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Chair

The Honourable Larry Bagnell

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•(1105)

[English]

The Chair (Hon. Larry Bagnell (Yukon, Lib.)): I call the meeting to order.

I apologize for being late. My bill was before Parliament, and I thought it was about to be passed, but they keep on talking.

I welcome the witnesses to our 78th meeting. I'm sorry for keeping you waiting.

Our business is supplementary estimates, vote 1b under the House of Commons and vote 1b under the Parliamentary Protective Service.

We're pleased to have the Hon. Geoff Regan, Speaker of the House. Joining the Speaker from the House of Commons are Charles Robert, Clerk of the House; Michel Patrice, deputy clerk, administration; and Daniel Paquette, chief financial officer.

From the Parliamentary Protective Service, we are joined by chief superintendent Jane MacLatchy, director, and Robert Graham, administration and personnel officer.

With that, I will now turn the floor over to you, Mr. Speaker, for an opening statement on both sets of estimates. Thank you.

Hon. Geoff Regan (Speaker of the House of Commons): Good afternoon, Mr. Chairman.

I'm sure I'll pay for that.

The Chair: If the Speaker had been faster, I would have got my bill through.

Hon. Geoff Regan: Oh, oh!

Thank you very much, Mr. Chairman and members of the committee. It's a pleasure to be back before you in my role as Speaker of the House of Commons to present to you our supplementary estimates (B) for the fiscal year 2017-18.

[Translation]

As you know, this appearance is an opportunity for the House of Commons to present the approved additional funding for previously planned initiatives, each of which is designed to maintain and enhance the administration's support to members of Parliament and to the institution itself.

You may have gotten a sneak peek of what I am about to present to you when the Board of Internal Economy reviewed and approved the estimates last month, at its first public meeting.

[English]

I'm here today to add some details and answer your questions. I'll also present, as you mentioned, Mr. Chairman, the supplementary estimates (B) for the Parliamentary Protective Service, or PPS. As you may have noticed, I'm joined by our House administration's executive management team and the leadership of the PPS.

I will begin this morning's presentation by highlighting the key elements of the 2017-18 supplementary estimates (B) for the House of Commons. These total \$35 million in additional funding and bring the House of Commons' estimates to \$511 million for the fiscal year.

For a more detailed breakdown of numbers, I would draw your attention to the handout that we've provided to the committee to help facilitate our discussions.

[Translation]

As you can see, there are 10 line items included in our 2017-2018 supplementary estimates (B). I will address each of these in the order in which they appear. This will be followed by a presentation of the supplementary estimates for PPS.

As you will note, most of the line items—eight of them, to be precise—fall under the broad category of voted appropriations. The remaining two items represent statutory appropriations.

•(1110)

[English]

To begin, our first line item confirms that temporary funding in the amount of \$15.4 million has been sought for what is technically known as the operating budget carry-forward.

The board's carry-forward policy allows members, House officers, and the House administration to carry forward unspent funds from one fiscal year to the next, up to a maximum of 5% of their operating budgets in their main estimates. This practice follows that of the Government of Canada and gives members, House officers, and the administration more flexibility in planning and carrying out their work. The House of Commons carry-forward has been approved by the Board of Internal Economy, and further to a Treasury Board directive, is reflected in our supplementary estimates.

The next line item relates to security enhancements to the West Block that are needed as part of the long-term vision and plan. As you may know, Public Services and Procurement Canada, the lead partner in this ambitious, multi-year plan, recently confirmed that the restoration of West Block is scheduled for completion next year. Once ready, that heritage building will serve as our new temporary home.

I can't go into further detail about the \$5.3 million that is required to enhance overall security at West Block without going in camera, as I'm sure colleagues will understand. However, I do want to take this opportunity to confirm that we are doing the required due diligence on security matters and that a detailed plan has been approved by the board.

In addition, we have sought \$4.4 million in 2017-18 to fund economic increases for House administration employees. This increase reflects the results of the negotiations with four of our bargaining units. The total sought includes both temporary funding for retroactive payments and funding for permanent, ongoing labour costs.

The next item represents a \$2.7 million investment in the overarching digital strategy to modernize the delivery of parliamentary information to better support the work of members of Parliament, their staff, and the administration, as well as to maintain the solutions and systems that underpin the strategy. The planning, development, and launch of our digital strategy this past spring marked a significant step forward—one of many to come—in making the House a leader in the sharing of parliamentary information.

[Translation]

I should mention that the strategy also includes efforts to evolve our intranet for members to transform it into a one-stop source for important information that members expect from the House of Commons.

You may recall that this past May, when I last appeared before this committee to present our main estimates, I spoke to you about the work of our parliamentary committees and associations.

[English]

I mentioned to you then that there was a growing demand for Canadian parliamentarians to meet with citizens from across the country as well as internationally to help better shape our country's policies and actions, both at home and around the world.

Accordingly, an additional \$1.7 million for fiscal year 2017-18 was included in the supplementary estimates (B) to support the activities of our committees and to support the 15th Plenary Assembly of ParlAmericas. This conference, which is to be hosted by Canada, is scheduled for September 2018 in beautiful Victoria, British Columbia.

The next line item in the handout—funding in the amount of \$1.4 million—was sought in 2017-18 to usher in two changes to the way we do business.

The first will see the budget structures for the House officers and national caucuses modernized to allow for a more effective

management of their operations. That change came into effect on April 1, 2017.

The second extends the proactive disclosure of expenditures from members to all House officers and national caucus research offices. I'm happy to confirm that our first House officers expenditures report will be published in June 2018. The latter represents the latest step taken by the board to increase the public's understanding of its role and of the expenditures of the House of Commons. The opening of the board's meetings to the public, which I mentioned earlier in this presentation, is another notable example.

•(1115)

[Translation]

I would direct your attention now to the next line item, which deals with the House administration's continued efforts to modernize our food services to members and others, and deliver these in the most efficient way possible.

We have sought \$1 million in funding to provide a more client-focused experience and to prepare for the move of our parliamentary dining room to the West Block, including related upgrades to our food production facility.

[English]

The changes that will be introduced include a new breakfast service at the parliamentary dining room, a new catering kitchen team for final preparations and plating, revised menus to appeal to changing palates and accommodate off-site preparation, year-round service in two cafeterias in the parliamentary precinct, and a core complement of employees, including new hires, to respond to the increasing demand for service.

The last item you will find in the voted appropriations section of the handout relates to \$835,000 sought for pay and benefits services in 2017-18. Given the challenges, this funding will ensure a more reasonable workload for employees who provide this service, as well as help better meet the needs of members and other clients.

Ten new positions are being funded on the pay and benefits team within the human resources services. The increase in our staffing complement will, among other things, provide for the establishment of a call centre to respond to pay and benefits questions, as well as a dedicated pension services expert to act as a go-to resource for members for pension-related matters.

There are two final items to address related to the House of Commons supplementary estimates (B). These fall under the category of statutory appropriations in the handout.

To begin, \$1.6 million in funding was sought for the employee benefit plans in 2017-18, in accordance with a Treasury Board directive. In addition, a further \$793,000 was required for the annual adjustment to members' sessional allowances and additional salaries as per the Parliament of Canada Act. This represents a 1.4% increase effective April 1, 2017.

[Translation]

As you know, the adjustment is based on the average percentage increase in base-rate wages for each calendar year resulting from major settlements negotiated in the private sector in Canada.

This concludes my presentation of the supplementary estimates (B) for the House of Commons.

[English]

Now I would like to turn, Mr. Chairman, to the Parliamentary Protective Service, which continues to build and strengthen its capacity to provide security services throughout the precinct.

Let me begin by providing an overview of the PPS's supplementary estimates (B) requests for 2017-18, which total \$14.7 million. This includes a voted budget component of \$14.2 million and a \$489,000 statutory budget requirement for the employee benefit plan.

Following a determination that the PPS is responsible for the ownership, upgrade, use, and operation of physical security assets used to protect Parliament Hill, the project aiming to upgrade the video surveillance system and replace the vehicle screening facility crash barriers was transferred to PPS.

PPS is requesting temporary funding in the amount of \$5.3 million for the 2017-18 fiscal year in order to proceed with the first stage of the video surveillance project, in line with the long-term vision and plan construction schedule.

This funding request includes \$200,000 in this fiscal year to begin the work to replace the vehicle crash barrier system currently in place. The funding will help reduce the risk of vehicular attacks, a tactic that—as we all sadly know—has been recently used around the world with increasing frequency.

The PPS is also requesting temporary funding of \$1.3 million for incremental costs related to this year's Canada Day events.

Permanent funding of \$1.1 million is being requested to enable the PPS to permanently staff positions in information services, training, physical infrastructure and emergency planning, asset management, and major events planning.

Temporary funding of \$909,000 is also needed to advance operational support projects, which include additional information management support and the inventory management system to help PPS move away from manual records, and to cover the cost of equipment and uniforms for new recruits.

● (1120)

[Translation]

In addition to the operational support funding requests, PPS is seeking a permanent increase of \$1.1 million to fund service level agreements established with the House administration for financial operations, the financial system, information services and human resources support.

PPS is requesting \$1 million in temporary funding to proceed with retrofits and renovations to facilities at 180 Wellington Street and the Centre Block to make more efficient use of the space available.

These projects have been planned and costed with the support of the House of Commons Real Property Group.

[English]

In line with the economic increases implemented at the House of Commons and to honour agreements signed prior to its creation, the PPS is requesting funding for salary increases for its unrepresented employees and members of the security services employee association. The cost for the 2017-18 fiscal year will be \$693,000, which would cover retroactive and current year increases.

Finally, the PPS is requesting access through the supplementary estimates (B) to the 5% carry-forward in the fiscal year 2016-17 in the amount of \$2.8 million.

This concludes my presentation, Mr. Chairman. Thank you for your kind attention. My team and I are happy to answer any questions you may have.

[Translation]

The Chair: Thank you, Mr. Speaker.

[English]

Go ahead, Mr. Graham.

Mr. David de Burgh Graham (Laurentides—Labelle, Lib.): Thank you. Welcome to your first PROC committee, I believe. It's a pleasure to have you here.

In the spring, we had some concerns about staffing shortages. I was wondering if you could give us an update on where we are with front-line officers in terms of new hires.

Chief Superintendent Jane MacLatchy (Director, Parliamentary Protective Service): I'll apologize in advance. I'm getting over a cold, so there's a good chance I'll be coughing throughout this.

In terms of our new hires, we were successful in hiring a significant number of new constables as well as detection scanners over the last six months. I would defer to my administration and personnel officer for the specifics.

Mr. Robert Graham (Administration and Personnel Officer, Parliamentary Protective Service): There's been a net increase of 35 detection specialists since October 2016, and a net increase of 36 constables for the SSEA divisions one and two that oversee the security of the House of Commons facilities.

Mr. David de Burgh Graham: Do we need a lot more, or are you where you believe you need to be?

C/Supt Jane MacLatchy: Sir, we're in the process right now of kicking off what I'm calling a resource optimization review. We're having a look at the posture in its current state and making sure that we're right-sized. Once we finish that exercise, we will be in a better position to know how many more we need in terms of the LTVP, amongst other things, and the pressures we see in the future.

At the moment, my gut reaction is yes, we need some more. I want to put some rigour into how many before we come to this table.

Mr. David de Burgh Graham: I appreciate that.

One thing I've noticed around the Hill is that we have RCMP officers parked in different places around the Hill, and then PPS at the doors and in the buildings. Is the plan to remain that way, or are PPS officers, as we get more of them—the non-RCMP ones—going to be stationed at other points around the Hill over time?

● (1125)

C/Supt Jane MacLatchy: There is a concept right now that we're looking at. I spoke in terms of a resource optimization review, sir. Part of that will include what I want to call right-sizing and making sure we've got the right people doing the right jobs. We are contemplating it at this point, and we are moving forward on a potential reduction of the RCMP footprint on Parliament Hill and in the precinct and, obviously, an associated increase in PPS resources. Again, that work is still in its infancy. We're looking at that and the complexities of what that kind of project would entail.

Mr. David de Burgh Graham: I appreciate that.

I have one more question for PPS before I go to the House administration side. This is for both the Speaker and Ms. MacLatchy.

On October 26, 2017, *The Globe and Mail* reported on disciplinary action against members. There is some lack of clarity on where the orders came from. If you want to offer any clarity for the public record, now it could be a good opportunity to do so.

Hon. Geoff Regan: The MOU between both Speakers and the PPS provides that the Speakers provide general policy direction for the PPS but that the day-to-day operation is in the hands of the director. I just want to say that I have great confidence in the director, and that isn't just because she's from Hubbards, Nova Scotia.

Mr. David de Burgh Graham: I did know that connection.

Hon. Geoff Regan: It doesn't hurt.

I think you want to add to this.

C/Supt Jane MacLatchy: Yes, I would appreciate—thank you—the opportunity to add to that.

I will be speaking later on in this session in more depth on the labour relations issues. As per the governance model and the structure of PPS, I've ensured that both Speakers' offices are aware of the situation and of my intentions at all points of the process. The ultimate decision to render discipline to PPS employees rests with me, and I made that decision. That was my decision.

Mr. David de Burgh Graham: Thank you. I appreciate hearing that.

For the House administration, I want to hear a little bit more about the transition from parl.gc.ca to ourcommons.gc.ca. I thought it was very interesting this spring when the web site was completely changed. I want to know how that went, and if you have any comments on that.

Hon. Geoff Regan: I'll ask Stéphan Aubé, who is our chief information officer, to come forward to answer that question, because he is our expert on this topic. He'll be appearing, of course, with the deputy clerk of procedure, André Gagnon.

Mr. David de Burgh Graham: We're going to have to add some more chairs, then. Thank you.

Mr. André Gagnon (Deputy Clerk, Procedure): Thank you for the question, Mr. Graham.

The renewal came about, and certainly for us an important aspect was to make sure that we updated significant portions of the website. The Senate and the Library were also renewing their portions, so we took that opportunity to make it as modern as possible. As well, as indicated by the Speaker, in terms of the website and the House's presence on the Internet, we wanted to make the House of Commons become a leader in the sharing of parliamentary information .

That ambition permitted us to work a lot on social media. You've probably seen some movement on that front. We have also renewed the content and the approach regarding the website, with live coverage of all of the activities of the House and of some committees as well.

For instance, right now you can listen on ParlVu to all of the interventions from this committee live, and later on during the day and in the evening you can, if you want, listen to this meeting again.

Third, it was quite important for us as well, in the context of having this change in the web presence of the different institutions, to work on the third category, which is the intranet and the services provided to members of Parliament. I wouldn't say that this is short term, but more medium term. It's important for us.

As a new member in 2015, you probably noticed when we brought in the Source application that this was very useful for new members of Parliament. We want to bring that a step forward in making it more useful not only for new members of Parliament but also for members who are re-elected.

● (1130)

Mr. David de Burgh Graham: I just want to say that I very much like the new site, so congratulations on that. Thank you.

My time is up.

The Chair: Thank you, Mr. Graham.

Mr. Richards is next.

Mr. Blake Richards (Banff—Airdrie, CPC): Thanks, Mr. Chair.

Thanks, Mr. Speaker, for being here.

You had noted in your opening remarks the item of \$835,000 being sought for pay and benefits services. One of the things you mentioned was the 10 new positions being funded. I wonder if you could tell us if that spending is related to some of the complications due to the Phoenix pay fiasco.

Hon. Geoff Regan: I'll ask Dan Paquette, our chief financial officer, to respond.

Mr. Daniel G. Paquette (Chief Financial Officer, House of Commons): The need for additional capacity there is due to a combination of things. One of them is with the continued increase in resources for members and House administration, we need to bring the number of pay advisers up to maintain a ratio to maintain the service.

There has also been an increase in inquiries relating to pension benefits, specifically for members, and there's a need for a subject matter expert on staff to do this. There is also the complexity brought on from the evolution of pay benefits, and making sure we have training capacity to keep them current.

The last element is, yes, there is an additional workload requirement for Phoenix that needs to be handled, and we did bring in a few people to help support that.

Mr. Blake Richards: Okay, and I wasn't surprised to hear that.

I want to get a sense as to how much of a problem there has been in that regard. Obviously, in relation to the issues with Phoenix, I've been far more concerned for the constituents who are federal employees who are having issues with it, as I'm sure most or all members of Parliament would agree. In my riding I have some with Parks Canada who have maybe waited a couple of years to even receive pay, so I'm certainly far more concerned about them.

However, we're here to talk about the House of Commons specifically today. There was an article recently in *The Hill Times* about some of the payroll issues on the Hill as related to Phoenix. I want to get a sense as to how you feel the Phoenix system has worked for the House of Commons. Would you be able to give us some sense as to how many payroll problems there have actually been in the House of Commons?

Hon. Geoff Regan: If I may intervene just for a second, it's strictly not for me to comment because, of course, this is a topic that's raised in the House and I can't comment on those matters, but I do want to say that obviously I want to see all the employees of the House paid accurately and on time.

Mr. Michel Patrice (Deputy Clerk, Administration): Obviously Phoenix has been a challenge for the House, but as we have retained a pay and benefits adviser, we've been able to monitor closely the issues that might arise with Phoenix, and our employees or members are not too adversely affected, as could happen in the rest.

Mr. Blake Richards: Okay, but there have obviously been impacts. I personally have had people make me aware of impacts they've had. Do you have some sense as to how many people have been affected or what impacts they've actually had?

Mr. Michel Patrice: In terms of the actual members, we'll provide the information to the committee through the chair.

Mr. Blake Richards: Okay. When I ask about it, I'm talking about the total number, in terms of House of Commons employees, and I suppose members and their staff would be included in that.

Mr. Michel Patrice: Obviously, yes.

Mr. Blake Richards: Could you provide us with that information?

Mr. Michel Patrice: Yes.

Mr. Blake Richards: Okay, I appreciate that.

Mr. Speaker, the supplementary estimates also propose, I think you said, about \$1.7 million for the committees and parliamentary associations in terms of an increase. Can you tell us a little more about what's being funded with that increase and how much spending was authorized for committees and associations in the main

estimates this year? I don't have that in front of me. Do you happen to have that information?

Hon. Geoff Regan: I'm sure that one of the team here can tell me the answer to the second question, but you will recall my mentioning that we have seen an increase in committees meeting with the public and hearing from witnesses. The cost of more of those meetings and having more witnesses has changed things a bit and increased the cost for committees. There has been an increase in parliamentary associations doing their work and travelling to have the variety of meetings that they hold. Of course, we have more MPs now than we did before the last election, and that too has had an impact.

I'll go over to André Gagnon, who will first correct any errors I've made, no doubt, and complete the answer.

● (1135)

Mr. André Gagnon: I would like to correct the Speaker by saying that the Speaker never makes a mistake.

Mr. Richards, I didn't catch the last part of your question.

Mr. Blake Richards: Just simply, how much spending was authorized for committees and associations in the main estimates this year?

Mr. André Gagnon: This year, \$1.7 million was added to what existed in terms of a fund that was provided.

Mr. Blake Richards: Yes, but I was asking what the existing funding was.

Mr. André Gagnon: It was \$2.3 million, getting to \$4 million.

Mr. Blake Richards: Okay. Thank you.

I note that when you take a combination of the main and supplementary estimates for the House for this year, it's about a 5% increase over last year's spending, which is obviously well ahead of inflation. Actually, it brings the House of Commons' spending to over \$500 million for the first time as well.

Could you tell me a little about what's behind that very fast growth in expenditures?

Mr. Daniel G. Paquette: The big piece here is the additional 30 members added to the House and the impact of having the additional constituency offices and their staff, which makes up about \$20 million worth of that amount of increase.

A lot of the money in the supplementary estimates is for technology projects. We have to keep up with modern technology and make sure we have the connectivity and the support for all MPs and their constituency offices. Our technology projects and the increase in number of MPs and constituency offices and their staff make up the mass of the trend.

Hon. Geoff Regan: Some MPs have had real problems with connectivity. Sometimes there is only one local service provider, one that charges an outrageous amount to serve the building where their office is, or what have you. That has been a job as well.

Mr. Blake Richards: Thanks, Mr. Speaker. I have a couple more questions, but I'm out of time. Maybe I'll get another chance.

The Chair: Thank you, Mr. Richards.

Now we'll go to Mr. Christopherson for seven minutes.

Mr. David Christopherson (Hamilton Centre, NDP): Thank you, Mr. Chair, Mr. Speaker, Clerk, and other guests.

Speaker, it won't come as a big shock to you that I'm probably going to focus most of my remarks and concerns on PPS. I don't want to let you down.

At the risk of sounding as if I'm bragging—because I'm not; I'm just laying out some bona fides—as a former solicitor general of Ontario, I was the civilian head of the OPP, so not only do I not have an angst about state police, I'm quite proud of them and proud of my previous affiliation with them. That said, I for one do not believe that the transition is going well at all. Again I want to underscore my belief that it is totally unacceptable for the Prime Minister to control the guns that are in Parliament.

Just as an aside, since it's my time, my good friend Raoul Gebert, who was a former chief of staff to Tom Mulcair, was bringing some guests from Germany, and they asked what we were doing and what I was going to focus on. They just about fell over when they found out that Parliament itself didn't control the guns that are in Parliament to protect Parliament.

Notwithstanding that I can't change that with one speech, I will keep making as many speeches as I can until I can reach critical mass and have it changed so that Parliament is in charge of its own security. However, we are where we are.

We're going to raise some issues in camera, so it's not my intent to play any games. Speaker, I think you know I don't do that. If you feel in any way that I'm getting too close to the confidential side of the negotiations, please jump in. I would urge you to do that. That's not my intent. However, I think it's fair game to ask the following questions.

The PPS are raising concerns with me about the new equipment being bought. The PPS side of things pays the bill, but the RCMP gets the equipment. I've even had vehicles pointed out to me, and people telling me they were bought with PPS money. The RCMP have that one, and that's the one PPS gets; it's an older vehicle.

This is what I'm told; I could be wrong. Weapons are being purchased that have the RCMP stamp on them, which in itself is fine, but if it's PPS money, their concern is that it's going to gravitate to the RCMP. They get shiny brand new weapons with the stamp and everything, and PPS is handed older brother's clothes.

I'm seeking some guidance, some edification, and ultimately some assurances with regard to this issue. I'll leave it there, Speaker, and ask you to comment and direct me to anybody with you who you feel is appropriate.

Thank you, Chair.

• (1140)

Hon. Geoff Regan: You will know, of course, that the law passed by Parliament provides that we have a combined body, which includes what used to be the House of Commons guards, the Senate guards, and the outside RCMP, who are all now under the direction of the Parliamentary Protective Service. Before I hand over the speaking role to Superintendent MacLatchy, I have been very pleased with and I deeply appreciate, as I know all members do, the excellent work of all those guards, all the members of the PPS, who provide us with security protection within the precinct.

I'll turn now to Superintendent MacLatchy.

C/Supt Jane MacLatchy: Thank you very much, Mr. Speaker.

You were expressing concerns about equipment purchases, etc. Any equipment we are in the process of procuring is for PPS use. The RCMP provides us a service for one of our divisions. They're a service provider to us.

In a moment I will refer to Mr. Graham for specifics on the procurement, if he's aware.

The firearms we have purchased are for our mobile response team, to my understanding. The mobile response team is an integrated group we've stood up very recently that provides us with an enhanced tactical capability across the Hill. It's an integrated group that involves RCMP and PPS members. In fact, the majority of members on that team are PPS protective officers. Right now, we're on a pilot with 14 members, and I believe two or three of them are RCMP, while the rest are PPS. Whether they're stamped or not I'm not aware of, but I was going to refer to Mr. Graham on this one.

Mr. Robert Graham: Because it was purchased from a Canadian company, the lead time for some of the equipment that was purchased by the PPS for PPS protective operations was many months away, so we leveraged an existing RCMP procurement mechanism. Some of that equipment has an RCMP label on it. It's used and operated by PPS personnel. When the vendor is able to provide unmarked equipment, we'll be exchanging that with the RCMP.

Mr. David Christopherson: Okay. I would assume, then, that unless anybody feels to the contrary, you wouldn't have any concerns with forwarding that information to us, and then we can establish what the reality is.

Basically, I'm saying that I don't know enough to question any further. I've given you what I know. You've given me answers. I'm saying that if there is a response to that from people on the ground, I think the committee could expect that we'll hear that response from them.

I'll move along.

I do want to clarify one thing. I want to be very clear—

The Chair: You have 10 seconds.

Mr. David Christopherson: The Prime Minister controls the guns in this place. Everybody keeps talking about the rubric and the Speaker and everything. I've established, and I'm willing to do it again, publicly if necessary, with the RCMP, but at the end of the day, make no mistake that it is not the Speaker who gives the command in terms of the weapons that are in this place. At the end of the day, that command comes from the RCMP commissioner, and that RCMP commissioner is under the command of the Prime Minister. That's what's unacceptable.

Thanks.

The Chair: Thank you.

Before we go to Mr. Simms, would the committee's indulgence allow Elizabeth May to ask a question?

Some. hon. members: Agreed.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Thank you, Mr. Chair.

Thank you very much.

Mr. Christopherson's passion on this issue is the same as my own and that of one of our dear departed friends. I think if I knew anyone more angry at the changes that took place and how they were rushed through in the spring of 2015, it was the late Mauril Bélanger.

I happened to have been in the House that Friday morning when the proposal was put forward to consolidate forces and put them in the hands.... No matter how qualified and wonderful individual officers are—and there's no disrespect intended—this is wrong. Mauril knew it was wrong. I knew it was wrong. It was all pushed through.

Now, I agree very much with David Christopherson on this point. When I see the very same people who put their lives at risk, who were unarmed and defended this place on October 22, I do find it astonishing that we've never had a public inquiry into what went wrong, but I know one thing, which is that the guards inside this place were professional, courageous, and made no mistakes. Now they're the ones who don't have a contract.

I take from David's point that there must be something that happens in camera. I have no access to those discussions. I want to ask this question very directly, because it appears to me that the case right now.... I hate the fact that really good people are not getting the respect they deserve in negotiations. I think there's bad faith bargaining going on here, but from the ongoing disciplinary actions that I see, I'm concerned that we have less security on the Hill than we had before the change in the law because too many officers are spending too much time being disciplined. They're working very long hours, and I don't think we have as many guards on the Hill who have our interests at heart as I would like to see.

Is it the case that these disciplinary actions against the House of Commons security team, the non-RCMP House guards, are taking us below a threshold for having adequate security here on the Hill?

● (1145)

Hon. Geoff Regan: First of all, I know that my old friend Ms. May.... I'm not used to calling you “Ms. May”, because usually you call me Geoff and I call you Elizabeth.

Ms. Elizabeth May: You can still call me Elizabeth, but I think have to call you Mr. Speaker.

Hon. Geoff Regan: At any rate, you and Mr. Christopherson and all members of the committee know full well that the question of what the law is and what it should be is a question for Parliament to determine. Of course I have great respect for that, and as Speaker I cannot get involved in that kind of debate, but I'll hand over the rest of your question to Superintendent MacLatchy.

C/Supt Jane MacLatchy: Thanks for the question, Madam May.

There are a couple of pieces I think I need to address on your question that I'm hoping will be helpful.

In the first case—and as I said, I will go into this in more detail later on—our ability at this point to enter into collective bargaining with the three associations that are currently in place for PPS is very limited. The legal advice I have is based on the law that created PPS, the Parliament of Canada Act. Within a certain period of time after the creation of PPS the employer or any of the parties had the opportunity to go to the PSLREB, the labour board, and make application to ascertain the number of bargaining units that will be part of PPS.

That application was made in 2015. The legal advice that I have received is that I cannot enter into collective bargaining until the PSLREB makes that decision, so we have been seeking alternatives into what we can do in the meantime. I'm as frustrated as anybody else with the delays. We did have our first hearing—last week, in fact—with the PSLREB on exactly that. I am hopeful that it can be resolved in reasonably short order, but there are further hearings required. In the meantime, the legal advice I'm getting is that I cannot collectively bargain. We have therefore been actively seeking alternatives to collective bargaining, actively looking for potential means of solving specific issues outside of the collective bargaining world.

In terms of the members of the former House of Commons security services who are now PPS employees and those who were involved in the incident on October 22, 2014, absolutely I agree with you that these people are to be commended. They are professional. They are proud, and they have every right to be. I certainly wouldn't want to say anything that would lead anybody to believe that I have nothing but the greatest respect for what they did, and what they do every day to keep this place safe, but the other issue is that we have a dress and deportment policy that was created in consultation with all three associations. Any alteration to the uniform is in violation of that policy.

When this first started in June, prior to Canada Day, I had newly arrived at the end of May. I started in this position at the end of May and I was very open to looking for alternative solutions and, as such, was very flexible in terms of any discipline at the time. I didn't want to go there at the time. Since that time, we were able to provide the former House of Commons security services employees, who are currently represented by SSEA, with the economic increase that was part of an agreement before PPS was created in 2014. That was part of the action I took in June. We got them that economic increase. I got an agreement that the labour action would cease, and that's what happened. Everybody went back to uniform.

Subsequent to that, we signed what I'll call a labour peace agreement, a memorandum of understanding, with that association, basically saying that there will be no further pressure tactics on the part of the union and that they will adhere to the dress and department policy, and we agreed to go forward into mediation of specific grievances. We did that, and we absolutely did it in good faith. I categorically deny that we were there in bad faith.

Of course, I can't go into the specifics of the mediation. We came to the table and actively tried to find an agreement. We were not able to reach that agreement. Both parties were very far apart. The nature of mediation is that it does not always result in an agreement. It doesn't mean either party was there in bad faith, so I deny that.

• (1150)

The Chair: Thank you.

Your seven minutes are up.

Ms. Elizabeth May: I didn't get any answer to my question.

The Chair: You'll have to pursue it later.

Go ahead, Mr. Simms.

Mr. Scott Simms (Coast of Bays—Central—Notre Dame, Lib.): First of all, thank you for coming, Mr. Speaker. It's good to see you again, as always.

I have a specific question. I might be able to get to it. I think I will, but given what was said earlier by Mr. Christopherson as well as Ms. May, I feel compelled to weigh in on that as well.

Mr. Christopherson and I have been here for the same amount of time. We came here on the same day. The similarities do not end there. I've visited many parliaments in my capacity with the Canada-Europe Parliamentary Association, and I truly believe that for the operations and security of a parliament to be answerable to an executive is just not right. It doesn't make sense. To some it might, but to me it does not. I think that the responsibility belongs to Parliament. I say that as a single parliamentarian. I am not speaking as a representative of anybody around me, but as a single parliamentarian.

I thank them for their comments, and I truly believe and endorse what they're saying.

Under professional and special services in your handout there, I'm just trying to dig into it. You may have answered this already. In 2016-17, under supplementary estimates (B), the amount was \$929,000. Now we've jumped up to just over \$6 million. Can I ask what that pertains to?

Hon. Geoff Regan: What does the line say beside the number?

Mr. Scott Simms: This is from table 2 in the Library of Parliament brief under "professional and special services". You probably don't have that. Last year, in 2016-17, it was just under \$1 million. Now we're up to about \$6.2 million—\$6.3 million, really.

Does that pertain to extra members requiring extra security, and so on and so forth—you mentioned that—or is it part of something new as far as security is concerned?

Professional and special services is the line. This is under general expenditures, not PPS. If you look at the supplementary estimates (B), that's what I'm looking at.

Hon. Geoff Regan: I think Mr. Aubé will be able to respond to that in a moment.

Mr. Stéphan Aubé (Chief Information Officer, House of Commons): Mr. Chair, there are two reasons for the majority of the costs that you're seeing.

First, we've entered into an agreement with one of our security partners, and we're purchasing a service for that. That's why it's classified there. The cost of that service is over \$3 million. That service is a big reason for that increase.

Second, we launched a project over three years ago that has come to bear over the last two years, which is the renewal of the enterprise resource planning project—RERP on the Hill—for both financial systems and HR systems. A lot of these services are being purchased by external suppliers to help the House implement these two major initiatives.

• (1155)

Mr. Scott Simms: I see. This is all new.

Mr. Stéphan Aubé: This is all new, sir.

Mr. Scott Simms: Can you provide an update on how that's going? Do you anticipate that to be a higher number before the end of fiscal year?

Mr. Stéphan Aubé: Part of it will be continuous, because of the agreement we spoke about. I wouldn't want to speak about that here, sir. It would require that we go in camera.

There is another one, which we're hoping will go down. We're planning to put the system into production over the next year and a half, sir.

Mr. Scott Simms: Let's exclude that for a moment.

Do you anticipate any additional funding that would be required before the end of fiscal year?

It seems to me that in many cases things have increased to the point where it almost looks astonishing. Do you anticipate anything else in that realm to require a major increase in the next little while? I know I'm asking you to foresee the unforeseeable, but is there something on the horizon that you're looking at with caution?

Mr. Stéphan Aubé: The current horizon is dictated by our strategic plan. There are no other major initiatives in the current strategic plan that would require an increase in that funding right now.

Mr. Scott Simms: Okay, thank you.

Does anyone else want to ask a question? That's fine for me.

Filomena would like to go. I'll pass my questions to Ms. Tassi.

Ms. Filomena Tassi (Hamilton West—Ancaster—Dundas, Lib.): Thank you, and thank you all for being here this morning.

Superintendent MacLatchy, I'd like to follow up on something you said to help me better understand the process. The FPSLREB application was filed in 2015, and you can't bargain until that's decided. That's the law.

C/Supt Jane MacLatchy: That's the legal advice we received, yes.

Ms. Filomena Tassi: That's the legal advice. Okay.

How long do those applications generally take? What is the holdup in getting that application resolved? What is the process?

C/Supt Jane MacLatchy: On specifically how long they would normally take, I'm afraid I don't have an answer for you there. I'm not aware.

I do know that the expectation of my predecessors was that it would have been resolved much faster than it was. It took us this long to get our first hearing with the labour board, which we had last week. They're the ones who are responsible for scheduling. I don't know if Mr. Graham has anything further to say.

Mr. Robert Graham: It's their decision as to which cases they hear on their docket. It's not within our control. Unfortunately, it's for reasons beyond our control, and we don't understand why they didn't hear us until last week. We have no foresight into how long it will take them to make a decision. We've scheduled further hearings based on the availability of our labour board and the four legal teams that are involved.

Ms. Filomena Tassi: An application was put in in 2015. The labour board determines what they hear based on what they think is a priority file or issue. Is that what your guess is, but you're not certain of it?

Mr. Robert Graham: I can't comment on how they decide which cases to hear. All I know is it took two years to get our first meeting with the board.

The Chair: Sorry, Ms. Tassi, your time is up.

Our last intervention is by Mr. Richards.

Mr. Blake Richards: Good. I had indicated earlier that I had a couple of additional questions.

Mr. Paquette, I think it was you who, in response to my question about the 5% increase from last year in the estimates, mentioned the new members being a part of that. The new members would have obviously been here for the previous year's budget as well, the 2016-17 budget, so that certainly accounts for why there was a two-year increase of about 20%, but I'm not sure it would make sense to argue it would account for the 5% increase over last year. I'm wondering if

there's something else that's responsible there. I'll give you another chance to respond to that one, because it just doesn't seem like it quite fits for me.

• (1200)

Mr. Daniel G. Paquette: When we look at even just what we have here in the supplementary estimates (B), which is the big portion, the majority of the amount there is our carry-forward, the 5% over last year, which is basically unspent voted authorities from the previous year that are distributed after that, based on the rules we have, to MPs, House administration, or some of the strategic priorities.

Then we have some of the big projects we just talked about—

Mr. Blake Richards: I don't mean to interrupt you, but I'm going to.

When you talk about that being the carry-forward amount, that's fine, but you're only asking for the carry-over because there's an intention to spend it on something. What is it? That's more of the concern—what it's being spent on, not what column in the accounting it came from.

Mr. Daniel G. Paquette: Of the close to \$15 million of carry-forward, \$6.7 million of it was redistributed to the various MPs' budgets, based on the formula we have for the underspent from the previous year's authorities, for them to use in their current year's expenses.

There's \$1.8 million going to various House administration service areas, again on that same formula of the underspending, to be spent on in-year events. The balance of \$6.8 million was into some of the key projects. The majority of those are our new HR system that we are investing in, which Mr. Aubé just mentioned. We have our mobile work environment and IT security initiatives going on right now. That covers a big chunk of that \$6 million.

Hon. Geoff Regan: I think it's also important to keep in mind—again, I can be corrected if I'm wrong—that in the first year of the new Parliament, the House did experience a bunch of new costs, some of which weren't anticipated, largely because of the 30 new members. You might have seen some of that in the supplementary estimates (B) last year, but it wouldn't have been in the main estimates last year. You would see an increase this year as a result of that.

Mr. Blake Richards: How much of the new spending we're talking about here would be one-time expenditures, and how much of it is going to become ongoing annual spending?

Mr. Daniel G. Paquette: For the supplementary estimates (B), the majority of it is one-time. That includes the carry-forward of the \$15 million, and about 40% of the balance is one-time funding. It's just the in-year projects and initiatives.

Mr. Blake Richards: The 40% is one-time.

Mr. Daniel G. Paquette: Yes.

Mr. Blake Richards: The other 60% is stuff that will become ongoing annual spending.

Mr. Daniel G. Paquette: Yes, because if you look at the list we have, the economic increases for employees.... We have the pay for the additional employees, who are obviously indeterminate, that we need to keep supporting.

Mr. Blake Richards: Thanks.

The Chair: Thank you, Mr. Richards.

Thank you, Mr. Speaker and all your staff, and Ms. MacLatchy.

We just have the routine motions.

HOUSE OF COMMONS

Vote 1b—Program expenditures.....\$32,585,677

(Vote 1b agreed to on division)

PARLIAMENTARY PROTECTIVE SERVICE

Vote 1b—Program expenditures.....\$14,245,794

(Vote 1b agreed to)

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

Some hon. members: Agreed.

The Chair: We'll suspend for a minute to go in camera, but we'll make it very quick because we have a lot of business to do.

• (1200) _____ (Pause) _____

• (1310)

The Chair: Order.

Before we start, I would like to welcome our honorary guest, Alexandrine Latendresse, who was the vice-chair of this committee last Parliament. Welcome back.

Some hon. members: Hear, hear!

The Chair: Good afternoon. Welcome back to the 78th meeting of the Standing Committee on Procedure and House Affairs. For members' information, we are in public.

Pursuant to Standing Order 92(2), we are considering the second report of the Subcommittee on Private Members' Business, which was deposited with the clerk of the committee on Monday, November 6. The subcommittee recommended that Bill C-352, an act to amend the Canada Shipping Act, 2001, and to provide for the development of a national strategy on the abandonment of vessels, be designated non-votable.

Today we are happy to be joined by the bill's sponsor, Sheila Malcolmson, MP for Nanaimo—Ladysmith, who will explain why she believes the bill should be votable. Ms. Malcolmson would also like Mr. Julian to be part of this presentation, if that's okay with the committee.

Okay.

I'll start with you, Ms. Malcolmson.

Ms. Sheila Malcolmson (Nanaimo—Ladysmith, NDP): Thank you, Chair, and thank you to the committee members for agreeing to hear my appeal.

I know you've had a long day already, and I really appreciate your hearing my argument that my private member's bill, Bill C-352, be deemed votable.

Because I've raised this issue 80 times in the House since being elected, I'm guessing that you already understand the imperative to act on this issue, so I'm not going to describe it. I would like to start our presentation by turning to New Democrat House leader Peter Julian. He'll be able to talk a little bit about the history of PMBs and some of the process part, then I will make the technical comparison, arguing that the government's bill and my bill are not in conflict.

[*Translation*]

Mr. Peter Julian (New Westminster—Burnaby, NDP): Thank you very much, Mr. Chair.

I also want to thank you, Ms. Malcolmson. We are very happy to have an opportunity to speak with you today about why Bill C-352 should be votable in the House of Commons.

Since your committee is in charge of all the prerogatives of Parliament, the decision you have to make is important.

[*English*]

There are three main arguments I would like to put forward at the beginning.

First off, as you will see, Bill C-352 is in fact quite a different piece of legislation from the government bill, Bill C-64, and therefore should not be considered the same question as Bill C-64, which is currently on the Order Paper.

Second, the subcommittee was incorrect in applying the criteria to Bill C-352 because it was similar to Bill C-64 at the same meeting where it applied different criteria, it seemed, to Bill C-364, which was declared votable, despite being on the same subject and amending the same Canada Elections Act as Bill C-50 and Bill C-33. There's an inconsistency there.

Third, allowing the subcommittee decision to stand is allowing the government to violate the separation of private members' business and to let it do through the back door what the rules were designed to forbid through the front door: to deny individual members their right to vote on their preferred item of private members' business.

As we all know, government bills are subject to party discipline. Private members' bills have been the exception to this, and in our bible, which is O'Brien and Bosc, *House of Commons Procedure and Practice*, it is clear that these rules were developed over decades, leading to a system based on the following fundamental characteristics: each member should have "at least one opportunity per Parliament to have an item of Private Members' Business debated" and voted upon, and "each item in the Order of Precedence would be votable, unless the sponsor opted to make it non-votable."

The basic premise for PMBs is that government business is fundamentally different from private members' business. This premise was put in place to protect individual initiatives from members against the power of majority governments, including the power to try to knock off a bill.

Now, to emphasize the differences, the House has many rules built in to reflect the separation of government and private members' business. Amendments to private members' motions can only be moved with the consent of the sponsor. PMB recorded divisions, as we know, are done row by row in the chamber, and not by party. The lottery is designed to exclude ministers and parliamentary secretaries from PMBs, and if the committee makes a decision and it is appealed, the appeal is done by secret ballot on the floor of the House of Commons. The only other time this arises is when we elect a Speaker at the beginning of Parliament.

I would like to pass the microphone back now to Ms. Malcolmson, who will explain why Bill C-352 is so different from Bill C-64.

• (1315)

Ms. Sheila Malcolmson: Thank you, Peter.

There were two bills, Bill C-352 and its predecessor, which I tabled as Bill C-219 in February 2016, just a month after we had been sworn in. Then I reintroduced a new version of it in April 2017: Bill C-352. It's very skinny. The government's bill, tabled 10 days ago, Bill C-64, is much more hefty. That's my first point of comparison.

I will show you how these two bills are not redundant and how they are not contradictory. I urge you to deem my private member's bill votable.

There are a number of points of comparison.

With regard to national strategy, Bill C-64 is not a national strategy. The word does not appear once in the legislation. The government's briefing notes make that clear as well. It's not a national strategy; my bill is all about developing a national strategy.

The next comparison is with regard to royal recommendation. Bill C-64 requires the appropriation of public revenue and, as such, has received a royal recommendation. My bill does not.

With regard to penalties, in Bill C-64 there's a compliance and enforcement regime that is extensive. It creates a whole new set of violations and penalties for abandonment of vessels. My bill does none of these things. Arguably, my bill would make it easier to actually enforce those penalties in Bill C-64.

Another related point of comparison is enforcement tools. In Bill C-64, there is a whole suite of tools for enforcement provided to the Minister of Transport, a number of fines. My bill does none of these things.

With regard to enforcement officers and the justice system, they're also very different. Bill C-64 creates powers for enforcement officers, for the Transportation Appeal Tribunal, for the justice of the peace, for the Attorney General. Bill C-352 does none of these.

With regard to receiver of wreck, my bill designates the Canadian Coast Guard as the receiver of wreck. This was the same in Jean

Crowder's bill in the previous Parliament, which a number of members of the government supported at that time. In the government's bill, that's not the approach. Bill C-64 keeps it as a multi-jurisdictional approach and keeps the receiver of wreck within the umbrella of the Minister of Transport, so again they are different approaches, not duplicative.

With regard to consultation, in my bill the Minister of Transport would consult with stakeholders and coastal people to discuss the development of a strategy. That's not envisioned in Bill C-64.

With regard to international conventions, Bill C-64, the government's bill, would implement the Nairobi International Convention on the Removal of Wrecks. My bill requires the government to assess the benefits of acceding to that convention. Again, they're compatible, not duplicative or in conflict.

A vessel turn-in program is something that coastal communities have been requesting for more than a decade. On the model of the cash-for-clunkers program, this would be a way to deal with the backlog of abandoned vessels. Bill C-352 has that as one of its key elements. This bill has been endorsed by the Union of BC Municipalities and, across the country, by at least 50 different coastal organizations and harbour authorities. That is not a part of Bill C-64. Again, they're completely different. Bill C-64 does not legislate that.

In order to deal with the backlog of abandoned vessels, my bill has a number of measures that would legislate to address the backlog of what Transport Canada says might be thousands of abandoned vessels. Bill C-64 does not have measures to deal with the backlog, so again they're not in conflict, not contradictory, but arguably compatible.

A fund for vessel disposal modelled on what Washington state implemented 15 years ago is not addressed in Bill C-64, and the transport minister's briefing notes make that very clear. A fee associated with vessel registration going into a pool to deal with emergency removals is not something that is in Bill C-64. It is in my bill.

Amendments to other acts are another point of difference. Bill C-64 amends other acts, including the Navigation Protection Act, the Oceans Act, the Canada National Marine Conservation Areas Act, the Crown Liability and Proceedings Act, the Customs Act, and the Transportation Appeal Tribunal of Canada Act. My bill does none of these things.

• (1320)

Turning to review mechanisms in Bill C-64, there's a review proposed on the fifth anniversary of the day the bill comes into force. That would be to the committee of the Senate, the House of Commons, and/or of both Houses of Parliament. My bill only requires the transport minister to prepare and table a report to Parliament.

There are many more points of comparison. I haven't run through them all. I just hope that is sufficient to convince you that these two bills are distinctly different. They're not contradictory; they're arguably compatible. They have the same big-picture aim, but the House can absolutely hear both of them, and I sincerely believe the minister's bill would do better with mine in place.

I urge you to reject and overturn the subcommittee's ruling and I urge you to rule that my abandoned vessel private member's bill C-352 be deemed votable.

I'll turn it back to my colleague, Peter Julian.

Mr. Peter Julian: Thank you very much, Ms. Malcolmson.

Just to wrap up, as you've heard, these two bills do very different things in different ways, and therefore should not be seen as the same question in the PMB criteria.

As I mentioned earlier, I question the decision of the subcommittee based on another decision they made in the same meeting, approving Bill C-364 from the member from Terrebonne, concerning election finances. This bill, like Bill C-33 and Bill C-50, amends the Elections Act. All these bills have an impact on election financing rules. If simply being on the same subject makes Bill C-352 not votable because it shares a topic with Bill C-64, why is Bill C-364 votable though it shares a topic with Bill C-33 and Bill C-50?

In this situation, the bill that came first was Bill C-352. It was tabled on April 13 of this year and it was placed in the private members' order of precedence on October 25 of this year. Bill C-64 was introduced in the House on October 30, almost a week after Bill C-352 was placed in the order of precedence. That's why I submit that the government is using procedural rules to do through the back door what they cannot do through the front door. To protect the intent of Parliament, the prerogatives of Parliament, and the rights of an individual member to a votable item in private members' business, you should overturn the decision of the subcommittee and make Bill C-352 votable.

Ms. Sheila Malcolmson: Thank you, Chair, for your consideration and to the committee for your attention.

The Chair: Thank you very much.

I'll just give about three minutes to each party for any questions or comments, starting with Ms. Tassi.

Ms. Filomena Tassi: I would like to thank you for coming here today. I appreciate your passion on this subject matter, and the work you've done.

As chair of that committee, I'll just explain its decision. I think there were about 15 PMBs on the list that day, and the committee really deferred to the comments that were raised by the analyst.

I wonder if we have the analyst's comments. Can we read those comments? Of all the bills that were presented, that was the only one for which the analyst's comments were given, and those comments—which we're going to hear in a minute, along with other colleagues who were at the committee—were essentially the basis upon which the decision was made.

• (1325)

Ms. Sheila Malcolmson: Chair, if I could suggest, we've read the blues, so I understand the rationale. If the members choose to reserve the time for questions, I certainly welcome that.

Mr. Scott Simms: It would be less about procedure and more about the subject matter itself. Being east coastal by nature and by birthright, it is something that we're struggling with in a major way. The thrust of your bill is something I deeply respect, by the way.

One issue, though, is about national strategy. You're saying Bill C-64 doesn't explicitly state it's a national strategy, correct? Do you feel that's not built into it? In other words, what makes Bill C-64 not comply with being a national strategy?

Ms. Sheila Malcolmson: The words "national strategy" are not mentioned a single time within the bill. The words don't appear there, but they do appear in mine. The minister's briefing notes describe what the government is taking on as a national strategy, and this is mentioned within one of 15 items that the government is doing.

The government itself does not describe Bill C-64 as its national strategy. My bill calls on the government to adopt a national strategy. Arguably, I might say that the minister's been listening so well to me over the last year and a half that this might be one of his actions. He's just skipped over this part.

Mr. Scott Simms: Well, good for you, if that's the case, but again, I don't see how Bill C-64 fails as a national strategy, even though it doesn't explicitly say it. We may have a difference on that one.

There are two other very interesting points. Your initiative, your bill, calls for an analysis of the Nairobi convention, which I've read, whereas Bill C-64 calls for a wholehearted acceptance of it. I think that's a valid point. You talked about the Washington state measures and the contributions therein, but the government also contributes, as well as the private sector. Is that correct?

Ms. Sheila Malcolmson: In the Washington model, there's a fee associated with vessel registration that creates a pool of money to deal with emergency response. As well, some U.S. federal Superfund money for dealing with toxic sites was also put into that model.

Mr. Scott Simms: Right. That's the government part of it.

Ms. Sheila Malcolmson: That's part of it, but again, my legislation calls on the government to talk with stakeholders, provinces, and territories and to partly use the model of polluter pays, but then to also fix vessel registration so that you're able to get the user's money into the fund and be able to track down the responsible owner. The minister's bill does none of those things.

Mr. Scott Simms: Okay, that was my question. That fundamental system that makes the Washington state model distinct is not captured in Bill C-64, in your opinion.

Ms. Sheila Malcolmson: That's correct.

Mr. Scott Simms: Okay, that's it. Thank you.

The Chair: Mr. Reid is next.

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

Sheila, assuming your bill were deemed votable, when would it come up for debate?

Ms. Sheila Malcolmson: December 6 is the first hour of debate.

Mr. Scott Reid: Okay.

My understanding of the way the rules work is that if your item is deemed votable—I stand to be corrected, by the way, but I believe this is correct—and then the government moves its bill first, yours gets pushed off the agenda because it has been found to be on the same subject matter, and you don't get a chance to submit another item.

An obvious scenario that occurs to me is that the government could, between now and then, simply move the beginning of the debate on its bill. That would be the end of your bill, and you'd have no chance to go back and prepare another item, whereas if your item is deemed non-votable, you do have the chance to prepare another item of private members' business.

Have I understood that correctly? That probably should be directed to Peter rather than to Sheila, but I just wanted to ask if I got it right.

Mr. Peter Julian: You are right on the result, less so in terms of the cause. If this committee chose to uphold the subcommittee decision and make this a non-votable item, the appeal would go to the floor of the House of Commons, and that's where the secret ballot comes in. Every member of Parliament has a secret ballot right to then vote on making the PMB votable. If that vote were then lost on the floor of the House of Commons, Ms. Malcolmson would not be able to replace her bill.

Stemming out of this decision, whether or not to appeal to the floor of the House of Commons determines whether or not there's an ability to put in a replacement bill.

• (1330)

Mr. Scott Reid: I have to ask the question. Being aware of this, you are in danger of finding yourself without any item at all. I'm assuming that's a risk you're prepared to take or you wouldn't be here, but I just wanted to ask the question overtly.

Ms. Sheila Malcolmson: This is something I worked on as a local government representative for 10 years before I ran for election. It was something that I supported Jean Crowder on when she had her

own private member's bill along the same lines in the previous Parliament. It was a significant election campaign item in my community, and my team has been working for almost two years to build us towards the point of this debate.

If we lose this appeal and if we also lose the secret ballot vote in the House of Commons, I still have the ability to have a one-hour debate on a non-votable item. I also take comfort in the fact that the minister has heard the call on both coasts, and there's lots in the minister's bill that would move us forward.

The minister's focus on penalties and criminalizing abandonment have a lot of parallels with your former colleague, John Weston, who tabled his own private member's bill in the dying days of the previous Parliament. Criminalization of the problem is not something I've ever heard coastal communities ask for; however, our community sees that we've had an impact.

It's still conceivable that I could pull another PMB out of the air, but this is certainly the issue that resonates most strongly with my community, and we've had a failure of federal action for over 15 years that I would like to be part of remedying.

Mr. Scott Reid: Okay. I wanted to ask that question just to be sure. You provided a very complete response, but I felt I had to ask the question just in case you had not thought it through as well as it turns out you have thought it through. Thank you for that.

I have one last thing here. Since I have a landlocked constituency, this is not a particularly important area for my constituents, but I am very concerned about the way we deal with private members' business. I want to make sure that we are very careful to preserve its integrity going into the future, and not see clever ways emerge at the hands of the government, be it the current government or a future government of which I might be a part, to shut down private members' business. I didn't like that sort of thing happening when my party was in government, and I don't like it now. I want to ask this question.

Again, this is for you, Sheila, but perhaps even more so for Peter: do you have any recommendations to suggest—you could give them either now or at a future point—with regard to the rules governing private members' business going into the future? The ones we have now are 15 years old. It may be time to give them a tweak in order to ensure that private members' items in parallel situations are better protected.

Mr. Peter Julian: Thank you for the question.

I know you've been a very strong defender of private members' right to bring forward legislation.

I think there is a bit of a loophole here. The intent of having that clause was to ensure that private members would not try to piggyback on a government bill. The loophole that's created is that the government brings in afterward.... In this case, Ms. Malcolmson's bill goes on the order paper, in the order of precedence, and then suddenly there is a government bill on it. That's a loophole that allows the government to do by the back door what they can't do by the front door right now. The intent of private members' business was always to allow the integrity and the prerogative of each of us as private members.

The House administration and the analysts are obliged to follow what exists now, which is that loophole. I think we need to be more explicit that the intent was not to have government come in and try to push aside a private member's bill, but rather to ensure that the private member didn't jump in on top of a government bill. The intent was to keep those two items separate.

It's a bit of a loophole now. We have now seen what problems can develop from it. A positive decision to overturn the subcommittee decision today would send a good signal to the government. Ultimately, we need to perhaps make some changes to the standing order to make that even more explicit.

Clearly, the historical trend over the past few decades has been to give more power and ability to private members to have votable legislation. I think that's in every Canadian's interests.

• (1335)

The Chair: Okay.

We have to keep going here. We'll go to Mr. Christopherson quickly, and then I have one thing on committee business for our next meeting.

Go head, Mr. Christopherson.

Mr. David Christopherson: You mean my equal time now?

The Chair: Yes.

Mr. David Christopherson: Good. Thank you very much.

Colleagues, as much as possible I'm not seeing this as an NDP colleague, but very much trying to see it as Mr. Reid does: this could be anybody, and it's a question of members' rights.

I came from 13 years at Queen's Park, the largest province in Confederation. We didn't have this. When I got here and found out this idea of votable, I was like, "What? You mean somebody else gets to decide whether what I want to do gets put to a vote?" In large part, that's why you come here: it's to make sure you're going to have an impact.

The whole concept blows me away, and in the nearly 14 years I've been here, this is the first time it has come to rear its ugly head in saying to a member that they can't have their bill come forward.

I ask colleagues to stand back and look at it that way and not necessarily as a government or an opposition member. The appeal procedure is there for a reason. Mr. Julian has gone out of his way to remind us that no one, including government, should be able to do through the back door what they're not entitled to do through the front door. It's a basic tenet of how we do our business here.

I don't fault the analysts. They did their job. Now we have an opportunity to do our job. We're not bound by any of that. There's an appeal process for a reason, and if we take that decision today, then Ms. Malcolmson will get her full rights. If we don't, it will go to the House, or at least she has that option, and the House could say they're going to give Ms. Malcolmson her rights. The fact that we had the analysts do their job is not meant to be the end of the line.

I urge colleagues as much as possible to not start going back down the ugly road of deciding whose issues deserve to be debated and voted on. Each of us should have that sovereign right. Few sovereign rights are left to individual members in this system. This is one that I think collectively we need to work hard to preserve.

To round out my comments, Mr. Julian, there was a comparable bill at the subcommittee, Bill C-364, from the member for Terrebonne, and apparently they made the right decision on that one. If you take the circumstances and apply that thinking, it should leave us with a different conclusion here, which is to allow the bill to be voted on.

I ask Mr. Julian to explain quickly what that argument is from his point of view.

Mr. Peter Julian: Thank you very much, Mr. Christopherson.

As I mentioned in the presentation, Bill C-364 touches the same subject, amending the Election Act, as Bill C-50 and Bill C-33, so there's a bit of an inconsistency between two decisions with bills that have subjects that are similar to the subjects of government bills but are being treated in a different way.

As I said earlier, and I can't stress this enough, the intent of providing more scope for private members' business, as Mr. Christopherson said very eloquently just now, has always been to open the scope for each of us as a private member. It has nothing to do with whatever party we're affiliated with. It has much more to do with our rights as members.

This committee has always been the committee that has stood up for the prerogatives of members of Parliament. You have a very important role to play in that regard. This is, I think, a key circumstance, in that there's a bit of a loophole and that's why you're being asked in a sense to hear this appeal and make what I believe would be the right decision, which is to make Bill C-352 votable, because I think it meets all the tests. It certainly meets the intent as well of where we have evolved on private members' legislation, and you're the ones who can come to the defence of private members' legislation with this appeal that Ms. Malcolmson has brought to your attention.

• (1340)

The Chair: Thank you very much to the witnesses.

We'll consider this matter.

Mr. David Christopherson: When do we make the decision, Chair?

The Chair: That's my question. We could do it now or we could do it the first meeting back. We have committee business as the first thing on the agenda.

Mr. David de Burgh Graham: Okay.

Mr. Scott Reid: It would seem reasonable to ask what is preferable from her point of view.

The Chair: What is your preference?

Ms. Sheila Malcolmson: I appreciate the question, and through you, Mr. Chair, I would be very grateful for a fast decision. My bill comes up for debate. My time slot is December 6. Time is moving very quickly. Especially if I am to make alternative plans and develop another private member's bill, I would very much appreciate having the riding week ahead to do that work.

Mr. David Christopherson: If government members want a little time to think through where they are going, I would rather get a positive answer in a couple of days than a negative one today.

Mr. Scott Reid: Because we have a break week, it's a significant amount of time.

Mr. David Christopherson: Oh, does that cause that big a problem? I'm asking...I guess it's Sheila.

All right. It looks like it's coming now. Okay.

The Chair: Do you want to do it in public?

Mr. David de Burgh Graham: Yes.

The Chair: Shall the report of the sub-committee be concurred in? We'll have a recorded vote.

Mr. David Christopherson: We're past the time we had said, but we're not really adjourned until the majority of us say we are adjourned. Do we have time for a couple of comments?

That's not a good sign.

The Chair: All right. Can we call the vote?

Shall the report of the sub-committee be concurred in?

(Motion agreed to: yeas 5; nays 3) [See *Minutes of Proceedings*]

Mr. Scott Reid: What were you saying, Mr. Chair? I couldn't hear you. I couldn't hear you because there was some noise.

The Chair: The sub-committee decision was upheld.

I have one other thing for the committee. In the second week when we come back, the Tuesday is already set, but the Thursday is not set. Thursday is a better day for your member to do the baby report, the report on kids. Could do that on the Thursday instead of the Tuesday, because she can't make the Tuesday? Is that okay?

That's okay. We would finalize that report at that time. Then one possibility is that it would only take an hour.

At the Tuesday meeting I know we will be determining the future witnesses for our report on the debates commissioner. This is just a suggestion from me. One suggestion for witnesses that came from the minister was to have the political parties. In the second hour on Thursday, to give the clerk time to get witnesses for that close to the Tuesday meeting, we would ask the parties to come as witnesses on the debates commission.

Any thoughts on that?

Mr. David Christopherson: What day is that?

The Chair: It's the Thursday, in the second hour. The first hour would be the report with your alternate.

•(1345)

Mr. David Christopherson: That one would be on the.... Yes, okay.

The Chair: Is that okay?

My other question is more tricky. It's about the witnesses for the parties. I would assume we would have five parties, or how many?

Conservative, Liberal, NDP, Bloc, and Green are the ones that I would think would be interested, but it's up to the committee.

Mr. David Christopherson: Is this for the debate commission?

The Chair: Yes.

Mr. David Christopherson: It's funny you say that, because I was thinking something completely different. My thought was that the first thing we would do is ask our analyst to do an environmental scan, to take a look at other mature democracies that have created such an entity and what their thinking was and what they came up with, just to help us reinvent the wheel.

Quite frankly, I would like to be hearing from parliamentary experts too, not just the parties in terms of what they want.

The Chair: No. We're going to hear from a whole pile of witnesses, because you're putting in your witness list.

Mr. David Christopherson: Oh, that's just for the opening part.

The Chair: Yes.

Mr. David Christopherson: I misunderstood. I'm sorry.

The Chair: Yes. It's just because it's a time constraint. It's to get the first meeting going.

Mr. David Christopherson: I'm fine with that.

The Chair: How many parties? Is there anyone who objects to having the five parties present?

Mr. David Christopherson: How many parties are there in the House, Chair?

The Chair: Are there any suggestions on the number of parties that would come?

Mr. David Christopherson: Obviously, there would be—

The Chair: You know how many would want to.

Mr. David Christopherson: —the three, and then there would be Ms. May for the Greens. I think there would be an argument about whether or not there's another independent or whether she represents the independents.

In the model that we used for the previous parliamentary review of the Chief Electoral Officer, we had a formula. Can you remember what that was? Whatever it was, it was deemed to be fair by everybody.

Go ahead, Andre.

Mr. Andre Barnes (Committee Researcher): I stand to be corrected, but I believe the study was on the Board of Internal Economy and that part of the motion was to involve a rotating independent member. It was to be determined between the independents who was to show up for each meeting.

The Chair: This is just a witness for one meeting that I'm talking about.

Mr. David Christopherson: I know, but it matters a lot to those folks, and we need to be fair-minded.

Mr. Scott Reid: As witnesses, you're asking whether we should have a witness from each of the three parties that have party status,

as well as the Greens and the Bloc. I personally would say yes to that.

The Chair: Is that okay with everyone?

Some hon. members: Agreed.

The Chair: Thank you very much for getting through a lot of stuff.

The meeting is adjourned.

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