



House of Commons
CANADA

Standing Committee on Procedure and House Affairs

PROC • NUMBER 026 • 1st SESSION • 38th PARLIAMENT

EVIDENCE

Tuesday, March 22, 2005

—
Chair

The Honourable Don Boudria

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• (1105)

[English]

The Chair (Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.)): Order. I see a quorum.

Colleagues, this morning we have on our agenda parliamentary reform: review of appointments. You will know, of course, that we received a letter from the government House leader. That was dated November 19, 2004. It was discussed in this committee. In this letter, the government leader in the House asked us if we could consider recommending methods to basically improve how we review order in council appointments. I'm summarizing here very briefly what our mandate is.

Pursuant to that, on behalf of this committee, I wrote to all other committees, asking them what their feelings were. Twelve committee chairs, on behalf of their committees—I understand that in most cases, if not all, there was a discussion at the committee—have written back, telling us what they see we could do for the order in council process.

Our researcher, James Robertson, has gone through all these recommendations and has prepared for us basically a summary and possible options for us. We have that document here. If you agree, maybe what we could do is ask Mr. Robertson to walk us through the document he's prepared.

Is that a suitable way of doing it? Okay.

Next, at 12:30 we'll need to speak about our agenda, particularly since we're not going to be here next week, for reasons that we're aware of. There are things to prepare in relation to that. There's the matter of what we do on Thursday morning. For instance, do we want the meeting to be Thursday morning or to be tomorrow afternoon instead? There are a number of issues involving this, which I'd like to discuss with you at the end of this section here, so please don't leave when we finish discussing the issue of order in council appointments.

Mr. Robertson, can you go through the document and summarize...?

Oh, I'm sorry, Mr. Broadbent, go ahead.

Hon. Ed Broadbent (Ottawa Centre, NDP): Before we proceed, I have a question with regard to the 12:30 agenda item. Is that to discuss, if I can put it this way, the normal business of this committee, or is that to discuss electoral reform?

The Chair: Actually, it's a bit of both. Maybe I could just take a minute to introduce one topic now, if you think this is suitable.

Before we leave, we have a number of briefing books, or I'm told they'll be ready by late this afternoon. My thought was that, if you agree, instead of having our meeting Thursday morning, which would be a briefing for all members regarding this trip, we could do it tomorrow afternoon. Thursday is the last day we're sitting prior to a long weekend and prior to the week off and prior to Easter—all that stuff. Something tells me that attendance may be just a trifle lower on Thursday than it would be if we had it before. I'm just guessing here, of course. I know that members always want to be here every last minute that we sit.

In the unlikely event that some people might want to absent themselves later on Thursday, would it be your wish that we have such a briefing tomorrow afternoon? Maybe we could settle that right now. We will have the briefing books. We could have it two ways. We could have maybe the first 45 minutes, say, with those who are going to the New Zealand and Australia leg, and then a second briefing, because it's a different agenda. Members who want to listen to both can stay for the whole thing, or they can come in and out as they wish—45 minutes of one, 45 minutes of another. That's just an idea I had about doing it this way, because I feel that the better the members are prepared, the better the questions we'll be able to ask. We can also exchange views on this tomorrow. Someone who's not going on one particular leg but who's going on the other can say to colleagues, I hope you'll ask such-and-such while you're there, and so on.

First of all, do you think there's a need for such a briefing? I recommend that we do have it.

Second, do you think it should be tomorrow as opposed to Thursday, providing, of course, we can find a room to hold it in?

Mr. Broadbent.

• (1110)

Hon. Ed Broadbent: Mr. Chairman, I agree with your suggestion. I think it's a good idea for such a briefing, but speaking personally, I have another committee meeting tomorrow afternoon.

The Chair: We all do.

Look, I don't mind. It's just that some members have already told me that Thursday is challenging for them. That's why I was trying to hold it tomorrow. I don't care. I'm here Thursday either way. I live in Ottawa, so it doesn't change very much for me. I'm just trying to accommodate MPs who I know might want to go home before they leave for this. It's whatever you wish.

Alternatively, tomorrow afternoon perhaps, people can attend for only their segment and then go to their other committee, or, Mr. Broadbent, in your case, we can maybe have your segment be the one at 4:15, so you could start with your other committee and then come in for that part—whichever is more accommodating to MPs. I'm in the hands of the committee.

Hon. Ed Broadbent: Obviously that would help me, but I don't know about other members as to whether that would be convenient for them.

I have my committee meeting that I have to be at, because there's something particular to do. Tomorrow it's the Subcommittee on Human Rights and International Development. It goes right through until 5:30 tomorrow afternoon.

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): I have a similar problem, Mr. Chair.

The Chair: All right. So do you want to leave it to Thursday morning?

Mr. Scott Reid: From my perspective—I'm only speaking personally—it would be preferable to go Thursday morning.

The Chair: Okay. Do you want me to advance it to Thursday morning and have it slightly earlier if possible?

Hon. Judi Longfield (Whitby—Oshawa, Lib.): In our standing committee we're doing a final report.

The Chair: I just don't want us to be stuck with the agenda of the House being changed on Thursday, or some such thing, and then end up cancelling the briefing. That's why I'm trying to find ways to accommodate as many members as possible.

Hon. Judi Longfield: Are you suggesting we might be leaving early on Thursday?

The Chair: I don't know. It has happened in the past, believe it or not, that some members do tend to leave early on the day before a week off. The whip says it almost never happens, but....

If you want me to leave it where it is on Thursday, that's okay with me. As I say, it doesn't matter to me; I'm here.

Hon. Ed Broadbent: I'd prefer that.

[*Translation*]

The Chair: Is there anyone else who would like to react?

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): The meeting could take place Thursday at 11 a.m., as planned.

The Chair: Very well. If a change is necessary, I might have to consult with the two vice-chairs, and that will be done.

Mr. Michel Guimond: Do you think we will need two hours? We do not have to begin at 11 a.m. sharp. The room will be available in any event. We could begin at 11:30.

The Chair: I was going to suggest that we have two 45-minute sessions. One would be for one trip, for example that to Australia and New Zealand, and the second 45-minute session would be for the other trip. In this way, those members that have more than one committee meeting could come for the part dealing only with their trip, if it is impossible for them to be present for the entire meeting. They could then leave. We could do it that way.

I was suggesting tomorrow afternoon, but it does not look like that would work. We could have those two sessions Thursday morning. The briefing books will be supplied to us by our clerk. The other clerk could take care of the other half. In this way, we would have all of our people here so as to be in a better position to inform our colleagues.

Mr. Guimond.

• (1115)

Mr. Michel Guimond: Will you be starting at 11 a.m. with the European leg of the trip?

The Chair: It is as you wish.

Mr. Michel Guimond: At 11:45, we could have the other part.

The Chair: Dealing with Australia and New Zealand?

Mr. Michel Guimond: The Eurasian part, I believe.

The Chair: Very well. Everyone seems to like your proposal, so that is how we will proceed.

Do you wish to add something, Mr. Silva?

[*English*]

Mr. Mario Silva (Davenport, Lib.): Meanwhile, given the fact that I'm not a member of the committee—I've been showing up as much as I can for electoral reform—I just want to know whether that discussion would be on the subject of those countries and what electoral reform has been taking place, or is it going to be on logistics about how to get there and...?

The Chair: It's both. We have to be informed fully of what our agenda is and, in whatever time is left, of what some of the innovations are that have gone on in such and such a place. We can read documents on the way, so when we get there, we can ask more fulsome questions. It's both.

Do we need a motion to do that, Mr. Clerk? No?

We don't need a motion, so we'll do it that way on Thursday. That settles that part of the agenda. The rest of the agenda that we'll deal with at 12:30 p.m. is more our regular agenda, if I can call it that. We still need a 12:30 p.m. meeting, at least briefly, to discuss the agenda.

That being said, pursuant to what we talked about earlier, I'll now ask Mr. Robertson to go through the document that he has kindly prepared for us.

Mr. James Robertson (Committee Researcher): Thank you.

As Mr. Boudria has said, he wrote to the chairs of all the standing committees, asking if they had any views on the issue of order in council appointments, and also if they could send copies of any correspondence they had previously sent to Mr. Valeri. We received responses from twelve committees. Most of the responses were fairly specific to the appointments that are referred to the specific committees, but there are some trends.

Several committees indicated that they were interested in prior review of the appointments that are referred to them. I think it is worthwhile noting that the committees that responded were generally committees that did not have a great number of appointments. There are a few committees, I understand, that have a large number of appointments falling within their mandates. I don't think we heard from many of them.

Some committees wanted criteria or qualifications for appointees to be pre-established. There were similar motions passed; I think Mr. Broadbent proposed one in one committee, and other committees adopted similar motions. Some committees wanted an annual list of vacancies so that they could decide which ones they wanted to pre-review. And there were a few committees that pointed out some defects in the lists that had been provided to them.

Under the Standing Orders at present, Standing Orders 110 and 111 appear. They were brought in following the report of the McGrath committee in 1985. They provide that all appointments—that is, an appointment that has been made—shall be tabled in the House, and there is a period of thirty days when the committee to which they are referred may review or consider the appointment.

There is a provision under Standing Order 110(2) for a nomination to be tabled in the House of Commons. This is where the appointment has not been made but is being proposed. This was originally intended, I understand, for some very selected, semi-judicial posts, like the Canadian Radio-television and Telecommunications Commission, the Canadian Transportation Agency, and, for a time, the National Energy Board, all of which perform somewhat semi-judicial roles. I think there might have been a feeling that it would be embarrassing to have a person appointed and then be subject to questioning after the fact. In any event, that's not set out in the Standing Orders.

There was also Standing Order 111.1, which requires that any person, before being appointed as an officer of Parliament, must appear before the relevant committee of the House of Commons. This was brought in a few years ago by the modernization committee in its first incarnation. That also includes the clerk of the House, the parliamentary librarian, or the ethics commissioner.

In the briefing note, we have set out some options that are designed to help frame the discussion.

• (1120)

Mr. Ken Epp (Edmonton—Sherwood Park, CPC): Before you go to the options, I just want to know if there is anything anywhere in the present, existing Standing Orders that gives either the option or the requirement to a committee to actually approve and to report that back to the House. I don't think it's there, is it?

Mr. James Robertson: No.

The Chair: No. The option is, yes, but it's not compulsory. In other words, a committee can look, and if it sees one as being of such

Mr. Ken Epp: But in these Standing Orders, I don't even see that there's a possibility of the committee reporting back and saying a candidate is not suitable.

The Chair: Standing Order 108 enables us to report on anything we like.

Mr. Ken Epp: Okay.

Mr. James Robertson: If the appointment has been made, the only option for the committee within the time specified would be to report back that they don't think this person should have been appointed. But the appointment has already been made. If it's a nomination, then presumably the committee gives its advice, and that advice is followed or is not.

I think there is no requirement for the committee to report because that would mean that if a committee didn't get around to it, for whatever reason, they would hold up the entire process. So they're given a time period. If they act within that time period, they can potentially have some impact. If they don't act, that doesn't stop the nomination from being completed.

Mr. Scott Reid: This Mr. Murray—was that a nomination that had not yet gone through?

Mr. James Robertson: That's my understanding, yes. The government, as I understand it, chose to use.... I don't even know if they formally used Standing Order 110(2); I think it was more that they indicated their intention to appoint Mr. Murray to chair the round table, and that was referred to the environment committee for consideration.

Mr. Scott Reid: Was it actually referred to, or did the committee on its own proactively bring up the issue of the appointment?

Mr. James Robertson: I'm afraid I did not check on that.

The Chair: Mr. LeBlanc, were you on the committee? Do you have anything to add on that?

Hon. Dominic LeBlanc (Beauséjour, Lib.): Just to answer Scott's question, I'm the one who tables those certificates of nomination under Standing Order 110(2). I have in my head that we did table one. We can check that, but I'm almost sure we tabled one for Murray, and then it's automatically deemed referred to that standing committee. That's the text of what I normally read with those certificates of nomination, and I have in my head that I had done one for him, but we can check that. I'm not entirely sure.

Mr. James Robertson: It would make sense. I didn't actually go back and check it. It would make sense, because otherwise there's no formal way of putting on the record of the House and of the committee that this nomination—

Hon. Dominic LeBlanc: That's my recollection, and it's deemed automatically referred to that committee, but we can check that.

Mr. James Robertson: In terms of the options, we've set out a number of options that go everywhere from the status quo to a fairly fundamental change. In the order they're shown on the briefing note, one is that all order in council appointments would be subject to prior parliamentary review, in which case all order in council appointments would be tabled as nominations before the appointments were made.

There are between 3,000 and 4,000 order in council appointments. Not all of them are made in any one year, but there are a large number, so that would involve a lot of nominations being tabled, and potentially a lot of committee time.

A limited number or certain types of order in council appointments could be subject to prior parliamentary review. This was the McGrath committee's original approach, that certain senior, very important, fundamental positions should automatically be subject to some sort of review, prior review or post review, by a committee. In this case it would presumably be prior review. They identified deputy ministers, crown corporations, heads of regulatory agencies, House of Commons officers, and officers of Parliament.

The other option—

The Chair: Can I interrupt you? Regarding the officers in the House of Commons, is it not true that that particular thing has been somewhat superseded, because we've amended that standing order? Now the officers of the House of Commons are all subject to a recorded vote if one asks for one in the House of Commons, which wasn't part of the.... In other words, it's almost a spent provision, because we've gone further than that, at least for the House officers.

Mr. James Robertson: Standing Order 111.1 just refers to the clerk. It doesn't refer to the deputy clerk or assistant clerk or other House officers. All Standing Order 111.1 requires is that the candidate, before he or she is appointed to the office of clerk of the House, must appear before the appropriate committee. There is nothing about a recorded vote in the Standing Orders.

•(1125)

The Chair: Wait a minute. If I may read:

Not later than the expiry of the thirty-day period provided for in the present Standing Order, a notice of motion to ratify the appointment shall be put under Routine Proceedings, to be decided without debate or amendment.

The modernization committee put in that amendment—am I not right?

Mr. James Robertson: Yes, you're right, but that would only apply to the clerk of the House; it does not apply to the other table officers.

The Chair: No, it applies to the clerk and it applies to the ethics commissioner, the parliamentary librarian....

Mr. James Robertson: Yes, and the other officers of Parliament.

The Chair: So the official languages commissioner, it applies—

Mr. James Robertson: The Auditor General, the Chief Electoral Officer, the access to information and privacy commissioners.

The Chair: Those are all the ones we've included as part of the modernization committee reform to this process. I don't know if anybody else in this room sat on that; I don't think so. I think Mr. Strahl sat on the original one, and Mr. Kilgour chaired it.

Anyway...sorry.

Mr. James Robertson: One option would be to say certain categories or types of order in council appointments should be subject to prior review.

Another option would be to leave it to the committee to identify those appointments they want to review in advance, and this was basically the approach taken in the action plan for democratic reform tabled by Mr. Saada last February.

A related option would be to allow parliamentary committees to determine from time to time which appointments their members wish to review in advance. I think Mrs. Longfield, when she was the chair

of the human resources committee, advocated this, that each year or at the beginning of each session or at some other time there would be a list of the appointees who were within the mandate of that committee, and the committee would take a look at those and decide which of them they wanted to review. This would allow them to look at the rest of their workload to see what the issues of the moment were and so forth.

The other option would be to have a special committee, just a single committee, established to deal with all order in council appointments. On the one hand that would mean you'd lose the expertise in particular areas. On the other hand you would develop an expertise in considering nominations, and presumably other members could be rotated in or out of that committee as substitutes. That committee, of course, would be able to devote all of its meeting time to considering order in council appointments and not have to fit them in among other pieces of legislation or studies.

The other option would be to keep the status quo, and under the status quo there is always the option of tabling a nomination and requiring that all appointments be tabled after the fact.

Those are the main options, and obviously any variation of them is possible.

One point Mr. Valeri raised in his November letter was, what happens if the House is dissolved or prorogued? There needs to be some provision to allow appointments, particularly if it's a fairly important position, to go ahead and not be stalled until the House comes back. I think the suggestion he made was that there be some consultation with the leaders of the opposition parties. That should probably be spelled out in the Standing Orders if there's going to be some kind of default for situations of that nature.

The Chair: Who wants to start? Either you may ask more questions of our researcher or, if there are none, maybe we could start going to the various options.

Mr. Casey.

Mr. Bill Casey (Cumberland—Colchester—Musquodoboit Valley, CPC): I just want a clarification. What is the rule now? The Prime Minister has said he's going to consult on this, but it's just a consultation, with no obligation to listen to the committee or to abide by its decision. I'm talking about Glen Murray's appointment.

Mr. James Robertson: My understanding is that the statute setting up the round table says the appointment is made by order in council. Therefore, there is no way Parliament can legally prevent an appointment from being made; the appointment is made by the governor in council.

What the Prime Minister and both the current and previous House leaders have indicated is that they want to develop a system for prior review of certain appointments by committees, where those persons would be interviewed. There would be hearings on it and the committees would table a report in the House giving their advice as to whether that appointee or that nomination was appropriate or not. It was implicit that the Prime Minister or the Governor in Council would pay attention to that report, but I don't think they are legally required to comply or to follow that recommendation.

Mr. Bill Casey: It's not binding.

• (1130)

Mr. James Robertson: Exactly.

Mr. Bill Casey: What committee would that go to? Does that go to the appropriate committee dealing with that department or to this committee?

Mr. James Robertson: The estimates of every agency and department are referred to appropriate committees, so there's no gap. Every committee has certain agencies and departments, and any nomination within the areas of those departments or agencies would go to the appropriate committee. In the case of the round table on the environment and the economy, it comes under the environment committee of the House of Commons. This committee would only deal with Elections Canada and the House of Commons because those are the only institutions we are responsible for as a committee.

The Chair: Mr. Broadbent.

Hon. Ed Broadbent: I have a query. You mentioned there are between 3,000 and 4,000 order in council appointments. Is this on an annual basis or is this the total number that exist now?

Mr. James Robertson: No, it's the total number.

Hon. Ed Broadbent: Do you have any idea, of that total number in any given year, what percentage would be new? I mean new positions, not refilling old positions.

Hon. Judi Longfield: Now there's a two-year term limit on most, so that will increase considerably.

Mr. James Robertson: I don't know. I could try to find that out. There is a book put out by the Privy Council Office that lists all of the order in council appointments, and it indicates salary levels and so forth. That's where the figure of 3,000 to 4,000 comes from. That includes things like returning officers. It includes a lot of other offices that are not all that important in the scheme of things.

We could check on exactly how many are made per year, but certainly a fairly small percentage of those would be appointed on an annual basis.

The Chair: That is the thing, Mr. Broadbent, that some of them are not terms. Some of them are basically there until they die or are kicked out. The best examples of that are returning officers.

Now, of course, if there is a redistribution, the old riding is deemed to have disappeared, even if one square foot of boundary has changed. Therefore, at that point they must be reappointed. In the case of the last election, I think there was only one riding in the country that was not redistributed—Davenport, if my memory is correct. It's the only one I can remember.

Mr. Scott Reid: Well, no, you have Yukon and Labrador.

The Chair: No, I'm not sure if Labrador applied, but Yukon did. Nunavut did.

Anyway, it's just a small number. But of the redistributable ridings—if I can call them that—I think there was only one where it did not occur. Anyway, to make a long story short, everybody else has to be technically reappointed, although 90% were the ones who were there before.

Hon. Ed Broadbent: Mr. Chairman, if I may, there was a reason for the query. When we're looking at some of the options before us, it's rather germane to the argument how many.... For example, one of the options I never considered, which on the surface looks interesting to me, is having one committee consider all appointments. That's the question. If you're talking about a handful of appointments coming up each year, that could be a feasible option, but if you're considering many more, it might be more problematic. That's why I was asking the question.

Mr. James Robertson: I think it is more than a nominal number, because there are things like health committees in various aboriginal communities where there is a federal government appointee or appointees. So there are a large number of appointments per year. It may be that not all of them are at the senior levels or the level where a committee hitherto or in the future would want to call in the person.

• (1135)

The Chair: Madam Longfield.

Hon. Judi Longfield: It's in reference to that.

I chaired human resources, and sometimes there would be 50, 60, or 70 in a year. I think if you add it up, I read someplace—and I think Mr. LeBlanc could confirm—that there could be 500 or 600 in a year.

But the other thing I was wondering is when we're talking about the number, are those ones that are also recommendations by agencies or are they only the ones where it's a government prerogative? A number of boards and commissions and things have, for example, union nominees or agency nominees. Is that 4,000... because we have to approve them?

The Chair: Yes, this is an interesting point. If I can speak to this briefly, as former House leader, the government appoints all of them, but some of them are nominated by somebody else.

For instance, a port authority will have the users, sometimes the city, and so on, but they're still all appointed by the government. So the government doesn't produce the name. There may be 12 of them. The government produces three of the names and the other nine are produced by outside people, but they're still all technically order in council appointments even though the government didn't generate the names.

I think things like the Public Service Staff Relations Board have the union produce some of the candidates. The government actually does the appointment, but not the nomination.

Hon. Judi Longfield: Like the IRB.

The Chair: So there's a difference between who nominates and who appoints. It's always a governor in council who appoints, because it's the government.

Madam Longfield.

Hon. Judi Longfield: I think we need to take that into consideration. Having been involved in a number of committees, I also know that it is truly helpful, if you're going to have a prior review, that the people who are actually questioning or talking to the nominees should have some idea about the subject matter. Giving it to a special committee is going to make it very difficult for any kind of expertise.

The Chair: Mr. Reid.

Mr. Scott Reid: I'm not sure if we've moved from the questions to Mr. Robertson to the actual discussion, but it seems to me that one thing we ought to do is treat the appointment of returning officers in ridings as a separate thing from other kinds of appointments. They are a fundamentally different kind of appointment. They are more numerous, obviously. I would suggest that we deal with that as a separate issue. I had some thoughts, but I'll wait for the appropriate moment.

The Chair: Are there any more questions?

Monsieur LeBlanc.

Hon. Dominic LeBlanc: I was only going to agree with Scott that the returning officer is an Elections Canada issue that needs to be dealt with separately and apart from the traditional governor in council appointment process.

Mr. James Robertson: Sorry. For clarification, the appointments of returning officers, which are tabled in the House of Commons, are referred to this committee under Standing Order 110.

Mr. Scott Reid: I understand that. It seems to me that there is something different in the nature of the job they're doing that suggests a different kind of review process from that which would be carried on for other officials.

The Chair: If we've exhausted that part, do you want to go through some of the various options now and see how we feel about all of them?

This is in a type of report format, so maybe we could go to the options. This isn't in, as I call it, report format right now anyway. This is basically a discussion document.

If we look at the options starting on page 3, there are no numbers to them. Let's call it the option on page 3, for one, versus the two options on page 4. There are three different options in succession. Do you want to comment, on that batch, on how you feel about each one of them?

Does anyone want to start?

Madam Longfield.

Hon. Judi Longfield: For all the reasons that we had discussed on the numbers that could happen, I would suggest that we reject option one, move on, and look at some of the others.

• (1140)

The Chair: So that everybody can be clear here, option one says "all nominations to be tabled in advance".

For my part, the difficulty about doing that is, for instance, when you have to appoint someone to the EI board of referees in Saskatoon, you're going to need to have the process in advance. There are cases waiting to be adjudicated next week and the guy dies today. Somebody has to hear these things, otherwise the appeals are not heard and people aren't getting the benefits.

Saying they all have to be reviewed in advance is a little complicated. For many of them, first of all, sometimes it's a new candidate. Sometimes it's not the end of a mandate; the person just quits. It's December and they decide that this year they're not doing this any more. They're retiring and going to Florida, or whatever.

Mr. Epp.

Mr. Ken Epp: I think an important phrase in this option is that it says:

By requiring all nominations to be tabled in advance, committees would have the option of considering the nominations and calling the nominees to appear before them.

It wouldn't take that long for members of this committee if they're individually given an e-mail that says these are the reappointments. It wouldn't take long to go through the list and check off that we should really check this and this, come to some consensus in the committee, and then decide on whether or not we want to actually do something about it.

The Chair: We do that now.

Mr. Ken Epp: Yes, I know. You get it after the fact now.

The Chair: That's correct. We get it after the fact, but we get them now. It doesn't stop them from hearing their cases, doing their work, and so on.

Mr. Scott Reid: There's something else, if I might. Do you mind?

The Chair: Mr. Epp.

Mr. Ken Epp: The thing is that this comes under the heading saying that all order in council appointments could be subject to prior parliamentary review. This just simply says we would have them tabled in the House as nominees. We would be able to consider whether or not we want to table them. There could be time limits on that—if we don't react within thirty days or so—and then it goes ahead. Otherwise, we have the opportunity to bring the people in, interview them, talk to them, and find out whether they're appropriate and agreeable to the committee.

The Chair: Other reactions?

Madam Longfield.

Hon. Judi Longfield: If you go further down and look at option four, it does that very thing.

The Chair: Please tell us what page it's on.

Hon. Judi Longfield: It's on page 5, and it's the first one. I think it provides for that, because there's an option there saying that the list of possible appointees comes forward prior to each session. The committee can then sit down and say which ones it would like to look at. I think it gives you exactly that same kind of option, but it just does it in a more focused way.

The Chair: Could I maybe leave ten seconds for people to read the top of page 5 and compare it to see if it better reflects how we feel?

While you're looking at that, Mr. Epp, I'll just recognize Mr. Broadbent, who wanted to add something.

Hon. Ed Broadbent: It's on the same issue.

To go back to option one on page 3, you have a list of criteria established for each appointment, and the government has to do that, has to have the criteria established for each position for order in council appointments. They then pose a list of nominees—or a particular nominee if it's for one position—in advance and indicate how the nominees meet those criteria. If it goes to the committee, as has already been said, then the appropriate committee can decide whether or not they want to interview that person or simply let things lapse after so many days and that person would become accepted as a nominee.

Speaking for myself, I haven't been on a parliamentary committee in thirty years. It's hard to know, but I'm quite prepared to accept the judgment of some other people who have dealt with this. Looking at the numbers, you don't want to tie committees down to spending all their time on appointments, given all their other obligations. But consistent with democratic reform, it seems to me that what you want to do is put the onus on the government, one, to publish the criteria in advance; two, to say how a nominee meets the criteria when they actually have a nominee; and three, to give to a committee the option of whether or not they want to pursue individual hearings once they've been given the list of names, criteria, etc. I just throw that into the discussion at this point, Mr. Chair.

In principle, it seems to me that the first one, with some modification, could be something that is not only desirable in practice in terms of the democratic accountability of the government, but also could be practical in execution.

• (1145)

The Chair: I just want to clarify what you mean by “should it occur practically”. It means to say, for instance, that the government would publish in advance the criteria for all appointments. That's going to take a little while, by the way, because there are 4,000 of them and all of this stuff will have to be written down.

Hon. Ed Broadbent: That's right.

The Chair: Anyway, eventually the government—and we'll determine what “eventually” is later—will produce a list of the criteria for order in council appointments. That will be the first step.

Having done this, if a candidate is produced, as the second step the government would table the candidate and say to us at the same time, “This is John Doe. John Doe wants to be on the Public Service Staff Relations Board. Here are the criteria and here's the guy's résumé, which of course proves that he's the right guy for this position.” It is tabled with the House, and that's referred to the

committee. However, the person isn't appointed at that point. Is that what you're saying?

Hon. Ed Broadbent: We're into a substantive discussion here. My thinking is that at that point, if that person is not appointed, it would go to the committee for 30 days for its response. Going to the committee, for a number of them, could simply be routine. You see the criteria laid down. They've been met by the qualifications of X individual, and then I assume this could be dealt with expeditiously. But in other cases, the committee would perhaps want to have hearings and have that particular person come before it.

I don't see, from what I've heard yet...and I certainly would like to hear from people in committees that have had more experience in this. The initial work seems to be done. That's why I asked about the overall number of appointees. Unless the person was once a governor in council appointee and knows something about the process... But once you get the criteria laid out there...that takes some initial work, I agree.

Once it becomes routine and you're replacing people over a period of years, that job will be behind us, unless the government decides to modify the criteria. What I would like to hear from some people who have considerable experience in this is, what's the lack of practicality? What impediments to real efficacy exist with what I'm arguing?

The Chair: Maybe I could invite others to comment.

On the sequence as I think Mr. Broadbent sees it—hopefully I get it right—the first step is to get a list of the criteria. The second step occurs when you produce a candidate pursuant to that. You produce the résumé, and people can see for themselves whether this matches the test. Those are the first two steps.

Then the committee would have x number of days to—

Hon. Ed Broadbent: To respond.

The Chair: Yes, but if the committee responds that it wants to interview them, does that delay the appointment until the committee has done so? It has to be very much tighter than that. It would take six months to appoint someone to the EI board of referees in Saskatoon, if I can use my fictitious example of a while ago.

Hon. Ed Broadbent: Could you explain why? That's not self-evident to me. Someone's appointed to a board in Saskatoon, so that name comes before the committee.

The Chair: No, but if we have—

Hon. Ed Broadbent: Why is that going to take so long to be dealt with? From what you said, it seems to me I could be a perfectly routine one and there wouldn't be—

The Chair: I'm assuming here that someone does want to interview him. Of course, if no one wants to interview him after ten days, or whatever, and the committee hasn't said anything, it just disappears. It's gone from the radar screen, and the person does whatever they were going to do. I'm referring to what would happen to the process. Say the committee has a certain number of days to decide whether it does...so during that process the person can't be appointed.

Now during the process between the time the committee says it wants to interview, the time it does interview, and the time it reports to the House—just so we all understand—what are we advocating? Should that delay continue for the appointment until all that is done? If so, for how long, because there are two steps after the first one? There's the step of saying we want to interview them. There's the step of actually doing it. Then arguably there's the third step of tabling the recommendation in the House. Then, of course, what do you do with the House process if there's a concurrence attached to that?

You can see that with sitting five days a week around here—and only effectively three days when committees are sitting—with Parliament not sitting one week every four weeks on average year round, and not sitting for three months in the summer and one month in the winter, how some of these things could stretch for a very long time, unless what we're saying has much tighter concepts. I'm just throwing this out so everybody can think about all this.

I believe, Mr. Broadbent, you asked what was wrong with all this. That's why I'm kind of raising it. Maybe others can give us their thoughts.

Mr. Reid.

• (1150)

Mr. Scott Reid: Well, the obvious way of dealing with something of that nature is to allow for temporary appointments, pending approval by a committee, and then if the committee rejects making that appointment permanent, the person is replaced by somebody else who is more suited to the task, whatever that role happens to be. I think that particular problem could be dealt with fairly simply.

I would suggest as well that if we're talking about the number of days the committee gets to review, it should be the number of sitting days as opposed to 30 days; 30 days over the summer are of no use to us at all, but 30 sitting days mean something—unless we set up a special appointments committee that sits year round, which is a valid option for many types of appointments.

I just want to emphasize how little information we actually get at this committee when we get our order in council appointments. I'm looking here at someone who's been appointed returning officer for the electoral district of Richmond Hill. What I know about this person is that their name is Valentina Chow and that they reside at a certain street address. I don't even have the postal code, let alone a phone number. It's not that I would necessarily want that information, but the point is that I know nothing about this person aside from their name and their street address.

So this process, in my opinion, is purely window dressing as it stands now. There ought to be, as Mr. Broadbent suggests, some kind of list of reasons why this person deserves to have this role or is

qualified for this role. It is completely absent at this point, so this is literally useless information as it now stands. I think Mr. Broadbent is very much on the right track.

The Chair: Madam Redman.

Hon. Karen Redman (Kitchener Centre, Lib.): Thank you, Mr. Chair.

I guess the problem I'm having with the first option, as it's put forward, is just the sheer volume of it.

And if we turn to the two on page 4 and the one on page 5—and I assume we're talking about this as a bundle—these are real people. They live in communities. They have reputations. This is a public process.

I guess, Mr. Reid, that is part of my concern. We would have somebody who has put their name forward and is in a temporary position, whose time you would have spent and on whom you would have spent government money training them. Then I would assume it would be quite a public event when they were deemed unacceptable. So I think we have to take into consideration some kind of balance between the fact that these people are doing something for the public good...

On pages 4 and 5, I wonder if we don't have slightly more dispassionate structures for dealing with this. From time to time there may be names or issues that come up that may be controversial, but I would hate to think that by merely putting all appointments in front of us, we in any party—I don't mean to point fingers at any one party—could then in a partisan way cherry-pick and say, “Gee, this is one who may embarrass another party”, or “This is somebody whom”, for whatever reason unrelated to what they actually were doing, “we may want to get a note from his proctologist”.

So I sense that if there were some kind of a priority or a tiering, or something that was done that had to do with the function as opposed to merely the individual, it would be more respectful of the people who put their names forward to indeed do something for the greater good on behalf of their community and government.

• (1155)

The Chair: Okay.

Madam Longfield, I believe you're next.

Hon. Judi Longfield: I would support the idea that there should be criteria. I think it's foolish that any committee be asked to review a nominee, or to do that, without appropriate criteria laid out and some ability to look at the nominee's CV to see that they've actually met the criteria. I think that's just fundamental or elementary to the whole process.

But again, I am going to go back to what I call option four on the top of page 5, which gives the opportunity to a committee to say, “These are the appointments that are coming up in the next session”—in the next six months or the next year—“and which are the ones that we as a committee think are important to review?” The committee can then take the time and say, “Well, you know, that one is pretty commonplace; we don't really think we need to deal with it. But these are the five that are coming in the future”—before we've seen the nominees. So it would not be a case of us saying, “Well, you know, this one could be politically hot”, but of us actually determining that we wanted to review the appointment for the head of the Canadian housing authority, for example. We would know that was coming up in six months and that it was the one we wanted to do. So we're going to see the list of the nominees, we're going to see the criteria, and we'll have an opportunity to make a determination.

I think that's the appropriate fashion, that each committee is able to determine at the beginning.... The government will table all of the appointments that are coming up; the committee will have all of that. It also gives the government the opportunity, when there's one that comes up unexpectedly, to send it to the committee and say, “Irrespective of the fact that...here's one you might want to look at”.

So I think it covers lot of the things you want, and it doesn't preclude the option of any committee changing those priorities from time to time.

The Chair: If I understand correctly then, there is at least—I don't want to say it is limited to this, but there's certainly an appetite to have a proper list of criteria established, and of course then enabling people to see—from what I gather, based on what I've heard so far—the actual résumé of the person, somehow, so people can see that the résumé does match with the criteria. I mean, if you have one and you don't have the other—I guess that's Mr. Reid's point—you're still no further ahead. You may say all this criteria is necessary, but John Doe living on Avonmoore Street, or whatever Mr. Reid said, doesn't really cut it.

Mr. Scott Reid: That's right. There's a need for more information.

The Chair: We at least know we have that. Let's continue and see how far we get down this path.

Monsieur LeBlanc.

[*Translation*]

Hon. Dominic LeBlanc: I am in complete agreement that this requires criteria supplied in advance, criteria that are well understood. I also agree that we should demand more than the words Mr. Reid had on his government decree, in order that the resume and qualifications of the candidate be fully understood at the outset and evaluated against the criteria. I find Mr. Broadbent's suggestion to be a very good one.

[*English*]

I agree with Madam Longfield. To say we're going to have every appointment...we have to be realistic. Parliamentarians are interested in key appointments to a number of major agencies, boards, and crown corporations, but as for very local, regional appointments that are maybe non-remunerative, where somebody goes to two meetings a year of some advisory board in some rural community—we all know of examples—I would think parliamentarians would have no

interest in reviewing them. We should still see the criteria and there should still be a public process.

I remind colleagues, Mr. Chairman, that the whole notion of having a prior review was brought forward by the Prime Minister. Former House Leader Saada started this process. There's an appetite, obviously, among colleagues on different committees of the House, including this one, to have a prior review of certain key appointments, but we can't change the Constitution. This is not an “advise and consent” situation like in the United States on which confirmation hearings depend.

The governor in council makes these appointments. Sometimes the governor in council will reject the advice of a committee and will be politically accountable for so doing. This is a recommendatory function, and I think we need to be realistic. In our system of government, you're not going to have a circumstance where the cabinet delegates or loses its authority to make these appointments.

I also caution colleagues that there's a separate process the Minister of Justice is looking at with respect to judicial appointments—perhaps, like Mr. Reid, with respect to returning officers. Appellate courts and the Supreme Court of Canada are a separate issue, but they are also governor in council appointments.

I don't think anybody wants, and I certainly hope we don't get to, a situation where we're calling trial court judges, all 4,000 or 5,000 federally appointed judges across the country, to confirmation hearings. That being said, there is a willingness to look at other appellate and Supreme Court judicial appointments, and some kind of review as well, and that's being handled by the justice committee.

• (1200)

[*Translation*]

The Chair: Thank you, Mr. LeBlanc.

The next speaker on the list is Madam Boivin.

Ms. Françoise Boivin (Gatineau, Lib.): This will not be very long, because I do not wish to repeat all that has already been said. I do not perhaps have the political experience that Mr. Broadbent would like, particularly with regard to the practical aspect of what we are going to be setting up, but I do nevertheless have 20 years' experience in labour relations. Even after 20 years in labour law, one of the most difficult processes was to find the right person for the right job. This in itself is always a difficult exercise. I am in complete agreement with you, Mr. Broadbent, as to the importance of having criteria.

I do not know if you have studied the various proposals made by the different committees. It just so happens that the Standing Committee on Official Languages, that I sit on at present, passed a motion dealing with the adoption of criteria relating to the abilities and qualifications required when the government hires someone. The motion also recommends that these criteria be defined by the government and submitted to the committee for approval.

If we really want to be able to carry out a non-partisan exercise—and I am hoping that that is the basis underlying all that we are doing here—, then we must have these criteria. Practically speaking, option 1 would be problematic, although I find that option 4 is quite similar to it at the practical level. In this regard, I have nothing to add to what my colleagues have already said. In order for the exercise to be effective, it is essential that we know the criteria, the positions we wish to examine, even if at some point in time we have to have a sub-committee deal with this. We are not really sure.

As with everything here, my concern is with the time that this exercise will require while I sit on the Standing Committee on Official Languages. We must be realistic. Certain members of the committee might have to delve into the criteria, but it is not everyone who will be available to do so at the time. This is an option that we might look at.

The Chair: All of that is fine and dandy, but these are government appointments. The committee will be informed of the criteria but it is not up to it to define the criteria nor to decide whether or not the criteria are good. This is an executive function. Our role is to determine if the person does indeed have the necessary qualifications as per the criteria. We agree on that.

Ms. Françoise Boivin: I am not saying anything different. On the other hand, I believe it is in the government's interest to adopt in this regard intelligent criteria that are suited to the positions to be filled.

The Chair: I now give the floor to Mr. Reid.

[English]

Mr. Scott Reid: Thank you, Mr. Chair.

I wanted to start out by saying that I think Mr. LeBlanc's comment is well taken, that not every appointment is a patronage appointment in the sense of rewarding people's political buddies. But that is the perception a lot of people in the public have. The way you correct the problem of the perception that it's not an honest and open system is by making it more open, which reveals that for the most part things are based on professional competence. It reduces any confusion that can occur on that subject.

I also agree with his observation that you start from the top down. Obviously, there is a great deal more interest in who's being appointed to very high-level positions than in who's being appointed to lower-level positions.

I must say I disagree with Mr. LeBlanc on one thing. He says you can't bind the Governor General. You actually can bind the governor in council legislatively. You can't bind the Governor General, but there is a distinction there, which means you actually could require the government to consult legislatively with someone else, including Parliament, in order to present possible appointees.

The last thing, and I'm on a different subject, is the returning officers. It seems to me the fundamental problem we have is that all the way up in our electoral system, if you go into any polling station, one of the officials there is appointed by the party that won the seat and one by the party that came in second. That ensures objectivity. It's actually one of the things that works well in our system, as compared with the past and with many other systems around the world, except when you get to the actual chief official for that riding. The obvious thought here is that this appointment ought to take place

with the approval of the party that came in first and the party that came in second in that riding. As long as they can agree, there will be no problem.

I'm not suggesting necessarily there's partisan bias in the people who are appointed to those jobs, but to take a real life example I'm very familiar with, it's not infrequent when you've had a radical redistribution that you get someone reappointed who had the job before but is only familiar with half the riding and has no clue about the geography of the other half of the riding, and who makes a series of very inappropriate decisions. I'm actually speaking of my own constituency. This would not have occurred had there been some kind of consultation.

That's the kind of thing, for that particular set of appointments, that I think would make them flow a great deal better. It would actually remove many of the objections Mr. Kingsley made reference to when he came to speak to us a little while ago.

• (1205)

The Chair: Mr. Kingsley, I'm told, will be tabling his report on what he considers to be necessary or desirable—or however he wants to put it—legislative changes very shortly. He raised this subject, so presumably whatever recommendation he has to make will be in that report. Maybe what we could do, insofar as returning officers are concerned, is wait until his report comes in. I'm not saying that what he wants is what we should agree with; that's a different proposition. He has a rather specific way of looking at this, of which some others may say it's a little bit too much.

Anyway, we'll see that when it occurs, but maybe the best thing to do with that part would be to wait for Mr. Kingsley's report.

Do we have any idea when we'll get it?

Mr. James Robertson: It was originally anticipated to be this spring, but I understand it may be delayed until the autumn. That is the latest I have heard.

The Chair: The last time he was here I thought this was something he was in a mad rush to do. Anyway, I'm not the spokesperson for him.

Mr. Broadbent.

Hon. Ed Broadbent: Just going back, as I understand it there seems to be an emerging consensus here about having established criteria; second, that when somebody is appointed—and we'll come to the details of that in a second—the person's name should be published at the same time and how that person meets the established criteria; third, that there seems to be a general understanding that while a committee may want to review in particular some people—the review to include in that particular case actually having the person come before the committee. There isn't a disposition for anyone who's talked around this table to say they want to review, in that sense of a discussion or hearing, even possibly a majority of the appointees. It seems to me, if I understand the discussion, that we're going this way.

Let me just get on the table what concerns me. I want to preface this. I don't care what the party is, whether it's Liberal, Conservative, or my party, which has governed five provinces and territories; there is a disposition, as has already been said, by many Canadians to see appointments, especially in a closed process, as simply being so much political payoff, and in the most pejorative sense a kind of partisan activity that's not appropriate to public bodies.

I'll be specific. I discovered the NCC here in Ottawa. It became an issue in the federal election. I happened to look up the criteria of everybody on the NCC. I repeat, they may well have many other qualities, but it was not, I think, incidental that every one was a member or had connections with the Liberal Party.

Whether it's the Liberal Party, the Conservative Party, or in some provinces—I don't know—the NDP, I'm saying the process is one we as parliamentarians should not let lead to that kind of outcome, where you have a public body that has both regional and national obligations, as the NCC has, for which the principal criterion seemed to be some connection with the governing party.

One way of heading that off, I think, is to have the publicly established criteria in advance. When people are appointed, we'd have their biographies and we could find that information out readily. If that became a routine, my own view is this would lead governments of all parties to be much more objective and to make sure, if people had political experience on these boards and commissions, for example, that more than one party would find its way to membership there. The party identification, I believe, should be incidental, and probably in most instances not even required; it should not be a dominant characteristic.

I think frankly that's what causes some debasement in judgment of the political process in Canada, that there's a perception of partisan activity where there shouldn't be partisan activity.

I'm saying it seems to me we should try to work so that in whatever changes we're working through here, this should be a principal outcome or objective, so that you not only get people who are competent for those tasks working for the public good, but people who are not seen to be primarily, in those positions, partisan people.

•(1210)

The Chair: Okay.

Hon. Ed Broadbent: In addition to the practicality that we're appropriately concerned about, I think we ought to be, as parliamentarians, concerned about this perception of the political process.

I want to add this, if I may.

The Chair: Sure.

Hon. Ed Broadbent: Many tasks in political life, whether they're appointments in ministers' offices and so on, should be clearly partisan. I'm not naive about this, nor do I think it's desirable, running a government that is based on a party system. Many have to be partisan appointments if you're going to have an effective party system of government. I'm talking about political functions here, in line with responsibility within offices to ministers and so on. But I am making a distinction that there are many bodies out there where

we have the appointments where partisan criteria should be either incidental to getting the job or non-existent.

The Chair: That being said, I'm just wondering if we could focus more on how we see this.... We have been speaking somewhat in generalities, but not always. There is some consensus that's starting to develop, at least as I see it. Maybe we could try to focus even more on that. For instance, there is, as I said previously, seemingly a consensus that in our report, however we do it at some point, there should be a reference that we expect the government to produce the criteria for all its jobs eventually. I suppose they could start initially by producing the criteria every time they produce a candidate, and with the candidate there should be, in some form, a résumé of the individual.

There's a bit of a challenge here—and perhaps our staff can look at it—in terms of whether the résumé is tabled in the House or given to committee members. I don't know about you, but I think many times when a résumé is provided, it has some confidential aspects to it. How that is done.... We need to think about some of these details as well.

I don't know about you, but when people apply in my office for a position, it usually says “confidential résumé”. It's almost part of the title of these things. We have to think about some of these things too, and I invite all of you to advance the thought process in that regard.

The next person I have on my list is Mr. Epp.

Mr. Ken Epp: Thank you, Mr. Chairman.

I'm really worried, because I agreed almost totally with what the member from the NDP said.

Some hon. members: Oh, oh!

An hon. member: Do you want to take it back?

Mr. Ken Epp: A lot of what he said is what I was starting to think myself, in that there should be these broad principles. When I think back over my now eleven-plus years here in Parliament, the number of appointments made by the government that I am aware of that were in my view blatantly political probably is less than six, out of all of them. There may be others that I just wasn't made aware of or didn't find out about, but there were some that really were bizarre, although I think it's inappropriate to mention the individual details here. There were some for which the person was not only not qualified for the job, but I think they were eminently unqualified but got it anyway because of political connections. But that happens.

And by the way, that can go both ways. I know when I was first elected, I was appalled to find out that it was my job to name the deputy returning officer in the riding for the next election. I thought that was really wild. Somebody here said earlier that it works very well. I thought this was supposed to be apolitical and non-partisan, so what were we doing here? I declined. I just wrote a little memo that said to pick a person who was qualified and that it should have no partisan component whatsoever. I've done that consistently throughout.

It just so happens that the people who have served in my area, Elk Island previously and now Edmonton—Sherwood Park, have done a good job, notwithstanding that the returning officer in the last election was previously a Liberal candidate. But he did a good job, so let him be. I don't care. He seemed to be able to learn it.

I think the principle is very clear, as Mr. Broadbent stated. If there is a political connection, it should at best be only coincidental. It should not be part of the criteria, except for those jobs that involve a high degree of loyalty to a minister, etc., and that type of thing.

I would like to propose what I'm leaning toward. All of these appointments should be noted in advance. In other words, we should find out who is being nominated prior to the appointment, and then the committee or any member of the committee could raise the issue and hopefully we'd come up with some criteria within the committee. For example, if we get back to a majority government, which we expect to happen in the next one or two elections, then regardless of which of us sits on the opposition side, I would like to see a criterion that says that if a majority of the opposition or a majority of the party—this is in a majority government—wants to interview this person, then it should be done. I think that would increase accountability and would increase transparency, and I think in the long run it would increase the trust Canadians have in the appointment system.

Undoubtedly, as has been mentioned earlier, there is a perception out there that a lot of these appointments are strictly based on political connections. I for one am very interested in destroying that perception, and I think the only way to destroy it is in fact by not doing it.

• (1215)

The Chair: We're getting close to 12:30, when we'll have to suspend this until a future meeting. I'm just trying to see where we're getting some consensus, in order to help our researcher further develop his document for the next time.

There's just one thing, Mr. Epp. The issue of the DROs and poll clerks is not before us today. They're not order in council appointments.

Mr. Ken Epp: I'm aware of that.

The Chair: There are two schools of thought in that regard, and I think you've expressed one and Mr. Reid has expressed the other. One of them says those positions should be non-partisan and the other says they should be bipartisan. It's an irreconcilable debate, even between two MPs from the same party here. The traditional way of doing it has always been bipartisan in Canada, as it is in the United States, by the way. It's always bipartisan for the people administering the poll. Each side keeps the other in check, as it were. It's an interesting debate, but it's not really one of the ones we'll have to decide on in this report.

Mr. Scott Reid: As long as we're talking about DROs and poll clerks, when you get to the level of the RO, there's no counter person to—

The Chair: That's correct, absolutely. That's a very different thing. An RO, of course, is an order in council appointment, and the process we have is if we think the government deliberately appointed a scoundrel to do the job, we can bring him before this committee even now. It's true that the person will have been appointed already, but it doesn't stop certainly someone from making political hay out of it, if that's what's deemed to be appropriate. That effect is still there.

Madam Longfield, you're next on the list.

• (1220)

Hon. Judi Longfield: Mr. Chair, in listening to all of the discussion I think there's a great deal of consensus on criteria. Where I see the difference is that option one, where it says that every name being proposed has to come before the committee, lends itself to the possibility of people going through the names and saying, John Doe, now I know he helped out in doing...I want to review that, I want to bring him to task. I don't think that's what we're trying to do. I don't think we're looking to identify those people who may have some connection to a Liberal or a Conservative or a Bloc or whatever.

What we need to be doing is saying there are certain positions for which we are making appointments where it's extremely important—the NCC may be one because it has such a broad mandate and it is so important—that we decide before we see the nominees, before we even know who is going to be there, that these are the people we would want to review.

If you decide on the positions, if you take it before the committee and the committee looks at them and says there will be nominations in these 15 areas, then before you see the nominees, before there's any suggestion that anybody's playing games or that someone is out to embarrass someone, you say this position is such that there should be a review and you make that determination. As the nominees come in, the committee can say there doesn't seem to be any problem or there's nothing here we want to do, and you can move on. But you do it prior to actually seeing the names.

I'm worried that on option one, where you have to see the names, it lends itself to looking out and seeing where you can embarrass someone either way. If you do it beforehand, as you say under option four, where you simply say these are coming out in advance and we want to review those, then all of those options, all the criteria, are available and you can do due diligence on those that you think are really important, keeping in mind that there are some for which it really isn't all that important—someone who's going to be there for six months or a year, who really can't make any decision of any substantive form. That is more of a figurehead.

I'd like to see this be an appropriate way in which the members of the public will know well in advance that these are the areas we want to review.

The Chair: Mr. Broadbent is next. But there's one thing that somebody said about seeing in advance. I know this was in Mr. Saada's document—seeing in advance which appointment we want to review. I just ask a hypothetical question. How do we know if we want to review it? What's the need to review it if we already know the individual is qualified?

For instance, say when the time comes that a candidate for the next chairman of the NCC is Maurice Strong. Do I want to interview him? What for? I already know he's qualified.

So I don't see the need. I only see the need if I have a doubt.

Hon. Ed Broadbent: By virtue of being well a well-known Liberal, you mean.

The Chair: No, that's not the point. Use Stephen Lewis. It's the same thing. The point I'm making is if an individual.... How can we say it's the position? We're not interviewing a position; we're interviewing a candidate. Anyway, I challenge that.

Hon. Judi Longfield: That's where I disagree with you. I think we don't wait. There are certain positions that are inherently important to review, and if you get one that everyone agrees on, you simply say we don't need to do a further review. I'm afraid it may be for that exact reason—a name comes out that sparks a whole lot of debate when it should be the board we're looking at. I mean, the board is of such significance that the committee needs to be looking at it in-depth, irrespective of who it is who turns out as the nominee. It may be easy. It may be more difficult.

The Chair: Mr. Broadbent, the last word is for you, and then we'll have to close this off.

Hon. Ed Broadbent: Well, in the interests of building a consensus here anyway, if the suggestion made is consistent with....

Also, what I see as really constructive here is that first, all committees would establish in advance certain positions they want to review as a matter of routine. Speaking for myself here and my party, I would agree with that. In addition, though, I'm assuming the other criteria we talked about would remain in place, that all names be provided for all appointments according to established criteria and that their CVs be there.

All I would add is the following. I realize it's late, but maybe we could consider it. Yes, we have established positions laid down by the committee in advance as to what it wants to review, but as the chairman has said, there could well be, when we see the list of names, on an exceptional basis.... Maybe you'd want a majority on

the committee to agree on this—more than one party. If in addition to the established names you want to review as a matter of routine for one of the appointments, someone leaps out at you who isn't on the established list, there should be a process the committee could then invoke saying, well, we want to have a look at this particular case.

I see you're nodding. I'm part of this consensus so far then.

● (1225)

The Chair: I'll have to stop you at this point and put it back on the agenda for the next time.

I don't know, Mr. Robertson, if you've heard enough so you can start preparing a second draft for us to continue to work on. I'm not saying what we've done today represents unanimous views on everything; we have various views on everything, but there's enough coming out, hopefully, to help you in your report.

Now what I would like to do, colleagues, is go to the agenda items we need to do in camera.

Could I ask those who are not supposed to be here to leave? It shouldn't take us long, only a few minutes.

[Proceedings continue in camera]

● (1230)

[Translation]

The Chair: Mr. Guimond has moved that we adopt the draft report. I believe that we have just done so.

Let us now move on to the second motion:

That the Chair, Clerk and researchers be authorized to make such grammatical and editorial changes as may be necessary without changing the substance of the report.

This has been moved by Madam Picard and seconded by Mr. LeBlanc.

[English]

Shall the chair present the report to the House? Will someone so move? Mr. Epp so moves, seconded by Monsieur LeBlanc.

That being said, will someone move the adjournment? Madam Longfield so moves.

The meeting is adjourned.

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