



House of Commons
CANADA

Standing Committee on Procedure and House Affairs

PROC • NUMBER 046 • 1st SESSION • 38th PARLIAMENT

EVIDENCE

Thursday, October 6, 2005

—
Chair

The Honourable Don Boudria

All parliamentary publications are available on the
"Parliamentary Internet Parlementaire" at the following address:

<http://www.parl.gc.ca>

Standing Committee on Procedure and House Affairs

Thursday, October 6, 2005

• (1105)

[English]

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

[Translation]

Pursuant to the order of reference of June 22, 2005, we will now proceed with the study of Bill C-312, An Act to amend the Canada Elections Act (appointment of returning officers).

[English]

Our witnesses this morning are, from Elections Ontario, Mr. John Hollins, Chief Election Officer. Welcome.

[Translation]

We will also be hearing, from Elections Quebec, Mr. Marcel Blanchet, the Chief Electoral Officer and President of the Commission for Electoral Representation, as well as Mr. Jacques Drouin, Assistant and Director of Electoral Operations. Welcome, gentlemen.

[English]

As well, from Elections Manitoba we have Mr. Richard Balasko, Chief Electoral Officer.

To our witnesses, good morning.

Would each group of witnesses like to make a bit of an opening statement? I would imagine they're familiar with the bill we're discussing, so maybe on their part there could be a brief statement if they have one. I'm not saying you have to; that's your choice. Then, of course, our colleagues will ask for your opinions in this area of expertise that you obviously enjoy.

Before we do that, I think Mr. Johnston is seeking the floor. Is this a point of order, Mr. Johnston?

Mr. Dale Johnston (Wetaskiwin, CPC): Yes, Mr. Chairman.

The Chair: Please proceed.

Mr. Dale Johnston: I realize we have witnesses before us today, and I don't suggest we usurp their testimony, but in light of the Speaker's decisions on the prima facie case of privilege, I would like to find some time on the agenda today to deal with the scheduling of that prima facie matter.

The Chair: That's an excellent point.

If the committee agrees, we would hear from our witnesses for maybe one hour. After that, we also have the motion for the appointment of Madam O'Brien. I would suggest we do that and then

meet in camera, because it is the scheduling of the committee and this is a very important issue. It's been referred to us, and it involves the personal privileges of one of our colleagues and an allegation of contempt, and so on. It's a very serious issue.

I would propose that at the end of the meeting we meet in camera today. This is in reference to the question of privilege raised by Mr. Deepak Obhrai, so at the end of the meeting, could you remain for a few minutes to deal with this agenda-setting item? I'm told the Speaker ruled on it approximately an hour ago, and he has referred it to us. In any case, I don't want to take the time of the committee right now to go into it further. I'm sure our staff will be ready to brief us on the matter afterwards, but I would like the committee to remain behind, because it is, I believe, a very serious matter.

• (1110)

[Translation]

Does that suit you? Yes? All right. We will therefore spend one hour hearing our witnesses' presentations, and then we will hear Ms. O'Brien. We will then go in camera for a brief meeting to deal with the agenda, as the House Speaker requested a little earlier today.

[English]

With that, and seeing there's agreement, who wants to go first?

Mr. Balasko.

Mr. Richard Balasko (Chief Electoral Officer, Elections Manitoba): Thank you very much, Mr. Chair.

If it's agreeable, I do have a brief set of remarks. They require on the order of five minutes.

The Chair: Please proceed.

Mr. Richard Balasko: In Manitoba, the Elections Act was changed in 2001 to give the chief electoral officer the responsibility to appoint returning officers in each of the 57 electoral divisions. That change was in response to a recommendation for an amendment that I made in my statutory report to the assembly.

Returning officers must be qualified voters who live in the division for which they are appointed; however, in an emergency circumstance, I am able to appoint persons who are not resident voters. After taking an oath of office, the returning officer then will appoint, with my consent, an assistant returning officer.

I also have the authority to rescind the appointment of a returning officer or assistant returning officer and to appoint a replacement. This would occur when an individual is unable to or fails to perform the duties, hasn't followed an instruction, or has engaged in partisan political activities after the appointment.

The legislation in Manitoba is really not at all prescriptive about the process to be followed for the recruitment of returning officers. It simply says, "the Chief Electoral Officer shall appoint a returning officer for each electoral division". However, because my original recommendation stressed the importance of an open, merit-based competition, this is what I have adopted.

Initially I consulted with the Manitoba Civil Service Commission to see if they would run the recruitment process, but they were unable to because of resources. However, the Civil Service Commission did agree to review and to endorse all our documents and all the processes we have followed to recruit returning officers, so in the end the process mirrors civil service appointments in Manitoba.

Basically, this involved the development of position descriptions, applications, screening criteria, standard interview questions, weighted selection criteria to be used in assessing candidates, and an advertising campaign. We also developed criteria for assessing the completion of the probationary period after appointment, and we developed a performance evaluation to follow the election.

Because of the uniqueness of such positions—and in Manitoba, the uncertainty as to the timing of elections—we also developed a policy on direct appointment of returning officers. The direct appointment would take effect in a situation in which a qualified returning officer is being considered for reappointment, when a vacancy occurs at a critical time in our preparations, during an election, or when an assistant returning officer is being considered for the appointment as a returning officer.

We used two three-person teams of interviewers for all the selection boards. They included a human resource specialist, an experienced returning officer, and a member of my staff. The applicants could apply for either the returning officer position, the assistant returning officer position, or both.

Of course, one of the reasons for doing it this way was to ensure that persons who qualified through the competition as assistant returning officers could then be considered directly for appointment to a returning officer position.

From the interviews, one candidate would be recommended by the selection committee. Then I would meet with my deputy and the human resource specialist to make the final appointment of a returning officer. Once this person was appointed, he or she would join a board with someone else from my office and a human resource specialist, and this board would appoint an assistant.

We created an eligibility list so that we had an efficient manner to make replacements if they were necessary. In Manitoba, we recruited 114 positions; we had a total of 970 applicants and over 450 selection boards, all run by my office.

The initial recruitment process took about 10 months to complete. Of course, as with any type of job, there's a certain amount of

turnover; however, prior to the election call in May 2003, we were able to fill the vacancies by use of the eligibility list.

The entire cost for the process of recruitment in Manitoba was just under \$170,000. The vast majority of this was for advertising, to ensure the positions were well known and thus induce an open competition. Remuneration for the external board members was about \$40,000, and then there was the interview travel cost, which was about \$26,000. This works out to an average of about \$3,000 per electoral division. It allowed us, through open, merit-based competition, to appoint both a returning officer and an assistant returning officer.

In Manitoba, these appointments end six months after the election.

This is similar to B.C. I know you've heard from Mr. Neufeld. Our appointments are as well for one business cycle.

So in December 2003 the appointments were all rescinded. However, now we're in the process of making direct reappointments of returning officers and assistant returning officers who are recommended for reappointment based on their performance appraisals.

Only six of the 57 returning officers were not recommended for reappointment through this process of appraisal. In those cases, we'll meet with the individuals, discuss their performance, and explain to them the reasons they're not considered for reappointment.

• (1115)

A further 10 returning officers and 13 assistant returning officers were not interested in the job, and some others have moved on, but from our perspective, the good news is that going into the next election we have about two-thirds of our critical field managers, who are now experienced returning officers and assistant returning officers.

After seven further direct reappointments of assistant returning officers to returning officer positions, we will need to fill only 17 of 57 returning officer positions.

In closing, I will mention that the successful group of returning officers in Manitoba was composed basically of early retirees, some self-employed persons, and—interestingly—a number of persons who are otherwise employed in the private sector and the public sector. In Manitoba there is a provision to provide unpaid leave of absence to any individual who wishes to participate in a democratic process in Manitoba as an election official, and approximately 25% of our group of returning officers and assistant returning officers are people who are in the workforce and who've applied for, and are on, this leave of absence.

Thank you very much for your time. I'll be pleased to answer your questions when it's my turn.

The Chair: Thank you very much, sir.

Next is Mr. Hollins, from Ontario.

Mr. John Hollins (Chief Election Officer, Elections Ontario): Good morning, Mr. Chairman and members of the committee.

Thank you for inviting me to appear before you and share my views on the appointment of returning officers as you review Bill C-312.

The office of the Chief Election Officer in Ontario is also known as Elections Ontario. It serves the citizens of Ontario and their elected representatives in the Legislative Assembly of Ontario. It is the responsibility of the Chief Election Officer to preserve the integrity of the electoral process and guarantee the democratic voting rights of all Ontarians. There is no place for partisanship in this environment.

The Ontario Election Act prescribes that the Chief Election Officer be appointed by cabinet on address of the legislative assembly. Similarly, cabinet appoints the Assistant Chief Election Officer. In 2001, however, for the first time, both appointments were open to competition. An all-party committee appointed the Chief Election Officer and the Assistant Chief Election Officer, following a publicly advertised recruitment process and selection. It is my opinion that this open, merit-based process must not be a one-time event and that it should be confirmed within Ontario's statutory framework.

In administering the election process, we are keenly aware of the need to ensure its integrity and of the need, as a non-partisan agency, to remain independent from the political process. The integrity of our elections must be preserved through a combination of people who are publicly accountable and processes that are clearly defined.

As I stated in my report on the 2003 provincial general election, entitled *Access, Integrity, and Participation: Towards Responsive Electoral Processes for Ontario*, the partisan appointment of returning officers and election officials creates the perception of a lack of independence and therefore a risk to the integrity of the process. The Chief Election Officer should have the clear and unambiguous authority to appoint returning officers and election workers, and these appointments should be awarded through an open, merit-based competition.

Our stakeholders have confirmed the overwhelming importance of maintaining the independence of the Chief Election Officer as administrator of the electoral process. However, the current system for appointing returning officers and poll workers is politically driven. Cabinet appoints returning officers, and candidates, usually working with their political parties, are responsible for nominating polling officials. My office has only a peripheral role in the process of appointing returning officers. Typically, the governing party or premier's office has provided the Assistant Chief Election Officer with the names and résumés of potential returning officers. The Assistant Chief Election Officer then meets with the prospective candidates to review the roles and responsibilities of the position.

In rare cases, usually over concern for the health of the prospective returning officer, the assistant chief has found sufficient reason to express reservations about the appointment. However, whether to proceed with the appointment remains at the cabinet's discretion.

In addition, the roles and responsibilities of the returning officer have evolved greatly over the years. Today, returning officers are required to have specific skills and core competencies to successfully

organize and administer electoral events. As we become further entrenched in the electronic age, it is essential that returning officers have the technical skills needed to use automated processes and systems to efficiently plan and administer elections. Elections Ontario outlines these competencies in the skill set guidelines for choosing Ontario returning officers that are provided to political parties to use as a guideline when identifying potential returning officers.

In my own experience, I can tell you that some candidates put forward have not met these minimum requirements, and therefore they have required additional, and often substantial, training and support. History and statute provide for returning officers to deliver their own elections, resulting in 103 separate events. Today's electorate expects more from the province's electoral process—more consistency, more transparency, and more accountability.

Elections Ontario aims to deliver one election that is the same for every elector, not 103 different elections across the province. In order to ensure that the management and the administration of the election does not differ from district to district, the Chief Election Officer must have the clear administrative authority to make decisions and must be able to deploy the staff and tools required to ensure there is only one election across Ontario and that its integrity is preserved.

While the Chief Election Officer has the authority to hire administrative staff to fulfill his responsibility, he has no authority in the selection, and limited authority in the management and tenure, of returning officers or other election officials.

● (1120)

Under the current legislation, returning officers hold a responsibility to appoint persons to fulfill the role of election clerk, which is the equivalent of the assistant returning officer federally. They also have the responsibility to select and appoint all workers who staff the 103 returning offices, 29 satellite offices, and nearly 23,000 polls in an Ontario election.

With the powers of the Chief Election Officer and returning officers divided in this way, the Chief Election Officer is placed at a distance, creating significant barriers to the effective management of the election in delivery of a single event to all electors.

While the returning officer is deemed responsible for running the election in each electoral district, should problems arise, it is the office of the Chief Election Officer that is ultimately held accountable by the public, the political parties, and the media.

Electors, candidates, and parties alike have told us that the delivery of elections must be entrusted to an independent and non-partisan agency. The partisan nature of returning officer appointments and election officials appointments affects both the appearance of independence and the ability of the Chief Election Officer to assume full responsibility for the professional integrity of the electoral process.

In a truly democratic system, the Chief Election Officer must have the clear and unambiguous authority to hire returning officers and election officials. It is then, and only then, that the integrity of the process can be preserved.

Thank you for inviting me to appear before you. I'll be pleased to answer any questions.

The Chair: Thank you very much, Mr. Hollins.

I once served in the Ontario legislature, and at the time it was a different chief electoral officer whom I had the opportunity of knowing.

[*Translation*]

Mr. Blanchet, the floor is yours.

Mr. Marcel Blanchet (Chief Electoral Officer, President of the Commission for Electoral Representation, Élections Québec): Ladies and gentlemen, members of the standing committee, I am very pleased to appear before you today to discuss Quebec's experience with respect to its method of appointing returning officers.

At the outset, let me say that Bill C-312 is in itself a welcome initiative. The thrust of this bill is, in my opinion, eminently tied to the transparency and impartiality of the way that returning officers are appointed in Canada.

As the Chief Electoral Officer of Quebec, I cannot help but be pleased with the appointment process we have had in Quebec for more than 20 years now.

Like my predecessor in Quebec and my colleagues from other Canadian jurisdictions—and others who are still doing this—I am convinced that the person who holds the position of Chief Electoral Officer has an important role to play to make elected officials aware of the need to ensure that returning officers are protected from any type of political and partisan interference.

During elections, we know that the returning officer is the Chief Electoral Officer's representative in the field. In order to carry out the role of arbitrator in both in a neutral and impartial fashion, this person must be accountable, and solely accountable, to the Chief Electoral Officer.

In politics as in justice, we know that appearances often play a decisive role in the confidence that citizens have in their institutions.

I will try to be brief so that you can, of course, ask me as many questions as possible. I will therefore provide you with an overview of the main steps in the returning officer selection process, the job requirements, the training provided and the costs incurred. But first of all, I'd like to give you a little bit of background.

In fact, in the early 1980s, the transition from a partisan appointment process to one based on transparency and impartiality did not occur overnight. This change was indeed a significant one as far as Quebec electoral traditions were concerned.

The transition occurred in two steps: the first step occurred in 1979, with the overhaul of the Loi électorale québécoise. Previously, returning officers, who were called electoral presidents at the time, were appointed by the government. In 1979, section 205 of

the Loi électorale clarified that a returning officer was to be appointed for each riding by the government, on the recommendation of the Chief Electoral Officer.

Among other things, the 1979 Loi électorale stipulated that the Chief Electoral Officer was to make this recommendation after recruiting, through a public competition, three individuals who had to be voters and domiciled in their riding or a neighbouring riding.

It was stated that the competition was to be designed in a way that would make it possible to assess impartially the skills of the recommended individuals. So this was an enormous step that had just been taken.

Armed with an overhauled provincial electoral map, the Chief Electoral Officer launched, in 1981, a vast recruiting operation for returning officers based on the new selection criteria. One hundred and twenty-two returning officer positions had to be filled. The legislator limited, at the same time, the mandate to five years.

The second reform took place in 1982, with the adoption of the Loi sur l'intégration de l'administration du système électoral au Québec. Up until then, three organizations had managed the electoral system. These three organizations were integrated into one body, or just about. The Commission for Electoral Representation retained a special status.

So, from that time on, pursuant to section 205 of the act, the Chief Electoral Officer appointed a returning officer for each electoral riding. The government therefore did away completely with its prerogative to appoint returning officers.

In 1986, at the conclusion of the five-year mandate of the returning officers, the Chief Electoral Officer held a major recruiting competition.

This then is the background. I will now deal with the main issue, namely the way that returning officers are selected today, job requirements and the training they are given.

Indeed, the procedure followed for choosing returning officers is based largely on the competitive process in the Quebec public service.

In order to assess the skills of candidates impartially and to rank them based on merit, a three-step selection process was implemented.

• (1125)

This process is based on the criteria of knowledge, experience, competencies and aptitudes. I will provide you with an outline.

The institution publishes the competition notice more than once in the daily and weekly newspapers of the electoral riding concerned. Our staff then checks the eligibility and experience of the individuals who responded to the call for submissions in the prescribed period. Candidates whose file has been retained are then evaluated in different ways.

A written examination enables us to measure the candidates' knowledge, whereas another test, commonly referred to as the "management in-basket" test, is used to evaluate their management skills. Finally, successful candidates are called to an interview.

A selection committee meets the best three candidates in an interview. This committee is made up of three members, two of whom are chosen from the staff of the Chief Electoral Officer, and a third external individual.

I will limit myself to the main selection criteria we use. A complete list can be found in the document I gave to the clerk.

As regards the knowledge required to occupy the position of returning officers concerned, I would mention knowledge of the Electoral Act, of course, the electoral riding concerned, French, and, when required, English.

As for requisite experience, this would include human resource, equipment and financial management, as well as experience in training, public relations, and to a lesser degree, computers, although this aspect is growing in importance.

Regarding competencies, we emphasize those skills related to management and other aspects of the job itself, as well as human relations, intellectual and personal skills.

The terms and conditions for carrying out the duties of the returning officer are established through regulations which were adopted by the Chief Electoral Officer and must be approved by the National Assembly Committee. At the end of the process, the best candidate is appointed by the Chief Electoral Officer.

Generally speaking, shortly after being appointed, the returning officers receive basic training. This training, which is provided by the staff of the institution, must, among other things, enable them to understand the importance of the management role in the election process in their riding, understand the expectations that the Chief Electoral Officer has of them, to acquire knowledge of the activities to be conducted during a vote and develop operational skills so that they will be able to carry out their duties as efficiently as possible.

The staff of the institution reviews the content of its training activities on a regular basis so that the latest legislative amendments are integrated into the program. Trainers use a variety of teaching methods including theory presentation and many practical exercises. They also use technology to support their teaching. To complement this training, I would like to point out that we offer recruits an opportunity to be accompanied by an experienced returning officer during their first election.

I will conclude my presentation by responding to a concern raised by committee members about the cost of this appointment process. Detailed information is also provided in the documentation provided to the clerk.

Essentially, the cost of a recruitment competition held in 2004 for 31 ridings was \$162,713. So the unit cost—the cost for staffing each position—was \$5,249. The basic cost of their orientation, swearing-in and training was \$11,375 per person. That breaks down as follows: recruitment, \$5,249, training, \$11,375, for a total of \$16,624. That is what it costs us to get a returning officer ready to hold an election.

I would like to thank you for your attention and I am prepared to answer your questions, as is my assistant, who is the immediate supervisor of our 125 returning officers and who has brought loads of information with him so that he can answer your questions.

• (1130)

The Chair: Thank you very much, Mr. Blanchet.

[*English*]

We'll start now with our questions, respecting our usual five-minute rule for questions and answers combined, of course. I believe Mr. Reid is the first person who indicated.

Mr. Reid.

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Thank you, Mr. Chairman.

I've just been comparing a very useful summary of the legislation of some of the provinces and how they deal with the issues under discussion today. I noticed that the provinces here today—I'm thinking of Manitoba and Quebec—differ from the province we studied previously, represented by the chief electoral officer for British Columbia, in that your appointments are for a fixed number of years.

In British Columbia, subsection 18(3) of their electoral law says the term of appointment for a district electoral officer—meaning, of course, a returning officer—will end either six months after general voting day for the first general election called after the appointment or when the electoral district is disestablished—that is, there's been a redistribution—whichever is earlier. That is a very different way of doing it. Their idea is they can review following each election, once the election proceedings have been wrapped up.

I'm wondering about the merits of that way of doing things versus the fixed appointments of, say, 10 years that are used in other provinces.

• (1135)

The Chair: We'll have your reactions one at a time to that proposal.

Mr. Blanchet.

[*Translation*]

Mr. Marcel Blanchet: In Quebec, the individual's 10-year mandate begins from the time that he or she is appointed. After that period, even though they are in the position and performing well, returning officers must again go to the competitive process. As you have seen, the recruiting and training of our returning officers constitute a significant investment in terms of financial and human resources. We feel that it is quite suitable to give them a 10-year mandate, which enables them to experience at least two elections. These people become experts and are very helpful in helping newcomers.

In short, given the investment required, 10 years is, in our view, an appropriate period of time.

[*English*]

The Chair: Perhaps we can hear from Mr. Balasko.

Mr. Richard Balasko: Thank you for the question.

Just as a point of clarification, in Manitoba the appointments of returning officers and assistant returning officers do end after a business cycle, so the appointments are all revoked.

Of course, there are good arguments either way. Our experience in Manitoba, having had one election, is we're pleased with this approach. It keeps the performance of the returning officers very much in focus. They know they're there for one particular election and one job, and we have a very thorough post-election process to evaluate their performance, so they have no expectation of a carry-over unless their performance is absolutely at the top. It gives us, really, the maximum flexibility in having the best person there and an opportunity to reopen the jobs to public competition—which, again, is at the heart of the process.

The Chair: Mr. Hollins, we know you don't have that system yet, but were you to have it, what would you prefer?

Mr. John Hollins: I'd be dancing on the table.

The Chair: I guess the question has to be kind of adapted. Which version?

Mr. John Hollins: Actually, right now, people are appointed until we get to a redistribution. We believe that's too long. We would like to see a system similar to what British Columbia has right now, so that it is driven by merit and the enthusiasm to stay current. We feel that the spinoff benefit is that people, by staying current, will be rehired. Consequently, you'll achieve that ten-year tenure with quality.

The Chair: Thank you.

Do you have any brief reaction, Mr. Reid?

Mr. Scott Reid: As a quick follow-up, in B.C. the chief electoral officer indicated, I think, that 15% don't seek.... You have a 15% turnover per electoral cycle. Is that the experience in Manitoba? Do you have a percentage that comes to mind—maybe that's a better way of putting it—as to roughly how many don't seek to be reappointed?

Mr. Richard Balasko: Thanks for giving me the opportunity to give you an estimate of how many people have not sought the position, as opposed to being specific. The people who wouldn't want to do the job again would be in the order of 15%. To underline the point Mr. Hollins made, we will have two-thirds of our experienced people returning after this election. Of course, others move out of the division.

[Translation]

The Chair: Mr. Blanchet, what has your experience been in that respect? How many do not seek a new mandate?

Mr. Marcel Blanchet: The mandate is for 10 years, but sometimes, during the course of a mandate, individuals resign, die, or, for one reason or another, stop carrying out their duties. For valid reasons some may be fired. This has already happened.

We never hold competitions for all 125 people at the same time. This fall, there will be a competition to fill 13 positions. Last year, we had to fill about 13 positions. The situation varies from one year to the next, but the mandate is always for 10 years. That enables us to have experienced people, already in position, on a regular basis.

The Chair: Thank you.

Mr. Roy, it is your turn.

Mr. Jean-Yves Roy (Haute-Gaspésie—La Mitis—Matane—Matapédia, BQ): Mr. Blanchet, you said that you have 10-year

mandates. Does that mean that you are going to have to recruit 13 people this year?

• (1140)

Mr. Marcel Blanchet: Yes.

Mr. Jean-Yves Roy: These people will be appointed for 10 years; every year, we have to fill a certain number of positions. You therefore never fill all positions at the same time, as is the case in Manitoba. In Manitoba, six months after the election, the mandate expires and the entire structure has to be renewed.

[English]

Mr. Richard Balasko: Yes, the appointments of the returning officers end six months after the election, but we have the provision for direct reappointment, so in fact two-thirds of our people will be directly reappointed into the position without competition, based on their performance, so we will end up going to competition for only 17 of our 57 returning officers for the next election. We do benefit from the experience and we don't start from zero each time.

I hope that helps to clarify.

[Translation]

Mr. Jean-Yves Roy: That is precisely what I was trying to get at through my question. Do you have a legal obligation to contact the same individuals or are the positions truly available?

[English]

Mr. Richard Balasko: The policy on direct reappointment, which has been developed in consultation with the Civil Service Commission in Manitoba, is that if returning officers, once appointed, have performed their duties to our expectations and have a good performance, they will be reappointed to the job.

[Translation]

Mr. Jean-Yves Roy: We heard a general overview of the criteria used to recruit individuals in Quebec. What are the criteria used in Manitoba? Are they similar?

Mr. Blanchet also told us that many of these individuals are recent retirees from the public service or people with some management experience. Is this any different in your province, as far as criteria are concerned? I would like you to draw a picture of the people who are recruited. Mr. Blanchet may wish to answer this as well. What type of training do these people receive, on average? How old are they? If these individuals are predominantly retired, they must be quite old. There is also the issue of familiarity with the Elections Act, and training. Is this more or less the same case in Manitoba?

[English]

Mr. Richard Balasko: Thank you for the question. Thank you, Mr. Chair.

This gives me an opportunity to publicly thank Monsieur Blanchet and his staff, because in fact our first step, when we had the authority to find returning officers, was to visit and consult with our colleagues in Quebec and learn from their experience. As a result, many of our criteria are the same; we're in the same business, so I would say generally they're the same.

In terms of who, generally speaking, the returning officers are, we have as well many people who have retired early, and self-employed people, but about 25% of our returning officers and assistant returning officers are still currently in the workforce, many in the public service—federal and provincial—and many in the private sector. They have applied through a provision of the Elections Act in Manitoba that guarantees unpaid leave to participate in the democratic process of Manitoba. They're guaranteed this.

Employers can make application if they think it would be seriously detrimental to their operation. A retired judge will hear this appeal; no appeals have been upheld so far.

So our workforce is certainly including more and more people who are currently in the workplace today. That's an important evolution we've seen in our workplace.

[*Translation*]

The Chair: Thank you.

Mr. Blanchet.

Mr. Marcel Blanchet: Our situation closely resembles that of Manitoba. The individuals seeking such positions are indeed, to some extent, young professional retirees or people who performed administrative duties in public agencies. We have former school principals, school board directors or municipal managers who are interested in this type of position. These municipal managers include clerks who act as returning officers. During an election, they get leave from their employer so that they can perform these duties.

The Chair: Thank you very much.

Mr. Godin.

Mr. Yvon Godin (Acadie—Bathurst, NDP): Thank you, Mr. Chairman.

Welcome. My first question is as follows: how were you appointed?

The Chair: Mr. Balasko, the floor is yours.

[*English*]

Mr. Richard Balasko: I wouldn't want to be first.

The Chair: I think Mr. Hollins has already described how he was appointed, but perhaps he could...

Mr. John Hollins: Yes, I explained that it was an open competition, but I didn't have the opportunity to add that one of the people sitting at this table actually chose me for my job.

Thank you, Mr. Carr.

• (1145)

Mr. Gary Carr (Halton, Lib.): It was the best appointment I ever made.

Some hon. members: Oh, oh!

Mr. Yvon Godin: Perhaps you could explain that further. I know Gary very well, but in what position did he do it? Was it through the legislature of Ontario? Was there a vote on it? I really want an explanation, because I think it starts from there.

Sorry, but I don't know you guys. I don't know how you got appointed. It's not a trick; I want to know.

If he gets appointed by the government, well, I think in the back of your head you know where he comes from.

Mr. John Hollins: I applied for a job that appeared in the newspaper. I sent my application in. I went before a committee at Queen's Park. I think I went through three different interviews. On that committee were representatives from each of the three parties in the house. It was under the direction of the house speaker and overseen by the director of human resources of the legislative assembly.

I went to the three interviews, and it was like I'd applied for any other job I'd ever applied for. It was very professional. It was all about my business. All of the questions were directed toward running an election, and my experience. They presented me with problems and asked me to provide solutions. They asked me to provide examples of things I'd done on scale. An example would be, "So you've run an election. Was it for 10 people, 20 people?" It was along that line. I thought they were trying to measure, "Can you run an election for 8 million people?" Or those were my thoughts at the time.

Following that, it came down to a final interview stage, where it was directed less on questions and more on my business practices, budgets, scale of the game. Then some "what if" questions were thrown in, and I had to say how I would respond.

That was followed up by a job offer from them, and then a negotiation over a couple of weeks to come to, in my view, a reasonable price—probably unreasonable in their view—and then an acceptance of the job.

The Chair: Perhaps the others could give us a brief summary as well of how they came to have their positions.

Mr. Balasko.

Mr. Richard Balasko: It's a very good question, and if I may, it's also closely related to a recommendation I have in my current report to the legislative assembly.

The appointment of chief electoral officer in Manitoba is by order in council. When I was approached for the position, I requested, and was fortunate enough to receive, a resolution of the legislative assembly, introduced by the premier, seconded by the leader of the opposition and the leader of the third party in the house, and unanimously voted on.

That's how I was appointed, but that's only a convention. I made the recommendation that the appointment ought to be on resolution of the legislative assembly.

[*Translation*]

The Chair: Mr. Blanchet, how were you selected?

Mr. Marcel Blanchet: In Quebec, four people are designated. The chief electoral officer, the ombudsman, the lobbying commissioner and the Auditor General. They are appointed after obtaining the vote of at least two-thirds of the National Assembly members on the suggestion of the premier. In fact, negotiations first of all take place amongst the political parties represented at the National Assembly, until consensus is reached resulting in at least two thirds of the votes. We are contacted and asked whether or not we are interested in the job. If the answer is yes, our curriculum vitae is circulated amongst the political parties to ensure that consensus can be reached. I have a seven-year mandate.

Mr. Yvon Godin: To continue...

The Chair: You have a little bit of time remaining, go ahead.

Mr. Yvon Godin: I would like to continue. In your case, the premier proposed your candidacy, but was there a public competition whereby many people...

Mr. Marcel Blanchet: No. In fact, the premier makes a proposal to the National Assembly and the members vote for or against it. In my case, they have voted in favour of this proposal.

Mr. Yvon Godin: This is not what we are asking the others to do. As for the others, you ask them to apply for the position and you start from there.

Mr. Marcel Blanchet: That is right. We are very demanding when we choose our returning officers.

Mr. Yvon Godin: You are more demanding.

The Chair: Thank you, Mr. Godin.

Ms. Boivin, the floor is yours.

Ms. Françoise Boivin (Gatineau, Lib.): Thank you, gentlemen, for coming here. Are there any female chief electoral officers in Canada?

• (1150)

Mr. Marcel Blanchet: Yes.

Ms. Françoise Boivin: I am pleased to hear that.

What concerns me is the ten-year duration of the mandate. Bill C-312 seems to be, in my opinion, quite similar to the Quebec legislation. It seems to me that it is almost based on it.

However, if I understood your testimony correctly, Mr. Blanchet, we are talking about 10 solid years in Quebec, whereas our bill stipulates that the mandate could be up to 10 years. I am a bit bothered by this discretionary aspect of the contract.

Should we not be specifying a fixed term, a bit like what you do in Quebec, namely, for 10 years with, obviously, the power to dismiss?

You clearly explained that you have a 10-year mandate given the human resources allocated for training, the financial investment and also to give these people the opportunity to experience at least two elections. I understand that. And yet, should there be seven other minority governments — something I am not wishing on anybody — would this mandate perhaps be too long? — or do you think that, with the power to dismiss, that would resolve the problem?

Mr. Marcel Blanchet: Up until now, the way that the system operates suits us very well. This is a 10-year mandate.

Moreover, the act naturally stipulates that once this mandate has ended, the individual remains in position until replaced. So the mandate may extend beyond the 10-year period.

Nevertheless, this 10-year period is, in our view, a reasonable amount of time, given, as I said earlier, the investment that we make and the expertise that these individuals acquire during the same period.

Ms. Françoise Boivin: I am not sure that I understood or indeed that you even said anything about the evaluation. Following an election, are these people evaluated, or do you presume that they will be good for 10 years, namely, for two elections? Unless you hear people complaining in the various ridings...

Mr. Marcel Blanchet: We naturally require each of the returning officers to submit a report on everything that went well and that which did not. Obviously, there may also be some comments, complaints or testimonies with respect to their performance. In this case, we must always proceed with caution because sometimes this is done for reasons that are not always very justified.

However, we do indeed have a self-evaluation process, albeit not a very rigorous one. If things really aren't going very well, we take the necessary action to rectify the situation, and if necessary we can even dismiss the returning officer.

Ms. Françoise Boivin: All right, thank you. I have only very little time left for Mr. Balasko.

Section 17(5) of the Manitoba Elections Act states that returning officers can be reappointed. Is that based on criteria? Or is that simply left up to your discretion? How does that work exactly?

[English]

Mr. Richard Balasko: As I mentioned, the law in Manitoba is not very prescriptive. One of the things we're looking at is to what level it should be more prescriptive.

The ability to reappoint a returning officer will be based on our evaluation of their performance. We do have two stages of evaluation. When they're first appointed, they're on probation. They must complete all their pre-writ work, they must complete all their training, and if they pass probation—some don't—then they carry through to the election.

After the election, we have a very rigorous performance appraisal system. They're made aware of the results of this, and we make our decisions based on their performance against the same criteria they came into the job with.

[Translation]

Ms. Françoise Boivin: Thank you.

The Chair: Before I recognize Mr. Nicholson, I would like to ask Mr. Hollins a question.

[English]

You do not have the same powers for appointment as your colleagues. Is there a revocation power, though, on your part if somebody is really bad? I notice you said a while ago that sometimes they require a lot of training if they weren't that good to begin with or some such thing. And those are my words, not yours; I just kind of read that from what you said.

If someone is hopelessly bad, is there a mechanism for you to remove them, or does an order in council have to be passed with all the legal thresholds in order to revoke the appointment?

Mr. John Hollins: In 1998 the Election Act in Ontario was amended to give the chief election officer the authority to remove from office a returning officer who fails to discharge competently the returning officer's duties under the act. Have we invoked that? No.

The Chair: Thank you.

[Translation]

Mr. Nicholson, the floor is yours.

[English]

Hon. Rob Nicholson (Niagara Falls, CPC): Thank you very much.

How much do you pay these people, and do you pay them in an off-election year, if there's any difference? Perhaps I could hear from each of you on that.

Mr. Richard Balasko: In Manitoba we do not have a payment in off-election years per se. The only payment would be as an election approaches, for which a returning officer would be paid an amount in the order of \$1,500 to make the preparations, and the assistant returning officer would be paid an amount of about \$500 to assist him in doing that. Then when the election comes, the pay certainly varies a great deal because it's based on the number of voters in the division, but a payment to a returning officer in the order of \$7,000 or \$8,000 would be normal, and an assistant returning officer would make about 75% of that amount.

• (1155)

The Chair: Mr. Hollins.

Mr. John Hollins: Ours is somewhat similar. We have a rate of pay that applies when we use the returning officer to do some of the work. We have field work in preparation of an event. Then once the event comes, they fall under the statute, with pay of so many cents per eligible elector. So it varies from electoral district to electoral district. Their assistant's pay is calculated as a percentage of that.

Hon. Rob Nicholson: In a typical riding of 90,000 people, what's this person going to make?

Mr. John Hollins: In Ontario they would probably make in the range of \$22,000.

Hon. Rob Nicholson: Are they paid in the off years?

Mr. John Hollins: Only for work done.

[Translation]

Hon. Rob Nicholson: And in the province of Quebec, Mr. Blanchet?

Mr. Marcel Blanchet: In Quebec, for pre-election preparatory activities, we spend approximately \$1,200; but our returning officers are paid at an hourly rate of \$34.21, which is what a government administrative attaché would make. So the rate is based on what is paid in the public service.

For an election, in total, that can amount to between \$15,000 and \$16,000 per returning officer.

The Chair: Thank you very much.

Mr. Nicholson.

[English]

Hon. Rob Nicholson: It's a lot of commitment, isn't it, for getting paid between \$7,000 and \$22,000? You want skilled people, experienced people, qualified people, people who can take time away from their work. I guess it's fair to say they're not getting rich. They can only, I presume, for the most part, look at it as if they're doing a public service.

Mr. Hollins, is there much of an advantage...? Can you outline some of the advantages, or disadvantages, for that matter, of aligning the provincial electoral boundaries with the federal electoral boundaries?

Mr. John Hollins: It's been our experience that there are savings in Ontario when our boundaries are aligned. Where we experience it most of all is.... We have to create our own polling divisions, so if they're already created for us, it's an expense that we don't have to go through. It's the same with our mapping; if we're in the same place, again, we don't have to redo that.

We've also found some other benefits along the work lines of our returning officers. Usually if you're running in an area and you have a polling division that's the same, you're looking for a polling location. If the assignment is that polls A, B, C, and D go to this school, we found that it was quite convenient to keep that going—particularly for the voter as well. If electors know they'll be going to that school in all of the elections, it certainly makes it easier for us all around. I know when we say to someone, "We'd like you to go this school", their feedback is, "Initially I went to this church and it's closer; I don't understand why your systems aren't aligned".

Hon. Rob Nicholson: Thank you.

Those are my questions.

The Chair: From the government side, Mr. Carr, do you have a question?

Mr. Gary Carr: I have a quick question. Thank you very much.

It's good to see you, John.

Just as a follow-up, we made that a non-partisan event. In terms of the hiring, we had an equal number, so if that happened here, you'd have four. It had to work by consensus; there wasn't a vote, but it was almost like a jury, in that you don't leave the room until you get it. And it's equally weighted, so even in that case, the New Democratic Party, which only had about eight seats, had an equal number. We made a good choice. I've often said there are plenty of appointments for the government to make that are politically.... You don't need to politicize the very important one.

But as a follow-up to some of the questions, I am just wondering about Ontario having gone to a set date in terms of elections. Keeping in mind the questions Mr. Nicholson had about the returning officers.... I remember the run-up to the last election, when you came in almost at the election in circumstances where you had a lot of work to do before the election, and so on. I'm wondering if the fixed election dates in Ontario and B.C. are something you agree with, having watched this the last little while.

Mr. John Hollins: Having actually gone to British Columbia and followed that four-year cycle, from my perspective it's fabulous. You have four years; you know when your election is; you can make your planning in accordance with that so you can develop your tools over a timeframe. In the past, there was always this air of urgency, and consequently we would operate our business a little bit differently. We would have what we called an election on the shelf all the time. Then we would have our research and development, and as we developed our tools and they passed acceptance, we would take what we had on the shelf in that particular area and put this up. Also, the idea of...and this one I've always found interesting, where the press always pressures me, well, you really know when an election is coming. We really don't; I'll tell you that sometimes I'm the last one to know.

We have to keep all of those contracts ongoing. For instance, I know that I have to have computers on shelves ready to go at any time. I have to have people in line to get my offices up and open within 72 hours. Interestingly enough, this is also an added stress on your returning officers, because we're in constant contact. For the full two years leading into my last election, I was in constant contact with the returning officers, who were continually driving around their neighbourhoods. They always knew where the real estate was available; they always had in the back of their head where their locations were; if something burned down, they already had it in their head and made that change. They're very much aware of what they're doing. As much as we're not paying for it in the sense of remuneration, their professionalism applies, and they make sure they're ready to run the event based on the standards we set.

I hope that answers your question.

● (1200)

The Chair: I want to remind colleagues of the informal agreement we made a little earlier. We're going to ask Madam O'Brien to come at 10 minutes after 12 or so. We'll question until then, and if you'll agree, we would then have the second and third items, because we have three items on the agenda this morning.

Mr. Johnston.

Mr. Dale Johnston: Thank you, Mr. Chairman, and thank you, witnesses, for your testimony this morning. I'm particularly interested in the period of appointment. First of all, I should say that I tend to favour the appointments lapsing six months after the election, which I think is a reasonable time, with the ability to reappoint, in that it would certainly solve the problem of having to dismiss somebody—people who have done an excellent job and haven't been partisan in any way or tried to affect the outcome of the election. I'd like to have all of you reply briefly to that.

Also, what complaints, if any, are you getting from candidates and voters and so forth as to the performance of these returning officers?

The Chair: We can ask our guests to answer those questions briefly.

Mr. Balasko.

Mr. Richard Balasko: Thank you. Of course, we do have the appointment of returning officers and assistants end six months after the election. I mentioned that we have decided not to reappoint six returning officers based on performance, and we consulted with

them about our reasons for doing so. We document these reasons very carefully; that's the dismissal process. I think your comment is very insightful, because I'm sure there would be others, through a natural process when the election was over, who would realize this wouldn't be the job for them, and we certainly wouldn't try to discourage them.

In terms of the results of the work of these returning officers, it's our first election with that experience, but we try to measure very broadly the results and the satisfaction. Public opinion survey research, which is on our website, shows us the voters' satisfaction level. We consult with political parties and we consult with all sorts of people. The matter of returning officers being appointed by the chief electoral officer through open competition is not an issue, as far as I'm aware.

Mr. Dale Johnston: What about the number of complaints you receive and the nature of them?

Mr. Richard Balasko: We do track the complaints we receive as well. The complaints were down in this election, but we're always careful to try to draw a link between...we're cautious not to draw too many direct links as to why they're down, but they were down. In our case, the kinds of complaints we would be more likely to get would be things of the nature of more opportunities for advance poll voting or desired things of that type, not the performance of returning officers. It's not really an issue. I hope that answers it.

The Chair: Mr. Hollins.

Mr. John Hollins: One of the areas we have a great deal of difficulty with, and why I find the other system attractive, is that sometimes I've had by-elections where I actually had the returning officer appointed at the very same time I received the writ to run the election. That was more than a challenge. Going into elections, I've had it where we're pressing the party to give me more. I could be anticipating an election within the next week or the week after and I could still be short 15 or 20 returning officers. So I have to think of how to get them onboard, how to get them trained professionally, how to get them in the field, and still operate a very good business out there. This is not only difficult for me, but certainly for the person in that position. That's not only us. We hear this from those people when we debrief afterwards, that they had no idea they would be getting into this so quickly and that the demands would be so great

As far as complaints go, they are generally about the efficiency of the office or the legislation. A big complaint in Ontario is that we don't have the name of the party on the ballot. I hear that a lot. They tell us we're not the same as the federal system, as far as advance voting opportunities. That's certainly a complaint we get. However, we do get some with regard to returning officers and with regard to partisanship. Generally, those are the parties that didn't appoint the person.

● (1205)

[Translation]

The Chair: Thank you.

Mr. Blanchet, you have the floor.

Mr. Marcel Blanchet: The act stipulates how the returning officers are to be appointed. It also provides the grounds for removal. In addition, the electoral regulations stipulate the terms and conditions applicable to the returning officers. They are subject to a series of standards, notably in the area of political neutrality. The returning officers are also subject to a code of ethics. They are made aware of these legal documents during their training, and they are obligated to abide by them.

If we ever receive a complaint about a returning officer, we ascertain whether or not the individual abided by all of these conditions. If not, after our inquiry, we decide on what action to take. In the case of mistakes or minor errors, we rectify the situation. If we are talking about a major error, dismissal is possible. We monitor our returning officers very carefully. During the electoral process, we are in constant contact with them—which is now easy to do thanks to computers—to make sure that they are doing everything that they are supposed to do.

The Chair: Thank you.

Madam Picard.

Ms. Pauline Picard (Drummond, BQ): Thank you, Mr. Chairman.

Mr. Blanchet, I would like to talk about the appointment of deputy returning officers who are appointed by the riding returning officer. Does this process have any drawbacks? Could you guarantee that the values of transparency and democracy are respected or would you prefer these appointments to come from your office?

Mr. Marcel Blanchet: In Quebec, the deputy returning officers are appointed by the returning officer. The latter chooses the assistant by competition. The returning officer is asked to select the deputy returning officer according to a selection process. This suits us very well because we have to ensure that this individual is able to work well with the returning officer. If it were the Chief Electoral Officer who chose this individual and in turn imposed him or her on a returning officer and things did not work out well, if the two had no chemistry between them, that could cause major problems during an election period. We want to ensure that the assistant chosen by the returning officer is suitable and able to give him or her proper support.

Moreover, we know that the legislation stipulates that should a returning officer no longer be able to work or experiences a problem during an election, the assistant may replace him or her. The Chief Electoral Officer can also designate another person to replace the returning officer who can no longer work. That is what we generally do. We keep the assistant in position and we appoint a replacement for the returning officer. This is how we work; we think that this is a good way to operate because we want to ensure that the returning officer works in tandem with the deputy. That suits us. Once again, we do require that the returning officer follow a selection procedure.

Ms. Pauline Picard: Very good, thank you.

The Chair: Have we finished? Do you have another question, Mr. Godin? You cannot ask any more because we have to move on to the next item on the agenda.

Mr. Yvon Godin: Just a comment.

[English]

Sir, I would suggest that you scared me a little while ago when you were thanking the messenger; it was the messenger of the three parties who accepted you there.

Mr. Chairman, you're the messenger of the committee, right?

But when we look at what you have said, Mr. Balasko, about a review by a panel after six months.... In your case, the majority were put back with no job posting back to the public; they were all accepted, but it still gave you the opportunity to verify everybody.

• (1210)

[Translation]

Mr. Blanchet, you said that there is a 10-year mandate in Quebec. Do you have anything against the Manitoba system, for instance?

In Quebec, despite the 10-year mandate, do you have an opportunity to conduct a review after six months, to ensure that the people appointed for a decade do their job well?

What is good about the Manitoba system is this opportunity for a review. When people know that a review will be held, they are doubly efficient, if they want to keep their job. If they do not want to, that is their problem.

Mr. Marcel Blanchet: That is how it works with the assistants. After the election, the returning officer evaluates the assistant's performance and decides whether the person will be kept on or not.

Returning officers are appointed for a 10-year term under the act. Once again, they must comply with a series of rules in order to retain their position.

That does cause a problem for us, since we have excellent returning officers who, when they finish their 10-year term, are quite reluctant to again go through a very difficult and rigorous competition, when they have already proven themselves.

In some cases, for one reason or another, excellent returning officers do not score very high when it comes time to renew their mandate 10 years later. They have to give up their returning officer positions and be replaced by those who scored higher in the competition. That is the disadvantage of the system.

Mr. Yvon Godin: Compared with the Manitoba system.

Mr. Marcel Blanchet: Yes.

Mr. Yvon Godin: Thank you.

The Chair: Thank you very much.

I would like to take this opportunity to thank all our witnesses for coming this morning, Mr. Balasko, Mr. Hollins, Mr. Blanchet and Mr. Drouin.

You have helped us a great deal to gain a better understanding of the existing systems and the differences between them. Personally, I knew that Ontario had a different system from the other provinces, but I did not know that you had asked to bring it in line with the others! That is very helpful information.

[English]

Again, thank you for being here.

As you know, our next witness is the clerk, who'll be here in a minute for the second item on the agenda.

With that, we'll thank our witnesses. Thank you for being with us this morning.

I'll again read the order of reference into the record for the second item on the agenda being disposed of this morning. Pursuant to Standing Order 111.1(1), the committee will now deal with the matter of the appointment of Audrey O'Brien to the position of Clerk of the House of Commons, referred to the committee on September 30, 2005.

Madam O'Brien, the process we have this morning is somewhat new, although it has been used informally for the appointment of the official languages commissioner and one or two others. But as the formal process pursuant to the modernization committee, I guess this is probably the first time it's being used.

That being said, Madam O'Brien, do you wish to say something before we start? We have a rather unusual feeling; I don't think many of us think we're interviewing a stranger. But that being said, Madam O'Brien, why don't we start by at least leaving you the opportunity to say a few words.

Ms. Audrey O'Brien (Acting Clerk, House of Commons): Thank you, Mr. Chairman.

• (1215)

[*Translation*]

I am very pleased to be here with you this morning. Just for clarification purposes, though, I think that I am not the first person to be in this situation. This rule also covered the appointment of Mr. Shapiro. I think that you carried out interviews for that. This is the first time that the position of clerk is being handled in this way. In that sense, it can be said that

[*English*]

I'm the first nominee for Clerk who has come before you.

I really don't have anything to open with, except to say that I am honoured to be here and, weirdly enough, a trifle nervous. I find myself having carried my biography with me in case someone wants to quiz me on 1975.

Anyway, I'm in your hands.

The Chair: Thank you very much, Madam O'Brien.

Mr. Johnston.

Mr. Dale Johnston: Thank you, Mr. Chair.

I thank Madam O'Brien for appearing before us today.

I think there are quite a number of firsts here. Correct me if I don't have this right, but I believe Madam O'Brien would be the first female Clerk of the House. She's also the first person I know of to occupy both the Acting Clerk and Acting Sergeant-at-Arms positions at the same time.

Ms. Audrey O'Brien: Yes, that's also correct. I was asked to do that.

Mr. Dale Johnston: This certainly is a breaking committee. We like to break new ground on this committee, and this is a day of firsts.

There is one thing, though, that I would like to ask Madam O'Brien. This committee has been seized, as she knows, with the task of the coordination of security in the building. I don't know if this is a proper question to ask you, but I'm going to ask it anyway. What would your position be on the merger of security forces at the House of Commons and the other place?

The Chair: Just before Madam O'Brien answers that question, I don't know if all members are aware that Madam O'Brien is the Acting Sergeant-at-Arms, but of course she's not nominated to both Sergeant-at-Arms and Clerk by way of what we're doing today. I'm quite sure it's the intention of the House to have two different people in the position—soon, I hope.

In any case, Madam O'Brien.

Ms. Audrey O'Brien: Thank you, Mr. Chairman.

I know the whole question of security is one that preoccupies all members and all parliamentarians, both in the House of Commons and in the other place. I know as well that the question of the coordination between the two security forces has at various times been something of a prickly issue.

I suppose if logic ruled, as one might hope it to rule, and if things were very simple, the notion of a merger of the two security forces would be one that could easily be accomplished. But I've been around long enough to realize that the independence of both Houses—being jealously guarded by both Houses—has a tendency to manifest itself in the fact that we have, for example, two separate House administrations, in contrast to some other parliaments. For instance, I think of the Australian situation, where the Senate and the House of Representatives have a joint services group that does finance, human resources, and so forth. Because there's such a long history of a separation of services, I think that naturally enough extends to the security front. Because we also have the situation that outside the building it's the RCMP, we have a kind of triad of people on whom we depend in various ways. There's no question that post 9/11 and in the new climate of vigilance, I think we have to make very serious strides in the coordination of both services. Perhaps that will bring us closer to the eventual merger.

I would think that where we ought to put our immediate energy is in the coordination of both services: the coordination, for instance, of protocols for access, for security screening, and so forth, so that in fact we don't get a situation where, thwarted at one door because it's one security service, you might think you'll have better luck somewhere else. That obviously has to be. I'm not suggesting that this is the case now, but the fact that it's run by two entirely different services leaves you in that kind of quandary.

• (1220)

[*Translation*]

The Chair: Thank you very much. We will now go to the next question.

[*English*]

We can come back for a second round.

[Translation]

Ms. Picard.

Ms. Pauline Picard: Thank you, Mr. Chairman.

Welcome, Ms. O'Brien. Your appointment as the first female clerk of the House of Commons gives me a great deal of pride. I have been here for 12 years, and I have seen you in action over that period and know that you have done an admirable job. Since I am curious, I would like to know about your career progression and what led to this appointment.

Ms. Audrey O'Brien: I must say that I have always been very interested in politics, although in a non-partisan way. I think that for any Quebecker this interest comes with...

Some hon. members: We are born into it! We are weaned on it!

Ms. Audrey O'Brien: Exactly. I was going to talk about when we first start to walk, but what Ms. Boivin said about being weaned on it is certainly true. I studied literature. At the beginning, I intended to do a doctorate, but already at the master's level, I understood that I had neither the patience nor the personal discipline necessary for a career in academia. So I felt a little lost then.

Someone that I had studied with at Carleton University was working at that time for the Secretary of State Department. There was a position open. I applied and got it. I was working in the office of Minister Hugh Faulkner, who was the Secretary of State. That title had a very different meaning then. It was an extraordinary experience for me, because I did not know much about how the public service or minister's offices operated. I quickly understood that the public service would not suit me either. The structure is so complicated that even when you work really hard on a policy or a project, you end up passing the file along to the next person up the ladder and your role is over. You lose touch with it and you don't know what happens with the file. I found that very difficult, and I decided that it was time for me to find a career. The years were starting to go by.

There was a job posting in *The Globe and Mail* for committee clerks. I applied. There were seven candidates and, at that time as well, I was the only woman. I was not the only female committee clerk, but there were not many, just two or three. So I arrived in 1976 and became a committee clerk. It was a time when things were changing, and the committees were expected to take a more important role. That did not happen fast enough for my taste, so I left for the Canadian Council on Children and Youth. In 1980, I took the opportunity to come back, precisely because I was passionate about the work. So I came back.

[English]

As they say *en anglais*, the rest is history.

[Translation]

So here I am. I have been with you for 25 years.

Ms. Pauline Picard: Thank you very much.

Ms. Audrey O'Brien: I'm sorry that my answer was so long. I took advantage of the opportunity. In fact, as Mr. Boudria no doubt knows, there is an old saying that:

[English]

the clerk is mute in debate. It's a great irony with a person like me being in that role.

Some hon. members: Oh, oh!

[Translation]

Ms. Audrey O'Brien: As you can see.

Ms. Pauline Picard: Thank you very much.

The Chair: Mr. Godin, do you have a question?

Mr. Yvon Godin: I think so.

The Chair: You have the floor.

● (1225)

Mr. Yvon Godin: I have the impression that you always ask me that question.

The Chair: It is because most of the other participants indicate that they want to speak. In your case, we can take for granted that you always want to speak! You have the floor, Mr. Godin.

Mr. Yvon Godin: It is always the case, with a few exceptions.

I would first like to welcome you, Ms. O'Brien. It is a pleasure to take part in this meeting in which the committee will have to make a very important decision. We may not need to review your resume.

You may be aware of the position that I have taken publicly—and I believe that it is our party's position—that public appointments for positions within Parliament should come directly from Parliament. I have said this in public and I do not want to hide it. In your case, however, even if things had been done that way, all the political parties would have made the same choice.

Ms. Audrey O'Brien: That is very kind and generous of you. Thank you.

Mr. Yvon Godin: With that, I will wish you good luck.

Ms. Audrey O'Brien: Thank you, I am very touched.

The Chair: Mr. Godin, do you have another question?

Mr. Yvon Godin: No, that is all.

The Chair: We will now go to Ms. Boivin.

Ms. Françoise Boivin: Thank you, Mr. Chairman.

Ms. O'Brien, I want to congratulate you on your appointment as the first female Clerk of the House of Commons. It is always special to see a woman reach a high position. Pioneers give hope to other women. They are good models and, besides, it is women's history month. That makes it even more meaningful. I found that what you just said was very moving, Mr. Godin. It shows that the committee can also make good decisions sometimes.

That said, it is true that you make our task very easy.

Ms. Audrey O'Brien: Thank you, Ms. Boivin.

Ms. Françoise Boivin: I am quite new around here. So I did not have an opportunity to know your predecessor very well. I would like to take this opportunity, by the way, to pay tribute to him. Your arrival coincides with his departure. I would certainly like to congratulate Mr. Corbett on all his past work. He has done an extraordinary job, from what I have seen.

If you were to define how you see your task and the future, are there things that you feel should change? Will Audrey O'Brien leave her mark by doing things in a new way? Or, since things are going fairly well, is your aim to ensure continuity? I would be happy to hear any comments you have on that.

Ms. Audrey O'Brien: Thank you, Ms. Boivin.

I would like to start by endorsing your comments about Mr. Corbett. It has been a joy for me to work with him. We will miss him. I also want to say that there is always a first woman in a position, but that does not mean for a minute that there have not been brilliant women who have preceded me. For example, there was Mary Anne Griffith, who was the first deputy clerk. In many ways, she was one of my mentors. I would like to thank her publicly for everything that she has done for me.

You mentioned the future. I think that the House of Commons staff is very proud to be dedicated to providing high-quality service to members of Parliament. I believe that, generally speaking, things are going very well.

That said, I also believe that there is always room for improvement one way or another. Moreover, my experience in procedural services has shown me very clearly that the way we work is changing quite dramatically. The era when a person could work on a project or be responsible for one thing and stick to it is over. It was easy enough to determine whether the person had succeeded or not in the project. The person's performance could be assessed on that basis.

I find that we are working more and more as a team. I know that it is becoming a bit of a cliché to say that. However, integrating people from various disciplines into projects is so important that I believe that we need new ways of managing and empowering the employees who are on the front lines, when it comes down to it. Is that the right expression?

• (1230)

Ms. Françoise Boivin: Yes, it is a common expression.

Ms. Audrey O'Brien: I think that it is vital to take that approach. It is not an individual job, but rather teamwork.

What I also feel is important—because I have benefited from it so much myself here in the House of Commons—is that career opportunities in Procedural Services enable people, once they have been appointed to the position of procedural clerk, to be assigned to various tasks at the same level but very different in nature. They can work in international and interparliamentary affairs, committees, Journals, here in Centre Block, or in the Parliamentary Information and Research Service. That enriches their careers and also provides a great deal of flexibility. It may be at this committee that I heard about the need to find a balance between one's work and one's personal life.

This approach enables our clerks who have young children or who care for parents to be assigned to a team or a service where they can work more or less 9 to 5. You see what I mean. That possibility could be explored in other sectors here in the House. All sorts of innovations might be possible because we are such a small entity. For example, it is more difficult to do these things in the public service, where the policies have to apply to everyone, whether they

live in a region or in central Canada, whether they are at the top or the bottom of the ladder. Here, however, with cooperation from the Board of Internal Economy and without... Anyone from human resources who is listening must be thinking that the existing policies have just been put down. That is not what I want to suggest, but things like that enable people to give excellent performance and still fulfil the other responsibilities that they have.

The Chair: Thank you very much.

Mr. Reid.

[*English*]

Mr. Scott Reid: I was going to ask you what projects you thought you'd want to start working on, but I think you've covered that to some degree, so let me ask something very specific. You're currently doing a bit of the Sergeant-at-Arms' work. There is a division right now of responsibilities between what the Sergeant-at-Arms takes care of and what the Clerk takes care of and their respective staffs. Can you see any benefit to shifting some of the responsibilities as they are currently allocated from the one to the other, or the reverse?

Ms. Audrey O'Brien: Well, as has been mentioned, I'm in a kind of funny position since I'm doing both jobs now, except for the ceremonial aspect of the Sergeant-at-Arms. My understanding of the job, from what I've seen with the way it worked with my predecessor and the late General Cloutier, is that yes, the Sergeant-at-Arms is responsible for a whole area, but that area ultimately comes under the direction of the Clerk, as does, for example, procedural services and the Law Clerk and Parliamentary Counsel and corporate services and the information services.

Now, obviously a person of such experience and such a presence as General Cloutier appeared to carry with him the cloak of a certain independence. It would seem to me that anybody coming into the post now would be working...as General Cloutier did with Mr. Corbett; don't misunderstand me there. But it's just that he was a kind of figure in his own right by virtue of having been here for 27 years... let alone the kind of experience he had. But I think that can work very well, provided the clerk and the sergeant work really hand in hand, which certainly has been the case as I've seen it.

With regard to various discussions about what might or might not be appropriate under the Sergeant-at-Arms sector under Parliamentary Precinct Services, as it's called, I've been fortunate enough to work with that team since the month of March of this year. It seems to me it's an exceptionally close-knit team, that it works very well together, and it works very well together as well from a conceptual standpoint. A lot of it is not only bricks and mortar, but it's the maintenance, so I wouldn't envisage shifting any responsibilities in any other way. Precinct Services as it's currently constructed seems to me to be working fine. Now, down the line there might be some other way of thinking about it, but at the moment I think it ain't broke, so I don't see that I need to fix it.

You were talking about the future things I'd like to work on, and one of the things I want very much...and this again actually ties in with your question about the Sergeant-at-Arms and the Clerk. I think there we need to work in close cooperation on the whole question of renovations, renovations to the Parliamentary precinct and to the Parliament buildings as a heritage site. I think that has languished, through nobody's fault and with the best will in the world, but if I could even move that forward a few baby steps, I'd be really thrilled.

•(1235)

Mr. Scott Reid: Do you have any idea how many seats can actually be fitted into the current chamber before we have to do some kind of radical change, like removing the desks, how many more MPs we can fit in? This is obviously pertinent as a practical matter to our discussions of electoral reform since some of the models might involve a larger number of MPs than we currently have.

Ms. Audrey O'Brien: I'm afraid I can't tell you off the top of my head how many more. I know, what with billowy curtains and what not, we have secret places for a few more. I think we could probably manage another census, but that would probably be about the limit. Again, that's really winging it, but I'll see if we have anything more precise and give it to your clerk.

Mr. Scott Reid: Thank you.

The Chair: Thank you very much.

Mr. Johnston, are you seeking the floor?

Mr. Dale Johnston: Yes, Mr. Chairman, I'd like to move a motion.

Pursuant to its mandate under Standing Order 111.1, I move that the committee report to the House recommending that the House ratify the appointment of Ms. Audrey Elizabeth O'Brien to the position of Clerk of the House of Commons.

Some hon. members: Hear, hear!

(Motion agreed to)

•(1240)

The Chair: Congratulations.

Could I just ask you to remain at your seats briefly.

Members, you have before you a draft of a report that we would want to send to the House—I think we all want to do that in a couple of minutes. The report in question that we have is a draft report to the House on exactly the issue that we've just voted on.

May I suggest, if members are willing to consider this, that we add the following words. Where it says the committee recommends that the House ratify the appointment of Ms. Audrey O'Brien, and so on, should we say before that that the committee wishes to thank the outgoing clerk of the House, Mr. William C. Corbett, and then recommend the appointment, and so on? Would you agree that we do that?

Will someone move the adoption of this report?

Hon. Rob Nicholson: I so move.

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

The Chair: So that's done too.

With that, I'll go to congratulate the clerk.

We'll take two minutes of recess. We can now move in camera, because we have a very important in camera issue of privilege that was referred to us this morning.

[*Proceedings continue in camera*]

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

**Also available on the Parliamentary Internet Parlementaire at the following address:
Aussi disponible sur le réseau électronique « Parliamentary Internet Parlementaire » à l'adresse suivante :
<http://www.parl.gc.ca>**

The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.

Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.