be allowed in the lobbies. The leaders of recognized political parties and their house leaders should be entitled to no more than one legislative assistant each in the lobby at any given time. (page 52)

8.8 We recommend that the opposition lobby be divided in such a way as to secure some degree of privacy for the members of the parties that share the lobby. (page 52)

Chapter 9 Parliament and Television

9.1 We recommend that the guidelines for televising debates be reviewed by the Standing Committee on Procedure and Privilege. (page 54)

9.2 We recommend that some committee rooms be equipped to handle televising meetings of committees. (page 54)

9.3 We recommend that television cameras from the television networks be allowed into the committee rooms to televise proceedings from fixed positions. The networks could also explore a pooling arrangement for television coverage. (page 54)

9.4 We recommend that a media relations officer be appointed. This officer would co-ordinate media requirements with regard to television coverage under the direction of individual committee chairmen and would report to the liaison Committee of chairmen. (page 54)

9.5 We recommend that the House of Commons provide on-site facilities for the parliamentary service of the Canadian Broadcasting Corporation, and that fuller use be made of the parliamentary service. (page 55)

Chapter 10 Increasing Awareness About Our Parliamentary Institutions

10.1 We recommend that the House of Commons establish a Visitors Orientation Centre. The Centre would give tours of the House of Commons and offer oral and video presentations providing a comprehensive view of the tasks performed by members of the House of Commons in Ottawa and in their constituencies. The presentation should include an explanation of how the House of Commons functions and ensure that visitors receive more comprehensive information about the House. (page 57)

10.2 We recommend that before the start of each parliament, there be a collective swearing-in ceremony where all members would be sworn to their common task as MPs. This ceremony should be televised nationally. Members would still take the oath individually to meet administrative requirements. The swearing in of a new member after a by-election would follow the present practice and take place in the office of the Clerk of the House of Commons. (page 58)

10.3 We recommend that a Parliamentary Fellows Program be established. (page 58)

APPENDIX 2

The Cost of Committees

The Cost of Committees: A Case Study of the Special Committee on the Reform of the House of Commons

Summary

It is estimated that by the end of its mandate this committee will have incurred $820,891 in expenses. This figure includes amounts not usually recognized by the House as committee expenses. Under the costing structure currently in place this committee would have had just $327,576 identified as its total expenditure. The categories and expenditures that make up the difference between these two figures will have a significant impact on any new management and budgeting regime for committees.

Introduction

This committee undertook to examine in detail the total costs of its activities above and beyond the items usually charged to committees. It is hoped that the following information will be of use when a new budget system is designed for committees. We also hope that the standard of disclosure we have set out here will be adopted for all committees. These figures are displayed in Table 1.

Identification and Allocation of Committee Costs

Salary

The time of members is the most valuable resource in the House of Commons. The committee system is only one of a number of activities that compete for that time. For the House to be able to evaluate the overall effectiveness of its committees, a key consideration should be how well members' time was used. To identify a cost for this, the following amounts were included in arriving at a daily charge for members' time.

TABLE 1

Total Costs for the Special Committee on the Reform of the House of Commons

Type	Total
Salary	$316,761
Advertising	48,179
Printing	247,770
Hospitality	377
Travel	67,937
Contracts	27,995
Translation	12,000
Miscellaneous	6,174
Witness Expenses	370
Variable Overhead	62,070
Office Space	23,576
Furniture & Equipment	2,103
Telephones	2,310
Office Fix-Up	3,270
Total	$820,891

	1984-85	**1985-86**
Members' Salary	$52,800	$54,600
Principal Budget	94,200	97,000
Total Expenditure	$147,000	$151,600
Number of Days Available in a Year	300	300
Cost Per Day	$490	$505

The number of days available is a key consideration in arriving at an applicable cost per day. The choice of 300 days assumes one day off per week and two weeks of holidays. This will vary from member to member.

To allocate the appropriate number of member-days to this committee we chose to include only time spent in committee meetings, both public and in camera, although preparation reading and other work for the committee took up a further and considerable amount of time.

	1984-85	**1985-86**
Member-days spent in Committee	52	67
Total Expenditure	$25,676	$33,734

Cost of Staff

This committee has had the use of various staff resources. Few of these staff costs are actually billed to the committee, and those would include only contracts set up expressly for the committee. The following table sets out the applicable amounts.

SALARY COSTS

Type	Number	Daily Rate	Days	Total
1984-85				
Task Co-ordinator[1]	1	400	74	29,600
Research Officer[2]	1	287	32	9,041
Research Officer[2]	1	221	86	19,006
Research Officer[2]	1	270	11	2,970
Procedural Clerk[3]	1	161	1	161
Table Officer[3]	1	257	15	3,853
Clerk Assistant[3]	1	336	20	6,720
Committee Clerk[3]	2	213	79	33,622
Support Staff[1]	1	105	44	4,604
Support Staff[1]	1	75	63	4,725
Support Staff[3]	1	93	64	5,953
Sub-Total 1984-85				$120,254
1985-86				
Task Co-ordinator[1]	1	400	63	25,200
Research Officer[2]	1	298	30	8,954
Research Officer[2]	1	230	55	12,641
Research Officer[2]	1	285	52	14,820
Procedural Clerk[3]	1	180	33	5,938
Table Officer[3]	1	267	18	4,898
Clerk Assistant[3]	1	349	18	6,290
Committee Clerk[3]	2	219	63	27,617
Editor[1]	1	300	15	4,500
Translator[1]	1	225	25	5,685
Support Staff[1]	1	105	97	10,185
Support Staff[1]	1	75	57	4,275
Support Staff[3]	1	97	63	6,094
Sub-Total 1985-86				$137,097
Staff Salary				$257,351
Plus Members' Salary and Expense				$ 59,410
Total				$316,761
Total Billed Directly (see footnote 1)				$ 88,774
Total Provided Free of Charge				$168,577

[1] Billed as per contract to the Committee.

[2] Provided by the Library of Parliament.

[3] House personnel. Their rate was established as Salary and Benefits (12% of Salary) divided by 230 working days in the year.

Advertising

This amount, $48,179, was spent on national advertisements requesting submissions to the committee. This was billed directly to the committee.

Printing

This category covers the direct costs of printing committee proceedings and the final report as well as overhead amounts not allocated back to the committee. All of the various services are designed to produce pages of printed bilingual committee text; services include recording, transcription, translation and set-up.

Direct printing costs, billed by the Department of Supply and Services, amount to:

Printing Costs 1984-85	**$**
1. Set-up cost per page of input	28.80
2. Photo-composition per page of input	6.00
3. Cost per page of appendix input	34.80
4. Cost per 1000 pages of output	11.20

The amount billed to this committee for these services was $41,077. In addition there will be an estimated charge of $2,500 for an index, and the final report is estimated at $41,300.

Overhead in this process includes the following items:

Printing Infrastructure*

	1984/85	Estimated 1985/86
Committee Reporting Service	$3,604,000	$3,712,000
Indexing	529,746	545,000
Distribution	125,000	1,295,000
Secretary of State: translation salaries only	2,060,327	2,121,000
	$6,319,073	$6,507,000

(*figures supplied by the various organizations)

In 1984-85 all committees combined produced 22,257 pages of text. This was an admittedly unusual year as there was an election and a corresponding decrease in the amount of committee activity. The printing infrastructure is fixed, however, and accommodates increases or decreases in volume without changing its resource configuration. The applicable cost for 1984-85, then, is total costs divided by pages of output, or $283.91 ($6,319,073 ÷ 22,257) per page. This committee generated 392 pages of output of hearings for an overhead cost of $111,293 (392 x $283.41). For the final report, translation was done by committee staff, contract and otherwise, so no translation charge is applicable. Using the estimated 1985-86 costs this leaves $4,258,746 to be absorbed by all committees. Assuming that pages of printed output returns to 1983-84 levels (33,000 pages) this would mean $129 per page ($4,258,746 ÷ 33,000) to be allocated to this committee's final report. At approximately 400 pages (French and English) this would mean $51,621.

Summary of Printing Costs

Committee Issues	
DSS Charges	$41,077
Index (estimated)	2,500
Printing Infrastructure	111,293
Sub-Total	$154,870
Final Report	
Printing Charges (estimated)	41,300
Printing Infrastructure	51,600
Sub-Total	92,900
Total Printing	247,770
Total Billed to Committee	84,877
Charged Elsewhere	$162,893

It should be noted that using the above approach integrates the costs of public hearings into the Printing category, as text is the output the various resources are in place to produce.

A separate issue raised in the analysis of printing costs was that the minimum block of printed committee proceedings is 1000 copies of each issue. It was suggested that many of these are wasted and that a smaller number would be more appropriate. A run of just 500, for example, would have saved this committee $2,195 on a total cost of $41,077.

Hospitality

All hospitality provided by the committee was billed directly to it. This amount to $377.

Travel

Again, this category is billed directly to the committee. This includes transportation, accommodation and daily allowances for meals and incidental expenses.

Summary of Travel Expenses

Trips	Expenditure
Washington	$ 10,379
Bonn—Paris—London	54,000
Committee Meetings	3,558
	$ 67,937

Contracts

Contracts for staff were captured under Salary, so that the nature of the expenditure would be clear. This committee entered into other contracts, all billed directly, and these fell into two categories.

Contracts other than Personnel

Research Studies	$21,287
Media Relations	4,152
Miscellaneous Services and Rentals	2,556
Total	$27,995

Witness Expenses

This $370 was paid for travel expenses for a witness to appear before the committee.

Translation

The Secretary of State entered into a $12,000 contract on behalf of the committee to translate a research paper.

Miscellaneous Expenses

Committees are billed directly for various expenses such as office supplies and stationery. The figure of $6,174 was billed to the committee for these amounts.

Variable Overhead

Although viewed as overhead, certain service units could be described more correctly as variable and fixed costs associated with committees. Many of these costs are already reflected in other amounts. For example, translation services and the costs of the Committee Reporting Service are reflected in the costs of printing, Library overhead is reflected in the daily rates for its research officers, and members' office expenses are part of their daily rates.

Service delivery units in the House provide service to basically three areas:

1. Members;
2. the Chamber; and
3. committees

For the sake of simplicity, and so that figures are meaningful, the analysis has been restricted to units providing permanent support to committees. This restricts the scope to the Committees Branch. It is recognized that various other services flow to members for their committee work. Beyond the members' principal office budget, we have excluded all these amounts. In essence the test for inclusion has been if all committee work ceased would these costs still be incurred. For central administration in the House there would still be the need for finance, personnel and administration. Those functions accommodate committee requests and transactions with systems already in place for other purposes. At some higher level of committee activity there probably would be an increased requirement for central service infrastructure, but that is beyond the scope of this examination.

To allocate the variable overhead associated with the Committees Branch it was necessary to take the total budget and deduct the salaries of committee clerks, as those

were allocated directly into Salary. Committee clerks are the main resource at the disposal of the Branch; in effect, the clerks are the officers that all the other resources support.

Allocation of Committee Branch Costs

	1984-85	1985-86
Budget	$2,185,000	$2,395,000
less: Committee Clerk Salaries	1,009,817	1,040,111
To be Allocated	$1,175,183	$1,354,889
Committee Clerk Available Days	5720	5720
Days charged to Reform Committee	158	125
Reform Committee % of Total	2.76%	2.18%
Reform Committee % of Amount to be allocated	$ 32,461	$ 29,609

Office Space

The rent for office space used by the committee was paid by the Department of Public Works, as is the practice across government. This amounted to $23,576. The office space was in a building that is not Crown- owned, and had the committee not existed another tenant would have been found by the owner. As such, the rent was a tangible expense directly associated with the committee. No other cost of office space has been included for any of the units providing service to the committee. The complexity of the topic mitigated against attempting to cost other space on or near Parliament Hill.

Machinery and Furniture

The treatment of depreciable assets is always difficult in the government setting. The practice is to identify 100% of the cost of such items as an expense in the year of acquisition, whereas the true annual cost of such an item is gradually drawn from the asset over its usable life. To estimate the cost of depreciation to this committee, several assumptions have had to be made — specifically, that equipment will be used up over five years, as will chairs, while desks and tables have a usable life of twenty years. Using these assumptions yields the following result.

	Purchase Price	Monthly Charge	Months Used	Cost for this Committee
Machinery	$17,480	$ 291	5	$ 1,457
Furniture	$31,000	$ 129	5	$ 646
Total				$ 2,103

Office Fix-Up

To change the physical configuration of the office to accommodate the requirements of the committee and its staff cost $3,270. This was billed directly to the committee.

Telephones

When the committee moved to its office, telephone installation charges of $650 were incurred. In addition, the House pays $267 per month for the Government Telecommunications Agency telephone service, which includes WATTS lines for long distance.

Cost of the Reform Committee Using House Costing Procedures

Ascertaining the true cost of the Special Committee was a difficult task. This difficulty flowed from the structure of service delivery and the treatment of those costs, for while some expenditures were charged to the Special Committee other significant expenses were not.

The traditional practice in the House has been to identify only a few categories of expenditures as accruing directly to a committee. These include travel, witness expenses, DSS charges for printing, advertising, contract consulting, temporary office help, translation and miscellaneous. These items could be categorized as expenses the House would not have incurred if a given committee had not been in operation. In common usage in the House these are called direct costs, although they are only a partial list of the costs that result directly from a committee's activity. Using these assumptions, the estimated cost of this committee would be as set out in Table 2.

TABLE 2

Estimated Cost of the Special Committee on the Reform of the House of Commons using the House Costing System

Travel	$ 67,937
Witness Expenses	370
Printing	84,877
Advertising	48,179
Consulting	90,424
Temporary Help	23,789
Translation	0
Miscellaneous	12,000
Total	$327,576

This approach must be taken in the context of the financial management structure it is designed to support. This committee did not have a budget. It had an Order of Reference giving it the authority to undertake various activities. The budgets that funded these activities were held by various responsibility centre managers in the

House. The Chairman had no legal authority to spend any funds, although his requests for service carried weight. When the Chairman requested something the Committee Clerk initiated a requisition, which then proceeded through various other individuals for approval, sometimes culminating in authorization by the Speaker himself. All of these individuals could have turned down a request.

In light of this approach, it is easy to see why the costs associated with a committee have been limited to a few significant items. Committees are treated as cost centres. A cost centre is an organizational unit with little or no discretion over its expenditures; responsibility for control of funds resides elsewhere. Some expenditures are indentified against a committee, but responsibility for control resides with the responsibility centre managers that manage the travel, consulting and various other budgets. The commitments against those categories have implications for the overall control of House expenditures, while the use of committee clerks, Library staff or other services are controlled by other responsibility centres. Financial management has not been a committee responsibility, so the reporting system has not been tailored for that purpose.

Comparison of Special Committee Cost

By comparison with other special committees, this committee's expenditures, as per the House costing system, were about average in percentage terms. Table 3 compares total special committee expenditures in 1982-83 and 1983-84, with this committee's total expenditures from December 1984 to June 1985, the duration of its mandate.

TABLE 3

Percentage Comparison of Special Committee Costs

Category	Special Committees 1982-83 (%)	Special Committees 1983-84 (%)	Reform Committee (%)
Travel	25.3	16.1	20.7
Witness Expenses	0.6	1.9	0.1
Printing	34.6	32.5	25.9
Advertising	10.6	7.2	14.7
Consulting	23.6	30.6	27.6
Temporary Help	0	1.5	7.3
Translation	1.1	2.8	0
Miscellaneous	4.1	4.1	3.7
	100.0	100.0	100.0

This is a significant finding, in that this committee is not an anomaly in terms of its expenditure patterns. If the assumption is made that other expenditures will be in a constant proportion to what is captured in the current House system, then the previous findings may have wider application.

Conclusions

The most significant finding in this study is the magnitude of expenditures that were not previously indentified as committee expenses. These are summarized in Table 4.

TABLE 4

Summary of Costs by Source

Costs as per Housing Costing System	$327,576
Other House Costs not Allocated	354,020
Sub-Total	681,596
Library of Parliament Costs	67,433
Secretary of State Costs	48,286
Department of Public Works Costs	23,576
Sub-Total	139,295
Total	$820,891

The total costs, then, of this committee's activities were approximately 250% of what is recognized by the House as committee expenditure. It generated a budgetary requirement for $681,596 in the House and $139,295 in other agencies. This would be only an item of historical interest were it not for the expanded roles and responsibilities foreseen for standing committees.

The most significant of the costs not identified in the House system were as follows:

1. Staff	$168,577
2. Printing Infrastructure	162,893
3. Variable Overhead	62,070
	$393,540

These accounted for 80% of the extra costs identified for this committee. Printing infrastructure and variable overhead (Committees Branch) costs are beyond the ability of a committee chairman to control except by virtue of the amount of service requested or number of public meetings held. As such, these should not be in a committee budget but could be identified periodically and allocated to the appropriate committees. The situation with the cost of staff is quite different. These costs are within the ability of a committee to control through its organization, deadlines or the topics it chooses to address and should fall within the budget over which the chairman will have signing authority.

A peripheral issue that surfaced in this study was the financial requirements of organizations supplying services free of charge to committees, notably the Library of Parliament and Secretary of State. In addressing the topic of macro-budgets for all committeess, it would be easy for the Board of Internal Economy to overlook the

financial requirements of these two organizations. These are integral parts of committee activity and should be viewed as such for budget purposes.

It seems apparent from this study that the costing system currently in place will not meet the requirements of the proposed management structure for committees. With committees moving from cost centres to full responsibility centres, units exercising authority and responsibility and thereby accountable, it will be necessary for each committee's budget to reflect items over which it requires discretion.

APPENDIX 3

Recommendations Pertaining to Delegated Legislation

The following were the recommendations of the Joint Committee on Regulations and other Statutory Instruments referred to in Chapter VI.

1) That all subordinate legislation not subject to a statutory affirmative procedure be subject to being disallowed on resolution of either House and that the Executive be barred from re-making any statutory instrument so disallowed for a period of six months from its disallowance.

2) That if any resolution for disallowance of a statutory instrument is moved, and is not withdrawn, the statutory instrument shall be deemed to have been disallowed if a debate on the resolution does not take place and culminate in a vote within a fixed number of sitting days.

3) That the affirmation procedure should be used where the exercise of the enabling powers may:
   a) substantially affect the provisions of the enabling or any other statute;
   b) impose or increase taxation, fees or charges;
   c) lay down a policy not clearly indentifiable in the enabling Act or make a new departure in policy; or
   d) involve considerations of special importance.

4) That a commitment be made by the Government to use the affirmation procedure where practicable and to follow a 21-day rule wherever possible, even in cases where the notice and comment provisions are not applied.

5) That the procedure for affirmative resolutions in either House be that contained in section 28.1 of the *Interpretation Act*.

6) That the Rules and Standing Orders of the Houses be amended to facilitate the affirmation procedure.

7) That the *Interpretation Act* provide that: no debate be held on a motion to affirm an instrument until the Regulatory Review Committee has been given an opportunity to report on it within a specified time and until the appropriate Standing Committee has reported on its merits or that it does not wish to do so or the specified time has expired.

8) That the affirmative procedure under section 18 of the *Government Organization Act*, R.S.C. 1970 (2nd Supplement), c. 14, and section 4(2) of the *Unemployment Insurance Act*, 1971, S.C. 1970-71-72, c. 48, be adopted for general use in Canada, as the orders tabled and laid before Parliament under them have no effect until affirmed.

9) That draft subordinate laws which are subject to affirmation should stand referred to the Regulatory Review Committee for scrutiny and report before the debate and vote on a motion to affirm takes place.

10) That, as the disallowance procedure in section 28.1 of the *Interpretation Act* is inadequate, the six following principles should be followed:

   a) Subordinate laws are void and of no effect if not presented in each House within fifteen sitting days of their making.

   b) Notice of motion for disallowance in either House must be moved within fifteen sitting days of the tabling or laying of a subordinate law in that House.

   c) A notice of motion for disallowance of a subordinate law must be resolved within twenty sitting days, otherwise that law is deemed to be disallowed.

   d) The debate on a motion for disallowance of a subordinate law must not be commenced until the expiry of the time limit for receipt of a report from the Regulatory Review Committee as to that law's legality and propriety and from the appropriate Standing Committee on its merits.

   e) If a notice for disallowance is unresolved in the Senate or in the House of Commons at the end of a Session or on dissolution of the House of Commons, the subordinate legislation which is the subject of the motion is deemed to be presented to the House concerned at the beginning of the next Session.

   f) Subordinate legislation the same in substance as that disallowed may not be made within six months after disallowance or deemed disallowance without the consent of the House in which disallowance occurred.

11) That a minimum number of five signatures be required for a motion for disallowance in either House.

12) That any enabling power in the *Subordinate Legislation Act* which provides for the making of regulations exempting any subordinate law from any provision of the Act be made subject to affirmation by both Houses.

13) That section 28.1(2) of the *Interpretation Act* be carried forward so that where a subordinate law has been disallowed or is deemed to have been disallowed any law that was revoked or amended by the making of the law shall be deemed to have been revived at the date of disallowance.

APPENDIX 4

Witnesses

Alboim, Elly (Issue 4)

Althouse, Vic (Issue 13)

Amiot, Paul (Issue 13)

Armstrong, Rt. Hon. Ernest (Issue 13)

Biffen, Rt. Hon. John (Issue 13)

Bosley, Mr. Speaker John (Issue 3)

Bücker, Dr. Josef (Issue 13)

Burke, John (Issue 4)

Callaghan, Rt. Hon. James (Issue 14)

Cardinal, Jean-Jacques (Issue 8)

Cloutier, M.G. (Issue 4)

Cook, Chuck (Issue 13)

Crane, Brian (Issue 12)

Cunningham, George (Issue 14)

Deans, Ian (Issue 8)

Dobell, Peter (Issue 13)

Diguer, Robert (Issue 12)

Einert, Gunter (Issue 13)

Emery, Sir Peter (Issue 13)

Finsten, Hugh (Issue 8)

Fisher, Doug (Issue 6)

Fleischman, George (Issue 12)

Forsey, Hon. Eugene (Issue 5)

Francis, Hon. Lloyd (Issue 1)

Fraser, Alistair (Issue 1)

Gauthier, Jean-Robert (Issue 13)

Gillies, James (Issue 11)

Golding, John (Issue 13)

Gray, Hon. Herb. (Issue 8)

Heaslip, Lloyd (Issue 8)

Higgins, Rt. Hon. Terence (Issue 13)

Hnatyshyn, Hon. Ramon (Issue 8)

Klein, Dr. Heinz-Jürgen (Issue 13)

Koester, Dr. C.B. (Issues 3 and 9)

Lambert, Hon. Marcel (Issue 8)

Lankester, Richard (Issue 13)

LaSalle, Hon. Roch (Issue 6)

Linden, Mr. Justice Allen (Issue 12)

Lynch, Charles (Issue 6)

Maingot, J.P.J. (Issue 12)

Maxwell-Hyslop, Robin (Issue 13)

Monro, Sir Hector (Issue 13)

Morrison, Charles (Issue 13)

Morrison, Judy (Issue 4)

McCartney, Hugh (Issue 13)

McKenzie, Arch (Issue 6)

McWilliam, John (Issue 13)

Newman, Don (Issue 4)

Norton, Philip (Issue 13)

Nuth, Bob (Issue 12)

Papanek, Rudy (Issue 6)

Pigott, Jean (Issue 6)

Powell, Rt. Hon. Enoch (Issue 13)

Reverchon, Georges (Issue 13)

Schmidhuber, Peter (Issue 13)

Schonter, Jaap (Issue 6)

Schulte, Manfred (Issue 13)

Silkin, Rt. Hon. John (Issue 13)

Silverman, Arthur (Issue 4)

Spicer, Erik (Issue 8)

Warren, John (Issue 4)

Weatherhill, Rt. Hon. Bernard (Issue 13)

Ziller, Dr. Gebhard (Issue 13)

During the committee's visit to Washington, we met with the following people:

Katherine Cullen
House Radio and Television Gallery

Lloyd Cutler
Brookings Institution

Dr. Louis Fisher
Congressional Research Services

Hon. Benjamin Guthrie
Clerk of the House of Representatives

Mark Helmke
Press Secretary to
Senator Richard A. Lugar

Lawrence J. Janezich
Senate Radio and Television Gallery

Jed Johnson, Jr.
Association of Former Members of Congress

Michael Johnson
Press Secretary to the House
Republican Leader

Ed Mason
Congressional Research Service

Mike Michaelson
Cable-Satellite Public Affairs Network

D. Steven Rutkus
Congressional Research Service

George White
Architect of the Capitol

APPENDIX 5

Other Written Submissions

The following are the Members of Parliament, individuals and organizations that submitted briefs and letters to the Special Committee.

MEMBERS OF PARLIAMENT

Baker, George
(Gander-Twillingate)

Beatty, Hon. Perrin
(Wellington-Dufferin-Simcoe)

Belsher, Ross
(Fraser Valley East)

Berger, David
(Laurier)

Bertrand, Gabrielle
(Brôme-Missisquoi)

Binns, Pat
(Cardigan)

Blais, Pierre
(Bellechasse)

Blenkarn, Don
(Mississauga South)

Boyer, J. Patrick
(Etobicoke-Lakeshore)

Cassidy, Michael
(Ottawa Centre)

Champagne, Michel
(Champlain)

Charest, Jean J.
(Sherbrooke)

Chartrand, Gilbert
(Verdun-St-Paul)

Clark, Lee
(Brandon-Souris)

Collins, Mary
(Capilano)

Comeau, Gerald
(Sout West Nova)

Cook, Chuck
(North Vancouver-Burnaby)

Copps, Sheila
(Hamilton East)

Côté, Clément M.
(Lac-Saint-Jean)

Darling, Stan
(Parry Sound-Muskoka)

Desrosiers, Edouard
(Hochelaga-Maisonneuve)

Dorin, Murray
(Edmonton West)

Della Noce, Vincent
(Duvernay)

Edwards, Jim
(Edmonton South)

Fennell, Scott
(Ontario)

Fontaine, Gabriel
(Lévis)

Fulton, Jim
(Skeena)

Gérin, François
(Mégantic-Compton-Stanstead)

Girard, Albert
(Restigouche)

Godfrey, Hon. John M
Senator

Greenaway, Lorne
(Cariboo-Chilcotin)

Grisé, Richard
(Chambly)

Gurbin, Gary
(Bruce-Grey)

Haidasz, Hon. Stanley
Senator

Halliday, Dr. Bruce
(Oxford)

Hamelin, Charles
(Charlevoix)

Harvey, André
(Chicoutimi)

Hawkes, Jim
(Calgary West)

Heap, Dan
(Spadina)

Hockin, Tom
(London West)

Holtmann, Felix
(Selkirk-Interlake)

Hudon, Jean-Guy
(Beauharnois-Salaberry)

Jardine, Bud
(Northumberland-Miramichi)

James, Ken
(Sarnia-Lambton)

Johnston, Hon. Don
(St-Henri-Westmount)

Joncas, Jean-Luc
(Matapédia-Matane)

Kilgour, David
(Edmonton Strathcona)

Landry, Monique
(Blainville-Deux-Montagnes)

Leblanc, Nic
(Longueuil)

MacKay, Hon. Elmer M.
(Central Nova)

McCrossan, W. Paul
(York-Scarborough)

McKinnon, Hon. Allan
(Victoria)

Minaker, George
(Winnipeg-St. James)

Moore, Barry
(Pontiac-Gatineau-Labelle)

Nicholson, Rob
(Niagara Falls)

Nickerson, Dave
(Western Arctic)

Nowlan, Pat
(Annapolis Valley-Hants)

Nunziata, John
(York South-Weston)

Parry, John
(Kenora-Rainy River)

Pennock, Bob
(Etobicoke North)

Plamondon, Louis
(Richelieu)

Plourde, André
(Kamouraska-Rivière-du-Loup)

Ravis, Don
Saskatoon East)

Redway, Alan
(York East)

Richard, Guy
(Laval)

Rodriguez, John
(Nichel Belt)

Roman, Anthony
(York North)

Rompkey, Hon. Bill
(Grand Falls-White Bay-Labrador)

Scott, Bill
(Victoria-Haliburton)

Siddon, Hon. Thomas
(Richmon South-Delta)

Sparrow, Barbara
(Calgary South)

Stackhouse, Reg
(Scarborough West)

Stewart, Ronald A.
(Simcoe South)

Taylor, Gordon E.
(Bow River)

Thacker, Blaine A.
(Lethbridge-Foothills)

Tremblay, Marcel R.
(Québec East)

Tremblay, Maurice
(Lotbinière)

Turner, J. Barry
(Ottawa-Carleton)

Vankoughnet, Bill
(Hastings-Frontenac-Lennox-
Addington)

Vincent, Pierre H.
(Trois-Rivières)

Weiner, Gerry
(Dollard)

Winegard, William C.
(Guelph)

Witer, Andrew
(Parkdale-High Park)

INDIVIDUALS AND ORGANIZATIONS

Adams, Patricia
Toronto, Ontario

Aiken, Gordon H.
Toronto, Ontario

Anderson, Robert
Ottawa, Ontario

Arnold, Andrew L.
Burlington, Ontario

Gordon Barnhart, Clerk of
the Legislative Assembly
Legislative Assembly of
Saskatchewan
Regina, Saskatchewan

Beatty, Stephen C.
Ottawa, Ontario

Bégin-Heick, Professor Nicole
Ottawa, Ontario

Bell, Caroline M.
Oakville, Ontario

Biological Council of Canada
Edmonton, Alberta

Bisby, Dr. Mark A.
Calgary, Alberta

Branegan, Kenneth,
Victoria, B.C.

Breaugh, Mike
Toronto, Ontario

Brown, Robert N.
Rexdale, Ontario

Business Council on
National Issues
Ottawa, Ontario

Byers, Casgrain
Montreal, Quebec
on behalf of the James Bay
Crees, the Cree bands of
Northern Québec and the Grand
Council of the Crees of
Québec, signatories to the
James Bay and Northern Québec
Agreement

Canada East-West Centre Ltd.
Ottawa, Ontario

Canadian Association of
Physicists
Ottawa, Ontario

Canadian Association of
University Teachers
Ottawa, Ontario

Canadian Bar Association/
Law Reform Commission
Ottawa, Ontario

Canadian Chamber of
Commerce
Ottawa, Ontario

Canadian Committee for Captive
European Nations
Scarborough, Ontario

Canadian Council of Churches
Toronto, Ontario

Canadian Federation for
the Humanities
Ottawa, Ontario

Canadian Federation of
Biological Societies
Halifax, Nova Scotia

Canadian Institute of Food
Science and Technology
Ottawa, Ontario

Canadian Manufacturers'
Assocation
Ottawa, Ontario

Canadian Physiological Society
Calgary, Alberta

Cantlie, Ronald B.
Winnipeg, Manitoba

Cardozo, L. Andrew
Ottawa, Ontario

Centre for Research-Action
on Race Relations
Montreal, Quebec

Chamot, A.
Toronto, Ontario

Clarke, James R.G.
Maxwell, Ontario

Conference Board of Canada
Ottawa, Ontario

Consortium of National
Scientific and Educational
Societies
Ottawa, Ontario

Donnelly, Peter
Victoria, B.C.

Dunton, Davidson
Ottawa, Ontario

Fairweather, R. Gordon L.
Chief Commissioner
Canadian Human Rights
Ottawa, Ontario

Flemington, Mrs. Inez
Fredericton, N.B.

Fooks, John
Windsor, Ontario

Gardiner, Brian
Prince George, B.C.

Gillies, Professor James
Downsview, Ontario

Goldman, Ian
London, Ontario

Grace, John W.
Ottawa, Ontario

Grass, Mrs. James N.
Willowdale, Ontario

Grocery Products Manufacturers
of Canada
Ottawa, Ontario

Guertin, Richard
Ottawa, Ontario

Hansen, Inger
Information Commissioner
of Canada
Ottawa, Ontario

Howe, J. Donal
Ottawa, Ontario

Hunnisett, Drew E.
Hillsdale, Ontario

Hyson, Professor Stewart
Saint John, N.B.

Inter-Religious Task Force
Toronto, Ontario

Jeffries, Dr. J. Joel
Toronto, Ontario

Johnston, Howard
Salmon Arm, B.C.

Joubin, Franc
Toronto, Ontario

Julian, Glenn
Kitchener, Ontario

Jull, Peter
Ottawa, Ontario

Koester, C.B.
Clerk of the
House of Commons

LeRoy, Donald J.
Ottawa, Ontario

Maarec, R.
Ville St. Laurent, Québec

McGowan, J. Wm.
Ottawa, Ontario

MacKinnon, Professor Frank
Calgary, Alberta

MacLean, Father John S.F.
Waterloo, Ontario

March, Professor Roman R.
Hamilton, Ontario

McVicar, J. Stanley
Richmond, B.C.

McWhinney, Professor Edward
Burnaby, B.C.

Ménard, Pierre
Ottawa, Ontario

Nix, Edward A.
St. James-Assiniboia, Manitoba

O'Donnell, J.
North Vancouver, B.C.

Parliamentary Spouses
Association
Ottawa, Ontario

Poncelet, Professor Maurice J.
Ottawa, Ontario

Postma, John F.
Ottawa, Ontario

Potvin, André
Montréal, Québec

Professional Institute of the Public
Service
Ottawa, Ontario

Quittner, Joe
Toronto, Ontario

Ray, Dr. A.K.
Gloucester, Ontario

Richards, Robert N.
Willowdale, Ontario

Rimmer, Vernon K.
Pierrefonds, Québec

Rothwell, Dr. David
Carp, Ontario

Ruse, Edward
Toronto, Ontario

Sarazen, Phil
Ottawa, Ontario

Sharp, Hon. Mitchell
Ottawa, Ontario

Shea, Harold T.
Halifax, Nova Scotia

Small, Alex
Ottawa, Ontario

Smith, Peter Paul
Toronto, Ontario

Social Science Federation
of Canada
Ottawa, Ontario

Somerville, H.W.
Toronto, Ontario

Spicer, Erik J.
Parliamentary Librarian

Sraka, Anthony
Rexdale, Ontario

Standing Joint Committee of the Senate
and the House of Commons
Regulations and other Statutory
Instruments

Taskforce on the Churches
and Corporate Responsibility
Toronto, Ontario

Tremblay, Mrs. L.
Ottawa, Ontario

Trinity United Church
Merritt, B.C.

Vancouver Board of Trade
Vancouver, B.C.

Vogel, Hunter
Surrey, B.C.

Walding, Mr. Speaker D. James
The Legislative Assembly of Manitoba

Watch Committee for
Political Accountability
Vancouver, B.C.

Waters, C.A.
Armstrong, B.C.

Weir, James
Weyburn, Saskatchewan

Westell, Anthony
Ottawa, Ontario

White, Dr. Graham
Toronto, Ontario

Wilson, Anthony P.M.
Brampton, Ontario

World Congress of Free
Ukranians-Human Rights
Commission
Toronto, Ontario

Yorston, Wilfred
Burnaby, B.C.

APPENDIX 6

Committee Staff

Sandy Birch, Clerk of the Committee
John Holtby, Task Co-ordinator
Jean Macpherson, Committee Clerk

From the Chairman's Office

Maureen Mancuso, Parliamentary Intern

From the Research Branch, Library of Parliament

Bruce Carson, Research Officer
Maurie Jorre de St. Jorre, Research Officer
Gary Levy, Research Officer

From the Clerk's Office

Claude Desrosiers, Principal Clerk
Lucie Gratton, Procedural Clerk
Philip Laundy, Clerk Assistant

Editorial Services

Kathryn Randle
Georges Royer

Support Staff

Francine Degagné
Pauline LeBon
Brenda Petetski
Jeanette Tannis

APPENDIX 7

First Report to the House

Thursday, December 20, 1984

The Special Committee on the Reform of the House of Commons has the honour to present its

FIRST REPORT

1. On December 5, 1984 your Committee received an Order of Reference to examine the powers, procedures, practices, organization and facilities of the House of Commons, bearing in mind the respective constitutional responsibilities of the House and the Government paying particular attention to the role of the private Member. The examination is to include but not be limited to the following matters:

(*a*) the Permanent and Provisional Standing Orders;

(*b*) the role of the private Member in the House of Commons;

(*c*) the accountability of Ministers to the House;

(*d*) the legislative process;

(*e*) the funding, facilities and staff support services made available to Members of the House;

(*f*) the administration and management of the House of Commons;

(*g*) the procedures and powers of Committees of the House of Commons and the role and use of parliamentary task forces.

2. The proposal to establish this Parliamentary Task Force was mentioned in the Throne Speech opening the 33rd Parliament, however, its antecedents go back much further. In May 1982 the House established a Special Committee on Standing Orders and Procedure. That committee held 73 meetings, heard numerous expert witnesses and received more than a hundred briefs from Members of Parliament and interested citizens.

3. On November 29, 1982 the House adopted the Third Report of that committee which contained recommendations establishing a fixed parliamentary calendar to make it easier for members to organize their activities; abolished regular evening sittings in favour of an earlier start in the morning; reduced the length of most speeches from 40

to 20 minutes with provision for a 10 minute question and comment period after each speech; reduced the size of standing committees; and provided that all reports, returns, or other papers laid before the House pursuant to statute be deemed referred permanently to standing committees thereby permitting committees to initiate inquiries without waiting for an express order from the House.

4. In subsequent reports Four through Ten the Special Committee made recommendations on the method of electing the Speaker (Fourth); proposed establishment of legislative committees (Fifth), recommended new committees to improve legislative scrutiny of fiscal matters and made numerous other organizational and procedural recommendations.

5. The House did not concur in those reports prior to its dissolution. The reports as well as all evidence adduced before the Special Committee were referred to this Committee in its Order of Reference.

6. As a first priority, therefore, your Committee has reviewed these reports. After only five meetings it became clear there existed among members a consensus to endorse and recommend the immediate adoption of a number of the recommendations contained in these reports.

7. When one realizes that these recommendations represent a consensus of two different committees in two very different Parliaments, we believe the argument in favour of adoption is compelling.

Election of Speaker

8. Your Committee is of the opinion that the House should exercise a more direct control over the nomination of candidates for the speakership. It would be difficult to exaggerate the importance of the office. The Speaker is the presiding officer of the House of Commons, the guardian of its privileges and the protector of the rights of all members. He or she is the principal officer of the House and the head of its administration. In relation to the House of Commons establishment, the Speaker fulfills a role similar to that of a Minister in relation to a government department. The Speaker is the representative of the House of Commons and the embodiment of its prestige and authority. He or she receives visiting dignitaries and delegations and sometimes heads parliamentary delegations visiting other countries.

9. As presiding officer the Speaker regulates debate in accordance with the rules and practice of the House, decides points of order and interprets the rules and practice when necessary, ensures that the proceedings of the House are conducted with fairness and impartiality, and protects the freedom of speech of all members and of all parties represented in the House. The Speaker's role is to some extent akin to that of a judge and the office is an essential feature of our parliamentary system.

10. The Speaker belongs to the House, not to the Government or the Opposition. Although the servant of the House, the Speaker is expected to show leadership in promoting and safeguarding the interests of the House and its members. Decisions of the Chair may not be appealed except by way of a substantive motion. The Speaker thus enjoys the full trust and confidence of the House without which no incumbent would be able to discharge the onerous duties. Thanks to the successive Speakers who

have occupied the Chair of the House of Commons, the Canadian speakership has developed a tradition of impartiality and devotion to duty of which we can all be proud.

11. Although the Speaker once elected has always become the true representative of the House of Commons, the Prime Minister under our practice has always exercised a very strong influence over the initial choice of candidate and has always taken into account our linguistic traditions. For many years discussion has taken place on the desirability of introducing the continuity principle as the basis of the Speaker's tenure of office. A recurrent proposition has been the establishment of a special seat for the Speaker to be designated Parliament Hill, the electorate being the Members of the House of Commons. A Private Members' Bill embodying this proposition was debated in the House on October 29, 1971.

12. Certain other initiatives have been taken in the past which have had as their object the promotion of the independence of the Chair. In 1957, when Mr. Diefenbaker was first elected as the head of a minority government, he asked Mr. Stanley Knowles whether he would be prepared to accept nomination as Speaker. Mr. Knowles declined but the approach indicated that the government of the day was prepared to support an Opposition member for the speakership. In 1968 Mr. Speaker Lamoureux resigned from the Liberal Party and successfully sought re-election as an independent. He ran again as an independent in 1972 and altogether served three terms of office as Speaker. He was succeeded by Mr. Speaker Jerome in 1974 who, in 1979, became the first Speaker to be continued in office following a change of government after a general election. This sequence of events provides some evidence of a desire to remove the nomination of the Speaker from the exclusive control of the Prime Minister of the day.

13. Your Committee recognizes that the Speaker must continue to be elected at the beginning of a new Parliament, as required by the constitution.

14. The Committee nevertheless recommends that, without violating these essential principles, the method of nomination and election should be changed. It is proposed that the Speaker should cease to be nominated by the Prime Minister and that he or she should be elected by secret ballot. When the election of the Speaker takes place the Chair would be taken by the retiring Speaker or by the senior private member present, depending on the circumstances. In order to be elected, a candidate would require a majority of at least 50% of the votes cast plus one, the process of balloting to continue until one candidate emerges with a clear majority. The ballot papers would be counted by the Clerk of the House in the presence of one member of each recognized political party whom the member presiding would appoint as scrutineers. The member presiding would be entitled to vote in the election but would have no casting vote in the event of a tie between two candidates. The member presiding would announce the names of the candidates in order of majority after each ballot until a candidate finally emerges with an overall majority. After the first ballot only those members for whom votes were cast, with the exception of the member receiving the least number of votes, would be eligible as candidates.

15. Your Committee therefore recommends the adoption of the following new Standing Order:

"CHAPTER A
METHOD OF ELECTING THE SPEAKER

1A. (1) Where the Members are ready to proceed to the election of a Speaker at the opening of a new Parliament, or in the event of a vacancy in the office of the Speaker, or in the absence of a Speaker who has announced his or her intention to vacate the office of Speaker, the senior private member present shall take the Chair and preside over the election. Where the Speaker has notified the House while it is sitting of his or her intention to vacate the office, the Speaker shall preside over the election of a successor.

(2) Subject to section (4) of this Standing Order, the Member presiding shall be vested with all the powers of the Chair.

(3) The election of the Speaker shall be conducted by secret ballot. Ballot papers shall be distributed to each Member present in the Chamber prior to the election. Each Member shall print on the ballot paper the name of the Member of his or her choice for Speaker. The ballot papers shall be collected and counted by the Clerk of the House in the presence of one Member of each recognized political party whom the Member presiding shall appoint as scrutineers. The name of each candidate in their order of standing shall be announced to the House by the Member presiding and if any candidate receives a majority of the votes cast, he or she shall be declared elected. If no candidate receives a majority, the candidate receiving the least number of votes shall be eliminated and the process of balloting for the remaining nominated candidates shall continue until one emerges with an overall majority. In the event of a tie vote at any stage of the election a further vote shall be taken. The name of the candidate who is declared elected shall be announced to the House by the Member presiding.

(4) The Member presiding shall be entitled to vote in the election of the Speaker but shall have no casting vote in the event of a tie between two candidates.

(5) For the purpose of this Standing Order, the 'senior private Member present' means the Member present who being neither the Leader of the Opposition nor the leader of a recognized political party, has the longest unbroken period of service as indicated in the Canada Gazette."

16. There are other aspects of The Speakership—this fundamentally important parliamentary institution—with which the Committee will probably be dealing in one or more future reports.

Convening of Committees

17. Your Committee agreed that all House Committees should be organized promptly, and should similarly have a mechanism for convening during the session at the request of any four Members who will give reasons for the request.

18. Accordingly, your Committee recommends that Standing Order 69 be amended by adding the following new sections:

"(2A) Within ten sitting days following the adoption by the House of a report of the Striking Committee, the Clerk of the House shall convene a meeting of each

standing committee reported on for the purpose of electing a Chairman and Vice-Chairman.

(2B) Upon the written request signed by any four Members of a standing committee, the Chairman of the Committee shall convene a meeting of the Committee within ten sitting days following the receipt of such request by the Clerk of the Committee. The reasons for convening such a meeting shall be stated in the request."

Legislative Committees and Panel of Chairmen

19. One of the most fundamental tasks of Parliament is the consideration of legislation. As government becomes more complex, and as the legislative load of Parliament increases, concerns are being expressed about the institution's capacity to meet the demands for a more efficient and at the same time more vigorous legislative process. These concerns include lengthy delays in the passage of important legislation.

20. Under the Provisional Standing Orders adopted by the House on November 29, 1982, the Standing Committees have substantially increased powers to initiate their own enquiries through the automatic referral to these committees of the annual reports of Government departments, as well as those of Crown corporations and agencies. At the same time, the membership of the Standing Committees was substantially reduced to allow smaller committees to act in a more effective and coherent manner. The problem which this potentially creates is one of determining priorities. Bottlenecks may develop as some committees are faced with conflicting priorities because of the many tasks being assigned to them. Some committees, such as the Standing Committee on External Affairs and National Defence, seldom have legislation before them. But others may receive a heavy burden of legislative referrals during months when they are also expected to scrutinize the Estimates and to carry on their other investigative and surveillance functions. The Government's legislative program is likely to be delayed.

21. Your Committee believes it is possible to take bills through committee stage, and expand opportunities for Members to undertake complete and specialized critical examination of bills in committee. The solution we propose is to create ad hoc "legislative committees" to consider each bill following second reading in the House. We are convinced that there are significant merits in a system in which a committee would be created for each bill coincident with second reading. These legislative committees would have the powers of the present Standing Committees. Having reported the bill, each committee would cease to exist.

22. A "Committee on Bill—(Title)" would be established by a report from the Striking Committee. On presentation to the House this report would be deemed to be adopted. The Striking Committee would bring in its report within five sitting days after the second reading of any bill not now referred to the Committee of the Whole House. Your Committee recommends that the Striking Committee exercise the necessary flexibility in determining the size and the membership of these temporary committees on bills. Obviously, non-controversial or housekeeping bills can be handled differently from major pieces of government legislation. Obviously, too, there will be greater competition for a place on some committees than on others. We expect that Members' expressed willingness to serve will be taken into account by the Striking Committee.

Moreover, besides being reflective of the make-up of the House, each committee charged with legislation will normally include the Member having responsibility for the bill—in the case of Government Bills, the Minister or the Parliamentary Secretary—as well as the Opposition spokesmen for that subject area.

23. Some members of Standing Committees may be concerned that they will be denied opportunities to scrutinize legislation if it is referred to another committee set up separately for that purpose. Your Committee suggests that it is desirable for these Members to serve on both the Standing Committee and the Legislative Committee. We expect that committees on legislation will provide a further and more productive forum for as many interested Members as possible to participate in the legislative process, without this detracting from the ongoing scrutiny functions of Standing Committees. We expect that the Striking Committee will be sensitive to this issue. In any event, any Member of the House will be able to participate in the deliberations of a Legislative Committee as a non-voting member.

24. Your Committee is convinced that, through the flexible use of Legislative Committees, the Striking Committee can accommodate both the desire of government to have its legislative program dealt with expeditiously, and the desire of Members for more effective participation. We have already stated that the Member in charge of a bill would sit on the committee established to study that bill. Equally important, we believe that the chairmen of these Legislative Committees should act in an independent and neutral manner. We note the successful experience in the British House with a panel of neutral chairmen drawn up by the Speaker to chair committees on legislation. It is suggested that the designated Chairman should not have participated in the Second Reading debate.

25. Your Committee believes that Legislative Committees ought to be regarded as smaller versions of the Committee of the Whole House charged with specific responsibility for the in-depth examination of legislation. We note that major revenue and supply bills, often of a highly complex and controversial nature, now receive clause-by-clause study in the Committee of the Whole. During this time the Deputy Speaker, as the Chairman of Committees, is an impartial presiding officer. We believe that the establishment of a Panel of Chairmen would impart these qualities to the Committee stage of all legislation. As neutral chairmen, panel members would be able to develop expertise in House procedures and to meet from time to time to ensure consistent chairing practices. We expect that the Speaker would choose Members from both sides of the House to serve on the Panel. The Speaker has a unique knowledge of the House and of the interests of Members and would be guided accordingly in assigning a panel member for each bill.

26. Accordingly, your Committee recommends that

a) Standing Order 69 be amended by adding the following new section:

"(3A) Within five sitting days after the motion for second reading of a bill has been adopted by the House, the Striking Committee shall also prepare and report a list of Members to compose a special committee on the bill to be known as a legislative committee. The report of the Striking Committee shall be deemed to be adopted upon presentation to the House."

b) Standing Order 69(4)(*b*) be deleted and the following substituted therefor:

"(*b*) Changes in the membership and the list of alternates, of any standing, joint or special committee, other than a legislative committee, shall be effective twenty-four hours after a notification thereof, signed by the Member acting as Chief Government Whip, has been filed with the Clerk of the Committee. Changes in the membership of a legislative committee shall be effective immediately after a notification thereof, signed by the Member acting as Chief Government Whip, has been filed with the Clerk of the Committee."

c) Standing Order 69(5) be deleted and the following substituted therefor:

"(5) A special committee other than a legislative committee shall consist of not more than 15 Members. A legislative committee shall consist of not less than 20 members and not more than 30 members, excluding the Chairman."

d) Standing Order 69(8) be deleted and the following substituted therefor:

"(8) Standing committees and legislative committees shall be severally empowered to examine and enquire into all such matters as may be referred to them by the House, and, to report from time to time, and, except when the House otherwise orders, to send for persons, papers and records, to sit while the House is sitting, to sit during periods when the House stands adjourned, to print from day to day such papers and evidence as may be ordered by them, and to delegate to sub-committees all or any of their powers except the power to report directly to the House."

e) The Standing Orders be amended by adding the following new Standing Order:

"69A. At the commencement of each session the Speaker shall appoint no fewer than ten Members, and from time to time additional Members, to act as chairmen of legislative committees. The Members appointed under the provisions of the Standing Order, together with the Chairman of Committees of the Whole, the Deputy Chairman of Committees of the Whole and the Assistant Deputy Chairman of Committees of the Whole shall constitute the Panel of Chairmen."

f) Standing Order 78(2) be deleted and the following substituted therefor:

"(2) Unless otherwise ordered, in giving a bill second reading, the same shall be referred to a legislative committee."

27. Your Committee further recommends that all Orders of the Day for the second reading of Public Bills standing on the Order Paper and Notices be modified to refer the bill to a Legislative Committee.

Board of Internal Economy

28. Your Committee has drawn attention to the need for wide support for the leadership of the House. Your Committee is similarly concerned about the base of support for the internal management of the House. At the present time, the

Management and Members' Services Committee acts in an advisory capacity to the Speaker and Commissioners of Internal Economy. The Commission is composed by law of members of the Privy Council. In practice, only Cabinet Ministers have been Commissioners, although there is nothing to preclude the appointment of Privy Councillors who are not members of the Cabinet, including members of the Opposition.

29. Your Committee believes it is essential that the House of Commons Act be amended to restructure the Board of Internal Economy. We do not feel that it is appropriate for only Cabinet Ministers to be responsible for the internal management of the House of Commons. The House of Commons is a community of many interests. They should be reflected in the way Commissioners are appointed.

30. Consequently your committee proposes that a new Board of Internal Economy be set up, and we have included a draft bill with this Report to effect this change (See Appendix A). The draft bill is aimed at modifying the make-up of the Board by enlarging the range of its members to ensure the participation of Members of Parliament who are not Cabinet members. The Board would in the future be composed of the Speaker, the Deputy Speaker, two Ministers of the Crown, the Leader of the Official Opposition or a Member designated by the Leader, and four others: two Members appointed by the government caucus, and two from the opposition caucuses including at least one from the Official Opposition. The draft bill does not specify how the representatives of each caucus are to be chosen. We recognize that this is a question to be dealt with by each caucus independently, but we favour the idea of organizing elections within each caucus for this purpose.

31. With the establishment of the proposed new Board of Internal Economy, the input of private members would be present in the principal management body of the House. Members would be able to question the Board in the House through a designated member of the Board. Private members would have an effective voice in the decisions governing the management of the House.

32. Accordingly, your Committee recommends that:

a) Standing Order 44 be amended by adding the following new section:

"(5A) Questions may also be addressed orally at the time specified in Standing Order 18(3) to a Member of the Board of Internal Economy designated by the Board."

b) Standing Order 85 be deleted and the following substituted therefor:

"85. The Speaker shall, within ten days after the opening of each session, lay upon the Table of the House a report of the proceedings for the preceding year of the Board of Internal Economy."

c) The French version of Standing Order 96 be deleted and the following substituted therefor:

"96. Avant de remplir une vacance survenue dans le service de la Chambre, l'Orateur s'assure qu'il est nécessaire de maintenir la charge en question. L'Orateur détermine les appointements que comporte cet emploi, avec l'approbation du Bureau de la régie interne et de la Chambre."

Staff and Budgets for Committees

33. Committees of the House have been given wide authority to examine reports. This has given them considerable scope to scrutinize the operations of government throughout the year. In addition, we are now recommending that there be new powers and financial resources given to all committees, and that new techniques be put in place for the operation of committees.

34. Accordingly, your Committee recommends that Standing Order 69 be amended by adding the following new sections:

"(8A) Committees shall be severally empowered to retain the services of expert, professional, technical and clerical staff as may be deemed necessary.

(8B)(*a*) A committee shall not incur any expenses until the Chairman of that committee, or a Member acting for the Chairman, has presented to the Board of Internal Economy a budget setting forth in reasonable detail estimates of its proposed expenditures for a specific period of time, and until the said budget has been approved in whole or in part by the Board.

(*b*) When the expenditures of any such committee have reached the limits set forth in any such budget, the committee shall not incur any further expenses until a supplementary budget or supplementary budgets has or have been presented by or on behalf of its chairman to the Board of Internal Economy and approved in whole or in part by the Board.

And that the Standing Orders be amended by adding the following new Standing Order:

"(85A) The Speaker shall, as soon as the Board of Internal Economy has reached a decision concerning any budget or supplementary budget presented to it pursuant to Standing Order 69(8B), lay upon the Table of the House the decision of the Board thereon."

Statements by Ministers

35. Your Committee has examined ways to make the proceedings of the House of Commons more meaningful. For some years the focus of governmental activity has moved away from Parliament. The practice of Ministers making policy statements in Parliament has fallen into disuse. One important reason for this is that statements followed by a lengthy series of questions can significantly diminish the time available for the consideration of government business.

36. In the belief that Ministers should announce government policy in Parliament, we are recommending that the House revert to a previous practice for Ministerial statements. We would eliminate the mini-question period following Ministerial statements, but would allow a comment by a representative of each opposition party to follow the Minister's statement. In addition, we feel that the time taken for these proceedings should not be lost for other business. We are therefore recommending that the time taken for statements and the responses be added to the time the House will sit. For example, if a statement and the responses took twenty minutes on a Tuesday, the House would consider Government Business until 6:20 p.m., followed by the normal 'late show' proceedings on the adjournment of the House.

37. Accordingly your Committee recommends that:

a) Standing Order 18(4) be deleted and the following substituted therefor:

"(4) On Statements by Ministers, as listed in section (3) of this Standing Order, a Minister of the Crown may make a short factual announcement or statement of government policy. A spokesman for each of the parties in opposition to the government may comment briefly thereon. The Speaker shall limit the time for such proceedings as he or she deems fit. The sitting shall be extended by the equivalent time for such proceedings."

b) Standing Order 45(7) be deleted and the following substituted therefor:

"(7) When it is provided in any Standing or Special Order of this House that any specified business shall be continued beyond the ordinary time of daily adjournment or that any such business shall be forthwith disposed of or concluded in any sitting, the adjournment proceedings in that sitting shall be suspended unless the sitting is extended pursuant to Standing Order 18(4)."

The Standing Orders and Questions of Confidence in the Government

38. Your Task Force notes that prior to 1968, when our present Supply Procedure, among other rules, was adopted, all estimates were taken on the floor of the House in Committee of Supply. Prior to going into Committee of Supply, the House, on six occasions during a session, debated a motion that the Speaker should leave the Chair and the House resolve itself into Committee of Supply. These motions were the occasions of general debates on matters of government policy and responsibility, at the end of which a vote would take place. These were always regarded as confidence votes but this was not stated in the Standing Orders.

39. In 1968 the procedure was radically changed. All estimates now stand referred to Standing Committees and twenty-five days are allotted to the opposition parties on which they choose the subject for debate. However, it was decided to limit to six the number of days on which a vote could take place on an opposition motion. It was assumed that these votable motions would always deal with issues of confidence and they were regarded as being the equivalent of the six motions to go into Committee of Supply which had been a feature of the earlier system. It was for this reason that Standing Orders 62(9), (10) and (11) were drafted in the form in which they now read.

40. In keeping with the desire to make the House more relevant to Members and to the public, your Committee believes that matters of confidence in the government should at all times be clearly subject to political determination. Motions of no-confidence should not be prescribed in the rules but should be explicitly so worded in the text of the motion itself by the Member presenting such a motion.

41. Your Committee notes that the Standing Orders, as presently worded, declare to be 'no-confidence' those votable motions which are moved by the Opposition on allotted days. We repeat that a question of confidence should be expressed in precise terms in the motion, and not be prescribed as such by the Standing Orders. Previous Speakers have indicated that the determination of what is, or is not, a question of

confidence is not a matter for interpretation by the Chair. We agree that this expression ought not to be used in the Standing Orders to predetermine the nature of a motion.

42. Your Committee therefore recommends that all references to confidence be removed from the Standing Orders, recognizing, however, the right of any Member presenting a motion to frame the motion itself in confidence terms.

43. Accordingly, your Committee recommends that:

a) Standing Order 62(9) be deleted and the following substituted therefor:

"(9) In each of the periods described in section (5) of this Standing Order, not more than two opposition motions shall be motions that shall come to a vote. The duration of proceedings on any such motion shall be stated in the notice relating to the appointing of an allotted day or days for those proceedings. On the last day appointed for proceedings on a motion that shall come to a vote, at fifteen minutes before the ordinary time of daily adjournment the Speaker shall interrupt the proceedings and forthwith put, without further debate or amendment, every question necessary to dispose of the said proceeding."

b) Standing Order 62(10) be deleted and the following substituted therefor:

"(10) On the last allotted day in each period, but, in any case, not later than the last sitting day in each period, at fifteen minutes before the ordinary time of daily adjournment, the Speaker shall interrupt the proceedings then in progress and, if those proceedings are not in relation to a motion that shall come to a vote, the Speaker shall put forthwith successively, without debate or amendment, every question necessary to dispose of any item of business relating to interim supply, main estimates, and supplementary or final estimates, the restoration or reinstatement of any item in the estimates or any opposed item in the estimates, and for the passage at all stages of any bill or bills based thereon. If the motion under consideration at the hour of interruption is a motion that shall come to a vote, the Speaker first shall put forthwith, without further debate or amendment, every question necessary to dispose of that proceeding, and forthwith thereafter put successively, without debate or amendment, every question necessary to dispose of any item of business relating to interim supply, main estimates, and supplementary or final estimates, the restoration or reinstatement of any item in the estimates, or any opposed item in the estimates, and, notwithstanding the provisions of Standing Order 76(1), for the passage at all stages of any bill or bills based thereon. The Standing Order relating to the ordinary time of daily adjournment shall remain suspended until all such questions have been decided."

c) Standing Order 62(11) be deleted and the following substituted therefor:

"(11) Proceedings on a motion which is not a motion that shall come to a vote shall expire when debate thereon has been concluded or at the ordinary time of daily adjournment, as the case may be."

d) Standing Order 35(1) be deleted and the following substituted therefor:

"35.(1) Unless otherwise provided in these Standing Orders, when the Speaker is in the Chair, no Member, except the Prime Minister and the Leader of

the Opposition, or a Minister moving a government order and the Member speaking in reply immediately after such Minister, shall speak for more than twenty minutes at a time in any debate. Following the speech of each Member a period not exceeding ten minutes shall be made available, if required, to allow Members to ask questions and comment briefly on matters relevant to the speech and to allow responses thereto."

Ways and Means Bills

44. Ways and Means Bills are bills which provide for taxation and the raising of other revenues from the public. Your Committee feels that the consideration of these bills in Committee of the Whole is, under normal conditions, no longer appropriate. These bills are usually very complex and committee consideration with a specialist group of Members appears preferable. This also has the added advantage of allowing witnesses to be heard and at the same time frees the House of Commons for the consideration of other business. Your Committee therefore recommends that the requirement of referring bills based on Ways and Means Motions to a Committee of the Whole be changed in keeping with our previous recommendations. These bills should be referred to the Legislative Committees.

45. Accordingly your Committee recommends that Standing Order 78(3) be deleted and the following substituted therefor:

"(3) Any bill based on a supply motion shall after second reading stand referred to a Committee of the Whole."

Organization of Work Related to Private Members' Business

46. Your Committee recommends that the Chair organize the work to be covered in the time allotted to "Private Members' Business". Through the Deputy Speaker, the Chair could see to planning and co-ordination, and thus give the House the opportunity to exercise fully its responsibility in this area.

Linguistic Revisions

47. Your Committee notes the use of the word "Orateur" and "Bureau" in the French text of the Standing Orders. We agree that more suitable terms for the presiding officers would be "Président", "Vice-président", "président des Comités pléniers", "vice-président des Comités pléniers" and "vice-président adjoint des Comités pléniers". Also the more suitable word for Bureau would be "Table". Therefore, we recommend the appropriate changes.

48. Accordingly your Committee recommends:

a) That wherever the words "Orateur" or "Orateur adjoint" appear in the French version of the Standing Orders, there be substituted therefor the words "Président" or "Vice-président", as the case may be.

b) That wherever the word "président" appears in the French version of Standing Orders 16, 38 and 60, there be added thereto the words "des Comités pléniers".

c) That wherever the words "président des Comités" or "vice-président des Comités" appear in the French version of Standing Order 57, there be added thereto the word "pléniers".

d) That wherever the word "Bureau" appears in the Standing Orders, there be substituted therefor the word "Table" with the exception of Standing Orders 85 and 96.

THE FUTURE

49. Your Committee is encouraged by its ability to achieve a consensus at this early date, on such a large and significant number of recommendations contained in the reports of the Special Committee on Standing Orders and Procedure. In the months ahead we will be dealing with other matters referred to in our terms of reference. We hope the Committee will continue to work by consensus for it is only through wide consultation and agreement that the parliamentary rules can be changed.

50. We note that the Provisional Standing Orders adopted in 1982 have been extended indefinitely into this Parliament and they will be the subject of further study by your Committee.

51. We will be writing to each Member of the House of Commons inviting their ideas on the various subjects included in our mandate.

52. Your Committee urges the House to adopt and implement immediately the recommendations contained in this report. Further, pursuant to Standing Order 69(13), a comprehensive response to this report is requested for all recommendations not dealt with by the House.

53. Your Committee recognizes that the changes contained in this Report when adopted will require a reprinting of the Standing Orders of the House and therefore recommends that the Clerk of the House be authorized to print revised and re-numbered Standing Orders of the House incorporating changes in the Standing Orders and any consequential amendments necessary.

A copy of the relevant Minutes of Proceedings and Evidence (*Issues Nos. 1 and 2*) is tabled.

Respectfully submitted,

JAMES A. McGRATH

Chairman

APPENDIX «A»
C-

THE HOUSE OF COMMONS OF CANADA

BILL C-

An Act to amend the House of Commons Act
(Board of Internal Economy)

First reading,

ANNEXE «A»
C-

CHAMBRE DES COMMUNES DU CANADA

PROJET DE LOI C-

Loi modifiant la Loi sur la Chambre des communes
(Bureau de la régie interne)

Première lecture le

1st Session, 33rd Parliament,
33 Elizabeth II, 1984

1re session, 33e législature,
33 Elizabeth II, 1984

THE HOUSE OF COMMONS OF CANADA

BILL C-

An Act to amend the House of Commons Act

(Board of Internal Economy)

CHAMBRE DES COMMUNES DU CANADA

PROJET DE LOI C-

Loi modifiant la Loi sur la Chambre des communes

(Bureau de la régie interne)

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Sa Majesté, sur l'avis et avec le consentement du Sénat et de la Chambre des communes du Canada, décrète :

R.S., c. H-9

1. Sections 15 to 18 of the *House of Commons Act* and the heading preceding section 15 are repealed and the following substituted therefor:

1. Les articles 15 à 18 de la *Loi sur la Chambre des communes* et la rubrique précédant l'article 15 sont abrogés et remplacés par ce qui suit :

S.R., c. H-9

"BOARD OF INTERNAL ECONOMY

«BUREAU DE LA RÉGIE INTERNE

Board established

15. (1) There shall be a Board of Internal Economy of the House of Commons, over which the Speaker of the House of Commons shall preside, to act on all matters of financial and administrative policy affecting the House of Commons, its offices and its staff.

Constitution du Bureau

15. (1) Est créé un Bureau de la régie interne de la Chambre des communes, présidé par le Président de la Chambre des communes et chargé de toutes les questions de politique financière et administrative afférentes à la Chambre des communes, ses services et son personnel.

Composition of Board

(2) The Board shall, in addition to the Speaker, consist of the Deputy Speaker, two members of the Queen's Privy Council for Canada nominated from time to time by the Governor in Council, the Leader of the Opposition or his nominee and four other Members of the House of Commons who may be appointed from time to time as follows:

(2) Le Bureau comprend, outre le Président, le Vice-président, deux membres du Conseil privé de la Reine pour le Canada nommés par le gouverneur en conseil, le chef de l'opposition ou la personne qu'il désigne et quatre autres députés qui peuvent être nommés comme suit :

Composition du Bureau

(*a*) two members by the House of Commons caucus of the government party; and

a) deux membres par le «caucus» à la Chambre des communes du parti du gouvernement;

b) deux membres par les «caucus» à la Chambre des communes des partis de

Explanatory Notes

The purpose of this proposal is to formalize the designation and constitution of the Board of Internal Economy and to modify its composition in conformity with the recommendations of the Special Committee on Standing Orders and Procedure, to remove certain archaisms and to make certain changes consequential thereto.

Clause 1: Sections 15 to 18 at present read as follows:

"Internal Economy

15. The person who fills the office of Speaker at the time of any dissolution of Parliament, shall, for the purpose of the following provisions of this Act, be deemed to be the Speaker until a Speaker is chosen by the new Parliament.

16. (1) The Governor in Council shall appoint *four* members of the Queen's Privy Council for Canada who are also members of the House of Commons, who, with the Speaker of the House of Commons, shall be *commissioners for the purposes of this section and sections 17 and 18.*

(2) The names and offices of such commissioners shall be communicated by message from the Governor in Council to the House of Commons, in the first week of each session of Parliament.

(3) Three of the commissioners, whereof the Speaker *of the House of Commons* shall be one, *may carry the said provisions into execution.*

(4) In the event of the death, disability, or absence *from Canada* of the Speaker *during any dissolution or prorogation of Parliament, any three of the commissioners may carry the said provisions into execution.*

17. (1) The Clerk of the House of Commons shall annually prepare an estimate of the sums that will probably be required to be provided by Parliament for the payment of the indemnity and the actual moving or transportation expenses of *m*embers, and of salaries, allowances and contingent expenses of the House, and of the several officers and *clerks thereof* under his direction, during the fiscal year.

(2) The Sergeant-at-Arms of the House of Commons shall annually prepare an estimate of the sums that will probably be required to be provided by Parliament for the payment of salaries or allowances of the *messengers, doorkeepers and servants of the House* under his direction, and of the contingent expenses under his direction, during such year.

(3) Such estimates shall be submitted to the Speaker for his approval, and are subject to such approval and to such alterations as the Speaker considers proper.

(4) The Speaker shall thereupon prepare an estimate of the sums requisite for the several purposes aforesaid, and shall sign the same.

(5) Such *several* estimates of the *Clerk, Sergeant-at-Arms and Speaker* shall be transmitted by the Speaker to the Minister of Finance *for his approval, and shall be laid* severally before the House of Commons with the *other* estimates for the year.

18. All sums of money voted by Parliament upon such estimates or payable to members of the House of Commons under the *Senate and House of Commons Act*, are subject to the order of the *commissioners, or any three of them, of whom the Speaker shall be one.*"

Notes explicatives

Cette proposition de la loi vise à donner une forme officielle à la désignation et la constitution du Bureau de la régie interne et à modifier sa composition conformément aux recommandations du Comité spécial chargé d'examiner le règlement et la procédure, à supprimer certains archaïsmes et à y apporter certains changements connexes.

Article 1: Texte actuel des articles 15 à 18:

«*Économie* interne

15. La personne qui remplit la charge d'Orateur lors de la dissolution du Parlement est, pour les fins des dispositions suivantes de la présente loi, censée être l'Orateur jusqu'à ce qu'un Orateur soit nommé par le nouveau Parlement.

16. (1) Le gouverneur en conseil désigne *quatre* membres du Conseil privé de la Reine pour le Canada, qui sont en même temps membres de la Chambre des communes, lesquels, avec *l'Orateur* de la Chambre des communes, doivent être *commissaires pour les objets du présent article et des articles 17 et 18.*

(2) Les noms et les titres officiels de ces commissaires sont communiqués, dans un message du gouverneur en conseil, à la Chambre des communes, dans la première semaine de chaque session du Parlement.

(3) Trois de ces commissaires, dont l'un est l'Orateur de la Chambre des communes, *peuvent exécuter lesdites dispositions.*

(4) Si *l'Orateur* décède, devient incapable de remplir ses fonctions ou *s'absente du Canada pendant que le Parlement est dissous ou prorogé, trois des commissaires peuvent exécuter lesdites dispositions.*

17. (1) Chaque année, le greffier de la Chambre des communes prépare un état estimatif des sommes que le Parlement sera probablement appelé à voter pour le paiement pendant l'année financière de l'indemnité et des frais réels de route ou de déplacement des députés, et des appointements, allocations et dépenses imprévues de la Chambre et de ses différents *fonctionnaires et employés qui sont* sous la direction du greffier.

(2) Le sergent-d'armes de la Chambre des communes doit préparer chaque année un état estimatif des sommes que le Parlement sera probablement appelé à voter pour le paiement des traitements ou gratifications des *messagers, portiers et préposés de la Chambre* qui sont la direction du sergent-d'armes, et des dépenses imprévues qui se trouvent sous son contrôle, pendant l'année financière susdite.

(3) Ces états estimatifs sont soumis à l'approbation de *l'Orateur* qui les sanctionne et les modifie selon qu'il le juge à propos.

(4) *L'Orateur* prépare dès lors un état estimatif des sommes nécessaires aux diverses fins susdites, et il y appose sa signature.

(5) *Ces différents* états estimatifs *du greffier, du sergent-d'armes et de l'Orateur* sont, par ce dernier, transmis au ministre des Finances *pour qu'il les approuve*, et sont soumis séparément à la Chambre des communes avec les autres prévisions budgétaires pour l'année financière.

18. Toutes sommes votées par le Parlement d'après ces états estimatifs, ou payable aux membres de la Chambre des communes, en vertu de la *Loi sur le Sénat et la Chambre des communes*, sont assujetties à l'ordre des *commissaires ou de trois d'entre eux dont l'un doit être l'Orateur de la Chambre.*»

(*b*) two members by the House of Commons caucuses of the parties in opposition to the government, at least one of whom is appointed by the party recognized as the Official Opposition.

b) deux membres par les caucus des partis de l'opposition dont au moins un membre est nommé par le parti reconnu comme l'opposition officielle.

Appointments

(3) In the first week of every session of Parliament and from time to time thereafter as the need arises, the Speaker shall inform the House of Commons of the appointments made to the Board.

Nominations

(3) Au cours de la première semaine de chaque session du Parlement et selon les besoins par la suite, le Président fait connaître à la Chambre des communes les nominations au Bureau.

Quorum

(4) Five members of the Board, of whom the Speaker shall be one, shall constitute a quorum.

Quorum

(4) Cinq membres du Bureau, dont le Président, forment quorum.

Death, disability or absence of Speaker

(5) In the event of the death, disability or absence of the Speaker, five members of the Board, of whom the Deputy Speaker shall be one, shall constitute a quorum, and the Deputy Speaker shall preside over the Board.

Décès, incapacité ou absence du Président

(5) En cas de décès, d'incapacité ou d'absence du Président, cinq membres du Bureau, dont le Vice-président, forment quorum et le Vice-président préside le Bureau.

Estimate to be made by the Clerk

16. (1) The Clerk of the House of Commons shall annually prepare an estimate of the sums that will probably be required to be provided by Parliament for the payment of the indemnity and the actual moving or transportation expenses of Members of the House of Commons, and of salaries, allowances and contingent expenses of the House, and of the several officers and staff under his direction, during the fiscal year.

État estimatif fait par le greffier

16. (1) Chaque année, le greffier de la Chambre des communes prépare un état estimatif des sommes que le Parlement sera probablement appelé à voter pour le paiement pendant l'année financière de l'indemnité et des frais réels de route ou de déplacement des députés, et des appointements, allocations et dépenses imprévues de la Chambre et du personnel sous la direction du greffier.

Estimate to be made by the Sergeant-at-Arms

(2) The Sergeant-at-Arms of the House of Commons shall annually prepare an estimate of the sums that will probably be required to be provided by Parliament for the payment of salaries or allowances of the several officers and staff under his direction, and of the contingent expenses under his direction, during such year.

État estimatif fait par le sergent-d'armes

(2) Le sergent-d'armes de la Chambre des communes doit préparer chaque année un état estimatif des sommes que le Parlement sera probablement appelé à voter pour le paiement des traitements ou gratifications du personnel sous sa direction, et des dépenses imprévues qui se trouvent sous son contrôle, pendant l'année financière susdite.

To be submitted to Speaker

(3) Such estimates shall be submitted to the Speaker for his approval, and are subject to such approval and to such alterations as the Speaker considers proper.

Soumis au Président

(3) Ces états estimatifs sont soumis à l'approbation du Président qui les sanctionne et les modifie selon qu'il le juge à propos.

Speaker to prepare an estimate

(4) The Speaker shall thereupon prepare an estimate of the sums requisite for the several purposes aforesaid, and shall sign the same.

État estimatif du Président

(4) Le Président prépare dès lors un état estimatif des sommes nécessaires aux diverses fins susdites, et il y appose sa signature.

Estimates included in government estimates and tabled

(5) All such estimates shall, upon approval by the Board of Internal Econo-

Inclusion au budget du gouvernement et dépôt

(5) Les états estimatifs susvisés sont, sur approbation du Bureau, transmis par le

my, be transmitted by the Speaker to the Minister of Finance who shall lay them severally before the House of Commons with the estimates of the government for the year.

Sums subject to order of the Board

17. All sums of money voted by Parliament upon such estimates or payable to Members of the House of Commons under the *Senate and House of Commons Act* are subject to the order of the Board.

In case of dissolution

18. Upon a dissolution of Parliament, every member of the Board shall continue in office until another member is appointed in his place."

Président au ministre des Finances qui les soumet séparément à la Chambre des communes avec les autres prévisions budgétaires du gouvernement pour l'année financière.

Sommes assujetties à l'ordre du Bureau

17. Toutes sommes votées par le Parlement d'après ces états estimatifs, ou payables aux membres de la Chambre des communes, en vertu de la *Loi sur le Sénat et la Chambre des communes*, sont assujetties à l'ordre du Bureau.

En cas de dissolution

18. En cas de dissolution du Parlement, chaque membre du Bureau demeure en fonction jusqu'à la nomination de son remplaçant."

APPENDIX 8

Second Report to the House

Tuesday, March 26, 1985

The Special Committee on the Reform of the House of Commons has the honour to present its

SECOND REPORT

1. In the Throne Speech opening the First Session of this Parliament, the Government indicated that reform of the House of Commons would receive a high priority. In response, the House established a Task Force on the Reform of the House of Commons composed of seven Members. Appointed on December 5, 1984, your Committee presented its first report on December 20. That Report was the result of an intensive series of meetings during which the Task Force examined and refined a number of the recommendations of the Special Committee on Standing Orders and Procedure. In adopting these amended recommendations as our own, your Committee wishes to emphasize the need for the House itself to begin the reform process. Some of the more important items recommended include the establishment of legislative committees, the election of the Speaker by secret ballot, a revised and enlarged Board of Internal Economy and the provision of staff and budgets for committees.

2. Since the presentation of its first report, your Commmittee has adopted a broadly based agenda which will permit it to examine and report on a number of aspects of the House of Commons. Among these are: The Use of Time, Committees, the Chair, Confidence, Responsibility of Ministers and the role of the Private Member.

3. The Committee believes that there are a number of matters which should be reported to the House now.

Royal Assent

4. Your Committee has also considered the practice used for witnessing Royal Assent. In the First Sesson of the 32nd Parliament the time used for this took more than the equivalent of a full sitting day as well as interrupting the flow of business in the House. We note that Canada is still using a practice which was abandoned by the

United Kingdom Parliament in 1967. In fact, no other Commonwealth Parliament has maintained the procedure still used in Canada.

5. Your Committee notes that the Australian Parliament has always received the pronouncement of Royal Assent by written message. The practice is as follows:

- The Speaker of the House in which the Bill originated sends a letter to the Governor-General transmitting the copies of the Bill.
- The Governor-General signs the Bills and two messages notifying both Houses of Royal Assent.
- The messages from the Governor-General are reported to both Houses individually.

6. **Your Committee recommends** that the declaration of Royal Assent by written message be adopted in Canada and that the Government embark on the necessary discussions to achieve this change. Notwithstanding this recommendation, provision should be made for the use of the present practice should that be the pleasure of Her Excellency on the advice of Her Ministers.

Electronic Media

7. Your Committee has heard evidence from several witnesses regarding televising of committee proceedings. It will be making recommendations concerning the admission of electronic and photographic media to committee meetings in a subsequent report.

8. At present **we recommend** that accredited members of the Parliamentary Press Gallery be permitted to record and broadcast the sound from committee meetings using the outlets now being provided in committee rooms.

9. **We further recommend** that no changes be made in the present format of the Canadian Broadcasting Corporation parliamentary broadcast until this Committee has presented its Final Report.

Standing Order 1

10. Standing Order 1 of the House of Commons is as follows:

> 1. In all cases not provided for hereafter or by sessional or other orders, the usages and customs of the United Kingdom of Great Britain and Northern Ireland as in force at the time shall be followed so far as they may be applicable to this House.

11. Your Committee believes that the practices of the House of Commons have evolved sufficiently that the House need no longer be bound to the practices of another House in another country. It is, however, always useful to examine the precedents and authorities of other legislatures and Parliaments. In order to maintain our traditions while at the same time assuring the independence of the House of Commons to adapt to its own needs, **your Committee recommends** that Standing Order 1 be deleted and the following substituted:

1. In all cases not provided for in these Standing Orders, procedural questions shall be decided by the Speaker or Chairman, whose decisions shall be based on the usages and precedents of the House of Commons of Canada and parliamentary tradition in Canada and other jurisdictions, so far as they may be applicable to the House.

Recorded Divisions

12. Your Committee has examined the time-consuming method by which the House conducts recorded votes and is unanimous in its opinion that the present method of voting should be changed.

13. Members are familiar with the process of voting in the House but may not be aware of the complexity of recording results. The present method involves two staff groups. One group, involved during the recording of the votes, is readily visible to Members. In addition, another group as large as eight other persons registers the divisions for the *Votes and Proceedings* (*Journals*).

14. In the House, six people are presently needed in order to conduct the vote: the Clerk of the House who registers the names of all the Members who have been called as they rise; a Table Officer who calls from memory the Members as they rise; two other Table Officers who keep a tally of the number of Members who have voted 'for' and 'against'; and two other Procedural Clerks seated behind the curtain who keep a back-up count of the vote and send their results for comparison with those at the Table at the end of the vote.

15. There is an additional serious weakness in the present system in that only two people have experience in the calling of the Members as they rise. Obviously in the event of illness, the House would have to improvise a new method of voting.

16. After the vote or votes, the staff of the Journals Branch register the vote in the day's *Votes and Proceedings*. For one or two divisions this requires three employees working thirty minutes for each division.

17. When dealing with a large number of votes at the Report Stage, the process becomes extremely complex and time-consuming, requiring additional staff. An electronic voting system could automatically register the Members' votes for the *Votes and Proceedings*.

18. It takes less than 10 minutes to move from any part of the Parliamentary Precinct to the Chamber.

19. Therefore, **your Committee recommends** that an electronic voting system be adopted.

20. An electronic voting system would change the way recorded divisions are taken. When a debate concludes, the Speaker would put the question. If a recorded vote is requested, the Speaker would again place the question and open the voting system for a period of 15 minutes. During this period, the bells would ring, Members would come to the Chamber and, after activating the computer with their identity cards, register their vote—Yea, Nay or Present. At the end of the 15 minute period the computers

would close and the results would be announced and made available instantly for Members, the media and the public.

21. Should more than one question be before the House for decision at the same time, such as motions related to the report stage or the Estimates, the first vote would open the computer for 15 minutes and subsequent questions for 5 minutes.

22. Members could be warned of an impending vote by the Party Whips through the use of electronic pagers. Some may feel that this limiting of time for voting removes flexibility from the House. Your Committee is of the opinion that the House of Commons can no longer enjoy the luxury of waiting for a few Members to arrive for a vote. It must be kept in mind that the primary obligation of each Member of the House of Commons is to the work of the Chamber.

23. **Your Committee recommends** that the system of electronic voting to be installed meet the following requirements:

(a) That each Member vote from his/her desk;

(b) That each vote be recorded and displayed at the moment it is entered;

(c) That a display panel listing Members' names, the question before the House and the time available for the business before the House be appropriately located in the House;

(d) That for the first two-thirds of the required voting time Members may change their vote.

24. There will be occasions of great importance for which the House may wish, by unanimous consent, to retain a more traditional method of voting. Since it is not realistic to expect the Clerks to maintain the ability to call votes as they do now and in the event of a failure of the computer system, the House should adopt a system of roll call voting. In the event of a roll call vote the bells would ring for 15 minutes, following which the vote would proceed.

The Precincts of Parliament

25. Part of the Order of Reference for the Special Committee is an examination of the physical facilities of the House of Commons. We have met jointly with the Standing Committee on Management and Members' Services. That Committee has for many years been faced with a shortage of adequate and suitable office accommodation for Members of the House of Commons and the people who work for them. Two important facts have hampered the efforts of various Speakers and committeees in meeting the needs of the House. First, the House of Commons has no Capital Budget. Second, Parliament has no central agent to act for it, to be responsible to it, nor to plan for it in the area of its physical needs. To date Parliament has had to rely on the goodwill of the Minister of Public Works.

26. We hasten to state that this has not been the fault of the officials involved in providing services, both from the House of Commons and from the departments concerned. Parliament has failed to provide both the funds and the authority to

maintain and improve its own precincts. This inadequacy needs to be addressed urgently.

27. **We propose** that the precincts of Parliament be placed under the authority of a new officer—the Intendant of Parliament, who would be responsible to both Houses.

28. In the case of the House of Commons, the Intendant would be responsible through the Speaker to the new Board of Internal Economy recommended in our First Report. The grounds of the expanded Parliamentary Precinct, which are a central national symbol, would be administered by the Intendant. Funding would be provided to the Office of the Intendant for building, operations, maintenance and capital projects. The Intendant of Parliament would have the authority to request and pay for services. In addition, he or she could be Parliament's representative for planning to the National Capital Commission and the municipalities of Ottawa and Hull. In the end, Parliament would be responsible for its own environs.

Use of the Centre Block

29. During the course of its deliberations your Committee noted that the Department of Public Works had before it two reports concerning the physical conditions of the Centre Block of the Parliament Buildings. The first, completed in 1976 by the Mitchell Partnership of Consulting Engineers, draws attention to the need for major upgrading of the mechanical and electrical systems. These have not been significantly upgraded since the building was first occupied in 1919. The second report by the L.M. Architectural Group and Ogilvy and Hogg, Architects in Consortium, noted deterioration and the absence of an officially sanctioned Master Plan for the future of the Centre Block. The many changes occurring over the years have resulted not from the implementation of an official policy, but from pressure from slowly evolving new functional needs, the desire to introduce new technology into the buildings and abrupt change in government priorities. The recommendations contained in these reports, along with work required as a result of recommendations from the Dominion Fire Commissioner make this an appropriate time to examine the needs of Parliament and the use of the Centre Block.

30. The Centre Block was built to provide accommodation for the Senate and the House of Commons. After the fire in 1916, it was rebuilt, again with the principal purpose being the needs of the two Houses of Parliament. However, with the changing nature of government and the growth of the Ministry, the needs of Parliament have gradually fallen behind the needs of Ministers.

31. In 1976, the Advisory Commission on Parliamentary Accommodation (The Abbott Commission) recommended that the Centre Block be renovated and converted into a legislative building. "Every effort . . . should be made to reduce the amount of space devoted to executive rather than legislative purposes." Because of the work which is required on the Centre Block simply to update its mechanical, electrical and fire protection services, your Committee has concluded that now is an ideal time for the House of Commons to make changes with regard to the Centre Block.

32. The Chamber should be a focus for Members. It is this Chamber in which Members were elected to serve. It should be not only an official meeting place for

Members, but its environs should be a place where MPs can gather for work not directly related to the Chamber. Space should be provided for permanent Caucus Rooms. Ministers, in their capacity as Members of the House of Commons, should receive the same type of accommodation as Private Members. We recognize the unique needs of the Prime Minister, the Leader of the Opposition, Party Leaders, House Leaders, and Whips, as did the Abbott Commission, but here too, we feel that excessive demands have been made on space in the Centre Block. At the same time we stress the need to have all Members feel that they are "at home" in the Centre Block. This will be accomplished, in part, by recognizing in fact that its primary purpose is to house the Parliament of Canada—it is a legislative building, not a ministry building.

33. The designation of the Centre Block as a legislative building, and the formulation of a master plan should address the urgent need for more and improved committee rooms as well as dedicated caucus rooms. There should be at least one new major committee room in the Centre Block designed to reflect the structure of the Chamber for use by the legislative committees which are recommended in the Committee's first report.

Members' Accommodation

34. There continues to be a shortage of space for Members, their immediate staff and the House of Commons generally. This needs to be addressed urgently. At present, 60 Members have less than the allotment of 790 square feet of office space. The Abbott Commission recommended that each Member of the House of Commons should have a minimum of 1,000 square feet. In addition, eight Members have had to accept office space in the Wellington Building, thereby being further removed from the House of Commons community. A solution is urgently needed.

35. Therefore **your Committee strongly and unanimously recommends** that the House of Commons be given custody of the building now occupied by the Department of Justice adjacent to the Confederation Building. It is architecturally compatible with the surrounding parliamentary precinct and will be easily integrated with permanent existing parliamentary services.

36. Your Committee urges the House to adopt and implement immediately the recommendations contained in this report. Further, pursuant to Standing Order 69(13), a comprehensive response to this report is requested for all recommendations not dealt with by the House.

37. A copy of the relevant Minutes of Proceedings and Evidence (*Issues Nos. 3 to 10 inclusive*) is tabled.

Respectfully submitted,

JAMES A. McGRATH, P.C., M.P.

Chairman

APPENDIX 9

Sources of Quotations

Chapter 1	Barbara Sparrow, MP, Submission to the Special Committee on the Reform of the House of Commons, 18 March 1985.
Chapter 2	Benno Friesen, MP, *Proceedings of the Special Committee on the Reform of the the House of Commons*, Issue No.1, p. 48, 11 December 1984 (hereafter cited as *Proceedings* 1:48).
Chapter 3	Bill Blaikie, MP, *Proceedings* 6:27, 7 February 1985.
Chapter 4	Jim Fulton, MP, Submission to the Special Committee on the Reform of the House of Commons, 5 February 1985.
Chapter 5	Lise Bourgault, MP, *Proceedings* 7:25, 25 February 1985.
Chapter 6	Hon. Eugene Forsey, PC, and Graham Eglington, "The Question of Confidence in Responsible Government", Study prepared for the Special Committee on the Reform of the House of Commons (Ottawa: 1985).
Chapter 7	Albert Cooper, MP, *Proceedings* 11:30, 14 April 1985.
Chapter 8	Hon. André Ouellet, PC, *Proceedings* 1:18, 25 February 1985.
Chapter 9	Jack Ellis, MP, *Proceedings* 6:32, 7 February 1985.
Chapter 10	Lorne Greenaway, MP, Submission to the Special Committee on the Reform of the House of Commons, 31 January 1985.
Chapter 11	Hon. James McGrath, PC, "Clout for Members of Parliament at the Heart of Commons Reform", *The Globe and Mail*, 2 January 1985.

A copy of the relevant Minutes of Proceedings and Evidence (*Issue Nos. 11 to 14*) is tabled.

Respectfully submitted,

James A. McGrath, PC
Chairman