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# **Standing Committee on Procedure and House Affairs**

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**Tuesday, February 16, 2016**

**Chair**

**The Honourable Larry Bagnell**



## Standing Committee on Procedure and House Affairs

Tuesday, February 16, 2016

• (1105)

[English]

**The Chair (Hon. Larry Bagnell (Yukon, Lib.)):** We don't want to get into a bad habit of starting late. We're already a couple of minutes late.

Good morning, everyone. This is meeting number seven of the Standing Committee on Procedure and House Affairs in the first session of the 42nd Parliament. This meeting is being held in public.

Our first business today is a presentation from the committee's analyst, Andre Barnes, in connection with our study of initiatives toward a family-friendly or more inclusive House of Commons.

After that, under committee business we will consider recommendations from the Subcommittee on Agenda and Procedure, which met this morning and has drafted some work for the next month or so for the committee's approval.

Mr. Christopherson.

**Mr. David Christopherson (Hamilton Centre, NDP):** If I might, I want to point out for the benefit of Mr. Lamoureux that if he's looking for a role model and continues to insist on being at these meetings, I just left public accounts where Joyce Murray is the parliamentary secretary and she respectfully sat right to the very end. She did her other work and didn't speak once. It was such fresh oxygen that the committee actually stood on its own two feet, your colleagues, all by themselves. They didn't need to lean on the parliamentary secretary.

I would suggest to the member that if he insists on still coming, he might want to look at the model provided by Madam Murray, who I think showed the kind of respect to the commitment the government has made that, so far, Mr. Lamoureux has failed to live up to.

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

I'm now going to turn it over to Andre. He's not a formal witness, so at any time during the presentation people can ask questions. There's no order of questioners or anything. This will be a much more informal discussion.

Andre, you're on.

**Mr. Andre Barnes (Committee Researcher):** Thank you very much, Mr. Chair.

Committee members will have received a series of documents in the past several weeks that deal with different aspects of family-friendly practices in other jurisdictions. It depends on how the committee would like to proceed. I could begin by going over the

document that's called "Family-Friendly Practices In Other Jurisdictions", because that's the one that covers the most practices abroad. If committee members would like to discuss the parallel chambers in other jurisdictions, we can do that. There's also a document—and I apologize that it was sent out so late; it took a while to do—on Standing Order 31 equivalents in other jurisdictions, and sitting hours and sitting periods in other jurisdictions. That was sent out not too long ago. Members presumably have not had a chance to look at that one.

If the committee would like, I could proceed by going through this document here. Do feel free to interrupt with questions at any point. I might not be able to answer them, but I will come back to you with an answer as soon as possible.

The document covers sitting hours in selected national and provincial jurisdictions. It covers proxy voting, allowing babies on the floor of the House during a sitting, and a last catch-all category of family-friendly policies that covers what's currently in place in Canada's Parliament for parental leave and child care facilities.

To begin with sitting times, changes to a Parliament's sitting times are generally considered to be among the most common family-friendly reforms. As a place to start, it might be helpful to compare Canada's House of Commons sitting hours with other jurisdictions, in particular, the Canadian provincial and territorial legislatures, the U.K. House of Commons, the Australian House of Representatives, and the New Zealand House of Representatives.

In 2016, Canada's House is scheduled to sit 127 days over 26 sitting weeks. The Clerk of the House indicated during his appearance before the committee that generally the House sits 135 days per year. As members are very much aware, the House sits 8 hours on Monday and 4.5 hours on Fridays. By comparison, Canada's House of Commons sits fewer days than the U.K.'s House of Commons, but sits more frequently than Australia's House, New Zealand's House, and every provincial and territorial jurisdiction in Canada.

To get into the details, the U.K.'s House sits 150 days per year over 34 sitting weeks. That compares to 135 days here over 26 sitting weeks. It's worth noting that in the U.K.'s House of Commons, they do not generally sit every Friday. They have designated Fridays. For the calendar year 2015-16 they designated 13 sitting Fridays, and they don't sit on the other Fridays.

• (1110)

**Mr. Scott Reid (Lanark—Frontenac—Kingston, CPC):** That means essentially that half of the weeks are four-day weeks and half of the weeks are five-day weeks.

**Mr. Andre Barnes:** In fact, it's less, because it's 13 out of 34.

**Mr. Scott Reid:** It's a third. Okay.

**Mr. Andre Barnes:** Exactly.

New Zealand and Australia also sit considerably less than Canada's House of Commons. In 2015 New Zealand's House sat for 90 days over 25 sitting weeks, and Australia's House sat for 68 days over 28 sitting weeks. The reason these jurisdictions sit less than us is that they sit three and four days a week. New Zealand's House sits for three days a week, and Australia's House sits for four days a week. There was a long period when Australia's House, from the 1950s to 1984—

**Mr. Blake Richards (Banff—Airdrie, CPC):** Sorry to interrupt you, but I have a quick question.

You've indicated that a couple of them currently don't have any Friday sittings. U.K. has some of the Fridays. Is that something that has always existed in those jurisdictions, or were there at one time Friday sittings and they've gone away from them?

That's something that would be especially interesting to hear about.

**Mr. Andre Barnes:** The changes in the U.K. appear to have been made piecemeal over time. It started in 1997 and they finally made some changes in 2005, when it was recommended that the House study sitting times. The changes were finally made in 2012. They eliminated Friday sittings between 2012 and 2015

I emailed them to find out more about it, because it must have happened so recently that I couldn't find any information on it. But they did it piecemeal. In the U.K., the House sittings began later and ended later, and they gradually moved them all to earlier.

In Australia and New Zealand, their procedural manuals—their equivalent of O'Brien and Bosc—make it sound like they've sat like that since the beginning. It might not be the most useful comparison because Australia for half of its existence has had three days a week. From 1950 to 1984 it sat three days a week and more recently it sits four days a week. New Zealand only sits three days a week and it made it sound like that's always been the case.

I looked to see if anything said why they didn't sit five days a week and I couldn't find any information on it. It might be something worth asking officials from their jurisdictions.

**Ms. Anita Vandenberg (Ottawa West—Nepean, Lib.):** Where the times have gone up, where they used to sit three or four days and they've gone to five, have they increased the number of hours?

**Mr. Andre Barnes:** I've found in the provincial jurisdictions that there have been increases. When you decrease, if you remove time from one time.... For example, I think it was British Columbia; it got rid of night sittings and extended the length of the day on the other days to compensate for it. I have not seen a jurisdiction add a sitting day.

**Ms. Anita Vandenberg:** Typically the trend is either to decrease the sitting days or weeks, or to rejig so that they're doing it at different times.

**Mr. Andre Barnes:** This is what I've found.

Also, perhaps interesting to the committee is that in Scotland when they were designing a parliament in 1999, they decided to make family-friendly sittings—and family-friendly for everyone, for staff and for members—to be one of their principles and priorities. It's something that's on the radar of these different jurisdictions.

**Mr. Blake Richards:** I thought maybe I just heard a contradiction. I think you indicated that Australia had at one point sat three days a week and had moved to four. Then I thought maybe you had just indicated the number of sittings.

Did they reduce the number of weeks when they went to four days a week?

**Mr. Andre Barnes:** From what I could gather from reading their manual, from around the 1900s, when that jurisdiction began, it was four days a week. Then they went down to three days a week from 1950 to 1984, and then from 1984 to present they went back up to four days a week.

I don't know about the amount. I know about the amount of time that they currently sit, but I'm afraid I don't know much more about it.

• (1115)

**Mr. Blake Richards:** So they've kind of gone back and forth a little bit.

**Mr. Andre Barnes:** Yes. Meanwhile New Zealand appears to have sat for three days for a long time.

In comparison with the territorial and provincial jurisdictions, 10 of 13 provincial and territorial jurisdictions do not sit on either Monday or Friday. Quebec, New Brunswick, and Nova Scotia do not sit on Mondays. Seven do not sit on Fridays: Alberta, British Columbia, Newfoundland and Labrador, Ontario, Prince Edward Island, Saskatchewan, and Yukon.

Quebec has an interesting innovation that they put in place in 2009, where they designate certain sitting periods in the year as ordinary hours and other periods as extended hours. I can talk a little bit more about that later. During ordinary hours, the Quebec National Assembly does not sit on Mondays or Fridays.

That's sort of a broad overview of the sitting times and schedules and how Canada's House of Commons compares to other jurisdictions.

**Mr. Blake Richards:** I hate to keep interrupting.

The same question, I guess, applies here and to the provinces. You indicated that a number don't sit on Mondays or don't sit on Fridays, and I think there were one or two that were both.

Were any of those places that have adjusted it? In other words, did they have the five-day sittings and then they reduced it?

**Mr. Andre Barnes:** The tricky part and difficulty of researching the different jurisdictions just by going on what's online is that they don't tend to have a manual like we do with the O'Brien and Bosc, so you really have to dig around.

I did find that Quebec, British Columbia, and Ontario had made changes recently. Those were changes to compress the week, but they also made up for the time.

I will mention some innovations that might be of interest to the committee that other jurisdictions have put in place. One that came up during the House leader's appearance before the committee was two distinct sitting days on one calendar day.

That happens in British Columbia. They got rid of late-night sittings in 2007 and made up for the hours elsewhere. Then in 2009, they implemented on three of the four sitting days, two distinct sitting days on one day.

So, in other jurisdictions you'll see that there's a break during the day. There are different periods during the day when you look at the schedule. Those are just suspensions. They do not count them officially as different, distinct sitting days, but they do in British Columbia.

That was the only jurisdiction I found that had brought that into place. That is on Monday, Tuesday, and Thursday; they have two distinct sitting days.

Interestingly, Quebec, which I mentioned before, devised a schedule with two distinct sitting periods: ordinary hours and extended hours. Ordinary hours begin in February and end at the beginning of May. Extended hours run from late May until the end of June, and from November until December.

The other innovation that might be of note for the committee was in Ontario. The daily sittings were moved to an earlier time. Night sittings were eliminated. Question period was moved to 10:45 each morning. My understanding was that it was formally held during a floating time between 1:45 p.m. and 3 p.m.. It should be noted that the change in time of the sitting period did come into some criticism at that time because it was felt that the opposition could not properly prepare for question period, having been held so early in the morning.

**The Chair:** Does anyone still sit at night?

**Mr. Andre Barnes:** There are late sittings in a lot of jurisdictions. Australia goes until 9:30 p.m. New Zealand's House of Representatives on Tuesdays and Wednesdays sits from 7:30 p.m. until 10 p.m. The U.K. sits from 2:30 p.m. until 10:30 p.m. on Mondays. So, night sittings still exist in a number of jurisdictions, although all the provinces appear to more or less adjourn by 6 p.m.

**Mr. David de Burgh Graham (Laurentides—Labelle, Lib.):** We sit until midnight in June as well in our extended sittings, right?

**Mr. Andre Barnes:** I did not dig into the possibility of extended sittings. The Standing Orders in the House do provide for extended sittings; on the calendar, there's a little star beside the last two weeks in June, and then around the holidays. I'm not sure if those jurisdictions have that. I can come back to the committee with that.

Those were more or less the highlights, I think, about the sitting hours in the different jurisdictions. Do members have any other questions about that?

I can move on to proxy voting. This innovation exists. It was put in place in 1996 in New Zealand. It allows one member to give their vote to another member to cast it in the chamber for them, so they don't physically have to be present. In New Zealand it did not sound as though they put that innovation in place to make the chamber more family friendly; they just did it to make it more convenient for members. Meanwhile, that was adopted in Australia in 2008. That was put in place to help mothers who are breastfeeding.

There are certain rules, especially in New Zealand, about the use of a proxy vote. It must be signed and dated. It must contain the name of the person authorized to cast the vote on the member's behalf. There's a duration of the proxy. The proxy can be open in nature for all business for an indefinite period of time.

Importantly, a proxy vote in New Zealand can only be exercised if the member issuing the proxy is actually present somewhere in the parliamentary precinct or is attending a select meeting outside of the capital, Wellington, or has been granted a leave of absence by the Speaker. So, there is certainly a very circumscribed use of it.

Meanwhile, in Australia, there was a study conducted by their procedure committee about the use of proxy votes. In 2008, they did put in place a proxy system. The way it works there is that the member may vote by proxy if the member is nursing an infant at the time of the division. The term "nursing an infant" refers to any activity related to the immediate care of an infant. It doesn't necessarily mean breastfeeding, for example; it means immediate care of the infant.

The whips only require the member to state that they are caring for an infant and no further explanation is required. The government members give their vote to the government whip members, and non-government members give their votes to the chief opposition whip members.

That is proxy voting in those two jurisdictions.

• (1120)

**Ms. Ruby Sahota (Brampton North, Lib.):** That was in New Zealand, and where was the other?

**Mr. Andre Barnes:** It was the House of Representatives in Australia.

I also found out in reading the report.... Only a few days ago the House of Representatives in Australia produced a report which allows for breastfeeding in the chamber, which I'll cover in a second. I read the report, and it does speak about the other jurisdictions that have proxy voting. The Senate in Australia has proxy voting, and a number of other states in Australia do as well.

**Ms. Anita Vandenbeld:** The reference is proxy voting. There's no use of technology involved in this. It is just proxy voting.

**Mr. Andre Barnes:** It makes it sound like there is a slip of paper involved.

Turning to non-members on the floor during a sitting, by tradition no non-member or no member who is not part of the staff is allowed to be on the floor during a sitting. That means everyone who is not part of that group is considered in our Parliament to be strangers. In other jurisdictions they are known as visitors. The Speaker can ask all visitors and all strangers to leave. In the past this has caused some issues, because on at least three occasions a member has brought a baby into the House during a sitting and technically that is considered to be a stranger.

**Mr. Scott Reid:** Right now is that a stranger in our House?

**Mr. Andre Barnes:** That said, when it last occurred, in either 2010 or 2011, there was a point of order raised about it. The Speaker clarified the position of the House of Commons at present. The Speaker indicated that infants were permitted on the floor of the House provided disruption and disturbance did not occur and the work of the House could proceed uninterrupted. What I gather is that members were taking pictures of the infant last time.

Meanwhile, the Australian House of Representatives has said that breastfeeding is now permitted on the floor of the House. It may be worth noting that 100 out of 150 members of the House in Australia are women, and I gather three cabinet members have recently given birth and four men are expecting children in the short term. The newspaper referred to it as a mini baby boom. The way they changed their Standing Orders was to amend the definition of "visitor" so that it does not include an infant cared for by a member.

In terms of parental leave, in our House, as noted by the Clerk of the House, the pay and benefits package for Canadian MPs does not contain any specific provisions about parental leave. In fact, senators and MPs under the Parliament of Canada Act are docked pay—

• (1125)

**The Chair:** I just have one question. As it was written in the report, my understanding is that if an MP is away for 20 days and comes back for one day, then the clock starts again. Is that true?

**Mr. Andre Barnes:** I do not think that's the case. I think it is the total.

**The Chair:** Is that the total in a session or in a Parliament?

**Mr. Andre Barnes:** Yes, it is per session. That reference might be true for senators who under the Constitution need to attend—

**The Chair:** Could you check that? I was told by personnel that if you could come back for one day you could start your 20-day—not that I want to be away, but just so the report is accurate....

Thank you.

**Mr. Andre Barnes:** There are others. The deductions are written in the report. There are the deductions for senators. There are the deductions for members of Parliament, set out in the Parliament of Canada Act.

The child care facilities for—

**Ms. Anita Vandenbeld:** I was looking at the report and it gives the reasons you can be absent and get leave from the Speaker. Being sick is one of them, but if your child is sick and you have to care for your child, that would not currently be considered a reason.

**Mr. Andre Barnes:** It's set out in the Parliament of Canada Act, so there isn't a lot of flexibility. It does not include that in the clauses in the Parliament of Canada Act.

**Ms. Anita Vandenbeld:** What has been the practice? Do you know?

That would require a legislative change if they were to say that caregiving for children—

**Mr. Andre Barnes:** Yes.

For child care facilities for the House, I gather there is no institutional policy for the provision of child care or its expenses for members and their children. Parliament nonetheless has an on-site day care, Children On The Hill. It has spaces for about 34 children ages 1.5 years to 5 years. Priority is given to senators, members of Parliament, employees of the Senate and the House, Library of Parliament employees, members of the press gallery, and employees of the Office of the Conflict of Interest and Ethics Commissioner.

**Ms. Ruby Sahota:** What is the timing for the day care? How old does a child have to be to get admitted to the day care? What are the rules? What do you have to sign up for? What is the length of time if you are putting your child inside day care? Do you have those details?

**Mr. Andre Barnes:** I do not, although in a discussion with Mr. Graham prior to the meeting, he mentioned that it ends at five.

**Mr. David de Burgh Graham:** I don't know if it's five, but I know it ends before we do.

**Mr. Andre Barnes:** I can come back with an answer to that.

**The Chair:** Could we get that for the next meeting?

My understanding is that although we're only here a week in, a week out, you can't sign up like that. You have to sign up for the whole month.

**Ms. Anita Vandenbeld:** I think the minimum is 18 months, so if you have a child less than 18 months old, you can't even use the day care.

**Mr. Andre Barnes:** Sorry, my understanding of that facility is that it is not a drop-off for a day type of thing. There are spots and then you would...I'm not sure for how long you would get a spot, but I could come back—

**The Chair:** Maybe you could give us one page on all the details of that.

**Hon. Ginette Petitpas Taylor (Moncton—Riverview—Dieppe, Lib.):** Could you also find out if there's a waiting list for the day care?

**Mr. Andre Barnes:** My understanding anecdotally from people who use it is that there is.

**Mr. David de Burgh Graham:** Is it run by the House of Commons or is it privately run?

**Mr. Andre Barnes:** I could find that out as well.

I'll move on to the document on the parallel sitting chambers in other jurisdictions.

One is called the Federation Chamber. It was devised in 1994 in Australia's House of Representatives. The United Kingdom devised a parallel chamber called Westminster Hall. Apparently it was modelled on the concept of the Federation Chamber in Australia.

There is a large number of similarities between the two chambers. Both can sit at the same time as the House sits. Both chambers are located conveniently on the parliamentary precinct. Quorum in both chambers is three, although any number of members are able to participate in the debates. It might be worth signalling to the members that in the case of the House of Commons in the U.K., there are 650 members, and from what I've heard, there are about 350 seats. If all members showed up, there would not be room for them. That is a difference between our chamber and their chamber.

Both chambers have their proceedings presided over by a deputy speaker, another chair occupant. The public is allowed to attend both chambers. The proceedings of the chambers are televised. The records of both chambers form part of the official records of either House. No votes can occur in either House. To be more specific, in Westminster Hall a motion comes under discussion and it is written in neutral terms, so no vote is permitted. In the Federation Chamber, for all the items that are referred there, there's supposed to be a consensus about moving them forward. It appears as though the Federation Chamber was called the Main Committee when it was first instituted. In that sense, it appears to operate like a committee. It appears it would put forward a recommendation in a report to the House, and then the House would concur in it. The Federation Chamber can make decisions, but they need to be formally accepted by the House for them to come into force. There's no voting allowed. Everything that would require a vote in the Federation Chamber would be referred back to the House, but it seems that they can move certain items of business forward in the Federation Chamber.

• (1130)

**Ms. Anita Vandenbeld:** Would that be similar to a committee of the whole?

**Mr. Andre Barnes:** In the Canadian context, a committee of the whole can vote. It would be somewhat different, because a committee of the whole would resolve into that in the main chamber. Technically, a committee of the whole can call witnesses. I'm not sure about the ability of these different chambers to call witnesses.

**The Chair:** Mr. Christopherson.

**Mr. David Christopherson:** Thanks, Chair.

You mentioned the difficulty they have in terms of the number of seats and the number of members. I guess they had a chance back when it burned to make it bigger, and I think it was Winston who said at the time, "No, no, no, we like it the way it is."

What I didn't hear was that they did it to save time or to.... What was their other reason? It wouldn't just be for the seating. Did they clearly state that their objective was the ability to move more legislation through quickly without losing any of the benefits of our system?

**Mr. Andre Barnes:** For the Federation Chamber, what I found was that it is a debating chamber established to provide a parallel forum to the chamber for debate on a restricted range of business. It was clearer when I looked into Westminster Hall that it was to provide a greater opportunity for debate, because there was only so much time in the main chamber, and overflow business was being sent to....

**Mr. David Christopherson:** That's what I wanted to get at. Were they deliberately trying to improve their efficiency in terms of how much they could deal with at the same time without giving things up? One could argue that one of the downsides of recognizing two days as one is that legislation can be rammed through, even though it would have met the requirements of an extra day given the fact that it has now been compressed, so you lose something in that kind of process. My assumption was that they were trying to provide a parallel process to save time, and that is clearly their main motive.

**Mr. Andre Barnes:** For Westminster Hall, it says that the purpose of Westminster Hall debates is to provide an additional forum for debate, essentially to make more parliamentary time available in the week without extending sitting hours.

**Mr. David Christopherson:** Chair, I'd never heard of it until it came up here. It's a fascinating concept. I don't know whether it would work for us in any way, but I think it's worth some exploration. Having sat on the government side in another Parliament, House time is precious. I understand there could be an argument from the opposition side, "Let's not go down that road. We want to slow the government down." But if we remove ourselves from partisanship and look at it structurally, is it in our best interest to have the ability, when we want to, to move things along quicker without trading off some aspect of good democracy?

I would suggest, Chair, and colleagues also, that I find this intriguing. This is my the seventh or eighth Parliament now, and I find this fascinating. I would hope that we would at least give it a chance, kick it around to see if there is something there that could benefit us. There may not be, but I'd sure like an opportunity to explore that. It's a unique concept, and it's not surprising that it came from the mother ship, so thank you.

**The Chair:** Mr. Chan.

**Mr. Arnold Chan (Scarborough—Agincourt, Lib.):** I want to echo what David just said. I'm truly fascinated by the parallel debating chambers.

I want to ask Mr. Barnes a question with respect to whether by creating these additional forums it puts additional pressure for other matters to creep into the debate process.

My recollection is of a motion that was put forward in Westminster Hall. I believe it was debated in Westminster Hall. I believe that under the British system, regular individuals have the ability to sign online petitions. This was the motion about banning Donald Trump from the United Kingdom. I know that ultimately it was not a votable matter, but I believe it ended up in Westminster Hall, if my recollection is correct. As a function of creating this parallel debating chamber, did you observe that there were subsequent reforms that created new opportunities for additional material—to get back to David's point—to put pressure on legislative time and on the ability to debate the actual substantive bills and motions that were before the House?

• (1135)

**Mr. Andre Barnes:** I think that the use in either jurisdiction of their parallel chamber is different.

In the case of Westminster Hall, the items that can be referred to Westminster Hall are very scripted in terms of who can send an item to the chamber each day. Mondays are taken up by a new creation of theirs that was studied by procedure and House affairs last session, e-petitions. The e-petitions committee, which is a brand new committee, has the ability to send e-petitions for debate to Westminster Hall. That would have been how that item would have arrived.

On Tuesdays and Wednesdays, my understanding is that it's sort of like the adjournment proceedings that happen here at the House. Those are taken up via some random draw that members sign up for at the Speaker's office in the House to be able to participate in Westminster Hall.

Thursdays are scheduled by a British creation called the backbench committee, which allows backbench members to put forward items of business. Apparently at 35 sittings in a session, the backbench committee can put forward items of business to be considered. Twenty-seven of them have to be in the main chamber and the rest can be in Westminster Hall.

It's very circumscribed what business can be sent there.

From what I gather, for the Federation Chamber it's a little different. It seems as though you can bring bills forward for a second reading. If I read it properly, it says "close examination". That might be like our clause by clause. You could do that at the Federation Chamber, and if there was consensus to move it forward, you would report it back to the House.

**The Chair:** Mr. Graham, and then Mr. Christopherson.

**Mr. David de Burgh Graham:** Mr. Chair, I was just seeing opportunity in the longer term plans, not over the next couple of years. Centre Block is going to close for renovations soon. We're going to move to West Block, make a new chamber there, and then we're going to move back to Centre Block, close West Block so we can take the chamber out. We might save two years by keeping that second chamber as our second chamber 15 years down the road from now.

Another thought I had, just for the sake of argument, is if we were getting rid of Friday sittings, that's four hours of sitting that has to be redistributed. If we put all the second reading PMB stuff into the secondary chamber, more MPs would get a chance to bring a PMB forward. You could actually have two or three a day instead of one a day, and it would only go back to the House for third reading. It might be an efficiency to look at, just for the record.

**The Chair:** Mr. Christopherson.

**Mr. David Christopherson:** To build on where Mr. Graham was, I agree entirely. I had two points to make, and one of them was on rebuilding the House. What a great opportunity if it turns out there is something there that would be useful to us that we've already built. It still costs a little bit of money, but the big money would be spent in terms of infrastructure, heating, cooling, and communications, etc. It's a great point, and I agree entirely.

The other thing I was going to ask was, has the mother ship done a review yet? Have they actually said, "Okay, we've done this for a while." Do they actually have a review document, and if so, could we get that circulated, please?

**Mr. Andre Barnes:** Sorry, it's just to give due credit to the Australian chamber, because I made it sound like they didn't.... Westminster Hall is modelled after the Federation Chamber. They are the innovators of this.

**Mr. David Christopherson:** The Aussies get the credit. Fair enough; give them their due. All right, thank you.

**The Chair:** Where the backbench committee can bring things forward, do they also have opposition days and private members' business where backbenchers can bring forward motions? How often does that...? Is it like us, where they have it every day?

• (1140)

**Mr. Andre Barnes:** I'm not familiar with their sitting week. I know they have private members' bills. I know that our House is very circumscribed. I keep using the word "circumscribed". There is a set schedule and a lot of procedures about it, but I can come back to the committee. I'm not sure about supply days either.

**Ms. Anita Vandenbeld:** Do you know of any countries or any jurisdictions that might have a parallel chamber type of thing that isn't necessarily physical but at different times? For instance, does anywhere have a parallel chamber that would sit on Fridays or evenings when the main chamber is not sitting rather than in a separate space?

**Mr. Andre Barnes:** Prior to the appearance of the Clerk of the House, I had only heard of Westminster Hall. I had never heard of the Federation Chamber in Australia. I can look around to see what other jurisdictions are doing. I could be mistaken, but I don't believe there are any in the provinces or the territories, and there isn't one in New Zealand so it would have to be in another Commonwealth jurisdiction, maybe, like in India or....

**The Chair:** I don't think we have to limit our research to Commonwealth countries, either.

**Mr. David Christopherson:** We could also start putting the Senate chamber to good use.

**The Chair:** Did you have more?

**Mr. Andre Barnes:** That's more or less it, unless the committee had any other questions.

**The Chair:** Okay, so the committee has three reports from the researcher. He has just relayed these topics which he's just discussed: the parallel chambers, family-friendly for an inclusive Parliament, and the sitting days report that just came out this morning.

Are there any questions or discussions on any of this?

Ruby.

**Ms. Ruby Sahota:** We talked a bit about proxy voting. Did you come across any jurisdictions or other provinces that do electronic voting or voting through other technological means?

**Mr. Andre Barnes:** I can look into that further. There are new chambers that have devolved out of the U.K. House of Commons. I want to say Scotland and Wales; I am pretty sure they have electronic voting, but let me come back to the committee on that.

**The Chair:** Congress does, but you have to be there to push the button.

Arnold.

**Mr. Arnold Chan:** Mr. Barnes, I want to ask a question with respect to non-members on the floor of the chamber during a sitting. I think we do have a situation right now with a member of the New Democratic caucus. Is it a function of simply convention? I can't recall if there is an explicit rule in the Standing Orders.

**A voice:** Standing Order 14.

**Mr. Arnold Chan:** Oh, it's Standing Order 14 that precludes....

**The Chair:** Stranger on the floor.

**Mr. Arnold Chan:** Right, stranger on the floor, and that could be challenged by another member as a breach of a member's privileges. I know we've been turning a bit of a blind eye to it, but I'm simply mindful of the fact that we are increasingly likely to have circumstances as we have right now. Has any jurisdiction ever tackled the issue of strangers on the floor of Parliament at all? I know you mentioned it with respect to the Canadian context, but in your research did you encounter this discussion coming up in any other jurisdiction?

**Mr. Andre Barnes:** In terms of any stranger on the floor, are we thinking more specifically of a child—

**Mr. Arnold Chan:** I'm specifically thinking of toddlers and children and nursing mothers. That's primarily my concern.

**Mr. Andre Barnes:** Because there is a big distinction between creating a disturbance.... There is a reason the rule exists. The Australian House of Representatives has recently amended their definition of what constitutes a "visitor" to exclude infants being cared for by a member, because that happened very recently. In reading the newspapers, I see that in the U.K. they've asked members what they think about that. From what I gather, they didn't seem too

keen on going down that road themselves. As far as I know, most jurisdictions, by tradition, have that in place.

The issue—and this was mentioned in the report produced by the procedure committee in Australia—is that a lot of jurisdictions turn a blind eye to a toddler on the floor, but it is the right of any member in the House to stand up on a point of order and put the Speaker in the position of having to rule on it at that very moment. It is mentioned in the report that one of the reasons they amended the definition of "visitor" was to save the Speaker from having to be put in that spot.

● (1145)

**Mr. Arnold Chan:** Thank you. That's helpful.

**The Chair:** Ruby.

**Ms. Ruby Sahota:** I'd also like further clarification on the parental leave and the child care as we have it right now in Parliament, and on comparing that to other jurisdictions. We briefly touched on the fact that we don't have child care leave or leave when the child is sick. For that matter, if one of our members or senators is due to give birth during sitting days and not over the summer, what do they do? What has been done in the past? I don't know.

For one member we have right now in the NDP, I think we all notice that she's having to deal with having a child while serving as a member, and it's quite complicated and difficult. As we discussed, the day care does not accept children under the age of 18 months, so what do parents do when they find themselves in that situation? It was mentioned that New Zealand had a baby boom. I think that currently we have males and females here who are expecting children within this year. We can't keep ignoring this problem. How are we going to deal with it? With younger and younger members serving, we have to look at this now rather than wait until we come across it.

Have you come across any research? What's been done in the past?

**Mr. Andre Barnes:** I could look into other jurisdictions. For here, I can say what remuneration and pay and benefits are provided for by statute to members. There are a bunch of human resource benefits that members are granted by virtue of being a member and that I'm not privy to; I could discuss that with House of Commons human resources to see what sort of pay and benefits are accorded to members. Some of it I know is certainly set out publicly in statutes. Some of it is like a human resource....it's a job, it's almost a private matter.

But as far as I know, there is no parental leave for members in this scheme, or maternity leave or paternity leave, for that matter.

**The Chair:** David, and then Anita.

**Mr. David de Burgh Graham:** I see by this report that parental leave is only half the battle. If you take a month off from being an MP, your life expectancy as an MP will shorten by more than a month.

**Voices:** Oh, oh!

**Mr. David de Burgh Graham:** My other comment is in response to Arnold's point about strangers on the floor. As I recall, Sheila Copps was the first MP to have her child with her on the floor of the House of Commons. The order they used to try to stop it was to say that you shouldn't eat on the floor of the House of Commons, which I thought was a rather obscure way of putting it.

What power do we as PROC have to make changes? What are the limits of our own ability to effect change?

**Mr. Andre Barnes:** The committee can make any recommendation it would like in a report to the House and ask the House to adopt the report.

**Mr. David de Burgh Graham:** We can't directly change—

**Mr. Andre Barnes:** Oh, I'm sorry. Yes, as the clerk notes, that's within the committee's mandate.

**Mr. David de Burgh Graham:** That's what I'm wondering. We can't dictate to the day care that they need to take as many kids that come their way for as many hours we give them, for example.

**Mr. Andre Barnes:** Under the committee's mandate, PROC does have a special relationship with the Speaker and the Board of Internal Economy whereby it can make recommendations to the Speaker and to the Board of Internal Economy, but those are just recommendations.

**Mr. David de Burgh Graham:** Okay. So we can also make recommendations broader, like the minister said when he was here, such as more special points and this kind of thing. That can come out of this committee as well. For someone like me, who has a riding of 20,000 square kilometres, just travelling around the riding is a huge burden on the family.

**Mr. Andre Barnes:** Yes.

**Mr. David de Burgh Graham:** All right.

**The Chair:** Anita.

**Ms. Anita Vandenberg:** I want to pick up on this point about nursing mothers and mothers of infants, or fathers of infants, for that matter, because it's not just about being present for voting. It's about being present for the decision-making and for contributing to debate. I know anecdotally of one jurisdiction where a cabinet minister took a one-month leave of absence when she gave birth, and while she was away, cabinet made a decision in her jurisdiction that she didn't agree with. It's a matter of not being present to be able to have your voice heard.

I'm just speculating here, but in many other areas.... I know that when I was with the United Nations we did all kinds of international conferences with people from five continents by using technology, using video technology and using Skype.

Going back to this parallel chamber, is it possible that you could have a virtual parallel chamber where you could actually give a speech that would be on the record? Because it's a minimum of three

people for a quorum, it would actually be quite easy to set up some kind of video conference session. People could be in their constituency, or in the case of mothers with infants, they could be with their infants but still be able to get on the record.

I don't even know if this is something that would be possible technologically, but is this something we could consider? I'm just throwing it out there.

• (1150)

**Mr. Andre Barnes:** This is a big question that I don't have an answer for.

**Ms. Anita Vandenberg:** Yes. I'm just throwing it out there.

**Mr. Andre Barnes:** It gives a person pause. I wouldn't necessarily feel comfortable, knowing all the difficulties and when you consider the traditions of the House and the Standing Orders...you might find that some might say that anything members would like to do is possible. I truly don't know.

**The Chair:** Arnold.

**Mr. Arnold Chan:** I want to follow up on the point that Anita just raised. I want to express my support in principle to the concept—so I can put it on the record—that we look at alternative ways to participate through video conference. I certainly did it in the private sector through video conferencing and through Skype.

I think the real issue that we must be mindful of at the end of the day as parliamentarians—and Mr. Lamoureux raised this with me in an earlier session—is the importance of making sure that we do not act under duress. For example, we could confirm who we are by biometrics or whatever and confirm that we are in fact there, but unless you're actually physically present in the chamber, you don't know, for example, if off camera someone has a gun to your head and is making you say or do something that you don't agree with.

I'm raising that as a theoretical possibility, right? Perhaps the reason the convention exists that we have to be present is to establish the fact that we act freely and independently as members when we're here.

**Mr. Andre Barnes:** One of the most important—

**Mr. Arnold Chan:** It's a fundamental tenet of our membership as members.

**Mr. Andre Barnes:** One of the most important parts of parliamentary privilege is a member's free access to the parliamentary precinct.

**Mr. Arnold Chan:** Yes. I've known of the concept since at least the seventies, that concept of perhaps voting and participating via video conferencing from your constituency, let's say, as an example. Again, it gets back to the issue of duress. Can you be guaranteed that we're free from duress when we're participating? It might be one thing to put your thoughts on the record. Voting might be another issue.

I raise that just so we're mindful of that principle.

**The Chair:** Mr. Graham.

**Mr. David de Burgh Graham:** I'll throw the question back to our illustrious analyst.

What ideas do you have to study that we haven't thought about so far?

**Mr. Andre Barnes:** Of the other items mentioned in a document that a colleague and I prepared about gender-sensitive parliaments, one was harassment policies. A subcommittee of this committee put together a report that ended up turning into a code of conduct for members on sexual harassment. It's appended to the current Standing Orders as of the start of the 42nd Parliament.

As for other items that I've read, having read the IPU report recently, I note that you can get into other more far-reaching ideas. I'll just put forward for the committee's consideration some that I've read about.

In other jurisdictions, there are discussions about the number of women and men chairs, for example, or the chair occupants in the House and whether or not there needs to be some sort of balance—you can make the balance whatever you would like it to be—and about officers of Parliament roles for members as a possibility.

Then, if you wanted to get very far-reaching, the IPU report gets into ways to make Parliament more inclusive, to get more different kinds of members elected. That involves a number of different ideas, but presently those are the purview of individual parties and not necessarily of Parliament.

• (1155)

**Mr. David de Burgh Graham:** As I specialize in suggesting ideas that haven't been mentioned before, has anybody anywhere that you know of ever considered doing *Debates* in writing as opposed to orally? That gets rid of all the time limit constraints. We could have a specific issue debated directly in *Hansard* without having to actually rise in the House to say it.

I know that Kady is going to hate this, but it's food for thought. It's a way of getting in additional debate without additional time.

**Mr. Andre Barnes:** I could give a historical note on the reason why first reading, second reading, and third reading occur. This is a holdover from the Westminster parliaments from the days of old, when people couldn't read. It was also very expensive to print things. They would read the bills either because members couldn't read or because it was too expensive to give everyone a copy.

This would be going to the far end of that.

**The Chair:** Arnold.

**Mr. Arnold Chan:** Mr. Barnes, I want to ask you a quick question about child care spaces with respect to our processing times. It's my understanding that the waiting list is up to two years. How are other jurisdictions dealing with it? I know that in part it's because there are only 34 spaces, but how do other jurisdictions operate? Do other jurisdictions actually have child care spaces? What are their practices?

How do we address that? Is it a functional problem here in that we only have so much space to accommodate children? Do we need

a bigger space? What's the challenge that we're facing here in this House of Commons?

**Mr. Andre Barnes:** I will come back to the committee with an answer to that.

**The Chair:** Is there anything else? I think we have a lot of work.

Anita.

**Ms. Anita Vandenbeld:** You mentioned briefly something about officers of Parliament roles for members. What did you mean by that?

**Mr. Andre Barnes:** Maybe that isn't the best term for it, but for the whip, the House leader, the chair, and the deputy chair, there could be some arrangement made. It could be put into the rules, should members so decide, that there would be some sort of division, or equality, or some sort of balance. That option exists. It came up in the IPU report. I won't take credit for making that up. It's something that came up. In looking at the number of chairs at the time I wrote the paper, I saw that there were only two female chairs at that time—for health and the status of women—out of 24 standing committees.

**The Chair:** Mr. Christopherson.

**Mr. David Christopherson:** In terms of going forward, do you have suggestions you're about to make? Are you looking for some? What are your thoughts on going forward?

**The Chair:** Well, we're going to get some more reports, but for the subcommittee report, which we'll do next, there were a couple of days set aside for this family-friendly inclusive Parliament for witnesses and further discussion. That's when we would cover it, I would think.

**Mr. David Christopherson:** Does that apply to the second chamber concept as well, or do we look at...? It seems to me that you could make an argument that it should have a separate process.

**The Chair:** Yes, I think from your previous discussions a few meetings ago you suggested, and I agreed, that we focus on the inclusive family-friendly thing for the first report or we'll never get through it, and the House speakers will go ahead without us. I think yes, we should do that as a separate—

**Mr. David Christopherson:** Is there merit then in asking the analyst to take a look at some options? There was some discussion about private members. I think it was Mr. Graham who talked about more PMBs being processed.

Could we ask the analyst to take a shot at that? Maybe a blue sky—whatever the current terminology is for these things these days; I've lost track—just take a look at everything we do, and along the lines of Mr. Graham, give us some ideas, just to give us a starting point and see how much time we want to invest in this. It seems to me it's either going to be a great idea that could lead us to major reform that's very positive, or it's going nowhere because it's too radical a change. An early indicator might be helpful.

• (1200)

**Mr. Andre Barnes:** I will discuss this matter with the experts at House procedural services—they've been super helpful so far—and see what their expert views are on the matter.

**Mr. David Christopherson:** Perfect. Thank you.

Thanks, Chair.

**The Chair:** We will term that as a second study so we don't get mixed up with the first one.

Jamie.

**Mr. Jamie Schmale (Haliburton—Kawartha Lakes—Brock, CPC):** I'm going to make a couple of comments on what Mr. Chan was saying about the child care spaces. When my son was born, there was a one-year wait for a child care space. I had to register him before he was born so that he was in the queue. I think this is a bigger issue than just here. Having said that, I'm curious to hear the answer, whether or not it is an issue of space here with the child care or if it's the number of providers. I'm very interested to hear that.

As a comment on how we're talking about voting or delivering reports via Skype or electronic.... I know that in the U.K. you have to be there and press the button, but they have almost 700 members. I think there is something special about standing in your place and voting, or commenting on a bill, or questioning, so I don't want to.... My thought is not to go too far down that road, because I think you lose something. We're elected members; we're here and we're doing our work. There are issues where we can improve things and measures we can take, but I don't want to get too far down the road where we mail things in and have our whips vote for us. I caution against that.

**The Chair:** Mr. Chan.

**Mr. Arnold Chan:** I want to follow up on your point. I take the point that you raised.

Maybe one of the ways we do it depends on the nature of the matter before the House. For example, if it's a confidence matter, you would have to be in the chair. We could describe private member's legislation as one where that might be appropriate. We could create different categories and classes of material that might allow for the use of alternative means of voting, as opposed to saying "yes" or "no." I don't know if there have ever been discussion papers about those types of situations.

I get the point that you raise. I'm sensitive to our tradition within the Westminster parliamentary tradition, but you know it is the 21st century and we're a vast country. I'm particularly mindful of individuals like our chair who represents a riding that it takes a long time to get to.

**The Chair:** I had to get to the airport at 6:30 yesterday morning. I got here at 10 last night. That's how long it takes.

Anita.

**Ms. Anita Vandenberg:** On that comment, I think we can separate voting from getting on the record. For instance, if it's a parallel chamber, we were already saying we wouldn't have votes and we wouldn't have quorum. We would possibly do private members' business. That sort of thing could be done using video conference, or some way of recording and getting on the record, but anything that requires voting, or what we traditionally do in the House, would still have to happen here.

I think the two things are completely different concepts, voting by proxy versus the idea of using technology. Somebody could be here with a computer screen on Skype and still participate in the committee, something like that possibly. I'm just throwing that out, blue skying.

**The Chair:** Ruby.

**Ms. Ruby Sahota:** To follow up on some of those comments, I agree, and I think it is very special to be sitting in the House, to be standing up and voting, or pushing a button and voting or whatever we will do in the future, and actually being present. But I think we're moving away from the reason we're trying to make some of these reforms: to have diverse people with different situations in their lives participate and be a member in the House.

It's equally valuable and important to have those perspectives in the House present as well, using some kind of technological means or not. We're talking about family-friendly politics. There are parents who can't even fathom running, becoming a member, because they currently are having children. We need those perspectives in the House.

For me personally, whether it's for a situation like that, or an elderly or sick aging parent, or a circumstance that doesn't allow for the member to be in the House, I guess it would be up to the House of Commons or administration to figure out whether the reason is valid, at that point, for the member to be missing. I don't want to create a slippery slope where everyone's just taking off and no one's here anymore, but we should note that sometimes there are good reasons for people not being able to be here. Let's still give them a voice and a way to communicate and be present through another means.

I also want to say that you've done a great job presenting a cross-section of different parliaments and the way things are done, but have you come across any opinion pieces or reviews of which parliaments are most effective, even though they've gone through these changes? We just have the facts of what happens where, but are they effective at the end of the day?

We seem to sit more days than any other parliament, with the exception of the U.K. That's in this report. Are we the most effective? We're obviously trying to figure out how, at the end of the day, we can still do our jobs and serve our ridings well. I think it's very important for us to know that perspective as well. Who passes the most private members' bills? Who's passing more legislation and getting stuff done? Let's look at that instead of being so fixated on the number of days, or Fridays, or where the hours are, and whether we have a parallel chamber or not. Who's getting the work done? That's what I want to know.

If there's something that you could forward to us to give us some more information and insight into that, that would be great.

• (1205)

**The Chair:** I would tentatively say that with the agenda, it might be two or three weeks before we get back to this, so you could also see if there are countries outside of the ones you've studied in the Commonwealth that have anything to add. You have a little bit of time, I think.

Is that good for this morning, on this?

**Mr. David de Burgh Graham:** I wish our analyst good luck with this.

**The Chair:** We'll suspend for a few minutes for lunch. Then we'll come back to the subcommittee report.

• (1205)

(Pause)

• (1215)

**The Chair:** The subcommittee had a good meeting this morning and came up with some recommendations for the next month or six weeks or so. I'd like to go over all of them first before people ask about particular things, because they might be in there. Those of you who don't have them yet can write them down as a draft. Of course, it's always tentative. The committee can always change it as things unfold.

Here's what the subcommittee came up with as a draft and depending on when witnesses come, etc., the timing of this could also change, with the hope that the same items would be in there somewhere.

Let me give a bit of a preamble for anyone who's new. Our committee has to review the conflict of interest rules every five years. It was done last Parliament, but they just picked the low-hanging...I think what Blake said was they picked the fruit that had fallen to the ground. The major things weren't dealt with. There are all sorts of reports and recommendations. There is one technicality. It's a little form I think we should approve, which wouldn't take very long, just because this committee approves forms.

For this reason, we recommend that the Conflict of Interest and Ethics Commissioner be invited to appear Thursday this week. On the following Tuesday, February 23, the committee could consider matters relating to committee business and future work on the comprehensive review of the Conflict of Interest Code for Members. We'd take all the reports from the researcher plus what we had asked the Conflict of Interest and Ethics Commissioner, and come up with either a report or a road map to a report, or whatever we have to do. On Thursday, February 25, it looks as if the minister might be able to

appear at that time, so we've set that time aside for the Minister of Democratic Institutions. That is tentative and we might know in the next day or two. The clerk is following up.

Then, if time permits after that, depending on how long the minister is here, we'd have a review of caucus input. As you know, we've instructed the caucuses' whips and House leaders to report through you, so we don't want to leave it too late. While it's fresh in their minds, so they feel they're being listened to, we will take that input in one of our upcoming meetings soon. If there is time at that meeting, that will be done then; otherwise, it will be done soon thereafter.

On the following Tuesday, pursuant to Standing Orders 110 and 111, we would invite the two other federal appointees to the independent advisory board on Senate appointments, and if that only took an hour, then we could carry on. If we didn't get the motion done, the caucus stuff, reporting back from the previous meeting, we could carry on or do that then.

On Thursday, March 10, we would select the second option that the Chief Electoral Officer gave us for providing a briefing. It wouldn't be a regular meeting, but it would be in the regular time slot. The clerk and the Chief Electoral Officer would arrange the room and the meal, etc. It would be on the parliamentary precinct.

Then there will be a constituency work week and after that, on March 22 and March 24, tentatively, depending on whether the other things got done, or other things came up, the committee would then hear witnesses and have discussions on a family-friendly and inclusive Parliament based on further research from the researcher. Also, from now over the next month, if anyone thinks of particular witnesses we should invite, those are the targeted days. We could give them some advance notice.

Does anyone on the subcommittee think I've forgotten anything in that draft outline?

• (1220)

Mr. Christopherson.

**Mr. David Christopherson:** I would just mention, Chair, that I talked to you before the meeting about having a substantive notice of motion. I am still looking for an opportunity, with your guidance, to place that motion. It's not urgent urgent, but the sooner we deal with it the better, I guess.

**The Chair:** Right.

We were thinking that if the Conflict of Interest and Ethics Commissioner does not take the full two hours, we could at least start it then. If not, then the following Tuesday we would either start or continue it.

**Mr. David Christopherson:** Very good, Chair. Thank you.

**The Chair:** That's on the understanding it may be a longer than shorter debate.

**Mr. David Christopherson:** There's an indication that it could be a bit lengthy, yes.

The government is more co-operative than I expected, so I'll remain optimistic that it will be short: they're going to love it and agree and we're fine.

**The Chair:** Mr. Reid.

**Mr. Scott Reid:** I'm not sure if this is the appropriate time to discuss it, but I want to inquire about the attendance of the other members of the advisory committee, the two members we're bringing in.

Is it two members?

**The Chair:** It's two federal appointments, yes.

**Mr. Scott Reid:** Two federal appointments.

Okay, is this the appropriate time to ask about the substance of their appearance? I'm not challenging their timing or anything like that.

**The Chair:** Well, it's just what's in the Standing Orders, which we read out several times at the last meeting.

**Mr. Scott Reid:** Well, yes, but I was deeply frustrated at the last meeting at the restraints that were put on me. I couldn't help but notice that they weren't put on anybody else...about sticking exclusively to discussing whether they were qualified. I mean, they really were not applied to anybody other than me. It was deeply frustrating. Frankly, the frustration is not that they weren't applied to others; it was that they were applied at all.

I have no problem with these people's qualifications. It is reasonable to want to ask how they've been conducting their jobs, not to inquire as to the things that have been made secret. I disagree with their being made secret, but that's not the fault of these individuals. However, it is reasonable to want to ask certain questions about the appointment process, the phase one process, which by that point will presumably have been out of their hands in advice sent to the Prime Minister. Those are questions about how many applications they had, what kind of breakdown from different sectors they've had. These are reasonable requests, and to have those shut down would be unreasonable.

My question is, would you shut me down if I asked them questions of that nature?

**The Chair:** I'm going to get the standing order again because we can't go against the Standing Orders. It's not in our authority. I'll get the clerk to read what we're allowed to do on these appointments.

Mr. Chan.

• (1225)

**Mr. Arnold Chan:** That was exactly the point I wanted to make, Mr. Chair. It's with respect to the scope of the standing order. Some

of the questions that Mr. Reid raised in the previous meeting from my perspective are appropriately raised in a different forum, not necessarily appropriate—

**Mr. Scott Reid:** There is no other forum and you know that. This is the only forum and you won't let it happen. That is the point. The point is to shut down any openness by not allowing us to engage in reasonable questions and then blocking any such forum.

Mr. Chan, if you're willing to let it happen, I would be prepared with a motion to bring them back to discuss the actual mandate they had and how they were performing it, and we'll see whether the government goes for that or not. Right now what I hear is the government trying to shut down any openness, any discussion of this process.

**Mr. Arnold Chan:** I actually had the floor, so I let you have your rant, Mr. Reid.

At the end of the day, from my perspective again—you didn't even let me finish my point—my point is that you can raise the issues in the House of Commons. You challenge the issue of constitutionality. There are other appropriate forums to do that. It is not done here at PROC.

Again my point...and I was going to ask the clerk to read what the standing order says. If you don't like the standing order, I am prepared to allow you to propose an amendment to the standing order. However, we were there to look at the qualifications and abilities of the particular individuals to discharge their particular functions.

I take the other point you were raising with respect to the nature of that function, but with respect to the further substantive issues you were raising with respect to the details of who has applied, how many people have applied, the deadlines, from my perspective that goes beyond the scope of what the standing order permits us to do.

I yield the floor now.

**The Chair:** These witnesses would be here under Standing Order 111, which states:

(2) The committee, if it should call an appointee or nominee to appear pursuant to section (1) of this Standing Order, shall examine the qualifications and competence of the appointee or nominee to perform the duties of the post to which he or she has been appointed or nominated.

Anita.

**Ms. Anita Vandenberg:** On the basis of some of the questions from the last meeting, I don't think it's fair to bring somebody here who is prepared to talk about her qualifications and then talk to her about things that are better questions for the minister. I recall that after that you requested that the minister come. I think there's an opportunity to ask a lot of those similar questions of the appropriate person and that would be the minister. You will have that opportunity.

**Mr. Scott Reid:** Are they unqualified? [*Technical difficulty—Editor*] the information? Are we revealing secrets? None of these things are true. The only thing that is true is that we are restricting ourselves unreasonably in order to shut down information that should be made public.

**The Chair:** We're not restricting ourselves; the Standing Orders are. Are there any other comments on this?

On the subcommittee report, are there any comments on the suggested agenda going forward? Could I have a motion to approve that?

**An hon. member:** I so move.

**The Chair:** It is seconded by Mr. Christopherson and moved by David.

Is there any discussion? All in favour?

(Motion agreed to)

**The Chair:** We have a half an hour, so maybe we should move on to your motion.

**Mr. David Christopherson:** Do you want to go for it?

**The Chair:** Do you guys want to do that?

**Some hon. members:** Agreed.

**Mr. David Christopherson:** Chair, I thought I'd start by reading it and remind everybody where we are. It's a notice of motion:

That the Committee adopt the following procedures for in camera business:

That any motion to sit in camera should be debatable and amendable, and that the Committee may only meet in camera for the following purposes:

To review:

- (a) wages, salaries, and other employee benefits;
- (b) contracts and contract negotiations;
- (c) labour relations and personnel matters;
- (d) a draft report;
- (e) briefings concerning national security; and

That Minutes of in camera meetings should reflect the results of all votes taken by the Committee while in camera, including how each member votes when a recorded vote is requested.

The only thing I would add, Chair, is that it would be my intention—if I ever got to the point where there was support for this—to add to the last sentence, “that minutes of in camera meetings should reflect the results of all votes taken by the committee while in camera, with the exception of report writing”. As we're going through report writing, and people are moving various clauses and words and ideas in and out, to me that doesn't need to be captured by what I'm putting forward. That's part of the give-and-take of report writing, which is a separate process in and of itself.

That's my motion. If I can, I'll begin giving my rationale for it, Chair.

• (1230)

**The Chair:** Go ahead.

**Mr. David Christopherson:** Thank you.

Beginning with the issue about debatable and amendable, what has happened in the past—and I know the government's going to tell me they don't see the world that way, and they're going to be wonderful, and they won't do those nasty things. I say, fine, I believe you believe that now, but I also have a good idea where we're going to be. Going down the road, two to three years from now, all those niceties will be forgotten and we'll be into the give-and-take of the day-to-day partisan aspects of what we do.

What would happen is that as soon as the government of the day got in any way uncomfortable with what was going on, they would just throw a motion on the floor to go in camera. Under the rules, you couldn't debate it. You had to go to an immediate vote. There were no criteria to stack up against, in terms of whether or not it was allowed. There was no guideline. You could go in camera. You could just go in camera with no debate, no discussion.

What happened was that the government, whenever it suited them, would just—boom, in a flash—throw out a motion to go in camera. Before anybody even really had a chance to gather their thoughts, it had to go straight to a vote. There's no debate. You can't amend it. Boom, boom, inside three minutes we went from having an interesting, dynamic, public discussion, maybe even a debate about whatever, and all of a sudden, minutes later, we vaporized from the public view and went into this rabbit hole from which we only emerged when we decided.

My first concern is for that.

Chair, I don't know how you want to proceed. At some point I'd be interested in getting an early indication from the government whether they have a willingness to entertain any or part of this. If they did, it could save us a lot of aggravation. I don't know how you want me to proceed. That was the first point. I can move on. I'm in your hands.

**The Chair:** Why don't you make all your points and then we'll get the government or the opposition to respond.

**Mr. David Christopherson:** Okay, but if I may, just by way of timing, if I can get some interest—I mean, we're sitting right here.

**An hon. member:** [*Inaudible—Editor*]

**Mr. David Christopherson:** Okay, good.

If they're going to agree to things, there's no sense in me taking you for a walk around the world.

**Some hon. members:** Oh, oh!

**Mr. David Christopherson:** If you're going to agree anyway....

At some point, maybe that would be helpful. I'll outline it, but rest assured, I'm not done on any of these areas. There are lots of things to revisit and talk about, but only if necessary. Since we're all getting along so well, hey, hope springs eternal.

In terms of review, right off the bat, with regard to outlining what committees can or cannot do in camera, for those of us who served on city councils, we're very used to this idea. I remember at the time there was a whole lot of push-back. People were saying, “You know, cabinets get to meet in camera”, completely missing the point, of course. It's a very different dynamic and a whole different procedure when you have built-in opposition and checks and balances. You don't have that at a city council.

One of the first things that happens on a city council when a motion is made is that somebody often tests it to see if indeed the matter falls within the rules for discussing in camera. It should be noted that the media play the biggest check and balance on this, because once a majority on council votes, things move quickly and they just go in camera. The media will grab on to that issue. They'll take it to the press council and other places, and months and months later you'll hear a report come back saying that the council's had its wrist slapped. That's not to mention what can happen to some of the officers who are responsible municipally for some of these things.

Having an outline of exactly what we go in camera for or not makes a lot of sense. Between the first idea, that it can be debatable and amendable, and the second, that the motion has to stand against the criteria for when we go in camera, that alone would remove a lot of the potential abuse just by slowing it down and putting some kind of reference in there. In the past, it didn't matter what we were talking about. If it got awkward or ugly, if the government was getting beaten up on anything, they would just run and hide and they would move that motion. It would happen that instantly. It would be those two things alone—debatable and amendable—and the fact that they have to stack up against certain criteria on what we're allowed to do in there and what we're not.

I won't go into all of the stuff I have to say just now. I'll just do the Coles Notes version in the hope that everybody will agree and you don't have to hear from me. But providing those two key aspects would go a long way toward removing abuse and potential abuse.

The last one is what really makes me crazy. A lot of people don't know this, but as it stands right now, when you're in camera, if anybody moves a motion on committee and we spend an hour debating it, and it loses, you are violating the confidence of the committee; you are actually in breach—it's a serious matter—if you talk about that motion, because it lost. Under the rules, when you're in camera, the only motions you can talk about in public are the ones that are carried. In fact, it's not even written down. It's like it didn't happen. It drives opposition members crazy, because you're trying to initiate certain directions.

I grant you, a lot of it is partisan. So? This is a partisan place. The fact is that initiatives are put forward when you're talking about business. They're usually opposition, because the government gets their buddies to vote for it and it carries. Okay: we all accept that the election happened and you have the control at the end of the day. The government wins ten votes ten times out of ten. Fair enough. But the whole idea is at least allowing the motion that was made to be heard.

By what anti-democratic rule do we hide behind when we say that if Mr. Richards moves a substantive motion in camera about the business we're doing, or about new business, or wants to invite other witnesses, or wants to start a study, all of which is public business and doesn't fall in the categories (a) through (e) that I listed earlier...? If he should do that, currently under the rules, by the time you get out of in camera, it's like the old Soviet Union when you fall out of favour: you look at the pictures from the past, and holy smokes, they are just not there. That's what would happen to that motion. It goes all Soviet. It just disappears as if it never happened.

● (1235)

So, you're in camera, and you're left wondering what to do. Do you not bother making the case? Well, you want to make the case. You're going to make the argument. It just eats up a whole lot of time but denies anybody outside that committee room the opportunity.... And believe me—because you will probably see it happen at least once—when I say that if anybody violates the confidence of in camera meetings, that's a big deal. It gets raised in the House. It's a breach, and it's held as such. So this is a big deal, and it has always driven me insane that you can't even talk about it.

I have a lot to say about all of this, but those are the three items. It's 12:40 and I have lots of time to start in, but it would be helpful to me if I could get some kind of feedback from the government, just some indication of where I am vis-à-vis the possibility of this carrying. It won't stop me from making my case, but it certainly could save us a whole lot of time if they were being co-operative.

● (1240)

**Mr. Arnold Chan:** I need you to concede me the floor so I can respond.

**Mr. David Christopherson:** That's fair enough. I just need to make sure the clerk knows I would like the floor again after I'm done so I can stay on the list and not have this close off on me.

I will defer so I can hear from Mr. Chan, Chair.

**The Chair:** We'll go to Mr. Chan and then Mr. Graham.

**Mr. Arnold Chan:** Thank you, Mr. Chair.

I want to thank Mr. Christopherson for his contribution on this point.

The government supports the basic premise of what you're putting forth. We took this position in opposition. As you'll recall, the member for Westmount—Ville Marie in the 41st Parliament spoke with respect to the basic principles attached to this, and our leader introduced a private member's bill with respect to the basic premise in regard to the motion you're putting before this committee today.

The only suggestion I would have on a couple of points with respect to the substantive motion that's before the committee.... First of all, we think some additional items should be considered to expand the list of what we think would be appropriate matters to be in camera, and I'll introduce those in a moment.

The other point we have is on where you talk about how “any motion to sit in camera should be debatable and amendable”. My point is that I'm okay with it being debatable for, let's say, three minutes. I don't see why it needs to be amendable. It's either an up or down vote from my perspective; we either agree to it or we don't agree to it. Because at that point, we're dealing with a prescribed list of items, and only those items can go in camera. We vote it either up or down. It's straight up. Also, I don't want us to take an enormous amount of committee time to make those decisions once we know that we're dealing only with the prescribed list of matters that can go in camera.

Finally, with respect to the last point, which was basically about the minutes of the meeting, from my perspective—again, since we're dealing again with a prescribed list of issues—the result of those votes, because we're only dealing with a prescribed list, should only be recorded with the unanimous consent of the committee, because the only way you go in camera is that you're dealing only with those issues.

I'll give you a couple of amendments that I would suggest. For example, here's how the motion would then read. I would simply delete the provision that says “and amendable”, so it would read instead “That any motion to sit in camera should be debatable for”—I'm going to just propose this—“not more than three minutes”. So you can debate it and get your points out. We're only dealing with these items, okay? Then we'd vote it up or down.

Then I would simply add three other provisions to the list that you've already prescribed. I'm fine with the list you have so far, but I would suggest that these other items would be appropriate as well.

I would add an (f) that would read “for matters of members' privilege”. Again, I think that might be appropriate for us to go in camera on. I would then add a (g) “for the discussion of witness lists”. Again, it might be appropriate to go in camera for whatever reason. I would add an (h) “for any other reason”, because we might forget what that particular reason might happen to be, “on the consent of the entire committee”—so we all have to agree, okay? —“or on the advice of the clerk”. There might be a reason that we haven't thought about it in this list, but it gives us a way out.

**An hon. member:** That wording...?

**Mr. Arnold Chan:** Right, on consideration from the advice of the committee....

I'll read it back: “for any other reason with the consent of the whole committee or on consideration of the advice of the clerk”.

There may be reasons we need to go in camera that we haven't thought about in this particular list, but again, it's either that we all agree, or that the clerk raises it, thinking that it might be appropriate for us to do that. Then we'd still have to decide as a body.

**An hon. member:** [*Inaudible—Editor*]

**Mr. Arnold Chan:** I would think so—

**The Chair:** Okay. You're on the list.

**Mr. Arnold Chan:** I'll defer to Mr. Graham. I'm done.

**The Chair:** We have Mr. Graham, Mr. Christopherson, and then Mr. Reid.

**Mr. David de Burgh Graham:** There's one more thing I want to change, and it's that “the Minutes of in camera meetings should, with unanimous consent of the committee, reflect the results” of all the votes. I don't think it's appropriate that every vote we ever have in camera comes back to the Hansard, but maybe sometimes it will, and I think we should be able to agree to that in camera. That's the suggestion I'd make there.

As you see, we're very much agreed with this in principle. I was there. I was behind you in the third party. I remember watching how it was abused. In principle we agree with this, but we're trying to get it so we don't hit any roadblocks that we really don't want to hit.

● (1245)

**The Chair:** Mr. Christopherson, and then Mr. Reid.

Or you might want to hear from Mr. Reid first, because then you'd have more to comment on.

**Mr. David Christopherson:** Yes.

**The Chair:** Mr. Reid.

**Mr. Scott Reid:** My comments are brief and technical.

The first is that Mr. Chan's motion says “three minutes”. Do you simply mean that the proposer gives a three-minute rationale and then everybody else simply votes, as opposed to three minutes for each person? You can see the distinction. One involves three minutes. One involves three minutes' time for how many members there are potentially. I'm not sure which one you meant.

**Mr. Arnold Chan:** My intention is really that the mover of the motion will have three minutes to put the issue forward. I just want to put a time limit on debating something ad nauseam so we don't eat up valuable committee time.

**Mr. Scott Reid:** I wasn't asking a question; I was asking for clarification.

**Mr. Arnold Chan:** It's a fair question, and I would be fine with any other member having up to three minutes. Even then that would eat up a significant amount of time, but at least at some point there's closure and we can vote it up or down, because we're dealing with a prescribed list of items, a limited number of items that can go in camera. Not just anything can go in camera.

**Mr. Scott Reid:** That was the first question and that was helpful. As it's worded now, it sounds to me as though it's three minutes for the mover and then there's the vote.

The second thing I wanted to say is that, traditionally the motion to go in camera or to come out of being in camera are simply reverse mirror images of each other. I'm assuming that is not what you intend here, and that going from being in camera to being in public would not necessarily involve having any three-minute discussion. It might be helpful to state that. Someone simply says, "I think we should go public" and then we have a vote up or down. Is that correct?

**Mr. Arnold Chan:** That's correct.

**The Chair:** Mr. Christopherson.

**Mr. David Christopherson:** I have to say, I'm pleasantly surprised. We can work with this. I have a couple of issues too, but I just want to start by being very positive and responding in a positive vein. I think we can get there. If we continue doing it the way we're going here, I think we can get to it. I'm very pleased. These are really good improvements. I might make note that we got this far without Mr. Lamoureux. Not that his comments wouldn't have been entertaining and wonderful, but we did manage to get here without him.

Moving on, I agree with Mr. Reid that the three minutes is a problem. If you just allow the mover of the motion.... Oftentimes it's government. So that won't work, because it eats up all the time. However, you were being fair-minded, so I was going to respond in a fair-minded way. As a former House leader, I also understand that there is an opportunity there for the opposition to again grab the floor and filibuster and hold things up. Not that we can't get there relatively easily if we want to anyway, but I do get the idea that this just opens up one more avenue of potential mischief-making, as the government might see it, and therefore they want a time limit. I think, based on what I heard Mr. Chan say and on what I heard Mr. Reid say, somewhere in there we should be able to find a common....

I'm open. I understand you just don't want it to be another opportunity for the opposition to hijack the agenda, and I get that. Mr. Reid's point is exactly the one that I would make, that in order to give effect to something being debatable it has to be more than just the person who moved it. Let's give some thought to how we can do that. I understand it eats up a little bit of time, but that's just going to be the price we pay.

On "amendable", I'm flexible. Sometimes there are reasons that you might want to be very specific and say you are going to go in to deal with one particular thing and get out, and by amending that motion you could do that as opposed to blanket going in camera and being able to move any of these other items while we're in there. By allowing it to be amendable, you could give some direction to it, but if that is a particular problem for the government, that's a hill I'm not looking to die on. I will leave you with that thought.

I'm fine personally with the ones you've added. I think they're improvements and I like them. I think they're good. The only one I have a problem with—and I didn't even get the wording exactly—is the one about the clerk giving some kind of ruling—

• (1250)

**The Chair:** We'll just read it again.

**Mr. David de Burgh Graham:** It says, "for any other reason with the consent of the whole committee, or on consideration of the advice of the clerk".

**Mr. David Christopherson:** See, that's it. It says, "or on the consideration". Does that mean the decision of the committee still has to be unanimous, or are you saying that the clerk gets to make a unilateral declaration?

**Ms. Anita Vandenberg:** We added "consideration of the advice", which means the committee could consider the advice and then say yes or no, so it's the committee and not necessarily the clerk who would decide.

**Mr. David Christopherson:** That still takes us back to the unanimity, doesn't it?

The language is a little bumpy, but as long as that's clear and as long as we understand it and it's there in the Hansard, I'm fine with that.

I had amended my own motion regarding "with the exception of report writing". Did you agree with that? I wrestled with that a bit, but I thought that often there is a lot going there, and things move quickly when you're doing report writing. It just seemed to me that was different from one of us in the opposition trying to put a motion to hold a study on something or to have a particular person be invited and then the government overruling it. That was a different thing in terms of public perception.

To me, Chair, it looks as though we're pretty darn close. It would seem that maybe one of the things we still need to finalize is the time on debate.

You heard my thoughts on "amendable". I'd appreciate hearing yours. If you decide you'd still rather not have that, I'm fine with it.

**The Chair:** We have a speaking list: Mr. Chan, Mr. Graham, and Ms. Vandenberg.

**Mr. Arnold Chan:** To get back to Mr. Christopherson's point about "amendable", my concern at the end of the day is that we're dealing again with a prescribed list of items. For me, it's a straight vote it up or vote it down. You can always move another motion to deal with it if it gets voted down; I just don't want to have a specific motion indefinitely amended. We either agree or we don't. Done.

On the issue with respect to the report writing, I'm fine with that change. I don't know how other committee members feel, but it makes sense. Again, we want things to work efficiently if we're in that situation. The key is that we have a limited list of items, as opposed to the practice of the previous government where they were using it for all instances to put everything into in camera.

We buy the point. We accept the premise that there should be a prescribed list of matters that would normally be in confidence for obvious reasons. If there's anything else we haven't thought about, that's why we created that reasonable catch-all, but we all have to agree.

**The Chair:** Mr. Graham and then Ms. Vandenberg.

**Mr. David de Burgh Graham:** We were talking about the three minutes being per person or for everybody, or so on and so forth. Can we find a way of limiting it so we don't have three minutes per member and then 120 opposition members coming in to do their three minutes each? I want there to be an overall limit on that debate so we can actually get on with our lives. That's my point.

If we can go for, say, three minutes to a maximum of three speakers or something for a minimum of two parties—

**An hon. member:** To a maximum of [*Inaudible—Editor*].

**Mr. David de Burgh Graham:** I'd be fine with that. If everyone else is fine with that, I'm fine with that.

**An hon. member:** It's still not [*Inaudible—Editor*].

**Mr. David de Burgh Graham:** It's better than it was.

**Mr. David Christopherson:** It's just that if you're violating it and I want to make a point, we're now limiting how much time I have to fight for justice.

**Mr. David de Burgh Graham:** You will no doubt find a way, David.

**The Chair:** Ms. Vandenberg.

**Ms. Anita Vandenberg:** That was the point I wanted to make: maybe three per recognized party.

**The Chair:** Before we read the amendment, is there any other debate on this amendment?

These are detailed amendments. Let's go over the amendments to the motion as you understand them. You're the ones who are going to have to type them.

**The Clerk of the Committee (Ms. Joann Garbig):** I will read the motion as if it were amended:

That the committee adopt the following procedures for in camera business:

That any motion to sit in camera should be debatable for not more than three (3) minutes each for the mover and one (1) speaker from each recognized party—

• (1255)

**Mr. David de Burgh Graham:** For not more than three minutes each, so we don't have three minutes for us and then a filibuster thereafter.

**The Clerk:** “That any motion to sit in camera should be debatable for not more than three minutes each for the mover and one speaker from each recognized party, and that the committee may only meet in camera for the following purposes: to review—(a), (b), (c), (d), (e), as they appear in the notice of motion—“(f) matters of members' privileges; (g) discussion of witness lists; (h) any other reason with the consent of the whole committee or on consideration of the advice of the clerk; that minutes of in camera meetings should reflect the results of all votes taken by the committee while in camera, including how each member votes, when a recorded vote is requested, with the exception of report writing.”

**Mr. David de Burgh Graham:** It should be “That minutes of in camera meetings should, with the unanimous consent of the committee, reflect the results...”.

**The Clerk:** Then the last paragraph would be “That minutes of in camera meetings should, with the unanimous consent of the committee, reflect the results of all votes taken”, etc.

**Mr. David Christopherson:** Whoa, could you read that again?

**The Clerk:** “That minutes of in camera meetings should, with the unanimous consent of the committee, reflect the results of all votes taken by the committee while in camera”, etc.

**Mr. David Christopherson:** Maybe I understand wrong. It sounds to me like the committee votes, and only by unanimous consent do the in camera motions end up public. Whoa, that's not going to cut it, because that leaves us exactly where we were before. The government at will can decide what will be made public and what won't, unless I'm misunderstanding, in which case, help me.

**The Chair:** Mr. Graham.

**Mr. David de Burgh Graham:** I don't think it is necessarily appropriate for every vote in camera to be listed. No, the question is if your objective is to have the motions that were defeated appear in Hansard. Is that your objective?

**Mr. David Christopherson:** It is that and the ability to speak to them. If I make a motion in camera I'd like the ability to walk outside the room and say that I made that motion and it failed. Right now, if I understand correctly, it takes a unanimous vote of the committee to grant me that right. That's not much different from where we were with the Tories. If the government decides nothing is coming out and there's nothing I can do about it, I'm no further ahead than I was under the old rules. Either I have that right to move a motion, have it recorded in Hansard, and I can talk about it publicly, or I don't. Government maintaining whether I have that right is no different from being denied that right in the last Parliament, save and except by the whim of the government.

It defeats the purpose and it leaves the government in total control over what goes public. My whole point is to remove the government control by saying motions that are in order are allowed to be reported in Hansard and talked about publicly. That's all.

The real politics of it is this. Let's put the cards on the table. Right now the government has the right, no matter what motion comes in, to sit back and almost pay no attention whatsoever. When all the talking is done, they can vote the motion down, and no matter what the politics of it, they never have to defend that they exercised their majority to quash a motion. They never have to defend it because it's never written down and it's against the rules to talk about it.

**The Chair:** Okay, David, we're basically at time, and we're going to have to proceed in one of two ways. We could carry on later, or seeing as we have co-operated with almost everything in the motion, we could vote on everything so far—

**Mr. David Christopherson:** No, I don't want to—no, we're close here. Things are good. I see the government and I'm getting a sense they're still listening and understanding that is an argument. A little

time for the government to review that would be helpful. I'm quite prepared to adjourn now and pick this up at the next opportunity we have.

I'd ask the government to think about this last piece, if you would.

● (1300)

**The Chair:** Okay, the meeting is adjourned.

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