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Chair

Mr. Tom Lukiwski

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• (1100)

[English]

The Chair (Mr. Tom Lukiwski (Moose Jaw—Lake Centre—Lanigan, CPC)): Colleagues, I'll bring the meeting to order. Even though we're missing two members, I think we'll begin.

First I'd like to welcome the new members to our committee for today's meeting, Madame Lapointe and Monsieur Ellis.

Before we begin, I'd also like to introduce and welcome our two members from Privy Council, Madame Boyle and Monsieur Hill. Their primary purpose in being here will be to answer questions that committee members may have about any of the clauses in Bill C-24, which we will be examining today. They're here as a resource, and I would encourage you, should you have any questions, to ask them your questions directly. I'm sure they'll be more than prepared to answer any queries you may have.

Before we start, particularly since we have a couple of new members and since we will be dealing with a few amendments that have been provided for consideration in today's examination, I'd like to go over a bit of a pro forma discussion, or introductory remarks, that you may find helpful. For those of you who have not gone through a clause-by-clause examination before, I would ask you to please pay some attention to this information.

The committee will consider each of the clauses in the order in which they appear in the bill. Once I have called a clause, it is subject to debate and a vote. If there are amendments to clauses in question—and we do have a few of them—I will recognize the member proposing the amendment, who may explain it. The amendment will then be open for debate. When no further members intervene, the amendment will be voted on.

Amendments will be considered in the order in which they appear in the package that each member should have in front of them. If there are amendments that are consequential to each other—and there are a couple—they will be voted on together. In addition to having to be properly drafted in a legal sense, amendments must be also procedurally admissible. I have with me some bright procedural minds. They will be able to advise us, and particularly the chair, if amendments are inadmissible. I have examined them and I don't believe that they are inadmissible; we should be able to go forward. The amendments would be inadmissible if they went against the principle of the bill or beyond the scope of the bill—both of which were adopted, of course, at second reading—or if they offended the

financial prerogative of the crown. Again, I don't think that is the case in this matter.

If you wish to eliminate a clause of the bill altogether, the proper course of action is to vote against the clause when the time comes, not to propose an amendment to the clause. If you vote against it, the clause will be eliminated.

If, during the process, the committee decides not to vote on a clause, that clause can be put aside by the committee if the committee so wishes, and we can revisit it later in the process.

Amendments have been given a number in the top right-hand corner of your package to indicate which party submitted them. There is no need for a seconder to move an amendment, and once an amendment is moved, unanimous consent is required to withdraw it. Once every clause has been voted on, the committee will vote on the title and the bill itself, and an order to reprint the bill may be required if amendments are adopted, so that the House will have a proper copy for use at report stage.

Finally, the committee will have to order the chair to report the bill to the House. That report contains only the text of any adopted amendments as well as an indication of any deleted clauses.

If we're clear, we will proceed, unless there are any questions from committee members.

We will start with clause 1.

(Clause 1 agreed to on division)

(On clause 2)

We have an amendment to clause 2, and I'll call upon Mr. Blaikie to speak to the amendment.

Mr. Daniel Blaikie (Elmwood—Transcona, NDP): Thank you very much, Mr. Chair.

I would like to move amendment NDP-1.

This amendment would accomplish three things: first, it would eliminate the portion of the bill that removes the separate economic development ministries from the list of ministers; second, it would eliminate the portion of the bill that transfers what are currently five ministers of state into the category of ministers, presumably for the new designation of the department; third, it would enable government to pay ministers of state out of the consolidated revenue fund, which is really an issue of housekeeping.

I know this bill has been promoted as a housekeeping bill, but one of the real housekeeping issues is that while ministers of state with a ministry of state are able to be paid directly out of the consolidated revenue fund, ministers of state to assist are not. That usually gets covered in departmental estimates later, out of the departmental budget. This way, governments wanting to have ministers of state would be able to pay those ministers directly out of the consolidated revenue fund.

The reason we think these amendments are warranted is that through the little testimony we've had, the bill has shown pretty definitively that it is deficient in the two things it aims to do, and the government has been a little unclear on what exactly the bill aims to do.

On the one hand the government says it's meant to modernize legislation to reflect the current practices of government. Of course, it fails to do that because the current practice of government is not to deploy ministers of state, not just for practical reasons, but for principled ones—at least, that's what we understand from the government: there's something wrong in principle with using ministers of state, because it creates a two-tier ministry. The bill doesn't address that.

We've heard it doesn't do that because they also want to leave things open for future governments to be able to make their own decisions about how they want to build their cabinet. This is why we think it's inappropriate, based on that reason as expressed by the government, to remove the separate economic development ministries from the list of ministers, because leaving them there allows future governments to make a decision. Clearly, the current legislation did not prohibit the government from making the decision they have made to consolidate those ministries. The reason for that portion of this amendment is to do what they've done with respect to ministers of state and leave the decision-making open to future governments as to whether they'd like separate regional economic development ministers or a consolidated ministry that covers all the areas.

With respect to moving the current ministers of state into the ministry, again, what we've heard from government is that the reason to do that would be to establish a one-tier ministry. The bill doesn't do that, because when you examine all the different senses of “equal”, it's either unnecessary to change the legislation or it doesn't accomplish that.

When we talk about “equal” with respect to title, clearly it's not necessary to change the legislation to give them the equality of title, as they already have it. There's nothing wrong in principle, in my view, with having ministers of state. If the government wants to call them ministers, so be it, but they don't need to change the law to do that or to change their salary, because the government has already done that. The legislative change isn't necessary. For ministers of state with ministries of state, the law already mandates that they must be paid the same as a minister. Ministers of state with a ministry of state already get their own resources, and they're not accountable to any other minister, so you don't have a two-tier model except maybe in title.

I submit to you that this isn't really important, except if it's the culture of government to be dismissive of ministers of state, but

presumably if the Prime Minister invites someone to sit in the cabinet table as a minister of state, he won't be dismissive of them. It seems to me to not be that important.

These changes don't establish a one-tier ministry anyway, because you're going to continue to have distinctions in administrative powers among ministers. That's clear, because even though the government wants to transfer these five ministries into the list of ministers, they'll continue not to have a department. Those resources will still continue to be allocated not just by the Governor in Council but by the minister of that department, so we'll have one minister answering to another.

● (1105)

Then there are other examples of “full ministers” who actually report to another minister. We explored that example during testimony in the instance of Global Affairs, where it's very clear that the Minister of International Trade and the Minister of International Development answer to the Minister of Foreign Affairs. These changes will not create a one-tier ministry, but I think unfortunately may create the impression of a one-tier ministry when in fact there isn't.

Because I don't have a principled objection to the idea of a two-tiered ministry, that's not a problem for me, but I do wonder why, if it is a policy objective of the government to establish a one-tiered ministry, they would fail to do that and give the impression that they have.

For those future governments that are prepared to be more forthcoming about their cabinet compensation options, and given the fact that some ministers may not have quite the same administrative role as others, this amendment would allow them to be paid out of the consolidated revenue fund. I think that is a more straightforward way of doing it, and better than having to do it each year under the estimates process.

That's the rationale for the amendment. I'd encourage members to support these amendments. I think they're consistent with at least some of the goals that the government has said it has for this legislation, and it would accomplish some important housekeeping tasks that were not accomplished by the original form of the bill.

Thank you.

● (1110)

The Chair: Thank you, Mr. Blaikie.

Who wishes to make comment? I'll ask for a show of hands and I'll start a speakers list.

Go ahead, Mr. Drouin.

Mr. Francis Drouin (Glengarry—Prescott—Russell, Lib.): I have one comment.

From our side, it's not that we necessarily disagree with the objectives of what the NDP is trying to do in this particular bill, but we know that the issues that arise from what Mr. Blaikie has mentioned are already dealt with in other appropriations acts.

We're ready to call a vote on this.

The Chair: Do we have other interventions?

Seeing none, I'll ask for a vote.

Mr. Daniel Blaikie: Can we have a recorded vote? Do I have to ask for that before we have a voice vote?

The Chair: We can certainly make it recorded.

Mr. Daniel Blaikie: Thank you.

The Chair: We'll have a recorded vote. We are dealing with amendment NDP-1.

(Amendment negated: nays 8; yeas 1)

The Chair: NDP-1 was defeated, but NDP-2 is still open for discussion.

Mr. Blaikie, would you like to move the amendment and then explain the rationale behind it?

Mr. Daniel Blaikie: Certainly, and I'll be quick with this one.

In terms of the the rationale for voting against it, nobody expressed objections to keeping future governments' options open with respect to regional development ministers. The idea of this was that if that part was contentious, we would be able to remove that part and still accomplish some of the other work.

This amendment addresses objectives two and three of NDP-1, if you will. That's really what it's meant to do. It's meant to keep the current ministers of state as ministers of state, albeit that they can be styled through other means as ministers. It's to still accomplish what I think is an important housekeeping task, which is that instead of constantly going through the estimates process in order to pay people who will be deemed ministers of state by some future government, it would allow that to happen directly out of the consolidated revenue fund.

The Chair: Does anyone on either the government or opposition side wish to make comments?

Go ahead, Mr. Whalen.

Mr. Nick Whalen (St. John's East, Lib.): I want to ask our guests if they can let us know if what Mr. Blaikie is saying is correct or if the issue is already dealt with elsewhere.

Ms. Martha Boyle (Privy Council Officer, Machinery of Government, Privy Council Office): Are you speaking of the reference to the second part of the amendment?

Mr. Nick Whalen: Yes.

Ms. Martha Boyle: I believe that the member has suggested that this provision would authorize payment of minister of state salaries out of the consolidated revenue fund. We've had the Department of Justice look at that for us, and it was the department's view that this particular structure is not sufficient to do that. All that this provision does would do is establish a rule that salaries of ministers of state cannot exceed the salaries of ministers of state who preside over a ministry of state. That is a provision that already exists in appropriations acts.

Mr. Nick Whalen: Thank you.

The Chair: Seeing no other speakers....

Mr. Blaikie, I'm assuming that you would like a recorded vote on this as well.

Mr. Daniel Blaikie: No, that's fine. We could do a voice vote.

The Chair: I shall put the question on amendment NDP-2.

(Amendment negated [See *Minutes of Proceedings*])

The Chair: Now, Mr. Blaikie, we have amendment NDP-3.

• (1115)

Mr. Daniel Blaikie: Amendment NDP-3 again has to do with the issue of paying ministers out of the consolidated revenue fund. Because this is new information from our guests at committee, I want to verify this but not take the time of the committee either.

Our understanding was that currently the authorization for the salaries of ministers of state comes through the estimates process and not directly through the consolidated revenue fund. Is that not true?

Ms. Martha Boyle: That is correct.

Mr. Daniel Blaikie: Why is it, then, that for this particular kind of minister it happens through the estimates process, which is different from the process by which other ministers are paid?

Ms. Martha Boyle: It provides for flexibility when a prime minister wants to have a minister of state. The Salaries Act positions are fixed, and so having ministers of state paid for under appropriations acts provides flexibility when a prime minister adds a position.

Mr. Daniel Blaikie: Would a minister of state with a ministry of state be paid also through the estimates process, or would they be paid directly out of the consolidated revenue fund?

Ms. Martha Boyle: Ministers of state who preside over ministries of state are provided a salary under the Salaries Act, and so that salary comes out of the consolidated revenue fund.

Mr. Daniel Blaikie: Does that in any way limit the flexibility of a prime minister to name ministers of state with a ministry of state?

Ms. Martha Boyle: No.

Mr. Daniel Blaikie: Okay. There is really, then, no additional flexibility achieved by paying ministers of state out of the departmental estimates process. If they were named in the act as ministers of state in the place in which the ministries of state are named in the act, you would have the same amount of flexibility. It would just be a question of where the money comes from, whether from the pre-existing departmental budget or directly out of the consolidated revenue fund. Is that correct?

Ms. Martha Boyle: Yes. I think what you're speaking to is the objective of your motion.

Mr. Daniel Blaikie: Right.

Ms. Martha Boyle: With that we would agree. What you've just expressed is what you would hope to achieve with the way you've written amendment NDP-3.

The view is that it's not sufficient. Given the structure of the Salaries Act, the particular wording of the amendment is not sufficient to authorize the payment of a salary of a minister of state out of the consolidated revenue fund. Something more specific, such as establishing the salary in the Salaries Act or establishing the way the salary is to be determined—who will approve the salary—would do it. You will find that in all the positions for which a salary can be paid under the Salaries Act, there is first a salary established, and that's not done with the wording of your amendment.

Mr. Daniel Blaikie: Okay. Are the other ministers, then, paid out of the consolidated revenue fund by virtue of being listed in part 1 of the Salaries Act?

Ms. Martha Boyle: In section 4 you'll find them listed.

Mr. Daniel Blaikie: It's section 4.

Ms. Martha Boyle: Do you have the Salaries Act in front of you?

Mr. Daniel Blaikie: I do.

Ms. Martha Boyle: If you look at section 2 to begin with, you see that it establishes that the salaries mentioned in this act are payable out of the consolidated revenue fund.

Then when you go through the statute, you will find that salaries are specified and increases are indexed, but the Prime Minister shall be paid a salary of a certain amount, and ministers of state who preside over ministries of state shall be provided a salary of a certain amount. That is the salary.

What you've drafted is a statutory rule that provides that the salaries of ministers of state cannot exceed the salaries of others, but you haven't established the salaries themselves.

Mr. Daniel Blaikie: Okay. Thank you very much.

The Chair: Are there any further questions?

Seeing none, we'll ask for a vote on amendment NDP-3.

Do you want a recorded vote, Mr. Blaikie?

• (1120)

Mr. Daniel Blaikie: No, that's fine.

The Chair: All in favour of amendment NDP-3?

(Amendment negated [See *Minutes of Proceedings*])

(Clauses 2 to 6 inclusive agreed to)

The Chair: Shall the title carry?

Some hon. members: Agreed.

The Chair: Shall the bill carry?

Some hon. members: Agreed, on division.

The Chair: Shall the chair report the bill to the House?

Some hon. members: Agreed.

The Chair: Thank you very much, colleagues. We have completed our clause-by-clause examination of Bill C-24.

Is there any further business that the committee wishes to raise for the benefit of this committee?

Seeing none—

Yes, Madam Ratansi.

Ms. Yasmin Ratansi (Don Valley East, Lib.): Would you be able to report this bill tomorrow?

The Chair: Yes. Well, no. It will be Monday.

Ms. Yasmin Ratansi: On Monday? I'm sure the ministers are looking forward to it.

The Chair: I know that so many of you are just anxiously, breathlessly waiting for me to report this, but on Friday most of you won't be here, so....

Mr. Kyle Peterson (Newmarket—Aurora, Lib.): If I had known you were reporting, I would have stayed here.

The Chair: Just for that, Kyle? Thank you so much.

Mr. Kelly McCauley (Edmonton West, CPC): Are you reporting tomorrow? Are you here tomorrow?

The Chair: It will be on Monday.

Ms. Yasmin Ratansi: It will be Monday.

Mr. Nick Whalen: Tom, don't you have to stay tonight for votes anyway that you guys wouldn't defer until next week?

The Chair: Thank you for your contributions to this discussion, but seeing no other meaningful discussion, we are adjourned.

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