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—
Chair

The Honourable Larry Bagnell

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• (1130)

[*English*]

The Chair (Hon. Larry Bagnell (Yukon, Lib.)): Good morning.

Welcome to the 132nd meeting of the Standing Committee on Procedure and House Affairs. Our first order of business today is the supplementary estimates (A), for 2018-2019: vote 1a under House of Commons and vote 1a under Parliamentary Protective Service.

We are pleased to have with us the Honourable Geoff Regan, Speaker of the House of Commons. Joining him are Charles Robert, Clerk of the House; Michel Patrice, Deputy Clerk, Administration; and Daniel Paquette, Chief Financial Officer. From the Parliamentary Protective Service, we are joined by Chief Superintendent Jane MacLatchy, Director; and Robert Graham, Administration and Personnel Officer.

In the second hour, we will have witnesses on a question of privilege, which Mr. Robert will stay for, along with the Treasury Board.

This afternoon, for those who want to, we have the informal meeting with the Mongolian delegation. There are no parliamentarians, as I said earlier, but you're still welcome to attend.

I'll open the floor for opening remarks.

Mr. Speaker.

Hon. Geoff Regan (Speaker of the House of Commons): Thank you very much, Mr. Chair, members of the committee.

It's a pleasure to be back before your committee in my role as Speaker of the House of Commons to present our supplementary estimates (A) for the 2018-19 fiscal year.

[*Translation*]

This appearance is an opportunity for the House of Commons to present the approved additional funding for previous planned initiatives, which are designed to maintain and enhance the administration's support to members of Parliament and to the institution itself.

[*English*]

I will also present the supplementary estimates (A) for the Parliamentary Protective Service, or PPS.

You've introduced the people with me this morning, so I won't go through those. I'm happy to have these folks with me this morning.

I'll begin my presentation by highlighting key elements of the 2018 supplementary estimates (A) for the House of Commons. These total \$15.9 million in additional funding. The amount allocated for members and House officers is \$6.9 million. The remaining \$9 million was distributed to House administration service areas to fund in-year strategic priorities, bringing the House of Commons' estimates to \$522.9 million for the fiscal year.

As you'll note, the line item falls under the broad category of voted appropriations.

[*Translation*]

To begin, our line item confirms that temporary funding in the amount of \$15.9 million has been sought for what is technically known as the operation budget carry forward.

I would like to highlight that no additional funding is sought as part of the supplementary estimates other than the carry forward, contrary to what has been done in previous years.

[*English*]

The Board of Internal Economy's carry-forward policy allows members, House officers and House administration to carry forward unspent funds from one fiscal year to the next, up to a maximum of 5% of their operating budgets in the main estimates. Members will know that this is to avoid what's known as "March madness". This practice follows that of the Government of Canada and gives members, House officers and House administration more flexibility in planning and carrying out their work.

The House of Commons' carry-forward has been approved by the Board of Internal Economy and, further to a Treasury Board directive, is reflected in our supplementary estimates.

I would now like to turn to the Parliamentary Protective Service.

Since the beginning of the 2018-19 fiscal year, the Parliamentary Protective Service, or PPS, has continued to deliver its mandate to ensure the physical security within the parliamentary precinct and on Parliament Hill.

In support of the PPS' progress to date, and to ensure its continued ability to deliver its protection mandate, I'm here to present to you PPS's supplementary estimates (A) requests.

I'll begin with an overview of PPS's supplementary estimates (A) request for 2018-19, which totals \$7.6 million. This includes a voted budget component of \$7.1 million and a \$502,000 statutory budget requirement for the employee benefits program.

The voted authorities to date for the PPS total \$76.7 million from the 2018-19 main estimates. Adding the 2018-19 supplementary estimates (A) voted amount of \$7.1 million will bring the PPS voted appropriations to a total of \$83.8 million for the 2018-19 fiscal year. Including statutory requirements, the total estimates to date for the PPS are \$91.1 million.

It's important to note that the total estimates to date of \$91.1 million for 2018-19 include \$6.75 million for initiatives that will be completed by the end of the current fiscal year. These include the camera project for the West Block, a crash barrier replacement at the vehicle screening facility or VSF, the acquisition of vehicles and several IT projects. These are one-time things. Obviously, in due course, we will eventually have to replace some of these again, but for a while, they are one time.

● (1135)

[Translation]

The vehicle screening facility (VSF) is the primary access control point for the vehicular traffic on Parliament Hill. Following an internal review, PPS is requesting two additional supervisory positions at the VSF to oversee the personnel for this twenty-four-hour, seven-day-a-week operation.

[English]

PPS is requesting funding to acquire seven law-enforcement-rated vehicles to be used within the parliamentary precinct. These vehicles will be PPS assets and will blend in with the parliamentary precinct's vehicular fleet in support of PPS operations. Currently, PPS personnel use RCMP minivans that are nearing the end of their life cycle and do not meet PPS's operational requirements.

Protection agencies around the world are amending their training policies to ensure that the closest first responders are able to engage a threat as quickly as possible. Currently not all of PPS's protection personnel have such training. The PPS intends to apply proven tactics and training methods to empower all its protection personnel to neutralize threats. PPS would also like to build on the success of the lockdown drills with multidisciplinary, collaborative emergency management exercises. To that end, it is requesting six additional training personnel: four to certify protection officers and ensure these skills are maintained, and two to design and carry out ongoing emergency management exercises.

[Translation]

Ensuring that our operational employees are properly equipped is a priority for PPS. PPS is now requesting \$144,000 in funding to equip all recruits for the next constable training program.

Funding has also being requested to ensure all PPS employees have licenced copies of the emergency notification system which sends alerts to all parliamentarians and parliamentary employees when specific incidents take place that may affect their security.

[English]

Over the last few years, the role of protection officers has evolved. As a result, a new role profile was revised and updated by management, operational employees and human resources professionals. After consultation with the associations, these profiles were evaluated by a third-party job evaluation consulting firm, which

recommended that these positions be reclassified one level higher, leading to a salary increase. This reclassification represents an approximate 6.5% salary increase for all PPS protection officers, supervisors and managers, and requires a \$2.8-million increase to the PPS's annual salary budget.

When the PPS was first created, it worked closely with the Senate and House administrations to leverage existing corporate systems and administrative tools. While these administrations continue to work closely with PPS, some areas, such as finance and procurement, require additional resources to meet the specific requirements of the PPS. As such, the PPS is requesting an additional two full-time equivalents, FTEs, for the procurement team to manage competitive processes and complex negotiations with suppliers.

PPS is also requesting an additional resource to develop and manage its financial policies in consultation with its parliamentary partners. These initiatives support the sound financial stewardship of funds and resources.

You'll be glad to hear that this concludes my presentation. Thank you for your attention. My team and I are happy to answer questions you may have, or to try to at least.

● (1140)

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

Before we start, I'd like to congratulate Michaela, our Library of Parliament researcher, for the format of your report, having last year's report beside this year's report. That is very helpful.

Mr. Graham.

Mr. David de Burgh Graham (Laurentides—Labelle, Lib.): Thank you.

Mr. Speaker, it won't surprise you that I want to focus on PPS, as I have the last several times that you've been here.

I and many of my colleagues are frustrated that the labour dispute on the Hill continues. I have a number of questions related to that. They do tie back into the estimates, and I'll get to that.

In October, the PPS released a new organizational chart, and for the first time the commissioner appeared on the organizational chart. Can you enlighten us as to what he's doing there?

Chief Superintendent Jane MacLatchy (Director, Parliamentary Protective Service): It's "she".

Mr. David de Burgh Graham: Yes, she.

What is that position doing there?

C/Supt Jane MacLatchy: It's in line with the legislation that created the organization and the MOU that was subsequently signed in terms of the governance of the PPS and how we moved forward at the time in 2015 when it was created. There's actually a trilateral reporting system.

The Speaker of the House of Commons and the Speaker of the Senate are solely responsible for the service in terms of ensuring that it goes forward from an administrative and policy point of view. However, operationally, the RCMP has the lead on operations on the Hill.

If you notice on the organizational chart that we created, it just indicates that I still have some interaction with the RCMP in terms of overseeing operations.

Mr. David de Burgh Graham: Just give us a sense of what kind of interaction. Your office, I assume, is on the Hill, or is it at national division, or is it at both?

C/Supt Jane MacLachy: In terms of my office...?

Mr. David de Burgh Graham: In terms of where you are and your interaction with the RCMP operationally.

C/Supt Jane MacLachy: My office is downtown on Sparks Street. It's within the PPS headquarters, for lack of a better term, where our main corporate executive team is.

I do have interaction with the commanding officer of national division on a regular basis, but entirely on any operational aspects of the management of PPS. As far as things like labour or anything administrative or corporate are concerned, I don't deal with the commanding officer of national division on any of those things.

Mr. David de Burgh Graham: That's all you directly.

C/Supt Jane MacLachy: Right.

Mr. David de Burgh Graham: Okay. That's great because the next question I have is about the labour board, which brought down a ruling on October 10 requiring you to negotiate with the unions by October 30.

Did that happen?

C/Supt Jane MacLachy: What happened after the labour board ruling was rendered on October 10 was that we reached out to all three bargaining units with messaging and began to set up dates to do exactly that, to meet our requirement to start bargaining.

We are in the process right now. We have already met with one, and we have dates with the other two. We're in the process of moving forward with our collective bargaining now, based on that decision from the labour board.

Mr. David de Burgh Graham: In the estimates, is there anything set aside for the bargaining process?

C/Supt Jane MacLachy: Not at this time.

Mr. David de Burgh Graham: Is that anticipated in the future?

C/Supt Jane MacLachy: Excuse me, but to be clear, are you asking if we are putting some money aside for potential increases in —

Mr. David de Burgh Graham: For both the bargaining itself, which doesn't come for free, and for the potential results of that.

C/Supt Jane MacLachy: As far as the bargaining itself is concerned, no, I am not expecting that we are going to come to this table for extra funds.

In terms of what the results of the bargaining are, that's a potential. When we go forward in terms of... I don't want to speak to what the

results of that bargaining process will be, but if there is an increased demand for funding, then we would certainly seek it.

Mr. David de Burgh Graham: Okay, so you're reaching out to the unions now. We talked in the past about the fact that there is an application at the labour board to merge the unions.

I know you can't talk until that happens. What is the status of that application?

• (1145)

C/Supt Jane MacLachy: That application is ongoing, and we are still in the midst of hearings with the labour board. We had several of them over the course of the last couple of months, and right now we have dates right up until May 2019, prior to a decision being rendered.

Mr. David de Burgh Graham: Can we expect that it has to be rendered shortly thereafter, or are we talking about a few more years until this gets decided?

C/Supt Jane MacLachy: I wish I could answer that, sir. I don't know how long it's going to take the arbitrator to make that decision once the hearings are complete.

Mr. David de Burgh Graham: Okay, because if you have the decision requiring you to negotiate now, is it still necessary to pursue that labour board ruling?

C/Supt Jane MacLachy: I believe that, moving forward, one union is the ideal structure for us as an organization, so yes, I would suggest that we still want to move forward on that application.

We were advised previously that based on the legislation that created PPS, we would not be in a tenable position going forward if we did our collective bargaining while we are awaiting that decision. The arbitrator ruled against that and has directed us to begin collective bargaining, which takes that jeopardy off us. We are perfectly happy to go forward with collective bargaining with all three units at this time, but that application is still pending.

Mr. David de Burgh Graham: You already have negotiators ready to go.

C/Supt Jane MacLachy: We have named a lead negotiator, and we have a team behind them at this point, yes.

Mr. David de Burgh Graham: That's good to hear.

I met a large group of new PPS recruits on the Hill a couple of weeks ago. It was pretty nice to meet 20-or-so new members.

How are they trained on privilege? I'm just curious about the process because, as you know, our concern on this committee has been ensuring that privilege is protected at all times. The RCMP is a police force rather than a protective force. I want to make sure that the training is properly separated in that regard.

C/Supt Jane MacLachy: Absolutely, sir, I can assure you that they are trained in the recruit program. In the basic training of our new protection officers, privilege is definitely highlighted in the midst of the training by our PPS trainers. We also bring in representatives from both administrations to speak to them on privilege. It's certainly not something that's thrown in on the side of somebody's desk. It's a definite piece within that training program, and it's something that they work very hard on.

Hon. Geoff Regan: If I may, I would note that some of the funds requested were in relation to the vehicle screening facility. In relation to that, the priority there from the PPS is privilege, so that members aren't held up there unduly.

Mr. David de Burgh Graham: I have experienced interesting interactions at the VSF. You show your ID and they are looking for something, but if they don't see it right away, they'll open your car and start searching. Once you say, "I'm a member", then they say, "Sorry sir, you can carry on". I get the point.

You said that you're acquiring seven new vehicles to replace the vans that are on the Hill. Are they going to be marked vehicles?

C/Supt Jane MacLatchy: No. This time we've decided that they will not be marked vehicles.

Mr. David de Burgh Graham: Thank you.

I think my time is up now.

The Chair: Thank you.

Now, we'll go to Ms. Kusie.

[*Translation*]

Mrs. Stephanie Kusie (Calgary Midnapore, CPC): Thank you, Mr. Chair.

I thank our esteemed witnesses for being here today.

[*English*]

Mr. Robert, who has control or management of the parliamentary staff assigned to support interparliamentary associations, please?

Mr. Charles Robert (Clerk of the House of Commons): Who has control?

Mrs. Stephanie Kusie: Correct. Who has management of the parliamentary staff assigned to support interparliamentary associations, please?

Mr. Charles Robert: The parliamentary association is part of the IIA. Therefore, it would be under the clerk assistant and then the clerk assistant answers to me.

Mrs. Stephanie Kusie: Okay.

Is that staff support funded from the budget assigned to interparliamentary associations?

Is it part of the general House administration budget, which is administered by or on behalf of the Clerk of the House?

Mr. Charles Robert: If it were dealing with salaries of staff, I would assume that it's not part of the association, but it would be part of the administration.

Mrs. Stephanie Kusie: Okay.

Are the clerks and staff authorized to participate in unofficial activities of the interparliamentary associations?

Mr. Charles Robert: Unofficial activities...? I'm not sure to what you're referring.

Mrs. Stephanie Kusie: If there were activities that were not deemed to be official, but unofficial, would the clerks and staff be authorized to participate in something like that?

If there was, in fact, an unofficial meeting, would they be authorized to participate in these meetings?

Mr. Charles Robert: I suspect you might be referring to what occurred several weeks ago. The question then would be whether or not a determination was made as to whether or not it was official or unofficial.

Mrs. Stephanie Kusie: Thank you.

If a meeting is held outside of an association's constitution, bylaws or rules, would you consider that meeting illegitimate?

• (1150)

Mr. Charles Robert: If it could be determined that it was, in fact, outside of the constitutional boundaries of the association, I think it would raise serious questions.

Mrs. Stephanie Kusie: At such a meeting, if it was illegitimate, would the clerks and staff provide support and assistance?

Mr. Charles Robert: If it was legitimate, I would suspect—

Mrs. Stephanie Kusie: If it was illegitimate....

Mr. Charles Robert: Again, I think the determination would have to be made. That is not necessarily something that can be determined immediately. Out of an abundance of caution, I think that there would be some idea of actually co-operating with the leadership of the association.

Mrs. Stephanie Kusie: Would the parliamentary resources used at such illegitimate meetings constitute inappropriately spent funds, in your opinion?

Mr. Charles Robert: Again, I think the issue really has to revolve around the idea of whether it was legitimate or illegitimate. Then, when a question like that does come up, I think the circumstances would assist the personnel in how they would conduct the proceeding or the event.

Mrs. Stephanie Kusie: In regard to the October 30 business of the Canadian NATO Parliamentary Association, I wanted to turn to some specific questions in regard to that.

How many clerks from the House administration were present at that meeting?

Mr. Charles Robert: I was not informed, so I'm afraid I can't tell you.

Mrs. Stephanie Kusie: Are you aware how long the clerks remained present, after the lawful chair of the association, Ms. Alleslev, adjourned the meeting?

Mr. Charles Robert: I suspect most of them who were present probably would have stayed. I would want to have confirmation of that, but that would be my initial response.

Mrs. Stephanie Kusie: For what purpose did the clerks remain, in your opinion, after the meeting had been adjourned?

Why didn't they just leave after Ms. Alleslev adjourned the meeting?

Mr. Charles Robert: As part of our practices, there is an understanding that when a meeting is called a decision to adjourn in a meeting assumes consensus. If it is done at the initiative of the chair present and if the consensus is not clear, then the staff may decide to stay, as an appropriate response.

Mrs. Stephanie Kusie: But by what authority did the clerks remain and so act?

Mr. Charles Robert: I think the answer I'm giving you suggests that there was, in fact, a belief that the meeting had not been properly adjourned.

The Chair: Sorry, we have a point of order.

Mr. Bittle.

Mr. Chris Bittle (St. Catharines, Lib.): This is well outside the relevance of what this committee is looking at. A few of these questions have come forward, but where are we really going on this? This is not relevant to the estimates.

Mrs. Stephanie Kusie: I think it's very relevant, given that the funds here support parliamentary associations. I think it's very relevant, Mr. Bittle.

The Chair: Okay. Carry on.

Mrs. Stephanie Kusie: Thank you, Mr. Bagnell.

Monsieur Robert, would you commit to get us that information, once it is determined in terms of the basis of the meeting having been deemed constitutional or not, and therefore, the decisions that you have indicated flow from that decision? Would you be able to report back to us with those determinations, please?

Mr. Charles Robert: Certainly.

Mrs. Stephanie Kusie: It's very much appreciated.

As well, in February, our former committee colleague Mr. Richards asked some questions about the clerk's initiative to rewrite our Standing Orders. Monsieur Robert, at that meeting you gave Mr. Christopherson assurances that this committee—the House procedures committee—would be involved in this project concerning the Standing Orders. Unfortunately, we have yet to hear anything.

What would be your plan for engaging this committee or members of the House of Commons regarding the rewrite of the rules we follow in the House, and can you update us on this project, please?

Mr. Charles Robert: Yes, certainly.

The purpose of the revision of the rules is basically to make them more accessible to the members. The way they are written now does not actually facilitate that. If, for example, you were to look at the table of contents of the current Standing Orders, it just gives you under each chapter heading the number of the standing order relevant that falls under that chapter. It gives language that obliges the member to search out certain other standing orders where it says “pursuant to” or “pursuant to this”. The idea, again, is that, since our mandate really as an administration is to provide the best support we possibly can to the members, it seemed to me at the time that this would include making the Standing Orders more user-friendly and accessible, similar to a project that has occurred elsewhere.

The initiative was basically mine, but any decision to accept the revisions rests with this committee and rests certainly with the House itself. I'm here as an agent to assist the operations of the House of Commons in the best way I can. Initial contacts were made with the leadership offices of all the major parties to let them know that this undertaking was in process and to assure them that, in undertaking this project, no substantive changes to the rules or Standing Orders

are in fact being made. The language is only being simplified and tools are being added to the table of contents, as I've just suggested—subheaders, marginal notes and chapter revisions or groupings—in a way that would facilitate the understanding of the Standing Orders by the members and certainly their staff.

• (1155)

[*Translation*]

Mrs. Stephanie Kusie: Thank you for your answers. I also thank you for being here today.

Mr. Charles Robert: Thank you.

The Chair: Thank you.

Mr. Cullen now has the floor.

[*English*]

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Thank you, Chair.

Thank you, Speaker and all of your guests.

Just to follow up very quickly on Ms. Kusie's questions to Mr. Robert, I think her specific question was this. Is there an attempt or will there be an attempt to engage PROC in the process that you just described to us?

Mr. Charles Robert: Absolutely. Again, I undertook this initiative for the benefit of the House, but I have no authority to—

Mr. Nathan Cullen: No, I understand.

Mr. Charles Robert: Once there is something ready to show you...and certainly, you would be involved, if there is an agreement that this should go forward.

Mr. Nathan Cullen: I see. I think for committee members' benefit, it's that point of engagement we're interested in. No one's questioning the validity of what you're suggesting.

To you, Speaker, since 2016, the PPS budget has grown from approximately \$62 million to this year, when the request is \$91 million. Is that correct?

Hon. Geoff Regan: That's correct.

Mr. Nathan Cullen: It's approximately a 50% increase from when we first unified the protective services on the Hill. Is that correct?

Hon. Geoff Regan: It's gone up, certainly, and as the PPS has developed as a new organization, it's become clear that it needs foundational supports that weren't there at the beginning. I'm sure Chief Superintendent MacLatchy would be happy to explain that further.

Mr. Nathan Cullen: Chief Superintendent MacLatchy, last time we spoke was at this place. It's only by coincidence that I'm here again, I assure you.

Mr. Christopherson is in lock-up, but he has done nothing illegal. It's just with the Auditor General's report. At least I think he's done nothing illegal. I can't confirm or deny.

The last time you testified here, I asked you about the quality and the professionalism of the people who protect us, the women and men, every day. You said that you're "impressed every day with the professionalism and the competence of the folks who work within this service, and that goes across all categories of employees who are part of this organization."

We talked a lot about esprit de corps and the mood, but in the conversations I had with people in PPS, in a casual way.... Some were reluctant to talk at all, but when they did chat, the esprit de corps was not great. Your version of how the group was doing is not shared.

I have a couple of specific questions. How long have those under the PSAC union been without a contract?

C/Supt Jane MacLatchy: I believe it expired in 2014.

Mr. Nathan Cullen: The two other groups that are represented by unions have been without a contract since when?

C/Supt Jane MacLatchy: I believe, though I would have to refer to my administration and personnel officer—

Mr. Robert Graham (Administration and Personnel Officer, Parliamentary Protective Service): It's since 2017.

C/Supt Jane MacLatchy: It was 2017, early.

Mr. Nathan Cullen: They recently—well not recently—received a labour board ruling to implore the management, in this case, you, to negotiate a contract. Why did they even have to go through that process?

This is the concern I had a year ago, and the concern I bring to you now. With the words we use, the Speaker, the MPs, the political leaders and the leaders of your department all praise the women and men for their professionalism, yet they have to go to the labour board just to get you to the table to negotiate a contract that's free and fair.

Do you understand why that doesn't seem to square? In as much esteem as we hold them, the members are forced to stand and wear caps to ask for the basic level of respect. I agree with them that it doesn't seem respectful that we have people serving us, protecting us, without a contract for five years, and others without a contract for more than a year who have had to go to the labour board just to get you to negotiate with them.

I say, "you", but I mean the collective "you", us, their management.

Do you understand why that doesn't seem to square?

•(1200)

C/Supt Jane MacLatchy: I understand the question, Mr. Cullen, and thank you for that.

The one thing I mentioned, I believe, previously in this committee—and I will try to explain—is that within the legislation that created PPS, under the Parliament of Canada Act, there were aspects on which we sought legal opinion. We—and I'm talking about my predecessor, before I actually assumed this position—sought legal opinion on whether we could go forward with collective bargaining as we saw the agreements expiring. We had multiple legal opinions, both prior to my arrival and since my arrival, that said that, no, as per that legislation, we were not in a position to collectively bargain until

the labour board had made its ruling in terms of how many bargaining units would be present.

I was looking at that from an organizational perspective. I was being advised that there was a certain level of jeopardy, for lack of a better term, to go forward with any kind of collective bargaining until that labour board had made its decision.

Mr. Nathan Cullen: It is not unusual for an employer, even an employer of protective services, to deal with more than one union in a negotiation. I don't know why the House has been dragging its feet because of this question. I know, someone—the Speaker, maybe, or maybe it was you—said that you'd prefer to have one union, but you don't. You have three. That's a historical thing that has been adopted, which has proven to be legal and sound within the laws of Canada. We all wish for different things that we don't have. This is the reality.

Further to this, my question is one of urgency. Are we going to be back here again with another report from the Speaker saying we still have not reached a settlement? Because it's not for lack of money. We've increased services. Is that the barrier? We don't want to pay folks more, or pay them an equivalency that they deem to be fair?

Hon. Geoff Regan: I think you heard what I said about the 6.75% increase that was paid earlier this year after reclassification, in accordance with the advice that the PPS received.

Mr. Nathan Cullen: That's a good thing. You've triggered me, Mr. Speaker. There were mandatory overtimes last time we spoke. Have those been eliminated? Are there still mandatory overtime shifts that PPS are covering?

C/Supt Jane MacLatchy: They have been considerably reduced.

Mr. Nathan Cullen: What are we at now? We had some very bad scenarios in which people were working 70- or 80-hour weeks, which is not good for anybody, and certainly not for them. "Considerably reduced"—what does that mean?

C/Supt Jane MacLatchy: It's a rare occurrence now that we have to force somebody to take overtime, whereas at one time when I first arrived it was a fairly common thing.

You have the numbers, Mr. Graham, in terms of how much we're spending on overtime versus what we did before.

Mr. Robert Graham: Yes. There are some events, major events like Canada Day, which is sort of "all hands on deck" for both operational and non-operational employees as well, but we're forecasting a reduction for overtime expenses in the range of 10% to 15% this fiscal year.

Mr. Nathan Cullen: Can I just clarify that, Chair? Is it a reduction in overtime expenses by 10% to 15%?

Mr. Robert Graham: That's correct.

Mr. Nathan Cullen: Okay. I'm not sure if I had that question answered. When you say "rare".... Those are interpretative terms. I don't know how to quantify it.

C/Supt Jane MacLatchy: I'm sorry. I don't have actual numbers for you, but what I can tell you is that when I first arrived in this chair it was a daily occurrence that we needed to...well, not daily. It was virtually a daily occurrence that we needed to bring somebody in on overtime and often had to order them in because they didn't want the excess overtime.

Now, as I said, I had the conversation with my operation commanders just this morning. They confirmed for me that it's a very rare thing now, but I don't have numbers for you.

Mr. Nathan Cullen: Is that a fair request, for those numbers to be provided to us?

C/Supt Jane MacLatchy: Certainly.

Mr. Nathan Cullen: The previous number and the current...?

C/Supt Jane MacLatchy: Certainly.

Mr. Nathan Cullen: That would be helpful. Thank you.

The Chair: Thank you.

Mr. Simms.

Mr. Scott Simms (Coast of Bays—Central—Notre Dame, Lib.): Thank you, Chair.

I have a question about the move that's happening. I'm not sure how you can answer it. It's somewhere between you guys and Public Works, obviously, but I'll save that.

I have a quick question, though, for you, Ms. MacLatchy. You mentioned earlier the two bargaining units, that you're not in favour of that and PPS says they want to have the two units. I understand that there's no jurisdiction in this country, but have we looked into what other jurisdictions around the world do? What happens in the parliamentary system in Westminster, Australia or New Zealand? They're similar types of systems. Do they have internal bargaining units?

C/Supt Jane MacLatchy: In terms of the labour structure...?

I'm afraid I don't know the answer to that, sir. I would have to seek it.

Mr. Scott Simms: Okay. I'm interested in that because maybe we should compare to what they do, as an example, and how they handle Parliament.

Yes, there are parliaments across the country but they're not bicameral. They're not as big as this one. Perhaps that's something that we want to consider in all of this when it comes to the bargaining units.

• (1205)

C/Supt Jane MacLatchy: We have actually gotten a lot of interaction with our partners—federal parliaments, for a lack of a better term—in Australia, the U.K. and those sorts of places in terms of operational information, but no, I have no information in terms of their labour structure. I can certainly seek that.

Mr. Scott Simms: Okay. Thank you.

Can I go back to the move situation? We've been delayed now. I know that in the fall we were hoping to go in. Now we're going in,

I'm assuming, in January or February. Where are we on that? Is that reflected in this or is it more for Public Works?

Hon. Geoff Regan: Originally, the plan was to go in during the summer, to start moving after the House rose at the end of June. In fact, that partly happened, in the sense that members who had offices in Centre Block and were not going to have offices in West Block were moved this summer. The House officers and so forth, the whips and House leaders, etc., and my office have not yet moved and will be during the December-January break. On January 28, the House will sit in West Block, in the interim chamber.

By the way, I should tell you that if members are interested in touring it, there will be opportunities weekly to do that. We're going to have a weekly time slot. I know that a lot of members haven't seen it yet and would like to do so.

Mr. Scott Simms: I have a quick question. As far as budgetary concerns go, for this delay what are we looking at? What's the impact to the overall budget for this project?

Feel free to comment on the Senate as well, if you wish.

Voices: Oh, oh!

Mr. Scott Simms: Since we're at it...

Hon. Geoff Regan: My understanding is that because in fact some work has already been able to begin here there's not an impact, but I'll go over to Dan Paquette or Michel.

Mr. Michel Patrice (Deputy Clerk, Administration, House of Commons): I could say that there's no negative impact in terms of the so-called delay and the fact that we're moving and transitioning to the interim chamber in January. Everything has been accounted for and budgeted in the main estimates that you have for this fiscal year.

Mr. Scott Simms: The upper chamber...?

Mr. Michel Patrice: I would be reluctant to comment on what's going on in the other place.

Voices: Oh, oh!

Mr. Scott Simms: Did you notice how I tried to do that?

Hon. Geoff Regan: You must have friends in the Senate.

Mr. Scott Simms: Sorry. It's just a matter of interest.

I'm very interested in that because I'm also interested in the technology. I don't know how much time I have here, but one of the things that I wanted to see is in terms of the fact that when people stand up in the House and do a speech, there's a clock. It's quite visible, rather than.... No offence, you're very good at it. You hold up your hand for one or two minutes or whatever it may be. I appreciate that.

In most jurisdictions around the world, or any parliamentary assemblies, they have a visible clock. It may not mean a lot to other people, but are we considering that and other types of technologies for the interim chamber?

Hon. Geoff Regan: I've seen that, for instance, in France, and I think it may exist in Washington, but not in Westminster, of course. At any rate, that's the sort of thing where the House would have to decide that it wants this different process whereby you have a clock that starts at 10 minutes and then goes down to zero, or 35 seconds down to zero, but that hasn't been the House's decision up until now.

Mr. Scott Simms: Does it require a change in the Standing Orders to include that technology?

Hon. Geoff Regan: That's a good question.

Mr. Charles Robert: You're probably safer going with a Standing Orders change.

Mr. Scott Simms: With the technology nowadays, it just seemed obvious. I know we stand up and sit down to vote. We don't have an electronic voting mechanism.

Hon. Geoff Regan: I think your question is whether there is the capacity to put up a monitor or monitors that would play the role of a clock and show how much time members have left. I think we could probably answer that.

Mr. Michel Patrice: The answer is that the technology would be there, should the House decide to use it.

Mr. Scott Simms: I'll pursue that further as we move in.

Thank you very much, ladies and gentlemen.

Mr. David de Burgh Graham: I have an important question related to that.

Have we solved the parade between the Commons and the Senate? Are we taking the Confederation Line? Are we going to go down Wellington Street in the Popemobile?

Mr. Charles Robert: The preference is to maintain the traditions and the ceremonies that have been part of our practice for 150 years. Adjustments will be made for the fact that we will exist in two buildings for a period of time, once the move takes place.

Proposals are being put forward to determine how this will be carried out. One would suspect, for example, that for the very first Speech from the Throne in the new location, House members might want to participate in the event. For future events, we will probably have to get into a process whereby we would actually solicit interest to determine the number of vehicles required to bring the members to the Senate.

• (1210)

Mr. Scott Simms: Can the mace fit on the bus?

Hon. Geoff Regan: Sadly, the transporter beam research hasn't been going that well.

Voices: Oh, oh!

Mr. Charles Robert: The Queen's crown is carried by a separate carriage for State Opening, so I suppose we could do the same thing for the mace.

The Chair: Mr. Nater.

Mr. John Nater (Perth—Wellington, CPC): I have a very quick question, which Mr. Reid brought to my attention. We talked about the new vans being purchased by PPS. Will those be equipped with defibrillators, and would there be an effort to equip all vehicles with defibrillators going forward?

C/Supt Jane MacLatchy: That's an interesting question. In the police vehicles you see on the Hill, there are a couple of defibrillators within those, but as we said, we're moving away from the RCMP vehicles into PPS vehicles. I will talk to our operations folks. Right now, I don't believe there are defibrillators in all of our vehicles, but I will get you that information. It's an interesting idea to put a defibrillator in each one.

Mr. John Nater: Thank you, Chair.

Mr. David de Burgh Graham: Can I have a follow up question?

The Chair: Make it quick.

Mr. David de Burgh Graham: Will the vehicles be fully equipped police vehicles, or will they be civilian vehicles?

C/Supt Jane MacLatchy: They will be PPS vehicles. It's a vehicle rated for law enforcement.

Mr. David de Burgh Graham: Is it a law-enforcement-equipped vehicle, or just a rated vehicle?

C/Supt Jane MacLatchy: It will be equipped for the specific operational unit that's using it. In this case, it will have firearms capacity.

Hon. Geoff Regan: Are we getting into an area that might be better covered in camera?

Mr. David de Burgh Graham: That's fair.

The Chair: I'll use the chair's prerogative to ask one last question. Regarding the renovations of this building, this committee talked about a courtyard inside or outside, something for a playground for children, which leads to a larger question. There was an article in Policy Options about our input into the 13-year renovation of this building. I wonder if the clerk would be willing to have a session with this committee on that at some time in the future.

Mr. Charles Robert: I think that would be a worthwhile exercise. We would be willing to bring the architects and the other designers, as well as the heritage specialists, who would be willing to answer questions and deal with suggestions you might have about how you would like to see the building renovated.

Hon. Geoff Regan: Along with the architects working for the House of Commons, I think you would want to have architects from Public Services and Procurement Canada. That would be valuable.

Frankly, I think it's essential for the House, during the time of the renovations, to continue to emphasize the importance of public access to Centre Block to parliamentarians and to media. The idea of having the "hot room" where it is now is very important because they're more able to get down to question period quickly, to be present here in Centre Block and to question members about what's going on. To me, this is essential to our democracy, and I would hope that whatever members are here over the next 10 years will continue to emphasize it.

The Chair: It's 13 years.

Hon. Geoff Regan: Whatever number it is....

The Chair: Committee members, we will move to some votes on supplementary estimates (A).

HOUSE OF COMMONS

Vote 1a—Program expenditures.....\$15,906,585

(Vote 1a agreed to on division)

PARLIAMENTARY PROTECTIVE SERVICE

Vote 1a—Program expenditures.....\$7,127,658

(Vote 1a agreed to on division)

The Chair: Shall I report the votes of the supplementary estimates (A) to the House?

Some hon. members: Agreed.

The Chair: Thank you to our witnesses. We'll do a really quick turnover so that we can get into the next session for the next witnesses. We'll suspend for 30 seconds or so.

● (1210) _____ (Pause) _____

● (1215)

The Chair: Good afternoon, and welcome back to the 132nd meeting of the Standing Committee of Procedure and House Affairs as we continue our study on the question of privilege related to the matter of the Royal Canadian Mounted Police publications respecting Bill C-71, an act to amend certain acts and regulations in relation to firearms.

We are pleased to be joined by Charles Robert, the Clerk of the House of Commons, as well as by the following officials from Treasury Board Secretariat. We have Louise Baird, Assistant Secretary, Strategic Communications and Ministerial Affairs; and Tracey Headley, Director, Communications and Federal Identity Policy. Thank you for making yourselves available today.

We'll begin with Monsieur Robert's opening statement and then Ms. Baird. Please go ahead, Mr. Robert.

Mr. Charles Robert: Thank you, Mr. Chairman.

Members of the committee, I am pleased to be here with you to help the committee with its review of the question of privilege raised by Mr. Motz, the member from Medicine Hat—Cardston—Warner, concerning the documents published by the Royal Canadian Mounted Police website on the subject of Bill C-71.

● (1220)

[Translation]

When questions of privilege are referred to the committee, they are an opportunity to study in detail an issue put forward by the members themselves and to issue recommendations that will benefit everyone. It is through your committee that witnesses can be heard, documents obtained and concrete action taken, if that is the will of the committee, of course.

Respecting the dignity and authority of Parliament is a fundamental right which the House takes very seriously. The mission of the Speaker as a servant of the House is to ensure the protection of the rights and privileges, not only of every member, but also those of the House as a whole. In that sense, any affront to the authority of the House may constitute contempt of Parliament.

As its states on page 87 of the *House of Commons Procedure and Practice*, third edition:

There is [...]no doubt that the House of Commons remains capable of protecting itself from abuse should the occasion ever arise.

[English]

In his ruling on June 19, 2018, the Speaker of the House of Commons summarized the facts surrounding the publication of information about Bill C-71 on the RCMP website. While the bill in question was following the normal legislative process, the information published on the RCMP website suggested its provisions would necessarily be enacted or had been already.

The Speaker reminded the members that Parliament's authority in scrutinizing and adopting bills remains unquestionable and must never be taken for granted. He then added, "Parliamentarians and citizens should be able to trust that officials responsible for disseminating information related to legislation are paying attention to what is happening in Parliament and are providing a clear and accurate history of the bills in question."

When questions similar to the one before your committee were raised by members in the House, previous Speakers have repeated that situations such as this should never occur and have urged the government in various departments for which they are responsible to find solutions. Indeed, the Speakers of the House have always taken great care to act as defenders of Parliament's authority. An affront to that authority constitutes a transgression or a lack of respect for the House and its members. As Speaker Sauvé said on October 17, 1980, the publication of information harmful to the House may, for example, turn into a contempt of Parliament.

In the current case, the Speaker noted the careless attitude the RCMP displayed to the fundamental role of members as legislators. For him, parliamentary authority with respect to legislation cannot and should not be usurped. The Speaker explained the matter well when he said, "As Speaker, I cannot turn a blind eye to an approach by a government agency that overlooks the role of Parliament. To do otherwise would make us compliant in denigrating the authority and dignity of Parliament."

[Translation]

I thank you once again for this invitation to testify.

I would now be pleased to answer your questions.

[English]

The Chair: Thank you.

Ms. Baird.

Ms. Louise Baird (Assistant Secretary, Strategic Communications and Ministerial Affairs, Treasury Board Secretariat): Thank you, Mr. Chair, for the invitation to appear before your committee.

I have Tracey Headley with me today. She's the Director of the Communications and Federal Identity Policy Centre with me at Treasury Board Secretariat.

I am the assistant secretary of strategic communications and ministerial affairs, where I have responsibility for the Government of Canada's policy on communications and federal identity. I am also the functional head of communications at the secretariat, so I'm responsible for the communications work within the department.

[*Translation*]

In my opening remarks, I would like to give you an overview of the communications policy and highlight some of the changes that were made in 2016.

As you can imagine, a lot has changed in recent years in the communications environment. The amendments to the policy reflect those changes. Communications are central to the Government of Canada's work and contribute directly to the Canadian public's trust in their government.

[*English*]

One of the key requirements of the policy is that communications to the public must be "timely, clear, objective, factual and non-partisan". That applies to all communications activities, including those in relation to legislation before Parliament, which need to be clear and factual to ensure there is no confusion and no presumption of the decision of either chamber. Public servants, by virtue of our Values and Ethics Code for the Public Sector, respect the fundamental role Parliament has in reviewing, amending and approving legislation.

The communications policy sets out deputy heads' accountabilities in ensuring the communications function is carried out appropriately in their organizations. As part of that, they must designate a senior official as head of communications. The policy does not prescribe departmental approval processes. Instead, it allows the departments to determine the best way to manage their communications given their specific operational requirements. This makes sense given the wide array of diverse organizations covered by the policy.

The government communicates with the public in both official languages to inform Canadians of policies, programs, services and initiatives and of Canadians' rights and responsibilities under the law. The administration of communications is a shared responsibility that requires the collaboration of various personnel within individual departments as well as among departments on horizontal initiatives.

The new policy is supported by the new directive on the management of communications. Together they modernize the practice of Government of Canada communications to keep pace with how citizens communicate in what is largely now a digital environment.

One of the changes in the new policy is to make accountabilities more clear. The previous policy was targeted at the institution as a whole. The new policy clarifies accountabilities for deputy heads and designates a senior official as head of communications to manage the department's corporate identity and all its communications.

The directive lays out the specific accountabilities for heads of communications. For example, they are responsible for approving communications products and overseeing the department's web presence, collaborating with the Privy Council Office and other

departments on priority initiatives that require input from multiple departments, and monitoring and analyzing the public environment.

• (1225)

[*Translation*]

Both deputy heads and heads of communications are responsible for ensuring information is timely, clear, objective, accurate, factual and non-partisan.

[*English*]

Another new feature is the significant strengthening of the policy and directive on non-partisan communications. While the previous policy required the public service to carry out communications activities in a non-partisan way, it did not include a definition of non-partisan. For the first time, the new policy explicitly defines the term non-partisan communications in the following manner.

Communications must be objective, factual and explanatory, and free from political party slogans, images, identifiers, bias, designation or affiliation. The primary colour associated with the governing party cannot be used in a dominant way unless an item is commonly depicted in that colour, and advertising specifically must not include the name, voice or image of a minister, member of Parliament or senator.

Turning to digital communications, another new feature of the policy puts greater emphasis on the use of digital as the primary way to connect and interact with the public. What this means is that departments and agencies are using the web and social media as the principal communications channels.

It's important that the government make information available and engage citizens on the platforms of their choice. At the same time, we recognize there are Canadians who will continue to require traditional methods of communications, so multiple channels are still being used to meet all the diverse needs of the public.

As I mentioned, I am the functional head of communications at the Treasury Board Secretariat. This means that my sector is responsible for developing communications products and providing advice and services in consultation with subject matter experts in the department. This includes internal communications as well as external communications, and to that end, my team organizes things like ministerial events and press conferences. We also prepare communications strategies, speeches, news releases and a variety of other communications products.

[*Translation*]

We also provide a Web presence for the secretariat, manage the corporate social media accounts, and manage the media relations function.

These core communications functions are relatively standard across government departments and agencies. As I mentioned at the beginning, however, there are some differences, based on the nature of the work and the specific operational requirements of the organization.

●(1230)

[English]

This concludes my remarks. I would be happy to take questions if it would please the committee.

The Chair: Thank you very much.

Mr. Simms.

Mr. Scott Simms: Thank you, Chair, and thank you to both of you.

Ms. Baird, in your speech, the key words you have are “timely, clear, objective, factual and non-partisan”. Can we just focus on the word “timely” for a moment? I understand the mistake of this, implying that a legislation has passed when it has not, but I do believe that all government departments must exercise due diligence to anticipate this type of thing.

I compared this situation of Bill C-71 with Bill C-76, which is about the election. Of course, Elections Canada has to get its act together, as it were, before legislation is even passed. Otherwise, it would not work. The coming into force is taken seriously, and so on and so forth.

I understand how some departments can rush ahead with something that was not given sober second thought, if I could steal that term from the other chamber, but in this particular case, you talk about your communications both outward and inward. Although the mistake was the result of something that happened in Public Safety that was an outward mistake, it's the inward mechanisms by which it could have been solved.

This doesn't pertain to your department, but how do you take responsibility for this, and how do you fix it as an inward communication exercise among the other departments?

Ms. Louise Baird: How do I, or how should individuals who are responsible for that within their department?

Mr. Scott Simms: How would you communicate to them that what they did was not right, and here's how we can fix it? You say, for example, here are particular wordings we can use, such that we avoid giving this royal assent before it has been royally assented.

Ms. Louise Baird: We do provide advice and outreach to departments quite regularly through Tracey's team. They are the ones who develop the policy, ensure compliance with it and create awareness of the rules and the requirements within the policy. Reminders do go out regularly.

To your earlier point, communications divisions along with other parts of a department do have to be ready for something. There should be appropriate communications around the tabling of a bill. It needs to be worded appropriately to acknowledge its status, but that is part of regular communications work.

Mr. Scott Simms: Have we engaged in this type of exercise? Do you know of any examples where maybe certain departments—not your own—have said, “Okay, here's the wording that we can use”? Have you seen internal communications that point this out?

Ms. Louise Baird: I don't think I have seen anything specific to this very specific circumstance. I can say that our regular monitoring

shows that communicators around town are quite aware that they have to use the conditional. They have to use words like “if passed”.

If you look at news releases and things that maybe get a bit more scrutiny than the example that we're talking about today, I would say those have a very high level of compliance in using the appropriate language.

Mr. Scott Simms: I understand. The department seemed to be quite apologetic about the situation that happened. They admitted to the mistake, but what they said through the minister—you probably read his testimony—was that this should be looked at in the future, to be fixed. It sounds to me like you are on your way, or have fixed it really already. This seems to be a one-off. Is that a fair statement?

Ms. Louise Baird: I think this specific type of situation is fairly unusual. I don't hear about it frequently.

Mr. Scott Simms: The situation that they found themselves in, where they were in the wrong.

Ms. Louise Baird: Yes, but I think there's room to remind people of the rules around that and that there are channels, existing channels, through our communications network.

Mr. Scott Simms: And that's your responsibility.

Ms. Louise Baird: That would probably be my responsibility. It can be my responsibility. As a head of comms for a central agency and responsible for the communications policy, it would probably be something I would look at doing jointly with PCO because they're the functional head for communications.

Mr. Scott Simms: I see. Perhaps that's a recommendation we could make in our report, to basically put out a template of language by which we don't....

[Translation]

Mr. Robert, I am happy to see you again.

[English]

I just want to ask you about the question of privilege. I've been reading up on privilege over the past little while and trying to find out through the history books about privilege and how it has evolved in many different ways. I give credit to Mr. Robert Maingot, who wrote a book on this and he did a great job.

Does this really impede upon our responsibilities as parliamentarians? When this happens outside, does it really affect us inside? How is this a breach?

●(1235)

Mr. Charles Robert: That's a determination that's really made by you as parliamentarians.

Looking at it historically, in the United Kingdom, in the four studies that have been made since the Second World War—in 1967, 1977, 1999, and I think 2013 was the last—you can see that there is a greater sensitivity to public participation and a retrenchment of the notion of privilege to those aspects that parliamentarians believe are still fundamental and crucial to how they conduct their business, and also, from the public perspective, how Parliament retains its authority and dignity.

For contempt, previously, newspapers were hauled before Parliament regularly for any sort of untoward criticism of parliamentarians or Parliament itself. Here we're talking about something that's quite different. We're talking about a partner in the system of government. We're talking about the executive, and historically, in Canada, there has been some sensitivity to how governments might make statements that make assumptions about the work that Parliament is undertaking, and that is where this issue has come up and it's not the first time.

The Chair: You have 30 seconds.

Mr. Scott Simms: Hopefully we'll get another round. Will we?

The Chair: We'll try.

Ms. Kusie.

Mrs. Stephanie Kusie: Thank you very much, Mr. Chair.

My questions are for Madame Baird and Madame Headley.

Is the Royal Canadian Mounted Police, notwithstanding its independence in respect of specific law enforcement operations, governed by the policy on communications and federal identity, and the directive on the management of communications?

Ms. Louise Baird: Yes, it is.

Mrs. Stephanie Kusie: What consequences follow an episode of non-compliance with those documents?

Ms. Louise Baird: Generally...?

Mrs. Stephanie Kusie: Yes, generally, please.

Ms. Louise Baird: There is a range of things that can be done in cases of non-compliance. Typically, our starting point, depending on the seriousness of the nature of the infraction, would be to work with the department to correct it, to fix it. We would then make sure that the department was aware, maybe give a bit of a training session with their staff so that they were clearly aware of the rules under the communications policy and the directive.

Mrs. Stephanie Kusie: Would the two RCMP online publications that led to this study have been subject to those two policy instruments?

Ms. Louise Baird: Yes, the RCMP does fall under that.

Mrs. Stephanie Kusie: Do you believe that the RCMP publications complied with the policy and the directive?

Ms. Louise Baird: The issue was never brought to us at the Treasury Board Secretariat as a compliance issue. We obviously have learned about it since then. The accountabilities—what I spoke about a bit at the beginning—are clear for the deputy and the head of communications.

In this case, the head of communications has responsibility for the content on their websites. It sounds like there were process problems in terms of who was approving that web content. I understand the RCMP is now looking at or has modified their processes to ensure they have the appropriate level of approvals in place.

Mrs. Stephanie Kusie: Of course, policies are usually meant to cover general matters, but I believe there are times when specific issues get addressed. One example is that the directive on the management of communications has specific rules on pre-election communications. In fact, Treasury Board ministers amended that

specific element just last month after Conservatives insisted that the government had made the playing field far too uneven with its Bill C-76 proposals.

Back to the specific study, is there any guidance in any of the federal government's communication policies concerning communications about parliamentary business?

Ms. Louise Baird: There's nothing in the policy that talks about communications generally around parliamentary business. There is one very specific requirement to do with advertising, which says that you can't advertise anything if it requires parliamentary approval, before that approval is secured.

Mrs. Stephanie Kusie: Do you have any insight as to why there might be nothing?

Ms. Louise Baird: Do I know why there might be nothing in the policy? I think it's that the policy, as you mentioned, is not at that level of granularity.

Mrs. Stephanie Kusie: Do you believe that we need to make a recommendation in our report that says that you should amend these policy instruments to add a reminder to respect Parliament?

Ms. Louise Baird: I think that's up to the committee and what they would like to recommend. I do think that there are some tools at our disposal that guide communications officials in the government that may be better placed to provide this type of guidance. We have a well-used document called the "Canada.ca Content Style Guide", which prescribes how text should be written specifically for the web. We can share the link with the committee if you're interested. It does have that level of granularity and detail on the written word. It might be an appropriate place to include some of that guidance.

• (1240)

Mrs. Stephanie Kusie: It's unfortunate that PCO officials couldn't be here with us today. With regard to that, I'll ask you these questions about coordination and approvals, given your role with regard to the ministerial aspect of your position.

What types of communications products need to be sent to the Privy Council Office for review and/or approvals by the centre?

Ms. Louise Baird: There's not a black and white rule around that. There's daily discussion with PCO between communications groups. It's usually the higher profile announcement, or something maybe with a very high dollar value, or if there are some sensitivities, then there's more of a coordination role for the PCO in that.

Mrs. Stephanie Kusie: Thank you.

Given that PCO has more officials who are immediately aware of Parliament's rights and privileges, should draft communications about parliamentary business be referred to them, either as a requirement of policy or simply a suggestion to avoid problems, so that problems like these RCMP documents can be caught and prevented?

Ms. Louise Baird: The PCO certainly has the expertise within their area. Maybe not in the communications group, but in the legislative and House planning area, they have the expertise on parliamentary procedure.

Mrs. Stephanie Kusie: I'm going back to the document. Section 6.3.1 of the policy says that deputy heads are responsible for ensuring that their department provides "objective, factual and non-partisan information".

In your opinion, was that requirement satisfied by the RCMP documents?

Ms. Louise Baird: Again, I wasn't involved at the time when the issue first came about. In hindsight, I'd say if you look at that description, because of the confusion and the misinformation, it probably was not factual—to use one of the words from that requirement.

Mrs. Stephanie Kusie: Turning to the directive on the management of communications, section 6.10 provides that heads of communications are responsible for ensuring that communications products and activities are "clear, timely, accurate" as indicated.

In your opinion, was this complied with?

Ms. Louise Baird: From the discussions at this committee and what the RCMP talked about, I think there was some confusion—a lack of clarity.

Mrs. Stephanie Kusie: Finally, section 8.1.2 of the directive states that the Privy Council Office is responsible for providing "leadership, challenge, strategic direction, and coordination" of departmental communications.

In your opinion, was there a failure here in respect of the RCMP documents?

Ms. Louise Baird: I think what should have been a fairly routine web posting would probably not have been shared with PCO.

Mrs. Stephanie Kusie: In your opinion, do you think it's necessary that something as simple as "respect Parliament" shouldn't need to be written down in a policy manual for public servants, or something similar to that nature?

Ms. Louise Baird: I alluded to the values and ethics in my opening remarks. I think public servants are guided by that, and that includes something like respect for Parliament and democracy.

Mrs. Stephanie Kusie: Finally, what do you think needs to occur so that a contempt such as this never occurs again?

Ms. Louise Baird: There is definitely room for reminders. Through our well-established channels, we are certainly happy to go out and remind people about their responsibilities in this area.

Mrs. Stephanie Kusie: Thank you very much, Madam Baird.

The Chair: Thank you, Ms. Kusie.

Now we'll go on to Mr. Cullen.

Mr. Nathan Cullen: Thank you, Chair.

I come at this conversation, not unlike other conversations, with a healthy dose of ignorance of the topic.

This question of privilege is where we're at. I assume that's not part of the training across departments.

We were just talking about it with the security services. When we hire new security members to the Hill, that is part of the training. The interaction between security outside of a parliamentary precinct

would be very different here because of this notion of privilege, which has been long guarded by this Parliament and others.

Regarding this question of privilege that was breached—and I suspect breached here—is that in the training for communications staff across the federal government? I assume they wouldn't understand—unless they had a real nerd effect for parliamentary privilege—what it is and why it would affect their day-to-day work.

Ms. Louise Baird: I'm not aware of any training as part of communications training. PCO, among their responsibilities, may or may not have something like that. I don't know.

In my area, for example, I have responsibility for both parliamentary affairs and communications, and the groups work very closely together. We have the experts there to get advice from, and we do training sessions within our department and appearances at committee, understanding the parliamentary procedures.

System-wide, though, that wouldn't be under the communications policy.

• (1245)

Mr. Nathan Cullen: The communications people working for some federal department or agency, including the RCMP, wouldn't understand why this might be important and why this is seen as a problem by Parliament.

If I understand this correctly, what was released was as if the legislation had been passed and was now law. That's a problem for Parliament. It gives the public—correct me if I'm wrong—an impression that is not factually correct and can lead to other unintended consequences. For instance, with MPs voting on legislation that our constituents think is already law, we might get "Why did you vote against this when it's already...?"

You can understand where that misunderstanding gives us grief as parliamentarians. Is that fair?

Ms. Louise Baird: From what I understand of this specific situation, there was a process mistake. A head of communications is responsible for the web content. Heads of communications around town would definitely understand the appropriate language to use in terms of parliamentary privilege.

Mr. Nathan Cullen: This is "proposed". This is...

Ms. Louise Baird: Yes, absolutely. "If passed", "proposed changes", and all those sorts of things.

My understanding of this specific RCMP situation is that it didn't go through the appropriate level of approval.

Mr. Nathan Cullen: As my friend Mr. Simms pointed out, this sticks on both the timeliness and non-partisan nature of the communications.

I would also raise a similar bill where we have departments, in that case, Elections Canada, already acting as if legislation had passed in order to prepare. You seem to concur that this is a good practice.

The problem comes when that legislation is still being debated, especially over contentious things: gun control, gun classification, the election rules. These are not casual things for Canadians. It can create an environment in which the federal agency starts to be perceived as biased and in favour of these changes rather than the one that enacts the changes.

Do you follow my logic?

Ms. Louise Baird: I do. I think it's important to be open and transparent.

There should be communications about bills, but they need to be very clearly positioned as “bills with proposed changes”, “if passed”, with all of that very clear language within them.

Mr. Nathan Cullen: We guard this jealously. This idea that Parliament is just an afterthought... Sometimes in majority governments it can be perceived as, “Oh, that legislation is proposed by government. They have a majority. It's going to be law.” That eliminates all of the due process we are supposed to be engaged in here on behalf of Canadians.

I have a last question. Have there been any consequences for this mistake?

Ms. Louise Baird: Not from us. No.

Mr. Nathan Cullen: From within the RCMP that you're aware of...?

Ms. Louise Baird: I don't know the details.

I know they have changed their processes. They have ratcheted up what the approval levels have to be. I assume there have been—

Mr. Nathan Cullen: I'm sorry, by “ratcheted up”, do you mean it's going to a higher level before it's signed off?

Ms. Louise Baird: A higher level of approvals, yes.

Mr. Nathan Cullen: Thank you.

Thank you, Chair.

The Chair: Thank you, Mr. Cullen.

Now we'll go on to Mr. Simms.

Mr. Scott Simms: Mr. Robert, where were we? I want to go back to this issue again because, first of all, I said his name wrong. It was actually Joseph Maingot, not Robert. I want to thank him for his work.

I will read from his book:

But any attempt by improper means to influence or obstruct a Member in his parliamentary work may constitute contempt. What constitutes an improper means of interfering with Members' parliamentary work is always a question depending on the facts of each case. Finally, there must be some connection between the material alleged to contain the interference and the parliamentary proceeding.

Therein lies, encapsulates, why it's a breach of my privileges as a member if it impedes my performance. I guess what you're saying is that it's more or less an insult, which leads to contempt.

Mr. Charles Robert: There are two aspects to it. There is the issue of interference with a member. That's certainly true. If there were interference, if somebody actually tried to prevent you from doing your work in a way that was clearly improper and clearly had

intentions, then you could make the claim that you were being impeded in your ability to function as a parliamentarian and raise that as a contempt.

That's you as an individual MP. There's also the institutional privilege that might be involved, which assumes that Parliament is going to act as a collective body to do this or that.

The question was raised by a member who perceived that this in fact was a contempt. He raised it as a question of privilege. The Speaker said, based on the precedents that he had seen before, he agreed that this appeared on its face to be a question of privilege that somehow or other raises questions about the authority and dignity of Parliament and its capacity to work and the assumptions about how it will work.

• (1250)

Mr. Scott Simms: That certainly appears why—

Go ahead, sorry.

Mr. Charles Robert: Just to finish, the House agreed, and that's why the question is now before this committee, because the reference was given to it by a vote of the House to pass it on to this committee for review.

Mr. Scott Simms: But that could be construed as a wide scope of things, couldn't it?

Mr. Charles Robert: Yes.

Mr. Scott Simms: Is that just by a mere vote in the House to judge whether it has been in contempt of Parliament, that some outside body, in this case the executive, has been contemptuous of Parliament's function?

Mr. Charles Robert: The decision really is for this committee to make an assessment of the case, to determine whether it was severe. I guess it's the Goldilocks approach: Was it severe, was it too little or was it just right? You have to make a determination about that and then, to actually close the circle, the House would have to adopt the report. Then you have actually made a full case of the issue of privilege, and the House has said, yes, it doesn't want to see this happen again.

I think the members of the government departments will be sensitive to the very idea that this was even exposed and raised to this level. So one would agree with the Treasury Board Secretariat that, as cases arise, members of the various departments who deal with communications respecting legislation before Parliament will become more sensitive and will avoid these kinds of careless errors, because one assumes that none of this is intentional.

Mr. Scott Simms: I feel that there is probably more emphasis to be put on this toward the citizens of this country who rely on that information and who feel that it's coming. I think it's more an egregious insult to them than it is to us. I know that's a whole other issue right there. That's why I'm trying to figure out whether this is more of an administrative penalty to be laid upon the department, as opposed to a breach of my particular privilege. I carried on as usual. I voted on the bill, debated on the bill—

Mr. Charles Robert: Again, I think the perspective with respect to it is more about the institution as opposed to individual members and their rights and their ability to function.

Mr. Scott Simms: Thank you very much for that.

I want to return also to the department. I promise this won't be a similar academic exercise, for that matter, or it might. I don't know.

I want to go back to the communications aspect of it and I want to pick up on the comments about the department. In your case do you provide information to newer people coming into public service about the process of legislation, how it works? I know that seems kind of.... I didn't really get that training, and I'm an MP. Do public servants get that type of training when they join the service?

Ms. Louise Baird: I certainly don't do that on behalf of government. Within my own department, with my own communications staff, as I said—

Mr. Scott Simms: That's in your department.

Ms. Louise Baird: Yes...in my department.

Mr. Scott Simms: What do the other departments do? Do you have that authority to say, maybe....

Ms. Louise Baird: I don't have that authority. I'm responsible for the communications policy. I think some of the legislative stuff would be handled elsewhere.

Mr. Scott Simms: I just bring that up because maybe—to my committee members—we should think about discussing the legislative process as well. It would be ironic, though, that we teach people in the public service about legislative process and we tell nothing to brand-new members of Parliament who are elected. Nevertheless, that's a whole other issue.

Thank you for your time, everyone, and thanks for your patience.

The Chair: Thank you.

For our last round, we'll go to Mr. Nater.

Mr. John Nater: Thank you, Mr. Chair.

Just to follow up on Mr. Simms's comments, I know when I joined the Treasury Board Secretariat back in 2008 as a public servant, we did have a one-day session at the old city hall here in Ottawa on a general, “how government works” type of thing.

• (1255)

Mr. Scott Simms: There you go. That's more than we got.

Mr. John Nater: I don't disagree. I don't know if that program still exists. It's been 10 years since I was there. Coming from a political science background it was a bit of a refresher, but it was nonetheless enjoyable.

Thank you to our friends and witnesses today.

Mr. Robert, when Minister Goodale appeared before the committee he suggested that the committee might want to consider some wording, some phraseology, some types of suggestions and tips and helpful hints for the department as to what language they ought to use when communicating information that is still before Parliament, that Parliament hasn't yet dealt with.

I'm not a fan of reinventing the wheel. I don't like doing extra work when a lot of this documentation would already exist, and I think, 30-plus years of Speakers' rulings on matters similar to this. Would it be within your purview and your thoughts on whether or not there could be a document—maybe from table research branch—

consolidating that information from the past 30 years as to what the Speakers of the past and today have said on this matter?

Mr. Charles Robert: We could probably compile that. I don't think that would be too difficult.

A kind of solution that might be helpful is if the communications presented a chronology of the legislation—if they said, as of whatever date their communication has been released, that “Bill C-76 is at second reading in the House of Commons”, or “is before a committee”. If you are required to put in some kind of chronological context then you would be absolutely sure that the bill hasn't yet passed. That might be a helpful way to anchor the communiqué that the departments or agencies may wish to convey with a clear understanding that, yes, it's still before Parliament, nothing has happened, nothing is finalized, and the members have full scope to review the bill, change it, reject it, whatever they might decide to do.

Mr. John Nater: Would you be willing to jot down in recommendation form that idea you just suggested and provide it to our committee?

Mr. Charles Robert: Sure, I'd be happy to.

Mr. John Nater: Would you also be able to provide us with maybe a Coles Notes version of the Speakers' rulings of the past? I suspect table research branch may be close to having already done that, but—

Mr. Charles Robert: We would certainly be able to assist the committee with that, and I'll communicate with Andrew on that.

Mr. John Nater: That would be worthwhile.

I always want to thank our researchers who've done exceptional work, and they've provided us with the useful information of past precedents and different cases where similar types of things have occurred.

I wonder, from your perspective and your knowledge, have specific precedents occurred in the past that we should be particularly mindful of when we're drafting our report.

Mr. Charles Robert: I'm not sure. I think they had a similar look and feel. It depends on whether you felt—or at the time it was felt, given the particular case—that the communication went too far in the assumptions. Let's say that the communication had been issued the day the bill was introduced at first reading. Parliament is looking at this bill and it's going to be passed and everything is just taken for granted.

That perhaps is an example that would go too far, but if it's now in the second chamber and it's already at third reading and we anticipate that royal assent will be some time in the next week or so, that's a different situation. That's why I think the chronological element becomes a nice bit of a safety catch. You don't go too far in assuming what the final version of the bill will be. You certainly know what the first version of the bill will be, but not necessarily the final version. That's what's going to be critical to the public interest.

Mr. John Nater: Certainly, we have a lot of international comparators that we often turn to as well as domestic with the provinces and territories. Certainly, different jurisdictions deal with this type of issue differently. The U.K. has its own way of dealing with it.

Do you have any thoughts on how we might go about this when we're comparing it to international comparators? I'm thinking about the U.K. in particular, and how they deal with an issue such as this. Do you have some thoughts on that?

Mr. Charles Robert: I think the one you should be asking this question to is Andre Barnes, who did the research paper on this with respect to comparative analysis. With respect to the United Kingdom, he points out that there are no cases or matters similar to the very one that is engaging this committee, based on the 24th edition of Erskine May. That could be for all sorts of reasons. That doesn't necessarily mean the point of view that's taken here is either less credible or more credible. That's really a decision that belongs to you.

Mr. John Nater: Perhaps we should all travel to the U.K. and talk to them about it.

Thank you, Mr. Chair.

The Chair: Thank you, Mr. Nater.

As an academic, I'm sure you read Mr. Barnes' report of all the precedents, but he has a couple of words to add to that report.

Mr. Andre Barnes (Committee Researcher): I'll just update the committee, because the document said that we hadn't heard back from the U.K., Australia or New Zealand. They were in touch, and they did say that they don't have a similar precedent. They wouldn't consider it to be in contempt there for whatever reason. They were surprised that it was here.

●(1300)

Mr. Scott Simms: Of the two facets that we talked about then, are you saying that the Westminster system relies on the individual member as a breach of Parliament as opposed to contempt of the whole joint?

The Chair: Do you know what he's saying? If this isn't an issue in New Zealand, Australia or Great Britain, this isn't an issue.

Mr. Scott Simms: I get that.

Mr. Andre Barnes: Our precedents have evolved.

Mr. Scott Simms: Yes, but why?

Mr. Andre Barnes: This is a very good question.

Mr. Scott Simms: Another study, I feel.... No, I'm just kidding.

The Chair: Mr. Reid.

Mr. Scott Reid (Lanark—Frontenac—Kingston, CPC): That's not a bad thought. We're getting to the end of this Parliament. It means that it's an opportunity that rarely exists for us to be able, potentially, to have some space to deal with some of the more abstract questions that may face us. Mr. Simms may have pointed to something we should consider doing.

The Chair: We'll bring that to the subcommittee on agenda sometime, Mr. Simms.

Thank you, all.

Thank you, Mr. Robert, for being here for both sessions.

This meeting is adjourned.

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