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# **Standing Committee on Access to Information, Privacy and Ethics**

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**Tuesday, February 15, 2005**

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**Chair**

**Mr. David Chatters**

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## Standing Committee on Access to Information, Privacy and Ethics

Tuesday, February 15, 2005

• (0900)

[English]

**The Chair (Mr. David Chatters (Battle River, CPC)):** I see a quorum. I think we can get started.

We're here this morning to continue our study on the funding of offices of Parliament, pursuant to Standing Order 108(3)(h).

As witnesses this morning we have the Office of the Commissioner of Official Languages and the Office of the Chief Electoral Officer. I would attempt to introduce the individuals, but I know I'll murder the names, being a unilingual anglophone. I won't do a good job on that, so I'll let them introduce themselves.

With the Office of the Chief Electoral Officer, we have Jean-Pierre Kingsley, Chief Electoral Officer of Canada; Diane Davidson, the deputy chief electoral officer; and Janice Vézina, senior director of elections financing and corporate services.

We'll start with the Commissioner of Official Languages. I would urge members to focus on the funding of these offices and these officers of Parliament, rather than all of the other issues we might ask them, so that we can get to where we want to get to on the funding of these offices.

With that, we'll turn it over to the Office of the Commissioner of Official Languages.

**Ms. Dyane Adam (Commissioner of Official Languages, Office of the Commissioner of Official Languages):** Thank you, Mr. Chair and honourable members.

First, I'd like to present the director general who is accompanying me, Louise Guertin, who's responsible for corporate affairs, for anything linked to finance and budgets.

I hope we will be able to answer any questions you may have. Before we do that, I'll briefly give you a presentation that will cover three main areas. First, we need to talk a bit about our mandate; second, we will talk about the officers of Parliament and the annual budget process; and third, we will discuss the way the Office of the Commissioner of Official Languages reports on its activities annually.

[Translation]

I would like to begin by speaking briefly about my mandate.

Officers of Parliament contribute actively to the good governance of our country. It is therefore important for parliamentarians to understand the full scope of their roles and obligations and ensure that they fulfil their mandate independently and transparently.

Each of these mandates has its own characteristics. In the case of official languages, the commissioner is appointed for a seven-year term. The legislature entrusted me with the mandate to take all measures necessary to ensure recognition of the status of both official languages and compliance with the spirit of the Official Languages Act. I must therefore ensure that not only does the federal government operate in both languages, but also that all federal institutions actively contribute to improving Canada's linguistic equality. In short, I must be an agent of change, which I accomplish through the following six roles: the role of ombudsman, auditing, liaison, monitoring, promotion and education, and court interventions.

We have provided you with two documents which explain in more detail our mandate and our relationship with Parliament, government, communities and the Canadian public.

There are other administrative features specific to official languages that have an impact on governance and reporting. Unlike other areas, such as access to information and privacy, the responsibility for implementing the Official Languages Act does not belong to a single minister. It is in conjunction with the minister responsible for official languages that the Treasury Board Secretariat, the Public Service Human Resources Management Agency of Canada and the Department of Canadian Heritage guide the activities of institutions.

• (0905)

[English]

Now I'll turn to the second point, the officers of Parliament themselves and the annual budget process.

In a recent study published in the journal *Canadian Public Administration*, Professor Paul Thomas highlighted the importance of clearly defining and explaining the relationship that must exist between Parliament and its officers in terms of both responsibility and accountability. He identified five formal reporting mechanisms for these officers: first, the definition and redivision of the mandate of the agency; second, appointment tenure and removal of incumbents; third, control over budgets and staffing; fourth, freedom to identify issues and to compel information; and finally, reporting and monitoring of agency performance.

It is important to clearly define the operations of these mechanisms, for a very simple reason. As officers of Parliament, my colleagues and I are called upon to criticize the government and Treasury Board. Under the circumstances, it may be a sensitive issue to deal with these same institutions with respect to approval of resources. However, it is obvious that good reporting guarantees the integrity of these same officers. Over the past few years, therefore, my colleagues and I have discussed different models for the budget process, and discussions were held with the former Treasury Board president. I also note that parliamentarians are examining, among other things, the best approach to appointing officers of Parliament and provisions for the annual budget process for their offices.

With respect to the appointment of the official languages commissioner, I can tell you that the incumbent is appointed by the Governor in Council following the approval of the House of Commons and the Senate. In my case, I also appeared before a joint parliamentary committee before my appointment.

[Translation]

Finally, I would like to tell you how the Office of the Commissioner reports on its activities. In our case, the Official Languages Act of 1988 sets out mechanisms that allow parliamentarians to closely monitor the application of the act as well as our activities and budget.

Since there are actually two official languages committees—one in the Senate and one in the House of Commons—I am doubly supported and accountable. These committees are very active, and since I have been in office, I have been called upon regularly to appear before them and to assist them in their review of complex language matters.

My practice is to also submit our reports on plans and priorities and the performance reports to them on an annual basis. For example, in 2002, members of these committees supported our request for additional funds to restore the audit function, intensify our relations with Parliament, and increase research.

In our case, we believe it would be logical that issues affecting our independence or budget be submitted to the scrutiny of Parliament through the official languages committees. These committees are thoroughly familiar with the societal issues and the practical consequences of our budget proposals.

I should also mention that our annual report is the main document that summarizes our actions. It identifies important issues and presents our key recommendations. Along with our studies and audits, it is distributed to members of Parliament upon release.

● (0910)

[English]

In conclusion, I would like to state that I am firmly committed to ensuring the integrity and transparency of our actions and in reporting to Canadians through Parliament. It is in this spirit of transparency that I asked the Office of the Auditor General to audit our financial statements for 2003-04, and the Auditor General gave a clean opinion—that is, excellent marks for performance on our financial statements. We will continue this practice annually.

In my opinion, what is important for the various officers of Parliament, and particularly those who assume the role of ombudsmen, is to find a solution that is transparent and suits the specific circumstances of each office. This solution must allow us both to fulfill the obligation to report on our activities and to achieve results that meet the needs and expectations of parliamentarians and Canadians while maintaining a certain amount of independence from the administrative apparatus.

Thank you for your attention.

**The Chair:** Thank you very much.

Mr. Kingsley.

**Mr. Jean-Pierre Kingsley (Chief Electoral Officer of Canada, Office of the Chief Electoral Officer):** Thank you, Mr. Chairman. Good morning to you and to the members of the committee.

I'm pleased to appear before you today to discuss the funding structure of the Office of the Chief Electoral Officer. I will be doing so in a more thorough way than I've ever had the opportunity to do in the 15 years that I've occupied the position, so I'm really pleased about that.

As you have said, I am accompanied by Mrs. Diane Davidson and Mrs. Janice Vézina, respectively the deputy chief electoral officer and chief legal counsel; and senior director, election financing and corporate services.

In the Canada Elections Act, Parliament has successfully created a balanced system of guarantees intentionally and specifically to ensure the effective, efficient, independent, and impartial delivery of elections and related functions under that act as well as the Electoral Boundaries Readjustment Act and the Referendum Act. The funding of the Office of the Chief Electoral Officer is only a part of this larger system, albeit an integral part, and should be considered in that light. It cannot be separated from the functions of the office and the other controls created by Parliament.

The Chief Electoral Officer is created independent of the executive. He is the only officer of Parliament, indeed the only federal administrative officer, who is appointed directly by resolution of the House of Commons. Unlike any other federal administrative officer, the Chief Electoral Officer remains in office until age 65, removable only on address of the Senate and the House of Commons for cause, just like a Justice of the Supreme Court.

Under the Canada Elections Act, the Electoral Boundaries Readjustment Act, and the Referendum Act, the Chief Electoral Officer is responsible for the delivery of federal elections, byelections, referendums, and maintaining a constant state of readiness; the administration of extensive political financing regulation and disclosure provisions, with which you're all familiar; the provision of timely, high-quality public education and information programs on electoral matters, particularly to those most likely to experience difficulties in exercising their democratic rights; as well as ensuring that Canadian citizens are registered to vote, both on an ongoing basis through the National Register of Electors and, during the elections, through revision.

The Chief Electoral Officer appoints the broadcasting arbitrator, and he also appoints the Commissioner of Canada Elections.

The fundamental importance of elections is reflected in the degree of control exercised on their delivery by Parliament through the Canada Elections Act. The statute is a prime example of parliamentary micromanagement, where every detail in the conduct of an election is spelled out in the statute itself. Apart from the tariff of fees, the Canada Elections Act does not provide for the making of supplementary regulations by order in council—you can read “cabinet”.

At the same time, the extraordinary responsibility of the Chief Electoral Officer within this process is illustrated by the rare authority given to him by Parliament to adapt the act during an election to meet emergencies and unusual and unforeseen circumstances.

There are two budgetary authorities that fund the activities of the Office of the Chief Electoral Officer: the statutory draw and an annual appropriation vote. Both are authorizations from Parliament to expend money and reflect the constitutional principle that public funds cannot be accessed without the approval of Parliament.

The term “statutory draw” is an internal short-form reference to pre-existing express statutory authorizations to draw on the consolidated revenue fund without the additional need for a further authorization from Parliament in the form of an appropriation vote.

There has always been one form or another of statutory draw in the Canada Elections Act. The original statutory draw predated the creation of the Office of the Chief Electoral Officer and appeared in the first permanent federal electoral legislation in 1874 as a source for the funding of elections. So it's old.

The statutory draw was originally intended to be the principal funding authority for the operations of the Office of the Chief Electoral Officer in the delivery of elections. That the alternative annual appropriation vote for this office is significant today is more a matter of historical accident than express legislative intent.

The various functions and duties relating to the delivery of elections could not be performed in an effective, efficient, independent, and impartial manner without the statutory draw. That is because the timing of elections is not known, making the use of annual appropriation votes unsuitable. It is also imperative for the conduct of an effective, fair, and impartial electoral process that funding be insulated from executive control or political agenda.

• (0915)

There are in fact numerous statutory draws in the Canada Elections Act, the Electoral Boundaries Readjustment Act, and the Referendum Act. They fund all of the activities of the office, including my salary and the overtime of permanent staff, the expenses of returning officers, the Commissioner of Canada Elections, whom I've mentioned, as well as the broadcasting arbitrator, the various electoral boundaries commissions, and the various forms of state financial support for political parties and candidates.

[Translation]

As a general rule, it may be said that every time Parliament created or expanded a function related to the integrity and delivery of elections, it created a corollary statutory authorization to meet the expenses of that function.

The actual annual expenses paid for through a statutory draw vary, depending on the events which occur during that period. The only expense of the Chief Electoral Officer to be voted by annual appropriation is the salaries of his permanent staff. That is the only one. When the Office of the Chief Electoral Officer was first created in 1920, it consisted only of one chief clerk and two stenographers. The 1920 statute expressly directed that, apart from these three staff members, there were to be no permanent officers or employees paid to perform any duties in connection with elections. The delivery of elections was the principal responsibility of appointed returning officers and corollary staff—all of whom are paid for out of a statutory draw.

Thus, there was no provision in 1920 for a statutory draw for the permanent staff of the Chief Electoral Officer precisely because, unlike today, those officers did not perform any significant duty with respect to elections.

The duties of the Chief Electoral Officer have evolved significantly since the last century and today could not be effectively or efficiently performed without professionals, experts and permanent staff and the use of automated technologies. At the same time as electoral duties have become more of an ongoing function rather than being purely event-oriented, human resources management has evolved in the federal government to diminish the ability to hire staff on a longer-term basis other than on a permanent status.

Notwithstanding the ability to draw directly upon the consolidated revenue fund, there are numerous specific controls and accountability mechanisms imposed upon or undertaken by the Chief Electoral Officer. Many expenses are controlled legislatively. The extensive detail of the act itself materially directs the extent and direction of operations in the delivery of an election.

The amount of quarterly allowances paid to registered parties, and the reimbursement of election expenses payable to parties and candidates are all determined strictly according to formulas devised by Parliament and do not rest within the discretion of the Chief Electoral Officer, something that I am sure you are very happy to hear.

The fees and expenses of election officers in the delivery of elections are determined according to regulation which requires both the recommendation of the Chief Electoral Officer and the approval of the Governor in Council. As I said earlier, it is the only mechanism approved by the Governor in Council.

The Office of the Chief Electoral Officer is subject to the reporting oversight of the Auditor General of Canada. The Auditor General recently completed an audit of the transactions and financial statements of my office as of March 31, 2004, an audit which she deemed satisfactory. At my invitation, the Auditor General is currently conducting a performance audit of my office on the federal electoral process. She is basing her audit on the last election. It is expected that the report will be included in the Auditor General's report of November 2005.

Parliament is also kept closely apprised of projected expenditures to be funded under the statutory draw. Projected expenses are forwarded for the attention of Parliament in the main estimates and supplementals which go through the minister designated under the Financial Administration Act, then Treasury Board, and then consolidated and presented to Parliament—notwithstanding that new appropriation is actually needed for those expenditures. This process provides significant opportunity for challenge and accountability.

I also appear regularly before the House of Commons Committee on Procedure and House Affairs, as well as before other responsible parliamentary committees, such as this one, to explain the estimates, to present plans for future activities and to account for results measured against past plans. In addition, I am required to report to Parliament in all elections. I can also be summoned at any time when a committee requires the expertise of my office.

These are examples of Parliament's practice of providing a counterbalancing mechanism for accountability for every aspect of independence it provides.

In conclusion, I would like to thank the committee for allowing me to explain today the structural funding of the Office of the Chief Electoral Officer. This model is the envy of the world. I welcome the opportunity to discuss it with you today.

Thank you, Mr. Chairman.

● (0920)

[English]

**The Chair:** Thank you.

I would suggest that it's not only the envy of the world, it's the envy of the other commissioners' offices.

We'll go to questions now.

Mr. Tilson.

**Mr. David Tilson (Dufferin—Caledon, CPC):** Thank you, Mr. Chairman, and both of you, for coming this morning.

It's an undertaking I've asked from almost everyone who has appeared before us, and I'd like to ask both of you to give that undertaking: to give us an organizational chart showing all the positions and salary ranges and a breakdown as to what the funds in any estimates would cover.

Thank you.

Mr. Kingsley, I'm a newly-elected member and I have to tell you I've never heard of this "statutory draw" business. I appreciate your spending some time on it.

One of the commissioners last week essentially said, "All you have to do is just send the bill off"—referring to you and your office—"and it's paid". In other words, it was suggested—and I assume this is related to the statutory draw principle—you could do anything. You could spend anything, and it's paid.

Could you comment on whether that interpretation is correct or not?

**Mr. Jean-Pierre Kingsley:** Both his interpretation and the one you alluded to—through you, Mr. Chairman—are not quite on.

I've attempted here to demonstrate that I present my budget to the procedure and House affairs committee every year. They also ask me questions about the previous year's expenditures and analyze any difference between the two. I appear probably most often of all officers of Parliament before committees. That's for that aspect.

With respect to the other one, I can only incur expenditures under the statutory authority to the extent that they're linked to the election or referendum or the electoral boundaries commissions. I cannot do anything—

**Mr. David Tilson:** I understand that. What I'm getting to and what we're trying to do with the different officials is determine how everybody is funded. The three commissioners who appeared before us last week are funded differently. Two of them go to Treasury Board, and one of them doesn't. Where do you go?

● (0925)

**Mr. Jean-Pierre Kingsley:** For the statutory authority I appear before parliamentary committees. With respect to the salaries of all of the permanent staff, I go to Treasury Board. That's vote 25.

**Mr. David Tilson:** You were quite clear about that in your presentation, and I understand that, particularly about the salaries. But with the expenditures, then, you go to the committee. What if the committee doesn't like your expenditures. What happens then?

**Mr. Jean-Pierre Kingsley:** That hasn't occurred so far.

**Mr. David Tilson:** So you are different again from....

One of the commissioners, and I can't recall which one it was, was really correct, that all you have to do—and I'm not talking about salaries, but about your expenditures—is send off a bill, and it's paid. It's quite remarkable as a new member to observe that, but if that's the way it is, maybe we need to....

I understand the rationale you talked about, that it was because an election can be called any time. Is there a difference between how you're funded and the costs of an election? Are those two different processes?

Do you understand what I've said?

**Mr. Jean-Pierre Kingsley:** I'm afraid I don't.

**Mr. David Tilson:** The way your office operates from day to day, you have salaries and you have expenditures. Then all of a sudden an election is called, and we're into a different mode. Is that part and parcel of your whole operation, or is it something separate?

**Mr. Jean-Pierre Kingsley:** Can I ask Janice Vézina to respond?

**Mr. David Tilson:** Sure.

**Ms. Janice Vézina (Senior Director, Election Financing and Corporate Services, Office of the Chief Electoral Officer):** Basically the costs of an election are incurred in a given fiscal year, and they're included in.... We don't forecast that an election is going to happen in the main estimates process. What we do is forecast a base year with expenditures that we're aware of. When an election happens, we adjust our estimates through the supplementary estimates process so that we can inform Parliament that we're spending more than we had planned.

We follow the same route as everyone else in informing Parliament. We provide estimates and supplementary estimates to Treasury Board and through Treasury Board to Parliament, as any other department would. That's in the interests of transparency and informing Parliament of what we're spending.

In terms of the source of the funding for an election, it is a statutory draw that—

**Mr. David Tilson:** So it's another statutory draw?

**Ms. Janice Vézina:** No, it's the same.

**Mr. David Tilson:** Obviously I'm showing my ignorance as to what a statutory draw is, but I don't mind showing my ignorance.

**Ms. Janice Vézina:** It's just that the source and the authority for the funding come from the Canada Elections Act. That's where the funding comes from. The reimbursement of candidates, the reimbursement of parties—it's all set out in the Canada Elections Act in accordance with a formula.

**Mr. David Tilson:** Okay.

And how are you audited?

**Mr. Jean-Pierre Kingsley:** The Auditor General has the right to come in at any time.

**Mr. David Tilson:** Is this the first time during your tenure that you've been audited?

**Mr. Jean-Pierre Kingsley:** There was one that was terminating as I came into the job, or had just terminated. This is the first official one that has occurred in 15 years, yes.

**Mr. David Tilson:** On the appointment process, you indicated that you are appointed until age 65. That's different from the other appointments. Is that appropriate?

I hate throwing lob balls over the tennis court.

**Mr. Jean-Pierre Kingsley:** If you make it 61, I'm gone.

**Hon. Ed Broadbent (Ottawa Centre, NDP):** What about extending it to 75?

**Mr. David Tilson:** Boy, their name tags are falling on the floor here, and everything is happening. I didn't mean to cause so much of a problem.

**Mr. Jean-Pierre Kingsley:** Sir, the question is most appropriate. I really don't have an answer for that. If Parliament were to appoint someone who was 25, I would say that may not be the wisest thing to do.

**Mr. David Tilson:** Well, no, I mean other commissioners and other people are appointed for specific terms, as opposed to how old they get.

• (0930)

**Mr. Jean-Pierre Kingsley:** If there were to be an alternative, I would recommend a 10-year appointment.

**Mr. David Tilson:** Okay, thank you.

**The Chair:** Thank you.

Mr. Boulianne.

[Translation]

**Mr. Marc Boulianne (Mégantic—L'Érable, BQ):** Thank you, Mr. Chairman.

Welcome to the committee, Mr. Kingsley and Ms. Adam.

You are probably going to make some people jealous. Last week, we heard from Mr. Reid, the Information Commissioner, and I think that there were some problems there.

I will not talk to you about accountability. A number of entities do audits of your organizations. You are accountable to the Auditor General, to committees and to Parliament. From a financial standpoint, are your requests always met? Is your funding almost unlimited?

Ms. Adam told us earlier that she had asked for additional funding in 2002. When you request funding, there is no problem and you get what you need. Is that right?

**Mr. Jean-Pierre Kingsley:** Yes, as a general rule.

When there is a bill before Parliament that requires additional resources, I have to justify, like anyone else, the need for extra resources from the Treasury Board Secretariat and the Treasury Board. That is what I do. In all honesty, I have to say that I have never had major difficulties with the Treasury Board Secretariat in that regard.

**Mr. Marc Boulianne:** You mentioned compensation for returning officers and their staff. Do you have a specific pay scale? How do you pay election staff? I am not talking here about how they are appointed.

**Mr. Jean-Pierre Kingsley:** No, we will not be talking about that this morning.

**Mr. Marc Boulianne:** That is another problem. How does the compensation work?

**Mr. Jean-Pierre Kingsley:** There is a fee scale for all the positions of election employees, who are not permanent employees, for all practical purposes, or term employees, in keeping with the public service rules.

All those working in the returning office are paid according to the established fee scale. There are travel expenses that have to be reimbursed. Everything is covered, pretty well down to the cent. I do not recall whether the size of the riding has an impact on how much returning officers receive. There are two or three... That is no longer the case? Very well. There is a basic fee, and that is what they are paid. So it is basically a fixed amount per election.

Of course, they are given a sort of per diem if they are asked to work outside the election period or carry out tasks that are not directly related to the election period. For example, they are often asked to do work to prepare for a possible election, to review certain administrative things, in particular if there were difficulties when the last election was held regarding the location of polling stations. They need to be paid for doing this work. These tasks are included in the fee scale. There is no discretion allowed at all. I determine the number of hours, and so if they bill more than that number, I will look at it to see whether they are being reasonable or not. They are generally allotted a certain number of days for a given task and paid on that basis.

**Mr. Marc Boulianne:** Ms. Adam, do you have major budgetary problems? You said that you requested supplementary estimates in 2002 because of new responsibilities and a need to strengthen your relations with Parliament. Did you get a positive response? Is the issue ongoing? Do you have any difficulties in this area? If you ask for more resources, it is because you need them.

**Ms. Dyane Adam:** That is correct. Over the past six years since I became commissioner, I have asked for supplementary estimates twice. The first time, it was on an ad hoc basis to improve the technological platform in the commissioner's office which I felt was outdated. I had no difficulty obtaining the funding. We followed the proper process and policies, and there was no problem.

The second time, I requested ongoing additional resources, which is always a little bit more difficult. As Mr. Kingsley mentioned, you have to demonstrate the need. So we did it the same way as any other department would. It took a little longer, but I did obtain the resources I have requested. They were spread over two or three years instead of being given in one year, but that was all right.

The fact remains, however, that the situation is a bit uncomfortable. For all practical purposes, from an administrative standpoint, the minister responsible for the Office of the Commissioner of Official Languages is the Prime Minister. In this case, the Treasury Board felt that the audit was perhaps unnecessary. It is not easy. We had to demonstrate to the Treasury Board Secretariat that our role as auditor was justified and that it was important to act as an officer of Parliament. The situation is awkward, since we are the Treasury Board's outside auditor for official languages. It is complex and ambiguous. I believe that Parliament should play a more important role in setting the budgets for officers of Parliament, who have to justify increases and decreases in their resources.

● (0935)

**Mr. Marc Boulianne:** You talked about accountability mechanisms and redefining your mandate. I would like you to elaborate on that. How can your mandate be redefined, taking into account the five or six roles that you play?

**Ms. Dyane Adam:** Our mandate is defined in the legislation, and the commissioner's mandate is quite broad. For example, there is the promotion role. The Senate committee, where I appeared last week, asked us whether we had an adequate budget to carry out our mandate. I answered that we had been given an increase and that, in my opinion, we needed to consolidate what we were doing before launching into new activities or improving certain things.

As for promotion, the Standing Committee on Official Languages has twice asked us to be much more active in this area. In order to do promotion, we would need more resources. But I believe that the Office of the Commissioner needs to play a bigger role in auditing federal institutions and insuring that they comply with the Official Languages Act, before adding to or enhancing its promotion activities. How we carry out our mandate always depends on the budget that we are given.

[English]

**The Chair:** Thank you.

Mr. Lee.

**Mr. Derek Lee (Scarborough—Rouge River, Lib.):** Thank you.

To both of our agencies here, the previous witnesses were part of a conversation around the table that referred to the independence of each of the officers of Parliament and their organizations. They felt somehow constrained in having to go to Treasury Board. The word "independence" came up. I'm not too sure if independence was a code word for restriction, because no one really alleged that Treasury Board was partisan. They were only the gatekeeper.

There was a sense that officers of Parliament should be independent and shouldn't have to go cap in hand to anybody to get funding. I don't know whether you feel that way. Could you elaborate, if you wish, on whether or not you think having to go to Treasury Board in some way constrains the independence that Parliament wants for your office?

**Ms. Dyane Adam:** Are you asking me?

● (0940)

**Mr. Derek Lee:** Sure.

**Ms. Dyane Adam:** I can really relate to the experience we had when we did ask for extra funding to restore the function of audit in my office. As you know, Treasury Board has, in its own mandate, the responsibility to audit also on matters of official languages. It's internal auditing, as an employer, as you would do on the finance side, too. But we still have the Auditor General reporting directly to Parliament on matters of public finances.

On matters of official languages, I'm basically in the same position. So there was, I would say, some resistance expressed by Treasury Board that we would exercise greater oversight over our institutions by auditing them—not waiting for complaints to come in, for example, as an ombudsman, which is different also from the Auditor General, who doesn't receive complaints, or may receive maybe some black envelopes that would tell her that maybe there was something to look at here and there, but not a formal complaint capacity, as we have.



So yes, there are situations, and when people say that.... I did talk about a discomfort. I think the institutions we oversee should not decide how we do our business. This is where the independence of the officer of Parliament is very important. You should be deciding how you will run your business and how you will oversee within your mandate. You will ensure conformity with, in my case, the Official Languages Act, and report to Parliament. Those discussions may need to be more with Parliament, and the officer, and the appropriate committees.

**Mr. Derek Lee:** Mr. Kingsley.

**Mr. Jean-Pierre Kingsley:** The independence of the office has never, in any way, been touched by the fact that Treasury Board, for example, has asked us for a review of the resources that we requested for Bill C-24, to see how it's operating. I consider this to be very reasonable.

I should mention, by the way, that I was at Treasury Board on two instances in my career: one in the program branch, which does this type of thing, and the other in charge of human resources. I consider this part of their job.

As I said in my remarks, the independence of the office is really assured through the appointment process and the removal process, which is outstanding in terms of maintaining the independence of the office. These taken together assure that the independence of the office is there and is maintained at all times.

It must be remembered that the Office of the Chief Electoral Officer is not an ombudsman. We deliver two constitutional rights, at least, in our programs: we deliver the right to vote, and we deliver the right to be a candidate. Those are two direct rights. We also have the right to assembly and the right to free speech incorporated in many of the different parts—the right to be a political party, for example. All of these things are part of what we do. We deliver something. The way that Parliament is—

**Mr. Derek Lee:** You don't find your independence has been constrained, then, by the Treasury Board procedures that you must follow.

• (0945)

**Mr. Jean-Pierre Kingsley:** No.

**Mr. Derek Lee:** Parliament itself, in addition to creating officers of Parliament, has also set up some committees. This is one. We operate with a budget. We're not free to spend whatever we want. Our chairman has to go to beg for money every new session, and we operate out of a spending envelope. All the committees share in administration—a lot of sharing.

I'm just wondering—if Parliament were to offer you an opportunity to download or subcontract a whole bunch of the administrative functions of your offices into one central pool, would you be able to do that? Would you gladly off-load administrative and other related functions to a consolidated parliamentary office administrative body? Have you thought of that? Has that come up in discussion? Do you think it might be viable for some aspects of your particular operation? It may not be suitable to your individual operations, or to all officers of Parliament. I'm throwing that out as an option.

**Mr. Jean-Pierre Kingsley:** I can think of areas where I'd jump on that. It might be that we would be able to realize some economies in terms of software for managing resources, running programs, and other tasks that can be easily shared without having any impact on the independence of the office.

For example, right now I'm subject to the Public Service Employment Act for all the employees. I don't consider that to be a restraint on the independence of the office at all. It doesn't always suit us, but there are advantages as well. I never look at this as to whether it has an impact on the independence of the office. That's not how I consider these things.

**Ms. Dyane Adam:** Actually, we are already looking into that. For example, in terms of our technical services, everything is linked to our platform technology. We're a small operation, relatively speaking, and it's hard for us to keep abreast of all the changes. We'd rather be served by another crew. We've already started to approach groups.

So yes, in a lot of areas of corporate services, we are certainly looking at shared services. To be closer to Parliament or served by Parliament, there is no problem. On the contrary, if we have the same quality of services, translation, etc., those are all services that we could pool and be served by.

**Mr. Jean-Pierre Kingsley:** In addition to that answer, further to what the honourable member was asking, we also are involved in partnerships with other agencies. For example, for mapping, we relate to Statistics Canada and Natural Resources Canada. We have different things where we get together and share in order to take advantage of the expertise.

You're right, in terms of rendition of accounts and rendition of responsibilities, we appear before the Standing Committee on Procedure and House Affairs, on which you sat before in a previous Parliament.

**Ms. Dyane Adam:** Mr. Chair, may I add to that?

**The Chair:** Sure.

**Ms. Dyane Adam:** My DG asked me to tell the honourable member that for a reasonable cost, we would certainly be interested in being served by Parliament.

**Mrs. Louise Guertin (Director General, Corporate Services Branch, Office of the Commissioner of Official Languages):** We don't want to pay more.

**Ms. Dyane Adam:** Yes, for the same service.

**The Chair:** Mr. Broadbent.

**Hon. Ed Broadbent:** Thank you.

Again, I have some questions for Mr. Kingsley.

I'll begin on an anecdotal basis. Members of my caucus have been very pleased with the kind of work Elections Canada has done both here in Canada and abroad. I will add my personal appreciation from my previous work in international human rights. It is very commendable work that Elections Canada has done abroad. I'd like that to be part of the record.

I have a question on the appointment. I gather that 65 years of age is patterned after the Supreme Court, and it's on good behaviour. It is not at the pleasure of the government, but on good behaviour. It is the kind of security that is, in principle, needed in that kind of position.

I take your point, though, on appointing someone for whatever reason, particularly if the person is young. To use your own example, if you appoint someone who is 25 or 30 until 65...it would seem to me that a ten-year appointment would probably be better. It would give security to the job if the person were doing a good job. That is to say, it would take more than two elections, which would have to play some role in that. Of course, a person could be reappointed.

It does seem to me, not to cast any reflections whatsoever on the good work that you've done, that it might be a little excessive to have a lifetime appointment in effect for this kind of position. Perhaps a ten-year appointment and eligibility for at least one renewal, or something like that, might be better.

I'd like to ask a question on the appointment process by resolution of Parliament. Is it the tradition that this would be moved by the government and seconded by the Leader of the Opposition? What has happened on that in the past?

• (0950)

**Mr. Jean-Pierre Kingsley:** I guess I'll call it tradition, but the only one I know about is the one that concerned me. I was approached by the Privy Council Office and asked if I would let my name stand for the position. I said that I would, but only if it was a unanimous resolution in the House. I did not want to have less than that.

My understanding is that the government of the day approached the House leaders of the two other parties that were then in the House and obtained their agreement. It was moved in the House by the government, and it was jointly supported by the two others as a resolution. That was the process, as far as I know.

**Hon. Ed Broadbent:** Presumably that kind of approach would become a tradition, I would hope.

Are there any other officers in Elections Canada who are appointed by the government directly or by similar process, or do you have the authority to appoint all the other people in your office?

**Mr. Jean-Pierre Kingsley:** All of the other people who are appointed in my office at this time are people who were appointed under the merit principle under the Public Service Employment Act. There is a position called assistant chief electoral officer, which is vacant at this time and has been vacant for five or six years, maybe more, which is a Governor in Council appointment, but that effectively has been relinquished as an appointment.

**Hon. Ed Broadbent:** No one holds that position now?

**Mr. Jean-Pierre Kingsley:** No one holds that position.

**Hon. Ed Broadbent:** What would be the explanation for this? In and of itself it's not necessary, or...?

**Mr. Jean-Pierre Kingsley:** In my next report I will be broaching that topic. But as for returning officers, I don't think there is room for a Governor in Council appointment in the office at all.

**Hon. Ed Broadbent:** I wanted to come to that—the leeway you're given, given the independence of Elections Canada. Do you feel free to speak—I know you have talked on the appointment of returning officers—on virtually any aspect of democratic reform: electoral systems, the means for fostering higher levels of participation of youth or women, any policy-oriented issue that is directly part of an electoral system? Do you feel free in your position to speak out on these issues to try to generate support for or against a certain idea, or do you see your role primarily as explanatory of your functions and as administering the act?

**Mr. Jean-Pierre Kingsley:** When I think through the reports I've tabled in Parliament, it is the former that would characterize what I have done as opposed to the latter.

In certain respects there is a form of obligation—as there is, for example, in expenditures that are generated by my office in light of the statutory authority—for a form of reserve here. For example, with respect to a proportional system of representation I've not gone on record as having said anything that favours it or disfavors it.

**Hon. Ed Broadbent:** Would you like to?

**Mr. Jean-Pierre Kingsley:** No, I would not, because it is that right of reserve. There is something that is intrinsic to what Parliament does, and there is something that is intrinsic to what the Chief Electoral Officer can contribute in the way of public debate on something relating to how elections are carried out, for example, and how people participate in elections.

Since you raise the example of electoral systems, that is one on which I have preferred not to make an official pronouncement, but I have cooperated with the Law Commission of Canada through its studies and I've offered our support for any of the studies they carry out—sharing information and so on. But I have not pronounced, and no one around this table or around Parliament can say I've pronounced, myself that way or this way, and I've not made any recommendations on that front at all.

• (0955)

**Hon. Ed Broadbent:** Is that because you see that your mandate would be insufficiently broad to enable you to comment on that appropriately, as you see your office, or because it's simply a discretionary area that you, all things being considered, would rather not be involved in?

**Mr. Jean-Pierre Kingsley:** It would be the latter. There is nothing that would prevent me from saying something except the fact that if you're Chief Electoral Officer you're concerned with the electoral system that is there, and the maintenance and the improvement of it. In my view, it does not extend to saying...unless Parliament or a parliamentary committee were to say to me, we want you to study this and come back with recommendations to us. That would be something else. I would consider that to be part of the mandate.

I suppose I could have pronounced myself on this—I certainly have turned down opportunities to do so in the past—and I definitely feel that I have the independence to do so. But whether or not it's appropriate for me, I don't see it as part of my mandate to extend that far.

**The Chair:** Thank you. Time is up, Mr. Broadbent.

Very interesting as it might be, we're wandering away a bit from the funding issue.

Ms. Jennings.

[Translation]

**Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.):** Thank you very much for your presentations.

Mr. Kingsley, you said that, at your invitation, the Auditor General was carrying out an investigation of your organization, which has not been subject to an audit for 15 years.

Did I understand correctly?

**Mr. Jean-Pierre Kingsley:** I will make one correction: she is not carrying out an investigation, but rather an audit.

She is doing this at my invitation, but that invitation was timely, since the Auditor General was planning to conduct audits of the various officers of Parliament. So she is doing a performance audit of our organization right now. The accounting audit has already been done.

**Hon. Marlene Jennings:** Does the current audit include the permanent voters' list?

**Mr. Jean-Pierre Kingsley:** The questions that have been raised indicate that all of our activities are being scrutinized by the Auditor General. That includes our mapping activities, agreements with the provinces, the \$100 million that the provinces have saved because of the list. Everything is being scrutinized.

**Hon. Marlene Jennings:** Thank you.

Ms. Adam, you are subject to audits by the Auditor General. When was the most recent audit done?

**Ms. Dyane Adam:** Last year.

**Hon. Marlene Jennings:** We asked you to talk about the approval process for your financial resources.

Ms. Adam, you spoke about something I consider very important. As Official Languages Commissioner, your mandate includes certain audit function. The Privy Council, as a government department, is subject to such audits by the Official Languages Commissioner. The fact that you are obliged to submit your request for funding to Treasury Board puts you in a somewhat delicate situation. I share your view.

We are currently examining the processes now in place for officers of Parliament, and we are trying to come up with a better mechanism or process.

You must also go to Treasury Board to obtain funding for your role as ombudsman, as well as liaison, monitoring, promotion and education, and court-related functions. Does this hinder your office in any way, or are you uncomfortable only when your requests pertain to your own audit function?

**Ms. Dyane Adam:** This applies to the mandate as a whole. Treasury Board must determine whether a request is appropriate. Are the arguments sound? Are the amounts requested going to be put to good use?

The Treasury Board Secretariat is in a position where it must decide on the validity and relevance of activities by an officer of Parliament, whose job it is to take action and monitor Treasury Board.

I don't think this is a very pleasant position for the Treasury Board Secretariat. This is something you must ask people at the secretariat. If I were to request additional funding for promotion, then, given the number of requests it receives, the Treasury Board Secretariat might consider my request less important than others.

Who is to decide what the priorities are for officers of Parliament and the fulfilment of their mandates? Is it Parliament, or is it the administrative apparatus which is monitored? I would say that the Auditor General is in the same position. Whenever she needs funding or additional appropriations, she must request them from the Treasury Board Secretariat.

Who should be making these decisions?

•(1000)

**Hon. Marlene Jennings:** Have you had an opportunity to review the process in place for the Ethics Commissioner?

**Ms. Dyane Adam:** We have discussed the issue, since senior officials of Parliament, officers of Parliament, meet regularly. We have conducted the exercise you are engaged in now. We have compared our mandates, and the conditions of our appointment. Mr. Kingsley clearly informed us of his situation, which is very different from that of all other officers of Parliament.

We have examined a number of different models, particularly that applied to the Office of the Auditor General. Mr. Desautels had even looked at models outside Canada, in other countries. I think that the Auditor General is also looking at this issue with us. We are discussing options.

[English]

**The Chair:** Mr. Kingsley.

**Mr. Jean-Pierre Kingsley:** Mr. Chairman, may I ask Mrs. Vézina to make a clarification about the audits that were performed on the office? I may have unwittingly misinformed the committee.

**Ms. Janice Vézina:** Just to recap when we've been audited, we had a comprehensive audit, which is now called a performance audit, in 1989 just before Mr. Kingsley took office. There was a follow-up in 1991. Between 1991 and 2004, there were minor visits of half a day or a day for year-end purposes. In fact, I believe we did not see the Auditor General from 1995 until last year. Last year, the Auditor General audited our financial transactions and reported to the Speaker. That basically gave us a clean opinion on our financial transactions. Last year at the same time they started their performance audit, basically focusing on the election and all the operations of our office.

We're meeting with them right now for the year-end audit of 2004-05. This will be an annual process, which started last year. We're in our second year of the annual audit of our financial statements by the Auditor General.

So that's the scope of that.

**The Chair:** Thank you.

Mr. Hiebert.

**Mr. Russ Hiebert (South Surrey—White Rock—Cloverdale, CPC):** Thank you, Mr. Chair.

I'd like to follow up on the questions related to the statutory draw that you benefit from. You mentioned that in your experience you had never been turned down for a spending request. Do you think there's any amount you could ask for that would not be provided?

**Mr. Jean-Pierre Kingsley:** I don't think so. Frankly, I will tell you, I'm a tough administrator. I care about the public's money, and that's the word that exists in my organization. Whenever a program is being developed at Elections Canada, they must provide an analysis of why the resources are being requested. We justify it with the Treasury Board Secretariat. There's no reason why they would be less intelligent with us than they are with others. I've carried that through in my 35 years inside the public service and outside the public service.

• (1005)

**Mr. Russ Hiebert:** Unlike some of the other commissioners we've heard from who have made requests for money for additional staff to take care of backlogs, or what have you, when they make those requests to Treasury Board and they're not fulfilled, they are in a situation that you have never been in. Whenever you have asked for money, have you received it without amendment, without question?

**Mr. Jean-Pierre Kingsley:** Certainly not without question—and I probably couldn't state that it was without amendment. But I would only accept an amendment, in my own view, without coming before a committee if I thought it was reasonable.

**Mr. Russ Hiebert:** You've never seen an amendment to your requests?

**Mr. Jean-Pierre Kingsley:** The answer is no.

**Mr. Russ Hiebert:** So is there any restraint, other than your own internal restraint, on your budget?

**Mr. Jean-Pierre Kingsley:** I make annual presentations to the procedure and House affairs committee. It is a committee, like yours, of people who care about the public's money. They have an opportunity to review every penny I spend. They're not less responsible than this committee would be.

**Mr. Russ Hiebert:** I understand, but there's no formal restraint that you've experienced or that you know of in law on your expenses?

**Mr. Jean-Pierre Kingsley:** I would be hard-pressed to invent one, since one does not exist.

**Mr. Russ Hiebert:** So there's no restraint.

**Mr. Jean-Pierre Kingsley:** Other than the one I mentioned, that it must be related to the mandate.

**Mr. Russ Hiebert:** Of course.

**Mr. Jean-Pierre Kingsley:** Yes, and the fact that the Auditor General can come in whenever.

**Mr. Russ Hiebert:** Yes, I understand that. That's an audit function. But there's no restraint on the budget that you choose to spend on an annual basis.

Is this an appropriate level of authority or access to public funds that you think should apply to other commissioners?

**Mr. Jean-Pierre Kingsley:** I think it's up to Parliament to decide that. What we've seen is that every officer of Parliament has a different mandate, and it's up to Parliament to decide how that independence that is required for the office is maintained.

I went to some lengths, and I was pleased to do so because it doesn't happen very often, to explain the checks and balances that exist for my office, which Parliament itself has devised. Honestly and frankly—whether it is me in the office or somebody else—Canada has been well served by this system.

I don't know what is best for the other officers of Parliament. I've not been asked to make that judgment.

**Mr. Russ Hiebert:** We're asked to make that judgment. We're asked to determine to what degree other commissioners, who also deal with sensitive issues relating to the rights of Canadians, should be funded by the government.

From what I can tell, your office has no restraint on the public moneys you have access to. These other commissioners, in some cases, have tremendous restraint with respect to the resources they have available to fulfill their public mandate.

As a committee, I believe we need to decide.... Each of these areas has tremendous responsibility—access to information, the language commissioner, privacy. They're all dealing with things that are sensitive for Canadians. But why your office has unrestrained access to funding and these other ones are constrained baffles me. I know how important your office is, but so are the other offices we've been dealing with. So I'm trying to find out what principle is at play here that would provide you with unrestrained access and would provide them with limits.

I think the language commissioner would like to comment.

**Ms. Dyane Adam:** Maybe in one area.

I'd like to point out that there is at least one difference that I see between the Chief Electoral Officer and some of the commissioners, including the Auditor General, in fact. We all oversee federal institutions. I don't think the Chief Electoral Officer has such a mandate. That's a fundamental difference when you go to Treasury Board, because you have the right to oversee and all of the commissioners have the right to oversee.

I guess this is the whole question of independence or the discomfort some of the commissioners experience when they have to go there. It's not a question of restraint. I think we all recognize that it should not be that you just sign on the dotted line and say "I need that".

**Mr. Russ Hiebert:** But that's been his experience.

**Ms. Dyane Adam:** Yes, but that's not what we want, though. I want to stress that. We want to be able to go and ask for funding if we need it, or justify our current budget, but to the appropriate group.

● (1010)

**Mr. Russ Hiebert:** Thank you.

**The Chair:** Your time is up.

Just for clarification on that point, the procedure and house affairs committee has the power, as they did for the Governor General's office, to reduce your estimates, do they not?

**Mr. Jean-Pierre Kingsley:** For the vote, yes. For that part that is the vote.

**The Chair:** Yes, not the statutory draw, but the vote.

**Mr. Russ Hiebert:** Not the statutory draw, which is unrestrained.

**Mr. Jean-Pierre Kingsley:** I would like to respond further.

My whole speech talks about the areas of restraint, so it's difficult for me to agree that there are no restraints. I cannot add restraints to those I've said already exist. They're there, they're multiple, and in my view, they work.

But it's up to Parliament to review that and decide as it wishes.

**The Chair:** Mr. Powers.

**Mr. Russ Powers (Ancaster—Dundas—Flamborough—Westdale, Lib.):** Thank you, Mr. Chair.

I have a single question for Mr. Kingsley, and I have a number of information questions for Ms. Adam.

You've been involved in some foreign elections over the last few years. What is the funding mechanism for that? Is this a supplementary draw that's in your department or is it funded totally by the foreign governments—or a combination thereof?

Could you help me with that?

**Mr. Jean-Pierre Kingsley:** These activities are funded by other departments of the Government of Canada. Whether it's CIDA or Department of Foreign Affairs, they are the ones who fund our activities. For example, for what we're doing with respect to Iraq, there is an appropriation of funds under CIDA, which is taking care of this.

When it comes time to reimburse my salary, I don't ask CIDA to reimburse the other purse of the federal government for my salary or that of the other people—and they're limited—from Elections Canada who would be doing some work with respect to this. Salaries I would not ask for, but I would ask for travel reimbursement for them, yes.

**Mr. Russ Powers:** So the ability to provide the assistance to foreign elections is also part of your mandate.

**Mr. Jean-Pierre Kingsley:** It's generally recognized that the officers of Parliament do some work on the international scene. The Auditor General does it extensively. I know my colleague here has done it as well, and I have done it since the fall of the Iron Curtain. I did not expect it to be part of the mandate, but it became part of the mandate very rapidly.

**Mr. Russ Powers:** As an officer of Parliament, you act on our behalf.

Ms. Adam, you've indicated that you're an officer of Parliament. Can you refresh our memory on how that appointment came about? You've indicated that you are limited by a term of seven years. When did that start?

**Ms. Dyane Adam:** It's a renewable term of seven years. I was more or less called by the PCO, like the Chief Electoral Officer, and asked whether I wanted to stand as a candidate for Commissioner of Official Languages. Initially I was not in the federal government, I was in the university business. I met with the PM, whom I did not know. The same week I met with the official languages committee—it was a joint committee, at the time, of both the Senate and the House of Commons—and they recommended the nomination. Both the Senate and the House of Commons then voted unanimously for me, and I started six or seven months after that. I negotiated that with them because no one was leaving before that.

**Mr. Russ Powers:** And this was when?

**Ms. Dyane Adam:** It was August 1999, but it was voted on in Parliament in December 1998.

**Mr. Russ Powers:** What's your 2004-05 budget and what is the number of staff that you have?

**Ms. Dyane Adam:** The current budget is \$17.6 million.

**Mr. Russ Powers:** And the staff?

**Ms. Dyane Adam:** We have about 164 FTEs.

● (1015)

**Mr. Russ Powers:** Do you have combinations of full-time, part-time, and contractual employees in there too?

**Ms. Dyane Adam:** Yes.

**Mr. Russ Powers:** What types and numbers of investigations do you do on an annual basis?

**Ms. Dyane Adam:** We do around 1,200 to 1,500 investigations. The number varies from year to year. For example, in an election year or census year, those numbers may increase. Those things usually do create more complaints.

The types vary. The bulk of them, or about 80%, come from complaints linked to services to the public, while the others are linked to language of work, equal participation, and part VII of the act, which relates to the support of official language minority communities and the promotion of French and English in Canada.

**Mr. Russ Powers:** What about your involvement in crown corporations? Thank you very much for your spreadsheet here. Tell me about the relationship you do or don't have with crown corporations.

**Ms. Dyane Adam:** It's basically the same type of relationship as we have with the departments. They are fully subjected to the Official Languages Act, so we can promote, audit, and take complaints, and we do that.

**The Chair:** Mr. Tilson.

**Mr. David Tilson:** Commissioner Adam, do you have information available today on the percentage of Canadians who spoke both languages when the legislation was first introduced as compared to now?

**Ms. Dyane Adam:** Yes, we do. It varies by age, but—

**Mr. David Tilson:** I don't want to talk about age. I don't want to offend Mr. Kingsley.

**Ms. Dyane Adam:** You're talking about a period of 35 years, though, and this year, because it's an anniversary year, our annual report will cover this period, and data like that will be published. But basically, the number of Canadians who are bilingual now stands at around 18%.

**Mr. David Tilson:** That's now.

**Ms. Dyane Adam:** Yes. I believe it used to be around 16%.

**Mr. David Tilson:** Sorry, it was 16% when you first started?

**Ms. Dyane Adam:** Not me, but 35 years ago.

**Mr. David Tilson:** I didn't mean you. I meant when the legislation was first—

**Ms. Dyane Adam:** Okay. It would be a very remarkable achievement.

In 35 years of time, the main achievement we've seen is in the age group of 15- to 19-year-olds, where now one young Canadian in four is bilingual.

**Mr. David Tilson:** I guess I'm looking for a blanket statement for Canadians, from when the legislation was first introduced to now.

**Ms. Dyane Adam:** I think it's 16%, but I could check that and make sure I give you the exact percentage.

**Mr. David Tilson:** Mr. Kingsley, can you tell us how much the budget of the Office of the Chief Electoral Officer has increased in the last 15 years? You probably don't have that at your fingertips, but if you could—

**Mr. Jean-Pierre Kingsley:** No, but I certainly could.

**Mr. David Tilson:** If you could undertake to—

**Mr. Jean-Pierre Kingsley:** Yes, I will do that, as well as the organizational chart you have requested. I'd be more than pleased.

By the way, nothing that you've asked in terms of age has offended me, or anything else. I am what I am.

**Mr. David Tilson:** I hear you. I have grey hair and you don't have any, so....

**Hon. Ed Broadbent:** I think the elderly should be respected.

**Mr. David Tilson:** With respect to this statutory draw, further to what Mr. Hiebert asked, I don't see any checks and balances—I really don't—on this statutory draw business. You indicate that it goes to the committee. The committee can ask questions but can't reduce or can't increase. It could go both ways. In regard to Treasury Board, you said you've never been turned down, and it sounds as if they can't. They can, but they've never turned you down.

**Mr. Jean-Pierre Kingsley:** The answer was that they have not.

**Mr. David Tilson:** Am I also correct that the committee you appear before, which reviews your expenditures, doesn't have the power to increase or decrease?

• (1020)

**Mr. Jean-Pierre Kingsley:** It doesn't have that power, but I can tell you how I would react if there were any indication.

If there were any indication from a committee such as this that we were spending too much in a particular area, obviously I would look at it and come back to the committee, because it's Parliament that I answer to and the committee would be speaking on behalf of Parliament.

**Mr. David Tilson:** I get the impression from your opening remarks that you're bound by regulations. I'm not talking about the salaries, but your general expenditures. You're bound by regulations. Is that what your sole control is? I don't even know what the regulations are, but I gather there's something that says what you can do and what you can't do. Is that what you're telling us?

**Mr. Jean-Pierre Kingsley:** The law tells me every step of the way. There is no regulation under the statute. It's such a tight statute. You come to this corner, and you turn left. If you go to that corner, you turn right. It's detailed. It's prescriptive like no other statute, and to achieve those ends, I must spend the money that I must spend now.

**Mr. David Tilson:** I don't know. Personally, I find it amazing that you—not you personally but the office—have the discretion to make almost any expenditure you want on anything.

**The Chair:** Your time is up.

Did you want to give an answer, Mr. Kingsley?

**Mr. Jean-Pierre Kingsley:** I've already disputed it to the fullest extent that I can. It's a matter of opinion, and I do respect yours, sir.

**The Chair:** Okay, Mr. Lee.

**Mr. Derek Lee:** Mr. Tilson left that issue sort of hanging. The Chief Electoral Officer can't go out and buy yachts for his staff, but under the statute he is required to prepare for an electoral event and manage one. The statute is fairly precise about what he has to put in place in doing that. But there probably isn't anyone managing the cashflows. I mean, there is someone managing the money flows, but you spend what you need to spend to have an electoral event, I guess.

Anyway, I didn't want to answer a question here, I wanted to ask one.

I wanted to get back to this concept of sharing and ask each of the agencies how they pay for their legal services. Do you have your own in-house counsel, or do you use the Department of Justice, or the House of Commons? Please tell us. That's one area where there may or may not be potential for consolidation.

**Mr. Jean-Pierre Kingsley:** In terms of my office, we retain our own lawyers. And the Commissioner of Canada Elections, who also works under the statutory authority, will retain his own lawyers as well as making use of outside counsel when it comes time to prosecute a case. We do not have our own prosecutors. He has the authority—or she has the authority, but it's a he at this time—to prosecute before the courts, and that is exercised by legal counsel retained for this purpose who are experts in that, outside.

We will sometimes retain the services of an outside firm for legal advice. But usually, I would say 95% of what we do is internal to Elections Canada. Our lawyers do not in any way belong to the Department of Justice network in terms of being allocated to us from the Department of Justice.

Now, many of them have career streams, obviously, that may take them to Elections Canada for a while and then back to a department that falls under the Department of Justice at some stage, which is one of the advantages of our system. Because we are part of the public service in respect of employees, we can get that expertise. I consider that an advantage.

**Mr. Derek Lee:** Thank you.

Ms. Adam.

**Ms. Dyane Adam:** Yes, we do have our own lawyers, and we do at times go outside to get extra assistance, but basically we work in-house. We're certainly not going with the Department of Justice, as you may understand. We have the power to bring the government to court on behalf of a complainant, so the Department of Justice would be our opponent, let's put it that way, in such a situation. We're completely independent.

• (1025)

**Mr. Derek Lee:** I see Ms. Davidson, who is a lawyer with the Office of the Chief Electoral Officer. Ms. Davidson did work for the House and managed to leave her excellent legal fingerprints on a number of significant issues around the House of Commons over the previous years. I just wanted to recognize that. I'm sure she's doing just as good a job for Elections Canada.

Thank you, Mr. Chairman.

**The Chair:** Thank you.

Mr. Boulianne.

[Translation]

**Mr. Marc Boulianne:** Mr. Chairman, I would like to begin by asking Mr. Kingsley for some information.

How much did the 2004 election cost Canadian taxpayers?

**Mr. Jean-Pierre Kingsley:** I think that the total bill will be about \$271 million. This obviously includes all reimbursements, which have been increased significantly for this election. Reimbursements to the parties are up from 22.5 per cent to 60 per cent. This will drop to 50 per cent at the next election, but this time it was 60 per cent. Reimbursement to candidates was increased to 60 per cent, and this significantly increased the total bill, as well as annual allowances—these are not included in election costs.

Ms. Vézina, what does that come to, more or less?

[English]

**Ms. Janice Vézina:** We estimate the cost of the election to be \$221 million, and on top of that are the reimbursements to parties and candidates, which total some \$59 million.

[Translation]

**Mr. Marc Boulianne:** Thank you very much. Constituents often ask that question, and when we reply, they ask us for the source of the information. In this case, I will be able to say that the information came from the Chief Electoral Officer.

Ms. Adam, you spoke about the fact that promotional and educational activities are part of your duties. When you talk about education, you are referring to the promotion of linguistic duality. You travel, you carry out activities and you have objectives and deadlines. While this may have no link to funding, what is the main difficulty you encounter in carrying out your promotional or educational activities?

**Ms. Dyane Adam:** I would say that probably the greatest challenge is the fact that this country is so big. People are scattered around. When we talk about promotional and educational activities, we are referring to informing Canadian citizens about their rights and how to exercise them. This relates to all age groups. We have regional offices in eight provinces, I believe. Sometimes there are only small teams of a few individuals in these offices, but they do provide us with a real local antenna. Provision should be made for that in our estimates. There is no doubt that if we could increase our regional presence, we would be able to carry out promotional, information and educational activities in ways better suited to the unique features of the various regions. Canada is a large and diversified land.

**Mr. Marc Boulianne:** Is one language more receptive than the other, or does it depend on the region?

**Ms. Dyane Adam:** Are you asking whether some individuals are more receptive?

• (1030)

**Mr. Marc Boulianne:** Yes.

**Ms. Dyane Adam:** There is no doubt that individuals who are part of a linguistic minority—francophones outside Quebec or anglophones in Quebec—are more sensitive, because they are often the ones who suffer or whose rights are ignored, neglected or violated. There is also the fact that Quebec constitutes a minority within the country. There is also a need to take action occasionally to insure the presence of French or to obtain equivalent access to funds for film productions or to any program under which the federal government provides support to French or English productions. There is an openness generally, but this is particularly true among those who are most affected by their minority status on a day-to-day basis.

[English]

**The Chair:** The final questioner will be Mr. Broadbent.

**Hon. Ed Broadbent:** Thank you, Mr. Chairman.

I may be more obtuse than usual this morning, but I'm having a problem understanding my Conservative colleague's argument about the so-called unlimited range of spending of Mr. Kingsley's office.

As I understand it, you have a very precisely legal framework, more than probably any other officer of Parliament, and as long as you put forward an explanation justifying expenditure to carry out that mandate, you've been able to get the money. But at any point, presumably, if those to whom you're appealing—Treasury Board—thought this was bad spending, they'd say no, or they'd ask you a question about it.

I may be missing the point, but I'm happy with your answers on this.

I was intrigued by an earlier answer. To me, one of the very important aspects of Elections Canada, as seen from outside of our country as well as within, is its real independence. It's something all of us in all parties, I think, should be proud of in terms of electoral systems. You function clearly independently of the government of the day.

We discuss this in other committees. Many of us, I think in all parties, feel that the returning officers in the ridings, who still remain under partisan control, to put it directly, should be changed and that they should be appointed by your officials. I think that's a desirable improvement.

But also, if I understood you, there's a position in your office that remains a government-appointed position and that hasn't been filled for five years. If I understand it, the government could then come along and appoint this person on their own, with or without consulting opposition parties, which seems to me bizarre, to put it euphemistically. I headed a similar kind of institution—a crown agency autonomous from the government—but when I was president of the International Centre for Human Rights and International Development there was no position within that centre appointed by the government that would be a position, in a sense, subordinate to my own.

This seems to me to be anomalous. It hasn't been filled for five years, and the government could fill it on just the government's own authority, without consulting opposition parties. Is that right?

**Mr. Jean-Pierre Kingsley:** That is right, sir. I have seen no move afoot that would indicate to me they intend to do that. I intend to address that issue in my next report to Parliament, which should be before summer recess.

**Hon. Ed Broadbent:** Before summer?

**Mr. Jean-Pierre Kingsley:** Yes.

**Hon. Ed Broadbent:** You intend to address it, but you don't want to begin to address it now?

**Mr. Jean-Pierre Kingsley:** Why do I somehow suspect that I've already done so by having raised the issue this morning?

**Hon. Ed Broadbent:** Well, I asked about it, in fairness. You didn't....

**Mr. Jean-Pierre Kingsley:** I've done it before, sir, as well—

**Hon. Ed Broadbent:** Was that in committee?

**Mr. Jean-Pierre Kingsley:** —in previous reports, and I intend to pick it up again.

**Hon. Ed Broadbent:** It does seem to me to be anomalous. It would be a position that probably should be abolished, or something.

**Mr. Jean-Pierre Kingsley:** Yes, that's what I'm saying in my report. I'll be picking it up again.

**Hon. Ed Broadbent:** All right. Well, here endeth the lesson, Mr. Chairman.

Thank you very much.

**The Chair:** I just have a quick question for the official languages commissioner, for clarification.

You're somewhat unique in that you have a specific committee of Parliament, the official languages committee. Does that committee

play a role in setting your funding? Do you submit your funding proposal to that committee for discussion and approval before or after it goes to Treasury Board? Do they play a role in setting your budget?

**Ms. Dyane Adam:** Since I've been in office, every time I've more or less requested additional funding I've informed and explained to the committee what the needs of the office were, and they, I believe, voted as a group to support it. I would put it in the request to Treasury Board that the committee.... Would they go over the requests, everything in detail? No, it was more the principle of how I would use those funds and how I would exercise my mandate better that way, and they would discuss it.

•(1035)

**The Chair:** It's more a courtesy than a requirement to go through the committee?

**Ms. Dyane Adam:** You know, a committee can ask. It's their prerogative. If the committee doesn't ask, I feel that I should do it. Basically, it's a two-way relationship.

**The Chair:** What I'm getting at is that we've heard before that once the request for funding goes to Treasury Board, it is a cabinet document and is not available to the committee members. That seemed to cause some concern.

**Ms. Dyane Adam:** If your question is whether or not I need it as a courtesy in the sense that I need it to go to Treasury Board to get funding, then no. In that sense, yes, you're right that Treasury Board will not ask me if the committee is in agreement or not.

**The Chair:** Thank you very much. That's been very helpful.

Yes, go ahead.

**Mr. Jean-Pierre Kingsley:** If I may, I do appreciate the principle that has been invoked, but I did want to mention that when the supplementary estimates for the election are tabled, I will be called before the procedure and House affairs committee. The committee will have an opportunity to review all the expenditures that were made.

The reality is that Parliament has, in effect, exercised a lot of control over the expenditures made by my office, because it is conscious of the fact that there is a statutory authority. The committee has taken an interest in this, and its minutes will demonstrate that. Obviously if some committee were to want to spend even more time....

For the first time, I appeared before the Senate finance committee last week, so they're starting to develop an interest in this as well.

**Mr. Derek Lee:** In elections?

**Voices:** Oh, oh!

**Mr. Jean-Pierre Kingsley:** In everything.

I thought I should mention that, because it is not without importance.

Thank you.

**The Chair:** Thank you.

Yes, go ahead.



**Ms. Dyane Adam:** Mr. Chair, I have the answer to the question of the honourable member Mr. Tilson.

In 1951, 12% of Canadians were bilingual. Now we are at 18%.

**Mr. David Tilson:** Thank you.

**The Chair:** Thank you very much.

It's been very informative. We appreciate your taking the time to be with us. It was very helpful.

Thank you.

Colleagues, we have a notice of motion that we want to deal with just before the committee adjourns.

**Mr. Derek Lee:** Mr. Chairman, on a point of order before we deal with the motion, and in relation to our current study of the funding mechanisms, could I ask if the research staff and/or the clerk have managed to assemble a list that might be useful to members?

I was just speaking with Mr. Powers informally, and Mr. Tilson has raised it by asking witnesses to provide a chart of some sort. As we sit here now, though, I don't even know the head count for how many parliamentary officers we have that do exist, alive, dead, or otherwise. Could we at least have a list of all those who are, by definition, officers of Parliament who are appointed in this way, a sense of what their budgets are, and how many employees they might have? I don't want staff to have to prepare an encyclopedia here, but a basic flow chart of those basic parameters would be of help to me and probably to other members.

**The Chair:** I think that's available, but we'll let the researcher respond to that.

**Ms. Kristen Douglas (Committee Researcher):** One of my colleagues, Jamie Robertson, whom I know you know, has written a TIPS document—one of the short library publications—about officers of Parliament, and we can circulate that to members.

**Mr. Derek Lee:** Excellent.

**The Chair:** Mr. Broadbent.

**Hon. Ed Broadbent:** Mr. Chairman, members have before them a motion I tabled on January 28. The chair of the Standing Committee on Procedure and House Affairs sent out a request to all committees to deal with this issue, and I think it is an appropriate thing.

If I can speak briefly to it, the wording was drafted with a great deal of care. The purpose of it is to standardize the appointment process in a non-partisan way—that is, the government appointment process, and not public sector employees, obviously, who are hired through the normal public sector process. It is to do so in a way that would be, I hope, efficient, and not lead us, to put it into a different context, into an American style of having committees interview everybody who's appointed by the Government of Canada to see if they are appropriate for the position. That is not the intent.

The intent is to get departments to produce criteria for each position, and then, when people are appointed to this position, to make it available to the appropriate committees with the appropriate time lag here. Then, my understanding is that the committees themselves would periodically—it says every couple of months—review the list of government appointees to see how they stacked up against the published criteria. By the way, I would suggest in

advance that the criteria for these key positions be subject to committee approval.

I want to clarify a couple of words there, and certainly anyone is open to move any amendment, but I could see two being consistent with what I'm talking about right now.

I notice, for example, the wording in the French and the English in the first point, where I say that these criteria specifically address the non-partisan nature of these appointments. I think the word “impartial” would be better there in the English text, as it is in the French text. That's what I'm getting at. So it would be “specifically address the impartial nature of these appointments”.

Similarly, with reference to the very last word at the end of point four, where I talk about committees reviewing these—“shall have at least one full meeting every two months to review the nominees”—I would actually prefer the word “nominations” there. “Nominees” leaves open the suggestion that I want every nominee to come before the committee. That is not the idea. I want the lists of people who have been appointed, and I want to be able to see if their backgrounds coincide with the criteria established for these jobs. Then, of course, if a particular committee wanted to, it would have its right as a committee to ask some of these nominees to come before it; there would be nothing stopping the committee from doing that.

But I do want to emphasize that's not my intention. My intention is really to get established criteria out there for all positions. Whatever the government of the day is when they make appointments, I don't want them to have to stand around and wait for 10 years before they can make a decision. They make the appointments; they submit to the committees on a regular basis people who've been appointed. We would get the list, and we would see that Mr. Etcheverry, from Regina, has been appointed to this position; he has this background, and these are the criteria for the job. As I see it functioning, this would normally become pretty routine. The point is that it would put pressure on the government of the day to avoid making partisan appointments.

I won't be disingenuous about this. In my own experience, running as a candidate in Ottawa Centre, I discovered that members of the NCC, for example—and this is not to discredit the individual members—without exception had, as a fundamental characteristic, past association with the Liberal Party. It's time we moved ahead, in our governmental processes in Canada, to have such appointments made on criteria other than political affiliation.

●(1040)

What I attempted to do here—and it was done with some seriousness and, I hope, efficacy—was to set up a process in Canada that could lead, not hamstring, a government in making appointments on a regular basis. It wasn't to hold things up; rather, these kinds of rules in effect for government would say we have to appoint the appropriate people. Now, in some cases this would be perfectly normal. They could have background experience with the government of the day, they could have background experience with other parties, or they could have background experience that had nothing to do with any political party.

I'm just explaining the intent of this motion, Mr. Chair.

•(1045)

**The Chair:** Thank you, Mr. Broadbent.

Obviously this is a good discussion and it's a good issue, but it's going to take some discussion and some time. We probably don't have time to resolve this today, but we can have some discussion. If the committee wants to bring it to a vote now, we can do that, but I suspect there's not enough time to have adequate discussion to get it to the vote today. We'll have to put off more discussion and a vote, but let's engage in a discussion on it with what time we have, anyway.

Ms. Jennings.

**Hon. Marlene Jennings:** I think you're quite wise in your suggestion that we may not have enough time today for a fulsome debate.

My first reaction is that I'd like to hear from Privy Council as to what, if any, skills and competence-related criteria have been developed for government appointments. We already know, for instance, if we look at the IRB, the Immigration and Refugee Board, that back in the mid-nineties the minister responsible at the time required that the board set up a selection committee. We know that several years ago the minister at the time required that the commission actually advertise calls for candidacy and that there be a whole process, a written exam, etc.

I'd like to know what exists right now. We know appointments are being made. We see ads in the *Canada Gazette* for different positions. Has Privy Council actually developed a profile for all or some? I'd like to hear from them, because once we have that on the record, then we're in a position to say there's a gap here, there's a hole here, and there's this. Then we can prepare, possibly and hopefully with consensus, an actual recommendation. So that's the first thing.

The second thing is that we know there are now headhunter consultant firms that are required—or are in some of the selection processes for some positions. I'd like to hear how they've developed their criteria and how they go ahead before we recommend a whole process without knowing what the process is right now. I'm not clear on what all of the processes are right now. I'm sure a lot of my members can affirm some things but may not be able to affirm anything on other issues.

**The Chair:** So you're suggesting we call witnesses—

**Hon. Marlene Jennings:** I'm suggesting that we wait and get the Privy Council to come in.

**The Chair:** That would essentially turn it into a study by the committee with a report to follow. Is that your suggestion?

**Hon. Marlene Jennings:** Well, let's at least have one meeting, if not two.

I'd like to hear from Privy Council on specifically what the process is, depending on the nature of the board appointments, etc.

**The Chair:** Mr. Lee.

**Mr. Derek Lee:** We wouldn't be the first committee to inquire into the appointment process. Mr. Broadbent's motion is certainly well intentioned and it's not a one-off; the issue is a recurring theme around the House of Commons.

But first I think we ought to stick to our knitting and just deal with appointments that fall within the mandate of the committee. Second, most of the appointments this committee would look at are actually overseen by the House, for example, for Chief Electoral Officer and Commissioner of Official Languages. While we—

•(1050)

**Hon. Ed Broadbent:** It's sent to the committee, by the way. I'm sorry to interrupt, but it does mean the ones this committee deals with.

**Mr. Derek Lee:** I accept your apology.

**Hon. Ed Broadbent:** My apology?

**Mr. Derek Lee:** Yes, for interrupting. It's okay.

I realize that, but the point is that the appointments this committee might look at are already overseen by the House—not all of them, but most of them, in another way. I'm interested, of course, in the issue of the criteria that would be used to seek out qualified candidates. If we were to embark on this, we'd want to hear from the secretariat or agency that does the search, and that's usually the Privy Council Office or something connected to it—and Ms. Jennings has made that point.

Last, if this is being proposed as an item of business for the committee, then maybe we should take it up at the steering committee and see where we're going to fit it into our work plan. I'm always happy to look at these things.

The last thing I would say is that all GIC appointments are already referred to the appropriate committees. All GIC appointments are referred through the House to the committee, so if there's an appointment that isn't done by the House itself, this committee is going to receive notice of the GIC appointment at some point in time.

**The Chair:** Not always before it's done.

**Mr. Derek Lee:** No, it's almost never before the appointment is made, but after. But scrutiny afterwards, in my experience, is just as effective as riding shotgun on the appointment process.

I think we should take it to the steering committee and build it in as part of the work plan and take account of the reform proposal over the last two years, where the House leadership actually seeks the indication of a committee as to how many appointments it would want to see, before the appointment takes place.

I don't know whether we've been asked, Mr. Chairman. We're a new committee, so we may not have been asked, as we were in the previous parliament, about which appointments we would want to see in advance of the appointment.

**The Chair:** I'm informed that this committee did send a letter to the House leaders requesting that all appointments come before this committee before—

**Mr. Derek Lee:** All appointments.

**Hon. Marlene Jennings:** The five officers of Parliament.

**The Chair:** I'm not sure which officers—

**The Clerk of the Committee (Mr. Bernard Fournier):** We received a list from the House leader and it was discussed in the steering committee. The steering committee said that we don't have to go to full committee for this, that we should send a letter saying that we want to review all.... There were six, the three commissioners who appeared last week, and there are assistant commissioners. So there are a maximum of six appointments that could be referred to this committee.

**Mr. Derek Lee:** Okay. Just to close this off, but not to cut off debate, Mr. Chair, which is your job, could I suggest that I'd be happy to take this up at steering committee and plan it as a possible item of future business.

**The Chair:** I'll give you a chance to close, Mr. Broadbent. But first, Mr. Boulianne.

[Translation]

**Mr. Marc Boulianne:** I would like to refer to three important points. First, as Mr. Broadbent was saying, all appointments made by the government should be made in accordance with impartial criteria.

Next, the committee should have some input. It must take part in the review.

Finally, we are often not convinced that people appointed to certain positions met the criteria adequately. There is a reference to this in the motion, and that is a very good idea.

[English]

**The Chair:** Mr. Broadbent, just a final word.

**Hon. Ed Broadbent:** Mr. Chairman, Mr. Boudria did send a note to the chairs of all the committees, including our committee, asking us to make a decision on this matter before the 18th. Even though I brought this up some time ago, I had requested that it be put on the agenda for discussion and hopefully a vote today.

A couple of points occur to me. One is that since this request has gone out to all committees, there are going to be variations on a theme coming back, as Mr. Lee might have said. Other committees have presumably dealt with this kind of issue in the past. From my point of view, it hasn't yet been dealt with successfully. Mr. Boudria's committee has the responsibility of sorting out possible contradictions and, as I understand it, coming up with an overall recommendation on this process. The way I see this is that if we as members, operating on a consensus basis, think this is a reasonable process, we do so on the understanding that it's not going to be the final word; it's going to go to another committee. Other motions will be coming in, and then it will be debated there.

Unless someone sees something seriously wrong with it, I would appreciate having a vote on it today. If we can't do that, then I think it's unfortunate for the reason I said. I repeat: there's going to be a clearing of this at the rules and procedures committee after other committees submit their input. Unless there's a fatal flaw, it seems to me it would be useful for us to have a vote on this and get our response to Mr. Boudria by the requested date of the 18th, if we can do it.

• (1055)

**The Chair:** I think we already have a consensus in the committee. It's my understanding that for appointments that relate to this committee, we've made that request to the House. The letter expressing that unanimous decision of this committee with regard to the appointments this committee has a responsibility for would be sufficient to send to Mr. Boudria. That would express the feeling of this committee and meet that February 18 deadline. We've already come to that consensus. We already wrote that letter. All we need to do is send a copy of that letter to Mr. Boudria.

**Hon. Ed Broadbent:** Mr. Chairman, how much detail is in the letter you're referring to? Does that letter cover all these points?

**The Clerk:** It did not mention criteria. It only said that the committee should be informed 60 days in advance of all nominations that could be referred to this committee. That's all it said.

**Hon. Ed Broadbent:** Mr. Chairman, at this stage I don't find that to be adequate. I want to add to that. If we're not prepared to make a decision, that's—

**The Chair:** At this point we're struggling with whether we can stay in this room for more than five more minutes. If the room isn't needed, we can continue this discussion.

Mr. Tilson.

**Mr. David Tilson:** Mr. Chairman, I support what Ms. Jennings said. I think we should get more information before we discuss it further.

**The Chair:** Mr. Powers.

**Mr. Russ Powers:** Did we indeed receive the request?

**The Chair:** Yes, we did. I think we received it on Friday.

**The Clerk:** I remember seeing a letter last week.

**Mr. Russ Powers:** So we received a letter on Friday saying that there is a week turnaround—

**The Clerk:** No, it was not Friday. It was probably received the week before. I was looking for a translation so that it could be distributed it to the members. Apparently it hasn't been distributed. I haven't been in the office since Thursday. I will find that letter and distribute it.

**Mr. Russ Powers:** So we're on the ball. But they dropped it in our lap at the eleventh hour to respond.

**The Chair:** It essentially sounds like that.

What is the pleasure of the committee? We can bring this to a vote now, or we can defer it to the steering committee for further discussion and a decision.

• (1100)

**Hon. Marlene Jennings:** Bring it to a vote.

**The Chair:** Before we go any further, Mr. Broadbent suggested two changes to his motion: in the first paragraph, change “non-partisan” to “impartial”, and then at the end of point four, change “nominees” to “nominations”. I would ask if there's unanimous consent for those changes before we proceed.

**Hon. Ed Broadbent:** Mr. Chairman, rather than having a vote, since I sense there's not a consensus here, I would personally prefer we move this way. Ms. Jennings has suggested that she would like to have people from the Privy Council here. I'd love to hear what they would have say about this.

If we're not prepared to move on this now, I would willingly wait, have it come up at the steering committee, and proceed from there.

**The Chair:** That sounds good. Could I have a motion to defer it to the steering committee?

**Mr. Derek Lee:** If Mr. Broadbent would withdraw his motion, we can then take it up at the steering committee. He's at liberty to reintroduce it later if he wishes. Will he withdraw the motion?

**Hon. Ed Broadbent:** Yes.

**Mr. Derek Lee:** The motion's withdrawn, we'll take it up at the steering committee.

**The Chair:** Is everybody agreed on that?

**Some hon. members:** Agreed.

**The Chair:** Good, it's so done. Thank you very much.

This meeting is adjourned.

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