



42nd Parliament, 1st Session

REPORT OF THE COMMITTEE

The Standing Committee on Procedure and House Affairs

has the honour to present its

NINETY-NINTH REPORT

ADVICE FOR THE CONSIDERATION OF THE STANDING COMMITTEE ON PROCEDURE AND HOUSE AFFAIRS IN THE 43RD PARLIAMENT

At its meeting on 11 June 2019, the Standing Committee on Procedure and House Affairs (“the Committee”) agreed to discuss the creation of a legacy document.¹ This discussion would capture the advice and lessons learned by the Committee during the 42nd Parliament that it wished to call to the attention of the next incarnation of the Committee in the 43rd Parliament (“the next PROC Committee”).

At its meeting on 13 June 2019, Committee members proposed a number of potential studies that they wished to call to the attention of the next PROC Committee in the 43rd Parliament. The following are brief synopses of the proposed studies.

A. The Legal Structure of the Parliamentary Protective Service

On many occasions during the 42nd Parliament, the Committee discussed the legal framework which undergirds the functioning of the Parliamentary Protective Service (PPS) and took an active interest in reviewing matters germane to the PPS’ operation. The Committee wishes to emphasize that it considers continued review and oversight of the PPS to be important.

The Committee is concerned about the legal structure of the PPS. Currently, the law² vests control over the physical security within the parliamentary precinct and on the grounds of Parliament Hill to the PPS, an entity that is not wholly under the control of

1 House of Commons, Standing Committee on Procedure and House Affairs, [Minutes of Proceedings](#), 42nd Parliament, 1st Session, 11 June 2019.

2 *Parliament of Canada Act*, R.S.C., 1985, c. P-1.

Parliament. The Committee finds this important issue to be worthy of further scrutiny and discussion.

The Committee wishes to emphasize that its interest in the legal structure of the PPS is in no way a reflection on the work being carried out by members of the PPS. Rather, the Committee remains grateful to the members of the PPS for their hard work in ensuring the parliamentary precinct remains a safe setting in which Parliament can function effectively.

B. Unimpeded Access to the Parliamentary Precinct

On far too many occasions during recent Parliaments, members of the House of Commons have experienced challenges in accessing the parliamentary precinct freely.³ Under parliamentary privilege, members have the unquestioned right of unimpeded and unfettered access to Parliament Hill and the parliamentary precinct. This privilege has ancient roots in the Westminster parliamentary system that Canada inherited at Confederation and is crucial to the proper functioning of the House. The Committee wishes to underline the importance of this unquestioned right and expects the next PROC Committee to continue to monitor this issue.

C. Long Term Vision and Plan

In January 2019, the Centre Block closed to undergo a lengthy and complex heritage rehabilitation. At the same time, the House of Commons began sitting in the new chamber in West Block. The rehabilitation project is part of the parliamentary precinct's Long Term Vision and Plan (LTVP) to rehabilitate the heritage buildings of the precinct.⁴

The Committee, along with members of the House, raised concerns about the functionality of certain aspects of West Block as a workplace for parliamentary business. The Committee also raised questions about the lack of oversight by members of the House over the LTVP and the lack of formal opportunities for members to provide input into future LTVP decisions.

This resulted in the Committee's Report 96, in which it recommended that the Committee's mandate be expanded to include the review of and report on all matters

3 See for example House of Commons, Standing Committee on Procedure and House Affairs, *Report 34 - Question of Privilege Regarding the Free Movement of Members of Parliament within the Parliamentary Precinct*, presented to the House on 19 June 2017.

4 Public Services and Procurement Canada, *The Long Term Vision and Plan Annual Report 2017–2018*.

relating to the Centre Block Rehabilitation Project and the LTVP for the Parliamentary Precinct.⁵ Further, the Committee wishes to underline the following matters:

- That the next PROC Committee ought to commence its review of the LTVP as soon as possible, so that its recommendations can have the greatest impact;
- In reviewing the LTVP, the Committee ought to ask for an update of decisions taken since the adjournment of the House in June 2019;
- That in reviewing the LTVP, the Committee take great care to seek out the input of current and former members of the House who sat in Centre Block; and
- That the review of the LTVP be considered a priority and be conducted at systematic intervals.

D. Functionality of the House of Commons chamber

The Committee encourages the next PROC Committee to undertake a comprehensive study of the form and function of the main chamber of the House of Commons.

E. Study of a potential parallel chamber for the House of Commons

In its Report 98, the Committee studied the potential establishment of a parallel chamber for the House of Commons. The Committee found that the potential benefits of establishing a parallel chamber outweigh the potential drawbacks. Importantly, the report recommended that in the 43rd Parliament, the Committee develop a detailed plan for a provisional parallel chamber for the House of Commons and that the study commence within six months of the Committee's first meeting.⁶

5 House of Commons, Standing Committee on Procedure and House Affairs, [*Report 96 - Mandate of the Standing Committee on Procedure and House Affairs and Oversight of the Centre Block Rehabilitation Project and the Long Term Vision and Plan*](#), presented to the House on 5 June 2019.

6 House of Commons, Standing Committee on Procedure and House Affairs, [*Report 98 – A Parallel Chamber for Canada's House of Commons*](#), presented to the House on 18 June 2019.

E. Review of the Standing Orders

The Committee wishes to underline that the Standing Orders belong to the House of Commons and its members. Initiatives to amend the Standing Orders should originate from and be conducted by the House and its members or the Committee. Changes to the Standing Orders ought to only occur through the achievement of broad consensus.

G. Family-friendly initiatives

An underlying theme that informed the Committee's work throughout the 42nd Parliament was to ensure that the current services and facilities provided to members, along with the procedures and practices of the House, promote work-life balance and inclusivity for members. Indeed, during the 42nd Parliament, the Committee twice conducted studies and made recommendations about modernizing the procedures and practices of the House.⁷

The Committee wishes to encourage the next PROC Committee to continue this work and promote initiatives that would make the House of Commons a more modern, predictable and efficient workplace for members and staff.

H. Comprehensive Review of the Provisions and Operation of the *Conflict of Interest Code for Members of the House of Commons*

Under the Standing Orders, the Committee must undertake and report on the provisions and operations of the *Conflict of Interest Code for Members of the House of Commons* every five years. In June 2015, during the 41st Parliament, the Committee completed a study of the Code. Its report recommended that the Committee undertake a comprehensive review of the Code at the earliest opportunity in the 42nd Parliament. However, due to time constraints, the Committee did not undertake such a study during the 42nd Parliament. As a result, the Committee considers the review of the Code to be an important priority of the 43rd Parliament.

7 House of Commons, Standing Committee on Procedure and House Affairs, [*Report 11 - Initiatives toward a family-friendly House of Commons*](#), concurred in by the House on 4 April 2017; and [*Report 48 - Services and Facilities Provided to Members of Parliament with Young Children*](#), presented to the House 30 November 2017.

A copy of the relevant *Minutes of Proceedings* ([Meetings Nos. 162 and 163](#)) is tabled.

Respectfully submitted,

Hon. Larry Bagnell, P.C., M.P.
Chair

DISSENTING OPINIONS OF THE OFFICIAL OPPOSITION

Conservatives disagree in principle with this report.

We do not believe that one Parliament or parliamentary committee ought to attempt to bind, even indirectly, its successor.

Many of the study topics suggested in the report are natural and to be expected at the Procedure and House Affairs Committee. Indeed, we encouraged some of them.

However, the thrust of this document should have been a matter of providing input and suggestions to our Library of Parliament analysts to inform the excellent briefing products they will undoubtedly provide to Committee members in the next Parliament.

Instead, this “study” was essentially the hurried collection of a wish list of study topics, many of which the Liberal majority did not bother to touch during the last four years, rushed through and rubber-stamped as a formal report in the dying days of this Parliament. The haste was so great that the Committee voted to give us less than 24 hours to compose dissenting views.

Many of the issues enumerated in the report were not tackled by the Committee, let alone the subject of thoughtful analysis and consideration. It seems to be, regrettably, another symptom of the Liberal government’s mismanagement of its own parliamentary agenda for the past four years.

This report is unlike other Committee reports, such as those tabled in the previous and present Parliament,¹ which presented an “interim”-style report about a partly completed project with more distance left to cover.

What’s more is that the Committee overlooked a huge chunk of its mandate in preparing this wish list.

This Parliament passed sweeping changes to electoral law—indeed, the Liberals said their *Elections Modernization Act* represented a generational change—which will be put into operation for the very first time this autumn. Beyond that, a new Debates Commission was established, under the auspices of the Minister of Democratic Institutions, and will also function for the first time in the upcoming general election.

Unlike the Liberal majority, we refuse to believe that Canadian democracy has been perfected simply by the implementation of Liberal measures. Far from it.

¹ Standing Committee on Procedure and House Affairs, “Conflict of Interest Code for Members of the House of Commons” (41st Parliament, Second Session, 39th Report (June 2015)); “A Parallel Debating Chamber for Canada’s House of Commons” (42nd Parliament, First Session, 98th Report (June 2019)).

But, regardless of one's views, it borders on naïve to think that the Committee need not bother undertaking a comprehensive review of these substantial and major changes and innovations, once the experience of an election is behind us.

In addition to the Liberals' partisan reforms, there is also the matter of safeguarding and securing our electoral process from foreign influence and interference—something on the minds of all who will be engaged in the upcoming campaign.

If the Committee insisted on proceeding with this report, the Official Opposition insist it should have placed, front and centre, the importance of making a timely review and assessment of the 43rd federal general election.

For many reasons, Conservatives cannot endorse a wish list rushed through the Committee in the last days before this failing Liberal government faces the judgment of Canadians.