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Chair

The Honourable Larry Bagnell

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• (1100)

[*English*]

The Chair (Hon. Larry Bagnell (Yukon, Lib.)): I'm going to start on time so members get fair time with the minister.

Good morning, and welcome to the 66th meeting of the Standing Committee on Procedure and House Affairs.

This meeting is being televised.

Pursuant to our mandate Standing Order 108(3)(a)(iii), which provides the review of Standing Orders procedure and practice in the House and its committee, we have with us today the Honourable Bardish Chagger, Leader of the Government in the House of Commons.

Committee members will remember that we agreed on May 18 to invite Ms. Chagger to meet with us to discuss potential changes to the Standing Orders, as outlined in her April 30 letter to the House leaders of the official opposition and the NDP.

Thank you very much for coming, Minister. We really appreciate it. I know it's very busy at the end of the year here.

We'll open it for your opening remarks.

Hon. Bardish Chagger (Leader of the Government in the House of Commons): Thank you, Mr. Chair.

I would like to extend my sincere thanks to all members of this committee for asking me to appear before you today.

[*Translation*]

As members of this committee, you have a unique and important responsibility with regard to how the House of Commons conducts its work.

It is clear to me that all of you have a genuine interest in ensuring members of Parliament are able to represent their constituents well and do the job they were sent here to do.

[*English*]

I am thankful for the commitment you have shown, and I respect you all for the work you do on this committee.

I am pleased to be here to provide an overview of the changes that our government proposes to the Standing Orders and to answer your questions.

As background, I would like to remind members of the committee of some of the key steps that brought us here.

Two years ago, as Canadians were preparing to cast their ballot in the general election, the Liberal Party released its campaign platform. That platform promised real change and pledged to give Canadians a voice in Ottawa.

The platform said:

For Parliament to work best, its members must be free to do what they have been elected to do: represent their communities and hold the government to account. Government must always stay focused on serving Canadians and solving their problems.

Among the specific promises that were made in the platform: introduce a Prime Minister's question period to improve the level of direct accountability; end the improper use of prorogation and omnibus bills; provide better parliamentary oversight of taxpayer dollars; and strengthen parliamentary committees so that parliamentary secretaries do not have a vote on committees.

On October 19, 2015, Canadians went to the polls and made their decision on the type of government and the type of Parliament they wanted in Ottawa. The result was clear: Canadians elected a government with a mandate to strengthen Parliament. The Prime Minister is committed to making that happen. It is important to note the instructions he has given me in my mandate letter.

The letter says:

As Leader of the Government in the House of Commons, your overarching goal will be to make Parliament relevant again and to ensure that Canadians once again have a real voice in Ottawa. Parliamentarians must have the information and the freedom to do their most important jobs: represent their constituents and hold the government to account. It is your job to help empower all Members of Parliament to fulfill these essential responsibilities.

Mr. Chair, as we move forward, I would like to stress that this is our main goal.

[*Translation*]

Our intention is to give more powers to members on both sides of the House. We want to provide them with the tools they need to do their work.

[English]

We want to ensure the Prime Minister and members of cabinet are held to greater account in the House of Commons, not less. This spring, I released a discussion paper in good faith to foster a dialogue on additional ways that we could modernize the operations of the House of Commons. I had sincerely hoped we could all participate in a conversation on behalf of Canadians about how to improve the place where we work. That did not happen, and I regret that.

Members expressed heartfelt and legitimate views and concerns about some of the ideas in the discussion paper. Those disagreements had an impact on the work of the House, and indeed, of this committee. As you know, because the political will did not exist in the House of Commons to proceed with that dialogue on modernization, I informed my Conservative and NDP counterparts that we would not be moving forward with many of the ideas in the discussion paper at the present time. However, there are some changes that we committed to Canadians to making. They involve implementing the specific platform commitments that I mentioned earlier. All of these changes will strengthen the House of Commons and make the government more accountable.

I have always been committed to dialogue among House leaders about charting a path forward on these ideas. In recent days, I have been pleased by the constructive dialogue I have had with my Conservative and NDP counterparts on this issue. We have worked together collaboratively, in the spirit of what's in the best interest of Parliament and our country. Now Canadians expect us to act.

Our government will soon come forward with specifics of our approach on how to make the House of Commons a better place. I would like to provide a brief overview of what to expect.

On the Prime Minister's question period, our Prime Minister is firmly committed to being more accessible to all members of Parliament in question period. Our proposal to introduce a PMQP would significantly enhance the parliamentary accountability of the Prime Minister. Here's what it would mean: when the Prime Minister attends question period on Wednesday, he would answer all the questions that day. This special question period would be in addition to the other days of the week when he attends the regular question period to answer questions with his cabinet ministers.

• (1105)

Already our Prime Minister has shown that he is committed to this reform. He has attended six special question periods on Wednesdays, answering a total of 233 questions from MPs on those six days alone.

The prorogation of Parliament signifies the end of a session and can occur with justification during a mandate. There have been times, however, when governments have improperly prorogued early to avoid politically difficult situations. If that happens again in the future, Canadians deserve a formal explanation in Parliament. We would like to build accountability into the process and force the government to justify its decision and let the House pass judgment on it.

Next comes omnibus legislation. Our government is committed to ending the improper use of omnibus legislation. I am not speaking here of responsibly drafted budget implementation bills that contain

changes stemming directly from the budget. Rather, I am referring to what should happen when a government introduces a non-budget omnibus bill that contains entirely separate and unrelated themes. We want to ensure that MPs are not forced to vote against some things they believe in as they cast their vote on a bill. We want flexibility for MPs in these instances.

[Translation]

With regard to the estimates, members of Parliament are responsible for keeping track of how the government intends to spend money. And yet the financial accounting system that they are expected to use is inconsistent and unclear.

We need a better way. We want to better align the budget and estimates process so that the data means something and is truly relevant and timely for members.

[English]

Concerning committees, our government believes strongly that committees provide the backbone of much of the work done in Parliament. It is there that MPs can do some of their best work, scrutinizing legislation and hearing the views of experts, stakeholders, and Canadians at large. Indeed, it is at the committee stage that proposed legislation can be improved, and members from all parties can constructively work together towards that end. We believe there is a role for parliamentary secretaries to be members of committees, but we also believe that those parliamentary secretaries should not have the right to vote on committees or move motions.

In summary, Mr. Chair, our proposals all stem from promises we made in the last campaign to improve Parliament. Canadians gave us a green light to move forward. They are waiting for us all to make the reforms they want. I believe we can work together to make that happen.

With that, I'd be pleased to take any questions.

[Translation]

The Chair: Thank you, Madam Minister.

[English]

Now we'll go to a seven-minute round, and we'll start with Mr. Simms.

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

Thank you, Minister, for being here.

I have one question on one particular issue. Thank you for explaining what was in your mandate letter, but I'm going to veer away from the mandate letter for just a moment. You and I had a few discussions about what was in your discussion paper and my motion here, before I became the skunk in the room with the filibuster. That's fine; it's all part of debate.

There was, however, one element of that discussion paper that at first blush made me think to myself that I didn't think we should go there.

I had a chance to go to the United Kingdom, and I spoke to a woman by the name of Margaret Beckett. She was the House leader for Tony Blair and was the one who brought in the idea of government programming, which at first some people might say is just time allocation in disguise, or as they call it a “guillotine” in disguise.

I asked her if she had brought this in because Tony Blair thought it was the right thing to do. She said, “No, I did it because Margaret Thatcher convinced me this was the right thing to do.” She had a bill about poverty reduction, and it was guillotined just before she could get her best points out there during the course of debate.

Since she brought it in, there have been several governments and several leaders, and each one—and they set up a committee to review it—accepted this. There are problems with it, yet they all accepted it. I spoke to the Liberal Democrats; they accepted it. The Labour Party accepted it. And the Conservatives.... It will be interesting to see what happens now that they're back in a minority, but even when they had a Conservative minority with the Liberal Democrats, they still accepted this idea of government programming.

The reason is that it does two things. It allows people to see what the debate is about, providing transparency without doing time allocation, and they can see how it will unfold. It also, however, allows the government to be efficient in putting its mandate through in legislation.

Okay, that's a long question, but I would like to get your comments on government programming and how you feel about it vis-à-vis time allocation.

• (1110)

Hon. Bardish Chagger: Thank you, Mr. Simms. Thank you for the fruitful debate you had here. I believe that these are some ideas. That's why I released a discussion paper—it was in good faith—to have some of these conversations. I believe that Parliament and the House of Commons can be modernized, and that's why I wanted to throw some ideas out there, so that you could research other models.

My goal as the government House leader is to ensure that we are having meaningful debate as well as advancing the mandate Canadians gave us. I think it's important that members of Parliament be able to represent their constituents and have their voices heard. That's why a made-in-Canada model would be the best solution, I believe. It would allow us to do the important work we do in the House of Commons as well as continue doing the other important work we do here in Ottawa and in our constituencies as well.

I know that on any day of the week, as much as I am physically present in Ottawa my heart and my mind are in my riding with my constituents, listening to the challenges they are facing to ensure that I am doing my best to respond to them. I have no doubt that every member is here to act in the best interest of their constituents, the people they represent.

I believe, then, that it's a conversation the committee could undergo and take on. I believe it's a worthy conversation to have to

ensure that it works for our Parliament, our House of Commons. I would encourage members to continue the conversation when they're ready.

I took an attempt at it and I did not succeed, and I'm okay with that, but I know that the conversations have continued, and I encourage their doing so.

Mr. Scott Simms: During the course of the filibuster there was quite a bit of debate, some from here but primarily from over there. I've said before—and I mean this sincerely—that I enjoyed it. All the members here brought in some very good input to this.

Did you have a look at that debate and say to yourself, “This may be a good idea and maybe that's a bad idea”?

I think the biggest problem was that we didn't get witnesses to come in, such as Ms. Beckett, who was willing to come here. She told me verbally she would come here to talk about this. That was unfortunate.

Did you have a look at some of the deliberations and take some advice from them or not?

Hon. Bardish Chagger: Not only did I look at them—I'm just cool like that—but I listened to them when I was not on Parliament Hill.

It was an important debate to have. There was a lot of great, constructive feedback within that time. We've referred to it as a filibuster, but I know that members were sharing perspectives and viewpoints that needed to be heard. It was unfortunate that this was the only way to do it.

The work that committees do is essential to the process, because committees are able to scrutinize legislation. They are able to bring in witnesses and stakeholders and ask tough questions to ensure that we are making good decisions in the best interest of Canadians.

Yes, to answer your question quickly, I did observe that debate and I believe it was an important conversation.

Mr. Scott Simms: You informally participated at one point, so there you go.

I want to touch briefly on the mandate letter that you spoke about earlier. Two of the elements that I think were misunderstood by the public, primarily because they were misused in the last Parliament, are those regarding omnibus legislation in particular and also prorogation, but I'm more interested in the omnibus legislation piece of it.

I want to get your thoughts on how you see governments handling the idea of being accused of having omnibus legislation in the future and how the Speaker could deal with it.

•(1115)

Hon. Bardish Chagger: What we are proposing is that the government of the day can always introduce what the government wants. What's tough is when members of Parliament have viewpoints in certain areas and a certain issue is stuck into another bill in which it perhaps does not belong; hence the reason we're suggesting themes. We're suggesting, then, giving the Speaker the ability to divide out votes so that, if there is an area that members do not believe matches, the Speaker will have the ability to divide out votes.

This is no different from what the Speaker is able to do now. They can pair votes as well on themes. We would like to provide the Speaker that ability and also provide the Speaker the ability to have legislation go not only to one committee but to other committees to have them also study it.

Mr. Scott Simms: You think that from a thematic approach this is the way we can deal with it, that anyone can take it to the Speaker, who can deal with it. Is that how you envision it?

Hon. Bardish Chagger: That would be the approach I would be encouraging us to advance, yes.

The Chair: Thank you.

Thank you, Mr. Simms.

Now I'll officially recognize Thursday—bow tie day—and Mr. Reid.

Mr. Scott Reid (Lanark—Frontenac—Kingston, CPC): Thank you.

Yes, it's something that got started by guys on your side, actually. Greg Fergus was the originator of this practice. It's an excellent practice, if I may say, and I encourage my colleagues of all—

An hon. member: Stripes?

Mr. Scott Reid:—partisan stripes, and also paisleys and whatever else, to do this.

The Chair: By convention, not by spirit—

Mr. Scott Reid: That's right.

Welcome, Minister. I'm glad to have you here.

First of all, I wonder if I could start by giving notice of a motion.

The motion is as follows:

That, in relation to its consideration of the proposed appointment of Charles Robert to be Clerk of the House of Commons, the Committee invite former Clerks of the House of Commons, Robert Marleau and Audrey O'Brien, to appear in order to gain a better understanding of the role, duties and responsibilities of the Clerk of the House of Commons.

Minister, if I could turn to the proposed appointment of Mr. Robert as the Clerk of the House, do you think it's reasonable that we should hear from these two former clerks prior to making this appointment?

The Chair: As I told you last night, Mr. Reid, this isn't on the topic today; we were asked on the Standing Orders.

The witnesses, if they want to, could answer questions outside the reason we were called here, but you don't have to, because you weren't prepared for that.

Hon. Bardish Chagger: I'll take a moment to say that in appointments such as this, when candidates are nominated, I believe it's important that the committee be able to bring the witness in. The other work the committee does is the prerogative of the committee.

Mr. Scott Reid: You'd have no objection to us having the two former clerks here prior to actually making a recommendation apropos of the proposed appointment of Mr. Robert.

Hon. Bardish Chagger: I believe that's the work of the committee.

Mr. Scott Reid: All right. Well, I hope we'll get consent from other members of the committee to bring in these two former clerks. That's actually a message for the rest of the committee members.

I'll be asking them for their consent on this point, but please go ahead, Minister.

Hon. Bardish Chagger: I'm not sure if you are aware, but prior to initiating this process, I believe in September, I sent a letter to the opposition House leaders, as well as to the Bloc and the Green Party—Ms. May—to ask them what they thought was important for a Clerk to have and to hear qualifications, experiences, and so forth. That was a letter that I believe was well received and responded to. These are conversations that took place not at the committee table, but I did initiate that conversation and I did receive responses, just for the record.

Mr. Scott Reid: Thank you.

Perhaps, then, we could also make the request of the various House leaders. If they're willing to share the responses they gave to you, we can add those to the mix. That would be very reasonable. I can't really ask you to provide those to us, because of course those presumably were sent back to you confidentially, and that would be putting you in an awkward position. We'll make that request of the various House leaders.

I want to deal with something you said in your comments today in the theme you expressed. You said that, "Canadians elected a [Liberal] government with a mandate to strengthen Parliament". That's a direct quote from you. I'm not in a position to dispute the accuracy of that, but I am in a position to say that when it comes to the appointment process, your government has been failing at this, and failing very badly.

The example of Madam Meilleur and the way in which consultation, which is legally required, was handled is the paradigm example here. It was after-the-fact consultation. It was actually advance notification, so before the House gets to find out, the leaders of the other parties get to learn what decision has been made, which is not the same thing as consultation. Consultation involves the ability to say no.

With regard to Charles Robert's proposed appointment, something very similar has occurred. He has been presented to us in the dying days of this Parliament. We have had a meeting foisted upon us so quickly—of course, as soon as you leave, he comes in and we meet with him—that we have had no opportunity to do proper research and to determine the right kind of background information that will be helpful. This has been an enormous frustration.

I told the chair that I did not give my consent to changing the agenda of the meeting to include Mr. Robert today. I asked for it to be set off until Tuesday. That was overridden, and I can't believe that was overridden at the sole discretion of the chair himself.

This is an enormous, enormous frustration for us. What I need to hear from you is that you will give us the time to have the hearings we need—I propose next Tuesday for the two clerks—so that we can then get back to you with a yes or a no as to the proposed nomination. Would that be acceptable to you?

• (1120)

Hon. Bardish Chagger: I'm not sure if I need to reiterate, but committees are masters of their own domain. I do not—

Mr. Scott Reid: I didn't put the question quite the right way. Let me put it this way. You could give notice of motion to have his appointment through the House before you've had a favourable report back from this committee. Do you commit not to do that, not to override this committee?

Hon. Bardish Chagger: Mr. Reid, I believe that everything I've been sharing since taking on this role has been in good faith. I believe knowing that we're having conversations in good faith amongst parties shows you and demonstrates that my door has always been open, and that's why I think it's important work that committee members do. I encourage you to do that important work.

When I tabled the nomination of the candidate, I tabled it with all required documents, including biographical notes. We have brought in a new process, an open, transparent, and merit-based process, where the—

Mr. Scott Reid: I'm not questioning the documentation you gave. I'm asking this specific question. You could introduce a motion in the House of Commons that bypasses the process here and simply causes a vote to occur without debate or amendment in the House of Commons before we rise for the summer.

Ms. Ruby Sahota (Brampton North, Lib.): Point of order, Chair.

Mr. Scott Reid: Will you do that without having had the prior consent of this committee to that nomination?

The Chair: We have a point of order, and there are 20 seconds left.

Ms. Ruby Sahota: I believe there's a motion on the table. We still need to have the committee decide on that. It's not the place of the House leader to answer that question before the committee has even engaged in a discussion of whether that motion...and whether we're having extra meetings.

Mr. Blake Richards (Banff—Airdrie, CPC): We want a debate.

Ms. Ruby Sahota: It's just not relevant at this point.

The Chair: Okay. The minister has only 20 seconds. We'll let her use that and go on to the next questioner, if she wants to.

Hon. Bardish Chagger: I would say that we went through a process. It's a tough position to fill because of the qualifications. We know what important work the Clerk does. It was not an easy decision, but I do look forward to hearing about the discussion you will have with the nominated Clerk following my presence.

The Chair: Mr. Dubé.

[*Translation*]

Mr. Matthew Dubé (Beloeil—Chambly, NDP): Thank you, Mr. Chair.

Ms. Chagger, I have a question about the expression “political will” that you used.

In my opinion, political will is necessary for these substantial changes. However, what drew our attention most is the process. I am talking on behalf of the NDP, not on behalf of my Conservative colleagues.

Do you at least recognize that this apparent lack of will is mainly attributable to the fact that we were not able to have a process that reflected the tradition of Parliament and the need to have a consensus, as has been the case in the past?

• (1125)

Hon. Bardish Chagger: I believe that we can improve the way in which we work together. We should exchange our views. That was the goal, after all, when I tabled the working document and asked for us to have a conversation.

As you know, the House leaders of the three parties, including myself, have been engaged in discussions.

[*English*]

Mr. Matthew Dubé: My next question is on this idea of themes in omnibus bills. This seems to be the direction that the government wants to go in and that you want to go in.

I'm a little concerned about that, because in looking at Bill C-44, for example, a valid argument can be made that something like the infrastructure bank fits into a theme of the budget, but when you're talking about arguably the most fundamental change in how we fund infrastructure, certainly that merits its own legislation. While it might fit into that omnibus bill and your vision of how that legislation should work, is that not an argument against trying to prescribe how omnibus bills are used and for just simply outright getting rid of them?

Hon. Bardish Chagger: Bill C-44 is the budget implementation act, which has gone to the Senate. When it comes to budget legislation and the definition of “omnibus”, budget legislation is often seen as omnibus. When it comes to the budget implementation act, every measure in the BIA was in the budget. There was nothing added to the BIA that had not already been approved by Parliament in the budget that was introduced.

Mr. Matthew Dubé: Except that the infrastructure bank is a completely new institution that is being created. When you're looking at how fundamental that is, at the need for further study, and at this notion of respecting Parliament and making sure that you have the opportunity for parliamentarians to look at this and to study it in committees—for which there was not, unfortunately, an opportunity—and where someone can get up on a 10-minute or 20-minute speech, that piece of legislation alone warrants a speech of that length, if not more.

When it's such a fundamental change, is there not an argument to be made that if we really want to respect that process... Because there's a spirit of things too, right? I understand this notion of trying to prescribe an appropriate way for use, but even then there would be exceptions. Is this not something that would be an exception in that case?

Hon. Bardish Chagger: I believe that when it comes to legislation, yes, you're choosing one, but there are different pieces that are very important to Canadians in general, so whereas your priority might be the infrastructure bank, for another Canadian it might be a different matter. I believe we need to have those important conversations. I believe members of Parliament are elected to have these tough conversations.

When it comes the infrastructure bank, it was in the budget—

Mr. Matthew Dubé: That's a great argument for having a debate on separate bills, then, because some members might be more engaged on one piece of legislation and others on another one.

My time is limited so I do want to get to another point.

[*Translation*]

I would like to talk about prorogation.

You said that the House was going to have the opportunity to decide whether a decision to prorogue is a good one. I assume that the government should then submit a report. In that way, it would show a degree of transparency.

When you say that the House would be able to decide on the validity of that decision, are you talking about a motion of censure? Would the report be subject to a vote in the House in order to determine whether or not prorogation was being used appropriately? What accountability mechanism do you foresee in that case?

Hon. Bardish Chagger: At the moment, when a government decides to prorogue Parliament, nothing is done. Under our proposal, if the government wants to use that option, it has to come to the House and show all members and all Canadians the reason for the decision. That is something that is not done at the moment.

The House of Commons belongs to all Canadians. We all work there together. So it is important for the government of the day to show all members of the House of Commons the reason for the prorogation.

Mr. Matthew Dubé: So we are just talking about a report. There would be no vote or no particular method, beyond a simple statement that could just as easily be made in the House or through the media. Is that the idea?

Hon. Bardish Chagger: That is one idea we proposed. We are having discussions with all parties and we are going to continue those discussions.

[*English*]

Mr. Matthew Dubé: The next question I have is about parliamentary secretaries at committee. The essence of the title “parliamentary secretary” is that this is essentially the minister's secretary. It's an odd term to use, I suppose, but that's what it is. They're the people who stand in or stand up for ministers in the House.

We could arguably say the same thing of committees. It's not just about voting or presenting motions. Is there any recognition on your part of the fact that you essentially have someone who, as their job, stands in for the minister and is nonetheless able to be present in committee and actively participate, even if they can't vote?

• (1130)

Hon. Bardish Chagger: This is exactly why I believe part of the mandate we've been given by Canadians is to strengthen our institutions. A parliamentary secretary not only stands in for the minister but has access to information that would benefit members of the committee. That's why I'm suggesting that the parliamentary secretary be able to share that information. They could be equal members of the committee but not vote and not move motions. That way, they could travel with the committee so that information is being shared with all committee members, which I believe would contribute to the level of discourse and decision-making that takes place here.

The challenge with parliamentary secretaries voting on committees is that oftentimes we see them as just the voice of the minister of the government of the day, and oftentimes there is this perception that you need to vote exactly the way the PS does. That shouldn't be the case.

Mr. Matthew Dubé: That also applies to any speaking spots they may take or to their mere presence. It's not just about votes, if the parliamentary secretary is sitting there, it doesn't matter whether they vote or not. It's like the minister is there. Is that not something you can acknowledge?

The Chair: A short answer, Minister.

Hon. Bardish Chagger: I would say, though, that there's an opportunity to strengthen that role so that members are able to receive information that they might not be privy to otherwise. Also, parliamentary secretaries are not just the minister's secretary; they also are the people who work with colleagues and share information. They make announcements. They do the whole nine yards. They are privy to information that all members don't have. This would allow—and I believe strengthen—committees to have access to that information.

We have heard it said a couple of times during this Parliament that “the parliamentary secretary was there, they knew what the government was doing, and we were wasting our time”. We don't want you members to waste your time. We know your time is valuable. We have important work to do here. I believe we can strengthen that role on committees to ensure that members have access to the information that they are looking for as well, if the PS has it.

[*Translation*]

The Chair: Thank you, Mr. Dubé.

[*English*]

Mr. Chan.

Mr. Arnold Chan (Scarborough—Agincourt, Lib.): Thank you.

Thank you, Minister. I really appreciate your presence. I simply want to put it on the record that it is an honour to work with you and your entire House team on moving the government's legislation forward.

I want to follow up on some of the very early line of questioning from Mr. Dubé related to when you first issued your discussion paper that proposed changes to the Standing Orders. He raised the issue of consensus. One of the motions that was brought forward before this committee, in response to Mr. Simms' original motion that had tried to move that discussion forward within this particular committee, was the notion that all of the recognized parties actually needed unanimity for any changes to move forward in the Standing Orders.

I wanted your thoughts on that particular concept between the notion of consensus and unanimity, on whether it is in fact appropriate that no changes can move forward unless all recognized political parties agree to those particular changes in the Standing Orders. I find that this kind of threshold would be exceptionally difficult to meet, and that it would ossify the Standing Orders. They are, from my perspective, a living document that needs to evolve with practices in the reality of the House in modern times. I wanted your thoughts with respect to the difference between the notion of consensus and the notion of unanimity. I think the latter in fact suggests that it essentially grants a particular veto to one political party, which I think is a very high threshold to meet.

Hon. Bardish Chagger: In the work that committees do, there are decisions to make and move forward on in the way that they choose to. I know that we all come with various levels of experience, knowledge, and perspective, so I believe in having meaningful debate. I believe in having tough debates, tough conversations. There are times when there is consensus, but that does not imply that everyone agrees. It means that we've worked together to get to where we need to get to in order to serve in the best interests of Canadians and to ensure that the House of Commons is functioning.

There is no doubt that we can improve the way we do things. On that, I want to take a moment to commend you for the work you've been doing. It's a pleasure to work with you. I really appreciated your words in the House this week.

Mr. Arnold Chan: Thank you, Minister. I appreciate your kind comments.

A large part of your opening statement dealt with the subsequent aftermath after things sort of fell... As I said, I think there was probably a willingness to discuss substantively the aspects of the discussion paper, because even during the filibuster much of the conversation centred on the issues we were trying to engage members on. The only unfortunate part was that we had wanted the opportunity to bring expert witnesses, particularly from other jurisdictions, who I think could have helped inform this committee,

with respect to different ways in which we could approach the operation of the House and the operation of committees. But whatever happened that...whatever occurred, it subsequently occurred.

What I'm more concerned about, Minister, is that we subsequently moved to a discussion about the areas that we were committed to in the electoral platform. It is your position that we have a mandate to move forward on those issues, regardless of whether there is consensus or unanimity among all of the political parties, because we were elected on that particular mandate. You eloquently laid out the different aspects of those items—the prime minister's question period, prorogation, estimates, omnibus bills, and the operation of committees.

Many of those aspects, with the exception, I think, of estimates, do not necessarily require a change to the Standing Orders. They can basically be done by practice and by convention. Do you have a particular view on why it's important, for example, for there to be codification of these other aspects in the Standing Orders—like the prime minister's question period, like prorogation, like omnibus bills, and like the operation of committees—that would strengthen and improve accountability of future parliaments?

● (1135)

Hon. Bardish Chagger: I think you answered the question at the end. It is about future parliaments. It is about future governments. A lot of what we're proposing we have put into action under the leadership of our Prime Minister, but what we need to do is ensure that any strengthening that takes place continues to take place for future governments as well. That's why the Standing Orders are reviewed at the beginning of every Parliament, so that we can have a fruitful debate and conversation on what's taking place, we can improve them where there is the ability to do so, and they can be updated. That's important.

In terms of what we are suggesting, you have to remember that we were the third party, not the government, when these ideas came to be. It was really a very different perspective. Yet we continue to know that this will help all members of Parliament. This will improve the House of Commons. It's about today and tomorrow.

Mr. Arnold Chan: I sat in that 41st Parliament. Let's just say that it was part of my living experience with respect to some of these aspects. I've found that at least in most aspects—maybe not in the last few months, but certainly in large part—we've tried to be far more open in terms of our approach and to allow for more fulsome debate.

I don't really have a critical question left with respect to any of the other elements, but I do want to note an example this past week with regard to the New Democratic Party. One of the opposition motions that had been tabled in the House dealt with changes to the Standing Orders, and yet there was complaining about the fact that we shouldn't be able to move a motion to change the Standing Orders without consent from this particular committee. I found there was a little bit of an ideological disconnect taking place this week.

Do you have any other further thoughts on what you think might change the actual approach and tone of the House? One of the other things you ultimately did when you issued your second letter, after it was clear that the filibuster would go on indefinitely if we didn't change tactics, was indicate that we unfortunately would have to use more time allocation motions. Unfortunately, that has had to take place. Those are, of course, the rules that we have at the moment in terms of advancing the government's legislation. Is there another way in which we could do this without the necessity of that particular process? I'm like everyone else; I find it unfortunate that this is the mechanism we have to use, but it's the only mechanism the government has if there is a complete stalemate between the political parties.

• (1140)

The Chair: Minister, you'll have to answer later. Our time is up for this round.

We'll go to the five-minute round with Mr. Richards.

Mr. Blake Richards: I was listening to Mr. Chan talking about this idea that somehow the government is really focused on trying to be open and having full debate and these things. I find it so ironic, because following this portion of the meeting, we're about to have a very rushed process pushed on this committee to appoint a Clerk in the dying days of a parliamentary session. No consultation took place with opposition parties prior to this decision being made.

Then, of course, my colleague Mr. Reid gave the minister a number of opportunities to answer a question on whether she would proceed with a motion in the House without having first heard back from this committee on its thoughts on this. He got no answer and no commitment there at all. That sure doesn't sound to me like a government that's open and trying to have full debate and discussion on an issue. It's actually the complete opposite.

Having said that, I recognize that the minister was given a number of opportunities to answer that and chose not to, so I'll maybe move to something else that I think I would like to approach the minister on and get her thoughts and comments.

This past Christmas, the Prime Minister took what I will quite charitably describe as a questionable vacation, flown by a private aircraft to an island in the Bahamas owned by—

The Chair: Ms. Sahota.

Ms. Ruby Sahota: On a point of order, how is this relevant to the subject that the minister is here on?

The Chair: Do you want to defend the relevance?

Mr. Blake Richards: If the member will allow me the opportunity to ask the questions I have, I'm sure she'll see the relevance.

The Chair: Okay. We'll go on. Let's hear the relevance.

Mr. Blake Richards: I'm not certain it's really the member's responsibility to police the content of my questions anyway—

Ms. Ruby Sahota: Seriously—

Mr. Blake Richards: —but she seems to have taken that role on herself. I think that role is rightfully with you, Mr. Chair.

This is despite the Prime Minister's own “open and accountable” government rules—I use those in quotes, because I'm not so sure about them—which say that “ministers and parliamentary secretaries must not accept sponsored travel”, which includes “all travel, non-commercial, chartered or private aircraft for any purpose except in exceptional circumstances” without the approval of the Ethics Commissioner.

The Prime Minister himself has stated that he didn't consult with the Ethics Commissioner prior to the trip. Finally, on May 15, after months and months of questions from the opposition and an open investigation by the Ethics Commissioner, Kate Purchase, director of communications to the Prime Minister, released the following statement:

Effective immediately, the Prime Minister has recused himself from all matters related to the appointment of the Conflict of Interest and Ethics Commissioner, given the ongoing inquiry into the Prime Minister's family vacation this past Christmas.

In the Prime Minister's stead, Minister, you have been made responsible for all matters related to the appointment of the Conflict of Interest and Ethics Commissioner, or at least that's what the Prime Minister expects us all to believe. Having said that, as we know, the Governor General appoints the cabinet, which is chosen by the Prime Minister. That is, Minister, you serve at the pleasure of the Prime Minister.

Can you explain to us exactly how, and I hope we can do it without platitudes, you intend to screen yourself from the Prime Minister on choosing this appointment for the Ethics Commissioner, given that he has the sole power to be able to choose whether you remain in cabinet or not? How can we be expected, in what world can anyone be expected, to believe that he's not the one actually calling the shots?

Ms. Ruby Sahota: A point of order.

The Chair: Yes.

Ms. Ruby Sahota: I think I've given leeway so that Mr. Richards could get everything he wanted to on the record, but it's not relevant. I still don't see the relevance to the Standing Orders. I know that we've given leeway as to the Clerk appearing in this session today, but the Ethics Commissioner and the appointment of that commissioner have no relevance to today's subject matter at hand.

Mr. Blake Richards: Mr. Chair, I will point out that the commissioner does in fact have responsibilities under the Standing Orders, and that is why it is relevant today.

The Chair: Minister, once again, this isn't why you were called here today, but there's a minute and a half left, and if you wanted to provide any response, you could.

Hon. Bardish Chagger: Thank you, Mr. Chair.

Thank you for your statements, which I feel were important for you to put on the record.

I will remind you and every single member that I was elected by the good people of the riding of Waterloo. First and foremost, that is my duty. That is my responsibility, and I take it very seriously. I think I should get the opportunity to respond because I've allowed you—

•(1145)

Mr. Blake Richards: I will allow you that opportunity, Minister, but I'm only going to point out that you were elected by the people in your riding, yes, but you were not chosen to be a member of cabinet by those people. The Prime Minister has the sole ability to appoint you to cabinet and to remove you from cabinet, and that's why it's relevant to this question. No one doubts that you were elected, but that position is at the sole discretion of the Prime Minister.

Hon. Bardish Chagger: Respectfully—

Mr. Blake Richards: I'll allow you to answer.

The Chair: You have 30 seconds left.

Hon. Bardish Chagger: I appreciate your permission to allow me to answer. Through the chair, I will definitely reiterate that different members of Parliament might have different ambitions. My primary ambition will always be to represent Canadians. We know that we needed a strengthened democracy. We know that we needed the voices of Canadians to be heard in this place.

As somebody who never thought she'd run for office, I ran for office because I knew that people like me did not have a voice in the House of Commons. The government of the day was not listening to what I had to say. That is my commitment. That's why I wake up every morning. That's why I go to sleep.

As for being chosen to be part of government and the Prime Minister giving me the opportunity to be the Minister of Small Businesses and Tourism as well as the government House leader, my commitment to Canadians will remain, and the very people who have sent me to this place are the people who I will fight hard for every single day.

It might be tough to understand that a prime minister gives direction. I'm a person who has an opinion. People sacrificed their lives for me to have my opinion. I will continue to be that voice. The Prime Minister knows me very well. Part of why I'm at the cabinet table is that he knows I will stand up for what is right, and I will debate any point that needs to be debated with anyone who wants the opportunity to do so, so thank you for the opportunity to do that.

Mr. Blake Richards: I'm not sure, Mr. Chair, how that related at all to the idea of what's screened between her and the Prime Minister.

An hon. member: Was that the question?

Some hon. members: Oh, oh!

Mr. Blake Richards: I guess she tried to avoid the question—

The Chair: The time's up. We'll move on to Ms. Sahota for five minutes.

Ms. Ruby Sahota: Thank you.

Thank you, Minister, for being here today.

In your opening remarks, you made some statements about wanting to improve our Parliament, the place we work in. I'm also regretful, as you've stated you are, that we weren't able to have the conversation in the appropriate manner here, with experts, to learn from perhaps other parliaments or other people who may have input as to how we can better our workplace.

I know that you've put out some thoughts in your discussion paper, and you've highlighted about four or five things here today, but I imagine that there must be other things on your mind that you would like to see happen in our Parliament, perhaps not now but in the future. What are some of these other ways for how we can better our workplace for Canadians?

Hon. Bardish Chagger: I shared some ideas in the discussion paper. I do believe that we can bring the House of Commons and Parliament into the 21st century. I do believe that we need to strengthen and modernize our institutions. Because of the lack of willingness to have that conversation, I will let the committee do the work they want to do and discover and consider ideas. I look forward to being part of that conversation when that opportunity becomes available, if it becomes available.

What I do know is that we've been having good-faith conversations over the last little bit in regard to what the government is proposing and the commitments we've made. It shows me that there is a willingness to work better together and also that we can find a way to do that. That's what I will continue to endeavour to do.

Ms. Ruby Sahota: When you were appointed to this position, you must have come to it with a vision. Even if there are not specifics that you can give at this point, I wouldn't mind hearing a bit about what your vision for Parliament is and how you feel that members can better represent their constituents here in Parliament.

Hon. Bardish Chagger: That is exactly the vision. It's to be able to represent Canadians, to represent constituents, in this place. The House becomes partisan, as we are elected with political parties and political stripes, and oftentimes it becomes about the messaging of the day rather than the challenges our constituents are facing. When we talk about diversity under the leadership of this Prime Minister, we are not just talking about visible diversity. We are talking about the diversity of our country, whether it comes to regional differences or to industries that flourish in our communities or don't flourish.

When you're talking about the diversity of age and experience, and how people came here and why people came here, I believe those perspectives and those experiences need to be shared in the decisions we make for Canadians, so that we can better reflect them when we do pass legislation, to ensure that it's good legislation.

I believe that's what we've been having: good, constructive, and meaningful conversation. Can we improve it? Yes. Will I continue wanting to improve it? Yes, and I will work with everyone to do that. Look at the independent non-partisan Senate. Some people will say, "Well, is it tougher?" Are they having good conversations and representing Canadians to ensure it's good legislation? Yes. Are they scrutinizing? Yes. That's exactly what committees do. That's why I really value the work of committees.

We have to remember who elects us and who we're here to represent. What I try to do is ensure that I don't represent only the people who voted for me, but that I represent the best interests of my entire constituency, the best interests of my stakeholders and so forth.

•(1150)

Ms. Ruby Sahota: Thank you.

The Chair: You have one minute.

Ms. Ruby Sahota: I'll share my time with Ms. Tassi, because she has some questions as well.

Ms. Filomena Tassi (Hamilton West—Ancaster—Dundas, Lib.): Thank you.

Thanks for being here, Minister, supposedly to talk about changes to Standing Orders. It's interesting that we spent so much time talking about that previously, and unfortunate that many of the questions today are straying from that topic. It's a bit of a bait and switch.

In any event, I have two questions, if I have time for them.

First, I want to confirm that the five areas you have outlined in your presentation today were all areas which were contained in promises that we made to Canadians. Can you make just a couple of comments about how important that is in keeping those promises that we made to Canadians?

Hon. Bardish Chagger: When parties run in campaigns, we make commitments to Canadians, and Canadians expect us to deliver on those commitments. Things change and new information becomes available. That is always the case. We understand that.

When it comes to the commitments we have made for what I believe are reasonable changes to the Standing Orders, they are commitments that I would like to see us advance. We've been having good-faith conversations with leaders of the recognized opposition parties to see if we can find a way to work more collaboratively. They've been good-faith conversations, and I can tell you sincerely that I've appreciated them.

When it comes to the five areas, yes, I'd like to see us deliver on them. Something I heard at doors time and time again was Canadians saying that they wanted members to work better together in general, because all of us combined represent the best interests of Canadians, and there is no one member who tries to do that more than others. We all work hard. There is no doubt.

The Chair: Thank you.

Mr. Schmale, you have five minutes.

Mr. Jamie Schmale (Haliburton—Kawartha Lakes—Brock, CPC): Thank you, Chair.

Thank you, Minister, for being here and for all your hard work on this file.

As you said in your remarks, "Canadians elected a government with a mandate to strengthen Parliament". That said, we're looking at a rushed process to appoint a potential new Clerk of the House of Commons. In this spirit of openness and transparency, were there any of your staff, any other ministerial staff, or any staff in the PMO on the search committee for this new Clerk?

The Chair: Once again, Minister, while you're here—

Mr. Jamie Schmale: Well, I'm just—

The Chair: —if you want to answer, you can, but I'm just.... Go ahead.

Hon. Bardish Chagger: I believe I've commented enough on this issue, which I'm not sure is the reason why you want me here. I will repeat and remind everyone that there is an open, transparent, merit-

based appointment process. The position was posted. The qualifications and requirements for the position were available.

As I'm sure the member could understand when it comes to this position, it's a substantial position, and there are very few people who have the expertise and knowledge that would be required for such a position, but I'm sure we all endeavour to have the rules memorized and at our fingertips....

There was a process. The process unfolded. Part of the process was me making the tough decision that I made. I tabled that name, and it was referred to committee. The committee will be able to do what the committee needs to do.

Mr. Jamie Schmale: Can you tell us who's on that search committee?

Hon. Bardish Chagger: I do not feel that I need to share that information at this time.

Mr. Jamie Schmale: We're just curious, since it's open and transparent. I'm just taking from your remarks that it's open and transparent.

Ms. Ruby Sahota: I believe the witness has answered now.

Hon. Bardish Chagger: I didn't talk about that at all in my opening comments.

Mr. Jamie Schmale: So how do we make a judgment going forward as to whether this candidate is the right one if we don't have confidence in the process to get that person here?

Hon. Bardish Chagger: I believe you should have confidence in the process, and I have confidence in the members of this committee to ask tough questions.

● (1155)

Mr. Jamie Schmale: I just need to know who's on that search committee, if you don't mind.

Hon. Bardish Chagger: Mr. Chair, through you, I will remind the member that I think he's a hard-working member. I have confidence that he will ask tough questions. I had the opportunity to meet a member of his team. She was fabulous, and I hope to be able to connect with her. I'm sure his team only reflects his hard work. I'm sure he will make Canadians proud with the level of questions that he asks the nominated Clerk, and that's why it's important that the Clerk be present.

Mr. Jamie Schmale: Thank you. I appreciate those kind words, and I have mutual respect for you as well.

But there is a bit of frustration on our side regarding the rush to move this forward. Can you tell us if the Speaker of the House of Commons was consulted on this decision before it was made public?

Hon. Bardish Chagger: Mr. Chair, I think it's important that I address the Standing Orders. I know how much time was used on this debate within this committee. I know that members were very interested in this topic, and that's why I felt that I owed it to all committee members to be present, and that's why I came here with undivided attention to be available to committee members, to talk about the Standing Orders, because I really do appreciate the work that members have been doing.

Mr. Jamie Schmale: Minister, respectfully, I do too, but also the Clerk and the Speaker are the parties in the chamber.

Ms. Ruby Sahota: On a point of order, I think so much repetition has gone on here. The minister has answered. If we'd like to get back to the point of the Standing Orders, it would be appreciated.

Mr. Jamie Schmale: Mr. Chair, as we know, the Speaker and—

The Chair: Let Ms. Sahota have her say.

Ms. Ruby Sahota: We need to get back to the relevant matter at hand, Mr. Chair, and the relevant matter is the Standing Orders.

Mr. Jamie Schmale: If we're talking about the Standing Orders, the guardians of those Standing Orders are the Clerk and the Speaker.

Ms. Ruby Sahota: We'll have an opportunity to question the Clerk next on that, but right now we're wasting our time on the matter at hand.

Mr. Jamie Schmale: I need to know about the process first.

The Chair: Hold it. Hold it.

On point of order, Ms. Tassi, and then Mr. Richards.

Ms. Filomena Tassi: Mr. Chair, we're getting to the point where I feel that the witness is being badgered. This point has been made. She has graciously responded to questions that are outside the topic of today, and now there have been repeated questions over and over again, and a response that's somewhat unsatisfactory to her response. She's been kind enough to enter into discussion and respond to questions that are far outside what we came here for today.

I'm going to ask you, Mr. Chair, to redirect all members, when they're asking questions from here on in, to ask the questions on the topic that we came here to talk about today, which is the Standing Orders.

The Chair: Sorry, there are only two minutes left and we have two more speakers on the point of order, Mr. Richards and Mr. Dubé.

Mr. Blake Richards: Mr. Chair, when I hear about this idea of badgering someone, we have members of the government trying to prevent opposition members from asking questions that are relevant to the subject matter at hand, despite whether or not they think they're relevant, and they're continually with points of order trying to shut down questions that are important and very germane to a decision that this committee has to make and very helpful to the committee. We're unfortunately not getting responses, but there certainly are a number of questions, and Mr. Schmale is asking them in a very respectful manner. It is really quite unfortunate that the government is trying to shut down and prevent that opportunity for the opposition to ask those questions.

The Chair: Mr. Dubé, there's about one minute left in the minister's appearance.

Mr. Matthew Dubé: I just want to raise quickly that the partisan fighting between these two parties has probably cut away the few minutes I would have had with the minister, so I think that's worth pointing out in the spirit of collegiality and wanting to make Parliament work better.

The Chair: Mr. Schmale, you have a little bit left.

Mr. Jamie Schmale: I think that members would hardly put me as the type who would badger a witness. I don't think that's even near my personality type, and I think everyone on that side does know that, but we are in a bit of a crunch here. We're trusted to make a

decision, and there are some questions about this process that we still have some concerns about.

Minister, you did actually mention something earlier and I just wanted to confirm it. Were either of the two opposition House leaders consulted on this proposed appointment?

Hon. Bardish Chagger: Mr. Chair, I sent a letter out in September asking.... With all due respect, there are conversations taking place between House leaders and parties which I feel need to be left in the areas where they are taking place. I think, in the best interests of all of our members, I will share that we are having good-faith conversations, and I believe that we can all work together. I really do appreciate having the opportunity to come here.

To Mr. Dubé's point of order, if he ever does want to grill me again, I look forward to a conversation in the lobby or anywhere. I would love to answer any questions he might have.

•(1200)

The Chair: Thank you, Minister. We appreciate your appearance. I'm sure that if you can have a conversation with Mr. Dubé, he would appreciate that.

Voices: Oh, oh!

Hon. Bardish Chagger: Thank you, all.

The Chair: We'll suspend while we change witnesses.

•(1200)

_____ (Pause) _____

•(1205)

The Chair: Pursuant to Standing Order 111.1(1), the committee will now consider the proposed appointment of Charles Robert to the position of Clerk of the House of Commons. We have with us today the proposed appointee, Mr. Charles Robert. He is currently the interim Clerk of the Senate and Clerk of the Parliaments and chief legislative services officer.

We'll go no later than 12:45 p.m., because we have to finish our electoral reform report today in the last 15 minutes.

Mr. Robert, if you would like to make some opening comments, the floor is yours.

Mr. Charles Robert (Clerk of the Senate and Clerk of the Parliaments and Chief Legislative Services Officer): Thank you very much.

I'm honoured to be here today. I have to confess that I am a bit excited but also nervous. It was on Tuesday that the government House leader, the Honourable Bardish Chagger, tabled in the House of Commons a certificate of nomination designating me to be the next Clerk of the House of Commons.

[Translation]

What a rewarding journey the pursuit of this objective was for me! The process began last January when the position of Clerk of the House of Commons was announced in the Canada Gazette. I submitted my application before the end of February and I was interviewed by the board at the end of April. Then my references were checked and I had a psychometric assessment. I was delighted to hear of my appointment earlier this week.

[English]

The position of Clerk is a big job. It is the most senior position in my profession in this country. I am humbled but, I believe, also ready to take on this enormous challenge.

I believe you have a copy of my CV, but I would like to provide you with an overview of my background. I started my career—Andre will be glad to hear this—in the Library of Parliament. I worked for almost 10 years here in the House and for the last 26 years have been working in the other chamber. The end result is that during my career, I've had the honour of working for both houses, and of working for the Library of Parliament, which provides an invaluable service to both.

[Translation]

I began my career more than 37 years ago as an employee in the Library of Parliament. I then acquired a real interest in the work of Parliament, its traditions, its practices and its procedures. I quickly realized that there is nothing better for Canadian democracy than the Westminster parliamentary system, and I wanted to be part of it.

● (1210)

[English]

In the early 1980s the House of Commons was expanding its procedural services. This was when the table research branch was established here in the House. I applied for a position and was successful. I was in. I still remember the very first research paper that I wrote. It was on grievances and the history of the notion of grievances before supply.

During my time in the House, I was lucky to work with some of the giants in the administration of the House, former clerks, senior clerks, principal clerks, and deputy principal clerks. It was also a time of Speakers such as Jerome, Sauvé, Bosley, and Fraser. I had the good fortune to learn from all of them.

It was also an exciting time to be on the Hill and working in the Commons. The Constitution was patriated, and the Charter of Rights and Freedoms was enacted. There was also the then-unprecedented bells episode, delaying a vote in the House for two weeks. That was also the day that Bob Rae left the House. In fact, this event was the subject of my first published article that appeared in *The Table*.

After several years in table research, I moved to other procedural operations, committees, and journals and became totally immersed in the services they provide to support the work of the House of Commons. I embraced the opportunity to take on the administrative part of these jobs.

Canadians, if they recognize us at all, see us sitting at the table in the House from time to time. You, however, as parliamentarians,

know that more than two-thirds of the job takes place behind the scenes in the important area of administration. Without this, none of the rest would work.

In 1991 I took the opportunity to expand my knowledge and experience in our bicameral Parliament and accepted a position as a committee clerk in the Senate. I thought it was a great chance to learn how the Senate, in the words of the Supreme Court, exercises its role as a complementary body to the House of Commons. From committees I became the EA to the Clerk of the Senate, and working in his office had the privilege of getting an important bird's-eye view of the way the entire place worked. I subsequently became a deputy principal clerk and table officer. I also assumed managerial responsibility for various procedural support services in the Senate, including journals, debates, and procedural research.

Again, the sound administration of each of these areas was an important factor to the success I had in achieving my goals of building a strong team and producing positive results.

While fulfilling these responsibilities, I continued to write and publish, with a particular focus on parliamentary privilege. I also became involved in different outreach activities, and joined some associations that promoted knowledge about Parliament and our democracy. I was involved in the initiative that established the Teachers Institute, and subsequently Many Facets. I became a member of the executive of the Canadian Study of Parliament Group and the Forum for Young Canadians. I also joined the editorial board of the *Canadian Parliamentary Review*.

To improve knowledge of the Senate and its rules and practices, as well as to enhance the skills of senators' staff, I led efforts to develop different tools and activities—procedural seminars, procedural notes, and, after many years and too many iterations, publication of the Senate manual *Senate Procedure in Practice*. I also worked closely with a small team of senators from the rules committee, who rewrote and reorganized the rules of the Senate, making the text clear with a more user-friendly format.

I should also mention that as a senior table officer since 1996, I was part of the Clerk's management team. A big part of the job of senior table officers is providing leadership for the logistical and support functions necessary to the operations of the Senate. I was also able to realize first-hand the great importance of the responsibility that comes with coordinating and directing the activities of the different components of administration and the legislative sector so that they work together in effective collaboration to enable senators to carry out their functions as efficiently as possible.

This isn't just about pushing paper. It's about setting the tone and the atmosphere necessary so that all staff can strive to improve, to be better, to always be on the lookout for ways that allow parliamentarians to fulfill their responsibilities more thoroughly and successfully.

•(1215)

[Translation]

My involvement in the management of Senate administration became deeper when I was appointed as Acting Clerk of the Senate and Clerk of the Parliaments at the beginning of 2015.

During that same period, the Standing Committee on Internal Economy, Budgets and Administration created the executive committee, made up of the Clerk of the Senate, the Chief Corporate Services Offices and the Law Clerk and Parliamentary Counsel and Chief Parliamentary Precinct Services Officer. Using that model, we work closely together to manage all aspects of the administration and thereby to provide senators with better service.

[English]

My experience in the executive committee was similar in approach to the manner in which I have managed throughout my career. I believe that being open, inclusive, and transparent leads to collaboration, and that collaboration is the only way to get the best out of everyone. One bit of advice that I received years ago, when I was working as a junior procedural clerk in the House of Commons, has stuck with me: always be mindful of morale. The take-away from that advice was that good morale is essential to effective administration. It is absolutely key to solid performance. Without the support of motivated and dedicated employees and teams, no leader, no clerk, can really achieve what is required to sustain the work of the Senate or the House of Commons.

Having said that, the buck stops somewhere, and that is with me. When decisions have to be made, I accept and will accept full responsibility and, if confirmed as Clerk, full accountability.

Let me conclude with some thoughts on how I see my role as Clerk of the House of Commons should you support the nomination and recommend that the House vote for my appointment. I am here to work for you and with you, to make sure that you have the best support as parliamentarians in a modern, safe environment. The rapid pace of development of communications is transforming our appreciation of democracy and public engagement.

This is already having impact on your work as MPs as you represent your constituencies and legislate for the benefit of the nation.

While we need to keep up with these developments and incorporate them into our models of work, we can't lose sight of the traditions that still retain their meaning, that provide an anchor for purposeful advancement. The renovations under way throughout much of Parliament Hill provide a good image of what I mean. These projects, updating these wonderful historic buildings, including this one, show how we can embrace the future while remembering and valuing the past.

Thank you for your time.

I suspect I may be ready now for some questions.

The Chair: Thank you, Mr. Robert. That is a very impressive background.

Ms. Sahota.

Ms. Ruby Sahota: Thank you, Mr. Chair, and thank you, Mr. Robert, for being here today.

When I first was put on this committee, I thought procedure might be quite boring. I wondered what parliamentary procedure was going to be like, but, being a lawyer as well, I had quickly learned that if you don't know the rules of the game, no matter how good a case you have, no matter how well-intentioned your client was or is, it doesn't really matter. Without a knowledge of legal procedure, you cannot effectively defend or represent your client. Similarly, I've learned since being a parliamentarian that no matter how good your intentions may be, if you don't know how Parliament functions and you don't know the procedural rules, you cannot be an effective representative of the people.

After looking over your CV and hearing your introductory remarks, I can see that you are a man who understands procedure very well and has a lot of experience with the rules.

I'd like to get to know a little bit more about your intentions and your vision for Parliament. There has been a lot of discussion at this committee and elsewhere about changing the tone of Parliament, about making it more inclusive so that we better reflect and represent the population of Canada. I would like to know your thoughts on how you can bring your experience from the Senate to the House of Commons.

I know you have been in the Senate during a unique transformational time. With what you've learned and how you've adapted to the new way the Senate works with all the independent senators, how would you apply this experience to the House in order to encourage that co-operative environment?

•(1220)

Mr. Charles Robert: The anchor for any practice followed by any parliamentary body is going to be its rules, and the rules normally have an organic history. They are created in response to circumstances that arise and develop that have meaning over time and will occasionally shift and have to be adapted or changed.

But rules are just rules. Their ability to promote the objectives of the institution depends also on goodwill. That has been true, and it was observable when I was working in the House of Commons as I am working now in the Senate. It matters. All parliamentarians are motivated by the same objective of trying to achieve good for the country, and that will always be the driving motivation, which will sometimes lead to friction. More often than not, we would hope that it leads to co-operation and shared objectives because we're all here for the same reason.

I had the opportunity to speak to some members when I was briefly in Africa last year. They were some of the 200 new members, and I thought I was living back in the 1960s because it was really a period when you saw the members energized by their commitment and their ability to participate in something like a parliamentary environment. That is a good that should be exploited as much as possible.

I know that at the beginning of every Parliament, there is a well-programmed orientation week where you learn some of the ins and outs of parliamentary behaviour. In the Senate we know that's not enough. We have to do more. That's why we brought into place things like procedural seminars. We invite senators' staff into the Senate chamber and explain to them and answer questions from them about various aspects of parliamentary procedure. Right now, two days a week, in the Senate, at the end of every sitting except this week when the sittings have gone rather long, there will be a collection of senators who will ask some of the principal clerks about the practices. What happened? How did that just occur? Why was it done that way? Why did the member try to do something like pull an adjournment motion? What was the real—was there something behind it?

Trying to inform the members within the parameters that we are allowed to describe how the system works is one way that we can make you as parliamentarians more informed and, I suspect, also more effective.

Ms. Ruby Sahota: That sounds like an excellent idea. It would better equip a lot of the members in the House of Commons to have that knowledge. As I sit as a parliamentarian, there are constantly questions from all around, from our neighbours, from our seatmates, from people around. Sometimes people have the answer, and sometimes they don't. It would be really effective to have a source that you know you can go to and not feel awkward about doing so. That would be an excellent practice to put here.

Also there is a little bit of a difference that we were joking around about on this side with the Senate versus the House of Commons because the House of Commons is televised, and having the TV cameras in the House definitely changes the type of debate that is had from time to time in the way the discourse gets shaped.

How would you deal with that? It is your job to inform the Speaker, to figure out how to bring the decorum in the House that we've been talking about and eagerly looking forward to. What would you do?

Mr. Charles Robert: Again, I'd have to go back to the root answer that you have to, in some sense, inform the members to help them realize what their responsibilities are. The institution is driven by a lot of partisan interest. That is almost like an engine, but it isn't necessarily the destination. It gets you there, and I think, in fact, the idea of being more attuned to what it is you want to achieve might channel behaviour in a different way.

When I look at how things can sometimes occur in the Senate, there are certainly objectives with respect to passing legislation, and there are strategies that are in play, but the focus really is on the nature of strategies that do everything to promote deliberation. That is a framework that could influence the behaviour of some of the parliamentarians in the House of Commons without—

• (1225)

The Chair: Sorry, our time for this round is up.

Mr. Nater.

Mr. John Nater (Perth—Wellington, CPC): Thank you, Mr. Chair. It's good to be back with the procedure and house affairs

committee on a temporary basis. I want to thank Monsieur Robert for joining us this morning.

It's a pleasure to have you here, and I wish we'd had a bit more time, because I'd be fascinated to talk a little bit about your publications. I know I've cited a couple of them in my previous academic life, so it's good to have that academic and publication record coming with you as well.

You talked a little bit in your opening comments about the process. You mentioned you had applied in February. What was the application process like? Was it online? Who did you submit your application to?

Mr. Charles Robert: Yes, it came through, and I think it said something “job opportunity”. It was posted online and you applied online, and then there was a terminal date and I made sure that I made my submission before the terminal date.

Mr. John Nater: It's always good to do it a couple of days before, because you never know when the website will crash or something like that.

Mr. Charles Robert: Well, in fact, I had to actually call PCO computer people because I was trying to enter some data and it wouldn't accept it. So I had to actually go to PCO. I said, “Make sure that data is in, because I don't want the fact that I wasn't able to properly fill in my profile to cancel the application.”

Mr. John Nater: And if you're using Chrome or if you're using Internet Explorer, it can always have a different effect as well.

Do you recall during the interview process, during the selection process, who was on the panels when you were being interviewed?

Mr. Charles Robert: There were people from the Privy Council Office; that was for sure. There were also people from the firm that was actually managing the competition.

Mr. John Nater: Was there anyone from the House of Commons?

Mr. Charles Robert: I believe so.

Mr. John Nater: Okay, but you don't recall who it was?

Mr. Charles Robert: No.

Mr. John Nater: I recognize that you've been the interim Clerk in the Senate since 2015. Has the process opened up for that application yet, and—

Mr. Charles Robert: It has not that I'm aware of.

Mr. John Nater: So what made you decide to come to the House versus the Senate?

Mr. Charles Robert: It was the challenge.

Mr. John Nater: Very good. Now, I know that our current bible, as we call it, the green book, was last published in 2009, effectively 2008. Is that something you'd commit to updating if you became the new Clerk?

Mr. Charles Robert: Certainly.

Mr. John Nater: And what time frame do you think that would be done in?

Mr. Charles Robert: It is a massive book, and I would commit to doing it as quickly but as thoroughly as possible.

Mr. John Nater: You mentioned that you were notified this week that you would be the successful nominee for this position. Do you recall who notified you?

Mr. Charles Robert: The notification was in the chamber on Tuesday, and I received a call from the minister on Monday evening.

Mr. John Nater: That was from the House leader?

Mr. Charles Robert: Yes.

Mr. John Nater: I appreciate the responses. I have a little bit of time left, which I'm going to yield to Mr. Reid.

Mr. Scott Reid: Thank you.

Mr. Chair, because of the shortened time frame for questioning this witness, we are faced with the awkward situation that it's unlikely that a Conservative MP will have the floor again. There are seven minutes for each of the first two questioners, and seven minutes as well for the third from the New Democrats, and then five more minutes for the Liberals before it comes back to us. That takes us past 1:45 p.m., which is when we wrap up this piece of business.

This is relevant, Mr. Chair, and I know that as someone who knows the rules well, our witness, Mr. Robert, will understand the practical limitation that imposes on us. I am able to move the motion of which I gave notice earlier, without 48 hours' notice as long as it is dealing directly with business now under consideration. That's under our rules for this committee, which this committee adopted on January 26, 2016, that 48 hours' notice be required for any substantive motion to be considered by the committee, unless the substantive motion relates directly to business then under consideration.

So with that in mind, and because I have no other alternative, I apologize to our witness for the fact that instead of asking questions, I'm instead moving this motion. It's literally my only opportunity to do so since I must do so with the floor.

So I therefore move:

That, in relation to its consideration of the proposed appointment of Charles Robert to be Clerk of the House of Commons, the Committee invite former Clerks of the House of Commons, Robert Marleau and Audrey O'Brien, to appear in order to gain a better understanding of the role, duties and responsibilities of the Clerk of the House of Commons.

• (1230)

The Chair: The motion is open to debate, and you could speak to it. We have 14 minutes left on this section.

Mr. Scott Reid: Understood. I'll try to be as brief as I can.

The reason for moving this is we feel it's important to have a full discussion prior to making an appointment as important as this one. This is placed in the hands of this committee so that it can carry out full discussions, and the best way of doing this is to have former incumbents of this position, of which there are two at this point, giving testimony so that we can determine the appropriateness of the government's choice.

I did ask the minister earlier whether she thought this was acceptable to do. You heard her response, which sounded to me like she was saying there was no problem. We are our own masters. It's reasonable to do that. I did ask her if she was going to override us and simply introduce a motion in the House, as she is allowed to do,

should we not have come to a conclusion. She was, frankly, not clear on that, but I had the impression she is willing to supersede us. She didn't say no, so I have to assume she meant that, yes, she is willing to do that.

At any rate, one of the things that means is while I think that would not be appropriate, the government does have that way of achieving its goal if it chooses. I wouldn't advise it, but it is a possibility, so this allows us to be better informed. It allows the House to be better informed when the decision comes for the House as a whole on this recommended appointment.

Thank you, Mr. Chair.

The Chair: Mr. Nater.

Mr. John Nater: Thank you, Chair.

I want to echo the comments from Mr. Reid about the importance of this fulsome analysis.

We have had an acting clerk in the House of Commons now for the better part of three years. Our previous Clerk did retire, I believe it was in December 2015, or she announced her intention in December 2015, so it's been a lengthy process up to this point in terms of this nomination and appointment process. Now we are in the dying days of this session, the dying days before the summer recess. I know everyone is eager to return to their ridings and do the good work in our ridings that has been mentioned earlier, but I don't think it would be appropriate for us to do so without fully studying this process, studying the responsibilities and the role of this position.

Hearing from the former clerks, as Mr. Reid has mentioned in his motion, would be appropriate. This is a position that does not come open often, and rightfully so. The Clerk of the House of Commons, like the Clerk of the Senate, is a position that we want to have for a significant period of time. They are the guardians of a great deal of institutional knowledge and expertise. It is a position that we want to have preserved for a long period, so when we have the opportunity to have this appointment, we need to take it upon ourselves to fully examine the process, talk to the former clerks, find out from them what their experiences were, and what their thoughts are on both the process and the role itself.

We're going through an evolving time right now in both houses of Parliament. We have this opportunity now to have this discussion going forward. We need to take our time. We need to have the opportunity to have a full debate and discussion. That's why it is important that we vote in favour of this motion, that we have this opportunity before we rise for the summer to have this fulsome debate.

I'm not going to take any more time. I'm not going to filibuster. I simply just want to have that on the record as well.

Thank you, Chair.

• (1235)

The Chair: Thank you.

The next two speakers on the motion—and we have 10 minutes for this section of the meeting—are Mr. Simms, and Mr. Richards.

Mr. Scott Simms: In the same spirit of that, I'm not sure. As far as the qualifications are concerned, we all know generally what they are and how Mr. Robert can fulfill these requirements. This is more about his abilities and his experience, which are great, to do this job. I think the parties were consulted. The leaders have provided the qualifications they want to see in a position such as the Clerk of the House of Commons. They can table that if they wish, but in the meantime, we should just get on with this.

We should hear from Mr. Robert and see how he measures up, and I'll leave it at that.

The Chair: Mr. Richards.

Mr. Blake Richards: Mr. Chair, given the comments I've just heard, and I am the last speaker, if we can bring this to a vote, I'd be happy to yield to allow there to be a vote on this motion.

The Chair: Does everyone agree?

Some hon. members: Agreed.

Mr. Blake Richards: Mr. Chair, a recorded division.

The Chair: Okay, we'll take a recorded division, Mr. Clerk.

Mr. Scott Reid: Give us a second to figure out which of our two members here is voting.

The Chair: Okay, go ahead. We'll call you last while you decide. We'll call the other members—

Mr. Arnold Chan: Members are automatically in.

Mr. Scott Reid: I know, but even though he's subbed in?

Mr. Arnold Chan: It doesn't matter. If you're in the chair, you're automatically in.

The Chair: Mr. Clerk.

(Motion negatived: nays 5; yeas 4)

The Chair: We still have eight minutes left.

Mr. Reid had the floor for questioning the witness. You had a minute left, I think.

Mr. Scott Reid: Thank you.

I think this is a relevant question. Your credentials, and particularly your writings, are very impressive.

Mr. Charles Robert: Thank you.

Mr. Scott Reid: The question I have to ask is an entirely different one, but one that I think of as I go from being one of the younger members of Parliament here to being one of the older ones. It happens—

Mr. Charles Robert: I've been there.

Mr. Scott Reid: It's just this. I realize no one can project their own future health, but assuming good health, how many years do you anticipate you'd be likely to—

Mr. Charles Robert: A good number.

Mr. Scott Reid: A good number. All right. I think you understand the logic of asking that. When you say a good number, forgive me, could we expect that if the 43rd Parliament is a majority Parliament and therefore goes a full four-year term, you intend to serve through the entire—

Mr. Charles Robert: Oh, I fully intend to be here for at least several Parliaments.

Mr. Scott Reid: That actually is....

A voice: You're going to have to wait awhile.

Mr. Scott Reid: For what it's worth, I served 10 years as deputy House leader and never got appointed House leader. Having been a bridesmaid numerous times, it's a warning more to Arnold than to.... I'll stop there.

That was the obvious question that occurred to me. I'm very glad to hear that you would wind up serving us long enough that....

The nature of the role you'd be taking on inevitably would involve, among other things, the next rewrite of the book that's currently called O'Brien and Bosc, formerly Marleau and Montpetit, as you know. I don't think that can be done by somebody who is there for just a few years. You have to be there for—

Mr. Charles Robert: I fully appreciate that and accept that. Having been involved in writing a smaller but still major production on procedure for us in the Senate, I'm fully aware of the nature of the work involved and how much attention to detail is required. For geeks like us, it's not a hardship.

• (1240)

Mr. Scott Reid: Yes, that's true.

Mr. Arnold Chan: I thought you would appreciate that.

Mr. Scott Reid: No, he was looking at John, for the record.

Thank you, Mr. Robert.

The Chair: Monsieur Dubé.

Mr. Matthew Dubé: Thank you, Mr. Chair.

As two McGill alumni, I'm sure our alma mater would be happy to have yet another McGillian in the House of Commons, because we've been hearing about that.

Mr. John Nater: Also Western.

Mr. Matthew Dubé: That's fair enough.

[*Translation*]

First of all, thank you for being here, Mr. Robert. My congratulations; your accomplishments are extremely impressive.

We talk a lot about parliamentary privilege and the importance of the sovereignty of Parliament, so to speak. I am from Quebec, so I do not use that word lightly.

Recently, there has been a labour conflict involving the security officers. As a result of some legislative changes, the RCMP now has a much greater presence than previously. I am curious to hear your comments about that. How can we proceed and move forward? Despite the legislative changes made in the last Parliament, the situation is evolving a great deal.

Mr. Charles Robert: That has become a bit of a problematic issue at the moment.

It depends on the way in which you look at parliamentary privilege.

As I wrote in my article on the evolution of the situation, it must be recognized that there is a much more traditional aspect based on a decision made in 1935. From that perspective, some people really think that parliamentary privilege covers almost anything. It is determined by parliamentarians themselves and by Parliament. Others think that privilege must actually be about the key elements of Parliament's activities, not other matters. In reality, not all aspects of the House of Commons and the Senate organizations are always parliamentary; they may be about administration, providing food, or office equipment. Are those really matters that should be protected by parliamentary privilege? In my view, the answer is quite clear.

In matters of security, I would say that it is clear and obvious in some respects, but that is not always the case. We can think, for example, about aspects of the work of the employees who provide security. Should those aspects be covered by privilege? I believe, and this opinion is more personal than professional, that the standards established in the Charter must be met. Privilege should be interpreted according to the values and principles in the Charter. In my view, this is very important. I do not actually see it as a kind of restoration of privileges but rather a renewal of privilege.

Mr. Matthew Dubé: Let us take, for example, one of the matters that this committee was charged with, and, I believe, is still charged with: members travelling and then having access to Parliament Hill and the parliamentary precinct. One of the difficulties that has been raised is exactly crossing that line. As I understand it, it is an example where members' work has been adversely affected.

Mr. Charles Robert: Yes. However, you have to understand that the concept does not apply in cases where the access problem is caused, say, by a traffic light. If a member could not get onto Parliament Hill because a traffic light was red, I assume that it could not be seen as a matter of privilege.

Moreover, if a system of security has been put in place for parliamentarians and parliamentary staff has been assigned to it, and certain incidents inconvenience parliamentarians, it is certainly unfortunate, but would it really be a matter of privilege? That is quite a complex question that you must answer. There are a number of factors to consider.

My role is more to ask questions than to provide answers.

Mr. Matthew Dubé: Of course.

Thank you.

[*English*]

The Chair: Thank you.

Thank you very much for coming.

We have an important report to do. It will be in camera, so I would ask everyone to quickly clear the room. We don't have much time left.

Thank you.

[*Proceedings continue in camera*]

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