



ISSN 1180-436X

**Legislative Assembly
of Ontario**

First Session, 40th Parliament

**Assemblée législative
de l'Ontario**

Première session, 40^e législature

**Official Report
of Debates
(Hansard)**

Wednesday 4 July 2012

**Journal
des débats
(Hansard)**

Mercredi 4 juillet 2012

**Standing Committee on
the Legislative Assembly**

Standing orders review

**Comité permanent de
l'Assemblée législative**

Examen du Règlement

Chair: Garfield Dunlop
Clerk: Trevor Day

Président : Garfield Dunlop
Greffier : Trevor Day

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLY

Wednesday 4 July 2012

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE

Mercredi 4 juillet 2012

The committee met at 0935 in room 228.

STANDING ORDERS REVIEW

MR. NORMAN W. STERLING

The Chair (Mr. Garfield Dunlop): Committee, thank you very much for meeting. We'll welcome [*failure of sound system*] to the committee. I expect the NDP members will be along before long, but we do have Mr. Sterling available by conference call. So [*failure of sound system*]. Good morning, Norm.

Mr. Norman W. Sterling: Good morning, Garfield.

The Chair (Mr. Garfield Dunlop): Hi, how are you this morning? Thank you very much for taking part in this conference call on the Legislative Assembly. Right now in the room we have Steve Clark and Lisa MacLeod for the PC members; Jeff Leal will be along; we have Tracy MacCharles and Bas Balkissoon and Dipika Damerla here from the Liberal members, and we expect a couple of the NDP members will join us very shortly.

Ms. Lisa MacLeod: Chair, just a quick point of order before we start: Given we do have some new members who are here today who weren't here yesterday for our presentations, I'm wondering if research or Hansard can provide us an expedited Hansard of yesterday's presentations. I think that would be very important as we make some decisions moving forward.

The Chair (Mr. Garfield Dunlop): Do you mean for today?

Ms. Lisa MacLeod: Of all of yesterday's, because—

The Chair (Mr. Garfield Dunlop): No, but when do you expect him to have it?

Ms. Lisa MacLeod: Well, I would ask Mr. Clark. He wasn't available yesterday, and he would really benefit, I think, from—

The Chair (Mr. Garfield Dunlop): Okay, we'll see what we can do with Hansard to improve that.

Norm, we've been looking at the standing orders. First of all, I'd ask you for any feedback you might have, and then we're going to basically ask you a lot of questions, if it's all right with you.

Mr. Norman W. Sterling: Okay. Have you got my hourly rate down as a lawyer?

The Chair (Mr. Garfield Dunlop): No, we've got you down as a retired gentleman.

Mr. Bas Balkissoon: You can't double-dip, Norm.

Mr. Norman W. Sterling: I was going to talk about compensation for MPPs.

The Chair (Mr. Garfield Dunlop): Okay, Norm. So based on your knowledge of the Legislative Assembly, do you have any thoughts right to begin with around the standing orders, particularly with all the years you've spent here. But then also we've got a number of questions we'd like to ask you on your thoughts on the operation of the Legislative Assembly.

Mr. Norman W. Sterling: Can I just ask a question before you start, because I can vary my—I'm going to do a little bit of a preliminary and then ask you about questions after that. Lisa was just talking in terms of—you had hearings yesterday?

The Chair (Mr. Garfield Dunlop): We started our meetings yesterday. We talked to Claude DesRosiers, the former Clerk, and the gentleman who is the Clerk of the Journals from England, and the final presenters were two people from Alberta.

Mr. Norman W. Sterling: I just wanted to say to the committee [*failure of sound system*] from over there.

The Chair (Mr. Garfield Dunlop): That came up too, Norm.

0940

Mr. Norman W. Sterling: Okay. [*Failure of sound system*].

Let me just say, I don't know whether you have context of how things have happened over, let's say, the last 40 years with regard to the standing orders and the Legislative Assembly Act as we went through it. I thought that I could better relate this in a personal sense, since I was first elected in 1977, and the only other member who is still a member is Jim Bradley, who was elected in St. Catharines.

When I came in in 1977, it was just after the Camp commission report, and the word "revival" [*failure of sound system*] over a period of time from about 1972 to 1975, and then the government set up a committee under Don Morrow, who was from Ottawa, actually—Ottawa West—who had been a former Speaker in the 1960s. The Legislature went through a lot of change right after that period of time, going into 1977. So when I came in in 1977, the Legislature was sort of a new place in terms of a whole bunch of reform having taken place just prior to my election in 1977. Up to that point, new things were like constituency offices, larger members' budgets, party budgets for research, and the independence of the

Speaker having control over the legislative precinct and that kind of thing. So there was a recognition in the early 1970s that the provincial Parliament and its independence and its ability to call the government accountable and call the bureaucracy accountable—and they set up the Camp commission, as I mentioned before, primarily to deal with some of the same problems that perhaps we're facing today in the provincial Parliament.

From 1977 to now, there has been what I would call tinkering with the rules. Perhaps the greatest change was with regard to information that not only [*failure of sound system*] were entitled to, but the public, and that was through the freedom of information act, which I actually was responsible for in the Bill Davis government from 1981 to 1985. I also was responsible for negotiation on the part of the Progressive Conservative Party in negotiating the minority Peterson government, which was buttressed by the NDP from 1985 to 1987, and during that period of time, and really at my insistence, a couple of changes to the standing orders. That's why I look to the opportunity now in a minority Parliament to ratchet back somehow the changes that were brought forward during majority governments, because of the tendency—and the history will show, or does show in our Parliament, that during majority governments of all stripes rules were changed to give more control to the governing party of the Legislature.

So there's a real opportunity that your committee has and that this Parliament has for [*failure of sound system*] balance of power that could give any party a majority. I urge you to be proactive and to push for change before you get back into a majority situation, either after an overall general election or by-elections or whatever may occur in the future.

I sat as the government House leader from 1996 to 1999 in the Mike Harris government, when there was a great deal of hard, large—what I would call large—political [*failure of sound system*]. So I had a pretty good familiarity with where the power lay and where the traps lay. John Baird, who was the deputy House leader and then the House leader under Ernie Eves, changed the rules again, giving the majority government more power. I think that Mr. McGuinty's majority government has also [*failure of sound system*]. The major problem that is [*failure of sound system*] mutual accountability, but accountability between the government and the Legislature, and accountability between the government itself and the bureaucracy. I think there's [*failure of sound system*] problems in both areas.

You have the opportunity, I think, to deal on the edges, but it's going to be difficult for you to get down into the main core of the problems, which are information-related, and the fact that legislators really don't get the real numbers, save and except perhaps for the public accounts committee, which, as those of you who were there in the last Parliament saw, I chaired from 2003 to 2011.

I come with that experience from the past and say that you have great opportunity going forward to try to deal

with some of the problems that we face, in fact. I give you credit in terms of getting some reform to the Board of Internal Economy. As I understand it, the government will be introducing an amendment to the Legislative Assembly Act to change the membership of the board, which I sat on for three or four years under the Harris government. [*Failure of sound system*] and I think that you're going in the right direction. The only problem I see is that you haven't allowed the Speaker to be a member of that committee and have a vote in the case of a tie. The government [*failure of sound system*] and the opposition representatives. I urge you to try to reconsider that, because I'm fearful that deadlocks will occur in the future and the government of the day, whoever it is, will [*failure of sound system*] Board of Internal Economy. It's absolutely critical that you change that office and the structure. I would urge you to do that. I understand that you're going to be talking to Peter Milliken, the former Speaker of the House of Commons. I would ask you to perhaps ask him an odd question, about how the Board of Internal Economy operated in Ottawa, and compare it to the [*failure of sound system*] variable at the federal level in the Board of Internal Economy, and they most often reach a compromise and come out unified when dealing with the public on such issues.

0950

Another area that I heard you would talk about are parliamentary officers. I have had a great concern about the accountability of parliamentary officers. Somehow, many of them have the idea that they are independent from everyone. Parliamentary officers are independent from the government or the cabinet of Ontario, but they are not independent of the Legislature, as you know, and therefore the Legislature is tasked with meeting and making certain that legislative officers operate within their jurisdiction and, I believe, should be reviewing their budgets on an annual basis to make recommendations to the party representatives on the Board of Internal Economy as to whether or not the budget should be increased or decreased, and whether or not the continual asking by legislative officers for larger and larger budgets can [*failure of sound system*] more logical [*failure of sound system*].

Usually with members of the Board of Internal Economy, they have very little background as to whether the claims of the legislative officers' needing more jurisdiction or more money are legitimate or they're not. So I believe that the move towards perhaps a parliamentary committee to deal with parliamentary officers is an important one, but you want to be certain that they are tasked each year to look at the budget of the parliamentary officers to see if they are spending the money, that you're getting value for money [*failure of sound system*] or not, and whether or not the particular parliamentary officer is operating within their jurisdiction, are doing what they were intended to do when the office was set up. So I think there has to be some initiative in that area, and accountability in that area.

There was some talk that you've had of private members' public bills. I had seen over a long period of time that individual legislators continue to want to legislate when they're outside of the government or outside of the cabinet. I understand the desire, but I also understand that there's a great danger in a private member's bill not being properly contemplated and not having the proper time frame for the public to be properly engaged in the passing of that legislation, either at the consultation level before the bill is introduced or the process. I mean, an hour of debate on a major issue in the Legislature on second reading can hardly be considered adequate time when you're dealing with a major issue.

One of the private members' bills that I was involved in as a legislator was the adoption disclosure law. As many of you would know who were there [*failure of sound system*]. Marilyn Churley, an NDP member, felt very strongly and continued to introduce private members' bills and I continued to be her opponent.

I can remember the very last bill that Bob Rae tried to call—well, did call—at 10 to 12 midnight on the last day of his sitting as the government of Ontario in 1995. They called Marilyn Churley's adoption disclosure bill, which would have disclosed all records of information that before that had been kept confidential. I stood in the Legislature and debated the bill for the last 10 or 15 minutes over the great objections of my colleagues. I can remember not being very popular over it, because, of course, those who wanted the records were very vocal, but those who wanted to keep the confidentiality of those records were not there.

At any rate, moving history forward and now that we have a new adoption disclosure law, great harm would have been done had that private member's bill been passed by the Legislature—they tried to do it in a very contracted fashion—as the Court of Appeal of Ontario found that that bill would have been unconstitutional. All of the damage would have been done because those records that are still confidential would have been disclosed to many people, and would have broken what was understood as a confidentiality agreement between the public and their government.

So there's a great danger in wanting too much on that behalf, and I understand that the committee is sensitive to what kind of legislation should or should not be in the form of a private member's bill. There's no question that there is a place for private members' bills, but not on very, very far-reaching legislation, which needs much more consultation than the process provides.

Can I say a little bit about question period, as it is the focus of the legislative day?

I had become, as time went on, more and more disenchanted with question period. From 1977 till about 1990, before Bob Rae got into government, there would be very, very few, if any, questions from government backbenchers during question period. There would be maybe the odd one here or there, and if there was a question, they weren't with regard to general government policy; they would be about a constituency matter in that MPP's

riding, and they would really be dealing with a substantive matter. Bob Rae started to introduce these lob questions, we continued it on in Harris and Eves, and it just became more and more refined and led to more and more partisanship in question period. Therefore, question period sort of became, in my view, more and more of a farce, and really didn't provide the public with any kind of accountability from the government to the opposition, because it became a contest of which government minister could tell the least and brag the most about any particular matter.

I do believe that you should try to consider giving the Speaker more discretion to actually not allow questions which are primarily motivated to create more partisanship in the Legislature rather than ask the government to account for a particular action.

I do think the question period is too long. I think you should go to 45 minutes from 60 minutes, and you might consider doing that—I remember when Dwight Duncan was the House leader for the Liberals and I was the House leader for the Conservatives in that 1996 to 1999 period. He said that you could go to 45 minutes if you don't allow a government backbencher to have a question. I don't know how you can possibly do that, because every MPP has to have the opportunity to ask a question of the minister if he or she has a question about their constituency, in particular, and to represent them there.

One nuance that you might want to consider is to allow only government backbenchers to ask questions after 45 minutes, and allow the first 45 minutes to go to the opposition parties. Then, if they want to ask more questions and if the government backbenchers want to continue the question period into the 46th or the 50th minute, that's fine and dandy, or it would end when the MPPs from the government side stopped asking questions or 60 minutes, whichever came first. Either that or give the Speaker wide, wide discretion to stop foolishness.

You might also want to ask Speaker Milliken how he would suggest you try to control that lob-balling and the partisanship part that has crept into our process.

I also would be interested if you could nuance in some ways the problem about omnibus bills in the Legislature. There was a great debate about the federal government with regard to their very large budget bill. This seems to be a practice that's not only there, but it's in our province of Ontario as well.

1000

The Speaker in the federal House, as I understand it, has discretion to cluster amendments to the main motion in terms of passing the bill. I don't know whether or not the clerks could advise you as to the ability to cluster second reading votes without debate in terms of omnibus bills in the Legislature. I always found it frustrating when we would support 28 of 30 bills in an omnibus bill, but the government of the day would find a way to make the other two so objectionable that you had no choice but to vote against all 30 bills, even though you supported 28. And then of course the throwback was always, "Well,

you voted against this or that,” when in fact you were in favour of that during the debate and said it in the House. But your vote had to be the other way because of the two bills that were sometimes, I feel, purposely put in the bill to have you vote against the good legislation that was coming forward.

Committees continue to be a problem. I’ve been asked by the auditor, along with two other former members from the other parties, to look at the estimates committee. My belief is that we made a mistake in the estimates committee, as it is now structured, to have all estimates in front of one committee. Prior to that time, the various policy fields—justice, social, etc.—were charged with doing their own estimates in their own areas. I feel that’s better than what we have done in having some members of the estimates committee dealing with all ministries across the government. I think it’s important for members to develop an expertise in a particular area, and so if the health critic can sit in a social development standing committee, then that’s where the estimates should be, and that member should be there. It further develops the accountability, or there’s a better chance of accountability, than under the present system that we now have.

I guess I could rattle on and on with regard to a number of other things. I think that one of the things you might want to discover or talk to other provincial jurisdictions and the federal jurisdiction about is the ability of committees to sit while the session is not in. I felt particularly strongly about this as the Chair of the public accounts committee, that each June we would have to go to the government House leader and say, “Can we sit for a week or two weeks during the summer if we have to catch up on our work?” Sometimes they would grant that and sometimes they wouldn’t. It really didn’t bother us in the overall sense, but it just didn’t leave my members in my committee the flexibility that I desired and they desired in order to get through our year’s work that we had in that committee. So you might want to talk to some other jurisdictions. I know in some other jurisdictions, for instance, for the public accounts committee, there is in the standing orders the right of the committee to hold meetings during the intersessional breaks.

The last thing I would say is that there has to be something in our parliamentary system to strike performance markers outside of the way we have it set up now. I don’t believe that the government and the bureaucracy should be setting the performance markers for different programs. Until that changes, until you have some independent advice as to how those markers should be set up, you’re not going to achieve accountability and you’re not going to make it possible for MPPs to measure whether or not a program is working or not working. Therefore, the Parliament will continue to be in a morass as to whether or not to increase the amount of resources given to a program, because you don’t have any real measurement as to whether the program is working or not or whether you’re getting value for money or not. So I would urge you to look at ways to create performance

markers that were not created alone inside the government.

I always remember, as a minister, we brought in business plans and that kind of thing during the Harris government. The first question I would ask a deputy—I served as minister of nine different portfolios over my career. I would always ask my deputy, when he would walk in with a business plan, “What are our performance targets?” He would say, “This, this and this.” I’d say, “Will we have any problem in reaching them?” Every time, the deputy would say to me, “Oh, no, no, Norm, it’s fine. We’ll hit them easily.” Well, those aren’t very good performance markers if you can hit them easily and they are measured in reports that are hundreds of pages in length so that they’re basically never read by anybody. So we have to deal with performance markers and performance reporting in order to get accountability.

That’s where I’m going to stop, Garfield. If you guys want to ask about anything I’ve said or anything else, please do.

The Chair (Mr. Garfield Dunlop): Thank you, Norm. Thanks so much for your presentation. Yes, we have a number of questions. If I could start with Lisa MacLeod from the Conservative caucus.

Ms. Lisa MacLeod: Hi, Normie.

Mr. Norman W. Sterling: Hi.

Ms. Lisa MacLeod: How are you?

Mr. Norman W. Sterling: Is that my title?

Ms. Lisa MacLeod: What did you say?

Mr. Norman W. Sterling: Is that my formal title now, Normie?

Ms. Lisa MacLeod: Yes. By me it is, yes, Mr. Sterling. It’s great to have you here. Thanks very much for joining us.

Yesterday, and I mentioned it briefly, we met with Claude DesRosiers, who was really informative for us, as well as Liam Laurence Smyth, the Clerk of the Journals from the House of Commons of the United Kingdom. There was a lot of value to both of those presentations, as there was with yours, on how we could improve the way the Legislative Assembly here in Ontario works.

It struck me that you had mentioned we should research other jurisdictions. One of the things that they’re doing in the United Kingdom is they have a backbench committee. Now, I haven’t been sold yet on this idea, but it is intriguing in that the House of Commons in the United Kingdom actually has a secret ballot of all members of the assembly to appoint a backbench committee that has, on given days during the legislative session or the parliamentary session, the ability to actually call orders of the day and design the programming of the House that day.

I know, through your experience, you have visited other jurisdictions. I’m wondering if any of the systems that you have visited, whether it’s the British parliamentary system or others, have stood out in your mind, like this example did in mine, where we should be looking for ways to improve democracy in the chamber, but also access from the public.

Mr. Norman W. Sterling: Well, I think that's an intriguing idea. One of the things that the government House leader is loath to give up is control of the House to anybody under any kind of situation. I don't know whether we would ever get there.

In 1987, I bargained with the other parties and was able to extract from them the ability of a committee to call its own business. It was done in such a fashion that each party would have the ability to call their own business in the committee for a given length of time. I think it was 15 hours of hearings or something like that.

1010

But unfortunately, what happened to that, Lisa, was the party leaders got hold of it, and they—I had always had this naive idea that parties would actually try to get into a topic and deal with the topic and have an opportunity for good debate and write a good report out of that kind of hearing. But as soon as the leaders got hold of this, they started to turn it into a partisan effort. In other words, it wasn't used for positive, constructive policy-making by MPPs; it was used by the leadership of parties to introduce nasty stuff about, "They're not doing enough about this particular problem," or that the government is not doing enough about this or that.

Consequently, the standing order was changed later—I think by us—to say that you needed a two-thirds vote in the committee in order to go ahead with a particular matter, therefore giving control back to the majority to shut the whole discussion down about anything. The problem is, in all of these nuances that you're dealing with, as soon as you attract the leadership of the party—the Premier's office or the Leader of the Opposition or the leader of the third party—as soon as you attract their office into how you use the time or use the rule, it gets back into the partisanship kind of thing.

At any rate, one interesting nuance that I picked up when we were in Scotland on the proportional representation issue, because they have mixed member proportional in Scotland—while there and talking to the Speaker, I was intrigued, because they have minority Parliaments almost ad nauseam in Scotland, although I think that they might have had one majority under the Scottish National Party. What happens there is, the Speaker actually chairs the House leaders' meeting each week. Instead of the government House leader being the chair and a participant in the House leaders' meeting, the Speaker chairs the meeting. While the Speaker doesn't have the ultimate control because the government of the day can introduce a motion to deal with the schedule of what's going to go on during the week, the Speaker can cajole the government and the opposition parties into a more reasonable schedule of how things are going to run in the Parliament, going forward, so that people do know that the vote on such-and-such a bill is going to be at 5 o'clock on Wednesday afternoon and that Parliament is going to rise at noontime on Thursday, or whatever the example would be. But the schedules, then, of all the Scottish MPs in their Parliament are more certain. The

place runs in a more reasonable fashion in that there isn't debate forever on topics that really don't matter.

That was one nuance that I picked up that I thought was interesting. I think it's worth a try in terms of our Parliament. I don't understand why the Speaker shouldn't be able to chair it and perhaps make minutes about what was agreed or what wasn't agreed so that, going forward, there's more certainty about the lives of MPPs and what they're doing.

The Chair (Mr. Garfield Dunlop): Lisa, do you have any more questions?

Ms. Lisa MacLeod: I sure do. Thanks very much, Norm.

I want to touch on private members' business in a second, but one of the other notions that we discussed yesterday with the Clerk of the Journals in the House of Commons that really is appealing to me is the fact that they have an additional hall beside their chamber where they can effectively have take-note debate that's recorded in Hansard that is far more in-depth on any given issue.

One of my big concerns is that on important social or economic issues, the assembly—as private members or as members of a caucus, we don't have the ability to influence a government decision in a non-partisan way, to actually contribute in depth. And so one way to do that, obviously, would be to increase the use of select committees. The other, I think, is this notion that they've just adopted in Great Britain, this Westminster Hall, which is effectively parallel to the chamber. I don't believe it is binding, but it provides members with an opportunity to debate important issues of the day or important social issues and have their say for their constituents or for those who are affected by a certain piece of legislation.

I'm wondering, in terms of empowering—yesterday, Claude DesRosiers made a great point, that it's not really making private members have more power; it's giving them the ability to influence the government that is where we should be heading. With that in mind, how do you propose—given your time here, and with those two examples I've used of select committees and Westminster Hall—we assist private members, whether they're back bench in government or they are front bench in opposition, to have more of an impact in the assembly on the bigger scale, not just in question period or introducing, as you say, a private member's bill that may not be completely thought out?

Mr. Norman W. Sterling: Well, I think the real problem that you have as a member is having real information and real numbers and getting that information in a timely fashion. Oddly enough, what is sort of crazy about the system is that as soon as a party is elected as the government, they become very protective of the bureaucracy in terms of what they're going to give out or what the information is or what the information is not.

Perhaps the public accounts committee is the best example of constructive work that can be done by MPPs, and that is for a number of reasons. Number one is, save and except present hearings on Ornge, which are highly

political in nature and are really not representative of how the PAC committee normally carries on, the PAC committee has the wonderful advantage of having real numbers and having a real expert sit at the table so that members who really want to know what the numbers are can find out what the numbers are and debate them.

The other part is that the general attack in the PAC committee is not on the minister of the day or the government of the day; it's on the administration of the program. So there's a great opportunity in that committee to improve a program, get rid of waste and that kind of thing, rather than what members face in other committees.

Under our parliamentary system, unfortunately—and I think there should be some real debate on this, on whether or not a minister should be responsible for a particular administrative function that goes awry if he or she or the deputy would have no reason to have any knowledge of that particular matter, or whether the director of that program should be the one that should be up on the stand, so to speak, in terms of accountability.

So it's getting better information and it's getting better help to the members so that they can ask the right questions to the bureaucrats as to how the program is operating or not operating.

1020

There was a great example of it in the Senate in the recent past. Doug Finley, who was a senator and used to run the federal Conservative campaigns, had the bureaucracy answering questions about office accommodation. There was an article in the National Post last week about this. Only after dogged cross-examination by Senator Finley did the committee find out, or politicians find out, either senators or MPs, that the accommodation allowance for a ministry in the federal government is based upon how many dollars they're paying in salaries, and it's 13% of that. It makes absolutely no sense at all that the accommodation should be increased, necessarily, for a department of the federal government if there are no additional bodies around but their salaries continue to increase. So unless you have good cross-examination by knowledgeable people, you're not going to get to the bottom of the problem.

The Chair (Mr. Garfield Dunlop): Norm?

Mr. Norman W. Sterling: Can I bring in another topic? That is the Committee of the Whole House that hasn't been used since Harris, I guess, because there were problems in getting in and out of the Committee of the Whole House.

The Committee of the Whole House is basically an informal committee in the Legislature. I really do feel that when you're talking about getting information, it was one of the best tools that the Legislature as a whole had to get at real information about a piece of legislation.

The Committee of the Whole House operates in that the minister sits down in the front of the Legislature, on the government side, and they put a small table in front of him—I'm giving you the graphics of it because it makes it easier to understand—and the deputy minister

and probably the assistant deputy minister or a policy person would sit in front of the minister. So you would go through a particular bill and be talking about a bill, and it was a give-and-take process. In other words, it was like a committee hearing, save and except that the Speaker was controlling the question and answer.

So if you had a question about section 3—"What does this section mean?"—and the minister is standing there and he's talking about the particular bill, he would just reach over the table and ask the deputy minister or the director or the policy person who was involved in drafting the bill, "What did this section mean?" or "What did that section mean?" He would then answer the question. But there was a great opportunity for a back and forth. The minister would always be there, and we know now that ministers hardly ever appear in terms of defending their bill, but in this case they would normally be there along with their deputy.

I always felt that if they started bills in the Committee of the Whole House, there would be a much greater understanding by MPPs as to what the actual legislation was doing. You could ask questions about what the regulations were going to be falling under this particular bill, etc.

So the Committee of the Whole House, in my view, could be a tremendously positive move in informing members about actually what the legislation is all about. It always frustrated me that you were called on in your caucus meeting to either support a bill or not support a bill, and you had really little chance to talk about it or review it before you were put in a position of voting on second reading or taking a stance on it. At least in the Committee of the Whole House, if you put it in there right away—and there is provision in the standing orders, and actually I put this in when I was a government House leader, to put a bill into committee after first reading so that parties don't take a position before knowing what, in fact, they're voting on. So I think Committee of the Whole House would be a great utilization and let MPPs really know what's in a bill.

The Chair (Mr. Garfield Dunlop): Norm, we've only got about half an hour left and I want to make sure that the NDP and the Liberal caucus members get a chance to ask some questions here. So I'm going to ask Mr. Bisson now if he may have any questions for you.

Mr. Gilles Bisson: Yes. Hi, Normie. How's it going?

Mr. Norman W. Sterling: Good, and you?

Interjection.

Mr. Gilles Bisson: I thought that was funny. It's okay, Lisa. You're not the only one who has sympathetic feelings towards Norm.

Listen, first of all a quick question: Did you say that you would suggest that Committee of the Whole be used prior to second reading? Is that what you were saying?

Mr. Norman W. Sterling: Well, it doesn't matter whether it's during or prior to, but it would be better prior to, in terms of the function I was talking about.

Mr. Gilles Bisson: All right; I get it. I remember that whole episode. You should have made sure that Dave

wrote the motion differently; we wouldn't have been there for 10 days. But that's a whole other story.

Estimates committee: You suggested that rather than having estimates done through an estimates committee, that in fact the standing committees should be the ones that properly do that. Was that the case when you first got here?

Mr. Norman W. Sterling: Yes.

Mr. Gilles Bisson: What was your experience with that?

Mr. Norman W. Sterling: Well, I think it was a little better, but I still think that there's a huge waste of resources within the government in preparing the detailed estimates. Evidently, this is a very, very costly and a very, very expensive process.

Mr. Gilles Bisson: But are you suggesting that they don't prepare those documents?

Mr. Norman W. Sterling: I'm suggesting that you look at what they prepare for you. First of all, I want people who are interested in actually looking at the documents and looking at the numbers etc., to have the accountability that the estimates process is supposed to have.

Mr. Gilles Bisson: All right. Let me ask you this, though: In your experience when, let's say, general government was doing the estimates on the ministries that are properly before that committee, was it the practice that members tended to take a larger interest in the estimates process?

Mr. Norman W. Sterling: Yes, because they were interested with regard to the matters that were there. They were always in the committee, they—

Mr. Gilles Bisson: And I take it estimates was struck, what, in the accord of 1985 to 1987? Where did that come from? Was that a—

Mr. Norman W. Sterling: I can't remember exactly when it came in.

Mr. Gilles Bisson: All right. It doesn't matter.

Private members' bills: You raised an issue, and I thought it was an interesting one. I think you'd have to wrestle every member of the assembly to the floor on it, or off the ceiling I guess would be the proper way of putting it, because members tend to see private members' bills as a really important function of their job as legislators. But you were suggesting that some of the bills are large in scope or fairly substantive, and they change policy significantly. You were sort of suggesting that that be limited somehow. Is that—

Mr. Norman W. Sterling: I don't think you can limit it. I think the government of the day—as I understand it, your proposal is, going forward or not, to take the ultimate control out of the government for calling third reading, so—

Mr. Gilles Bisson: So the vote, simply the government voting against something that they think would more properly be a government bill is the way to deal with it.

Mr. Norman W. Sterling: Either that or you have some way of elongating the process if you get into something—

Mr. Gilles Bisson: Are you familiar with the federal model? I'm not 100% familiar, but they have some sort of prioritization process of private members' bills. Because they have 300-and-some-odd members, there's only so much legislative time, so there's a committee of some type that decides what track bills will take. Are you in favour of any type of a committee that decides, okay, out of the 107 bills, here are the ones that we can deal with and let's deal with them properly?

Mr. Norman W. Sterling: Yes, I guess so. I used to use private members' bills to actually try to force the government's hand to actually address an issue or deal with an issue, and was quite successful in doing that. I had seven or eight private members' bills on controlling smoking in the workplace and that kind of thing before it was popular. In fact, I was the first legislator in Canada to introduce a bill controlling smoking in the workplace.

1030

Mr. Gilles Bisson: And that tends to be how a lot of us as private members look at private members' bills: not so much passing the bill, but advancing the idea.

But I want to come back to the ranking or the prioritization, because I think what you're saying—I just want to make sure I understand. There are some bills that need more time both in debate in the House and in committee. Because there's limited time, both in committee and in the House, if there was a prioritization, as I think you're kind of arguing, you would be able to sort of prioritize those that take more time and those that don't get on at all. Is that what you're suggesting?

Mr. Norman W. Sterling: Yes, I guess so. I mean, that's an interesting tack to take. I'm not familiar with how they do that at the federal level. You'd need a sophisticated—I guess that's eventually what happens in our system. At the end of a session there's a bargaining session that occurs and—

Mr. Gilles Bisson: The unfortunate part—and I think you're right. Often, there's not enough debate and there's not enough committee time to flesh out the issue, so we end up saying, "Well, on balance, it's a good one. Let's negotiate that one into a package." But it doesn't get the legislative and committee review time that it properly deserves. I tend to agree with you on that. I'm not sure how you avoid it.

I just want to get to the two other things before we pass it on to my friends from the Liberal caucus. One is that of the parliamentary officers. You had an interesting take on that, but when you were saying that there should be some sort of review of the scope of their mandate to make sure that they don't step on beyond that, I would put a counter argument, first of all, to say, "Well, you know, everything does evolve, and eventually either the Legislature gives that parliamentary officer more scope as far as the original mandate"—but I think what you're saying is that some of them have taken it on themselves and that you want to see some kind of limit to that.

Mr. Norman W. Sterling: Well, you know, the Ombudsman, in my view—

Mr. Gilles Bisson: You don't have to name any names.

Mr. Norman W. Sterling: —has gone far beyond what was initially contemplated by the Legislature for the Ombudsman to deal with. I was there early on when the first Ombudsman was there, and he had a very, very good relationship with the Ombudsman committee of the Legislature. There was an Ombudsman's committee, and he would come to that committee and talk to them about people who had fallen between that cracks of legislation and programs, and the government would—

Mr. Gilles Bisson: Okay. So, Norm, I think what you're saying is that what we have learned through the public accounts committee is that that relationship between the committee, first of all from the House to the committee to the auditor, that relationship of working in the way that that public accounts committee does, is a model that would be best suited to allow the Ombudsman to bring forward issues where he or she says, "You know, here's something that should be expanded in my mandate," but at least there would be some discussion at committee, and then the House could make a decision. That's kind of what you're saying—something like a public accounts process.

Mr. Norman W. Sterling: Yes. You know, like the budget officer at the federal level, they are servants of the Legislature. They're not politicians.

Mr. Gilles Bisson: No, I hear you. I tend to agree with you because the Ombudsman committee, when I first got here, was actually fairly active. That's where the Ombudsman used to come before this committee and say, "I've had X number of complaints in this particular area. I don't have the mandate. I think it should be expanded." So there was a discussion with legislators and then ultimately the House had to make the decision. I take it that's what you're getting at, that it's not that the Ombudsman or any other parliamentary officer shouldn't advocate to have their role expanded, but they shouldn't do it on their own; it should be through a process of the Legislature.

Mr. Norman W. Sterling: It should be, yes. What happened with the Ombudsman committee is that, I think in the late 1980s, we got an Ombudsman who said quite openly, "I'm not reporting to a committee of the Legislature. I'm independent." And off the Ombudsman went, and the committee collapsed and nothing happened. Prior to that time, the Ombudsman used the committee to resolve problems that were falling between the cracks in what the Ombudsman was—

Mr. Gilles Bisson: And in fairness, Roberta Jamieson had that model as well where she used to appear before committee, and had a pretty good relationship with the committee, as I remember.

I've got one last question—we're running out of time so I want to make sure my friends get some time—and that is that of BOIE. I heard your comments, Norm, in regards to how the Speaker should be having a vote, but as you know, around this place it's the art of comprom-

ise. We have come to an agreement amongst the parties that there be a tie between the parties, and the Speaker doesn't have a vote. But I tend to agree with you, because I don't believe that a Speaker, quite frankly, would break the vote in the first place. The Speaker would try to find a consensus. A Speaker worth their salt is not going to make a decision that the board shouldn't be making itself.

But anyways, I hear you, and I'm going to pass the questions over to others. Have a great day, Norm.

The Chair (Mr. Garfield Dunlop): Thanks very much.

Mr. Gilles Bisson: Bye, Normie.

The Chair (Mr. Garfield Dunlop): Thanks very much, Mr. Bisson. Now Ms. Damerla or Mr. Balkissoon.

Mr. Bas Balkissoon: I'll go first.

The Chair (Mr. Garfield Dunlop): Yes, Mr. Balkissoon of the Liberal caucus, Norm.

Mr. Bas Balkissoon: Thank you, Chair. Morning, Norman.

Mr. Norman W. Sterling: Good morning, Bas.

Mr. Bas Balkissoon: How are you doing?

Mr. Norman W. Sterling: Great.

Mr. Bas Balkissoon: I listened to your comment on the estimates committee and that probably the job, when it's to the various policy committees—maybe there's a better opportunity there for every member to have a chance to, I guess, get some extensive learning and experience in the various ministries that they're actually part of on their committee. It may be a great model and I accept your comment as a positive one, but do you remember when it was changed and why? Because I'm tending to think, the more and more I look at the Legislature, because of the reduced number of members, that the committee structures were changed to accommodate everybody's schedule and the number of people available to do all of this work.

Mr. Norman W. Sterling: Yes, it probably was done around that period of time and for that purpose, because of the Legislature contraction in terms of numbers and that kind of thing.

But the estimates committee—basically, you have one person, the critic in your party, who carries the can anyways. I believe in smaller committees; I don't believe in larger committees. I think you get more done with two members from each party or one member from each party, and I think some committees should never be controlled by the majority, going forward. But I probably will never win that with a leader of a party or whatever. I just think you get better decisions in—

Mr. Bas Balkissoon: Okay. If I look at your comment on question period also and the number of members and the House schedule itself, and I look at comparable Parliaments across Canada, it becomes a little difficult to look at the House schedule and committee schedule and make the changes that would benefit in this whole estimates process. Do you have any comments in terms of our House schedule and the amount of debate days and the number of question period days, etc.?

Mr. Norman W. Sterling: Well, yes. I mean, the federal government has a 45-minute question period. I don't think they have any more or less. I think BC has 20 minutes of question period. In the British Parliament, there are only ministers on certain days and there's the Prime Minister one day of the week and that kind of thing. I just think it's excessive as it presently is. When cutting back, you have to cut back gradually if you're going to change the overall way it works, but I do think that an hour a day—I really think it lags in the latter part of it. It just leaves the whole thing open to creating more partisanship by these what I would call lob balls or silly backbencher questions where it's very difficult for the public to understand what the hell is going on.

Mr. Bas Balkissoon: Norman, thank you very much. Some of my other colleagues have questions, too, so I'll pass the mike along.

The Chair (Mr. Garfield Dunlop): This is Jeff Leal, then, Norm.

Mr. Norman W. Sterling: Hi, Jeff.

Mr. Jeff Leal: Norm, good to hear from you. How are things?

Mr. Norman W. Sterling: Great.

Mr. Jeff Leal: Good.

Norm, I just want to follow up. I know you've taken the opportunity over the years to study Westminster in detail. What's your view about the Prime Minister attending once a week and fielding all the questions for the day, and ministers there on a selective basis where the opposition, of course, would direct all their questions to a specific minister on any given day?

1040

Mr. Norman W. Sterling: Well, I think it makes a hell of a lot more sense. I mean—

Mr. Jeff Leal: Because you've had both sides; you've been a minister of the crown and you've been in opposition.

Mr. Norman W. Sterling: Yes. I think it makes a lot more sense to restrict it down and that kind of thing. If much larger democracies can do it and have as much accountability as us, I mean, you couldn't mess around with the questions like we do now, but you'd be involved in more serious questions and that kind of thing.

Our question period has degenerated so badly from where it was to where it is now that I think that you have to go at it gradually. These things—the standing orders—unless you have something similar to the Camp commission, where you're looking at talking to a lot of people outside and looking at other jurisdictions and coming in with a report and then having something following it, you can't revamp dramatically, but I think there are opportunities to talk about improvements.

Mr. Jeff Leal: Would you recommend that we, as part of our review here, look at that British option? I mean, to improve—obviously, improving question period, I think, would be tremendously helpful for our democracy, from my view, anyways.

Mr. Norman W. Sterling: I think so. I think what you should do is talk about something that's similar to

the Camp commission again. The beauty of the Camp commission was that they didn't do it all in one piece. They did it over four or five years. It involved three former politicians—two former politicians, and Dalton Camp, of course, was a prominent PC. It included Farquhar Oliver, who was a veteran Liberal MPP, and Doug Fisher, a former NDP MP. So you've got three very knowledgeable people about the process and what would work and what wouldn't work.

You guys have so much time to deal with this thing, and I think what you've got to deal with is the tweaking and taking your opportunity while the minority Parliament is there to get some changes and make it better. But looking at the larger picture, I think you should look at a larger structure and a smaller committee to go on. I'd love to see you recommend a select committee with one member from each party and no substitutions, or two members from each party and no substitutions, going forward.

Mr. Jeff Leal: Norm, thanks for your wise counsel. I appreciate it.

The Chair (Mr. Garfield Dunlop): Thank you, Norm. We have one more question from the Liberal caucus, and it's from Dipika Damerla.

Ms. Dipika Damerla: Good morning, Mr. Sterling.

Mr. Norman W. Sterling: Hello. How are you? Congratulations.

Ms. Dipika Damerla: Thank you so much. Thank you so much for all of your discussion points. As a new MPP, I learned a lot.

I'm going to come back to the issue of private members' bills. I just want to know, in your experience, have you ever seen a case where in a minority government, a private member's bill is used by the opposition—if they work together or gang up together—to push something through with very little debate, as you mentioned, and become the de facto government?

Mr. Norman W. Sterling: I don't think I did see that happen. I did see government, from time to time, try to use private members' bills to get something through which was either a lower priority on their scale or what they wanted to get done, and to get legislation passed. I think there was more of a risk from a majority government using the process to get legislation passed that they didn't either want to do inside or from the government, but wanted to cater to a particular special interest group or something like that.

I can't recall the opposition in a minority Parliament ganging up to do it. From 1997 to—well, there was a minority government from 1975 to 1981 and there was one from 1985 to 1987. Now, the one from 1985 to 1987 was different because there was an accord between the NDP and the Liberals, so it was sort of a more co-operative kind of minority government than the one that you've got right at the present time. So I can't recall it; I'm sorry.

Ms. Dipika Damerla: But you think there's a risk of that? Do you see that as an issue at all that needs to be addressed?

Mr. Norman W. Sterling: Well, I don't think so. I don't think it's an issue which is a major problem at the present time, unless there would be some kind of legislation—my concern about any private member's bill—well, first of all, if the opposition did that, the government still controls the third reading process, so your government House leader doesn't have to call it, so the opposition members can't really gang up and make something law which is totally repugnant to the government. You still have control in the end.

Ms. Dipika Damerla: Okay. Fair enough. Thank you so much.

Mr. Norman W. Sterling: Thank you.

The Chair (Mr. Garfield Dunlop): We're going to finish up, Norm, with Steve Clark from the PC caucus.

Mr. Steve Clark: Hey, Norm. I hope you're finding time this summer to get out on the golf course the odd time.

Ms. Lisa MacLeod: We're worried about you, Norm, not golfing enough.

Mr. Steve Clark: I'm worried about you.

Norm, we're desperately closing in on our time. I've got three unrelated topics that I'd love to get your opinion on, and that's order paper questions, because I know, talking to some federal politicians, that the feds have far more detailed answers than we get in terms of order paper questions; late shows—I'd love to hear what you think about our practice of late shows; and also something that came up yesterday with the UK was the use of electronic petitions.

The Chair (Mr. Garfield Dunlop): Norm, we've got about five minutes to finish this up, if we could. Thank you.

Mr. Norman W. Sterling: Order paper questions: I really believe that there should be strong rules to make the government answer them with fact and in time and those kinds of things. It's really the only opportunity for—

Interruption.

Mr. Norman W. Sterling: —information and to get a straight answer, because it comes from the deputy minister, essentially.

The second one, Steve, was the—

Mr. Steve Clark: Late shows.

Mr. Norman W. Sterling: I think they serve their purpose. I think that they're fine. There's an opportunity for a member to sound off about a particular *[inaudible]* and make a five-minute *[inaudible]* that he can send back. I don't think, quite frankly, that anybody pays any attention, Steve, except maybe in a mail-out to his constituents or an expression of frustration. But I think that that's what they were intended for originally.

Electronic petitions? I think it's a good idea. I think people would pay as much attention to signing an electronic petition as they do to a paper petition. I think most paper petitions are signed in somebody's office or in front of a grocery store and that people are signing it more to move on than they are to address the issue. I think it's probably time for that, because particularly with

social media, it gives real opportunity to spread an issue in a different way.

The Chair (Mr. Garfield Dunlop): Norm, I just want to say on behalf of the committee, we've taken a lot of your time this morning, almost an hour and twenty-five minutes. We really appreciate the time and effort you've put into this. I want to thank you very much on behalf of the committee for that time.

Mr. Norman W. Sterling: Okay. Great. I enjoyed talking to the members again. As I said, Jim McCarter is doing something on the estimates process next month, and so I'm sure members of your committee would want to watch that. Shelley Martel is going to be there representing a former NDP member, I'm going to be there as a former PC member, and I think the Auditor General is going to be contacting Gerry Phillips about being a former Liberal member, to talk about the estimates process. So if you have any input you want to give to any one of those three, I'm sure they'd enjoy hearing from any members of your committee.

The Chair (Mr. Garfield Dunlop): Okay, we'll take that under advisement. Thank you so much for your time, again, and enjoy the rest of the summer, Norm.

Mr. Norman W. Sterling: Thanks very much, Garf.

The Chair (Mr. Garfield Dunlop): Okay, take care. Bye.

If anybody wants a two-minute break, we'll be starting with Mr. Milliken right away.

The committee recessed from 1050 to 1102.

HON. PETER MILLIKEN

Hon. Peter Milliken: Hello?

The Chair (Mr. Garfield Dunlop): Hello. Mr. Milliken?

Hon. Peter Milliken: Yes indeed.

The Chair (Mr. Garfield Dunlop): My name's Garfield Dunlop. I'm the Chair of the Legislative Assembly committee here at Queen's Park.

Hon. Peter Milliken: Great.

The Chair (Mr. Garfield Dunlop): We really appreciate you taking the time this morning to join us as we talk about the standing orders. I don't know if you have any opening remarks, but we have about an hour and I'd like to split any questions we have after your opening comments amongst the three political parties.

Hon. Peter Milliken: Okay.

The Chair (Mr. Garfield Dunlop): Basically, we're talking about possible changes to the standing orders. We're looking at just getting input from different stakeholders and interested citizens, and of course we're very, very pleased to have you and your time this morning available to us.

Hon. Peter Milliken: Thank you.

The Chair (Mr. Garfield Dunlop): So if I could ask you, would you have any opening remarks on what you may know about the provincial Legislature or your comments on what was good or bad about the House of Commons?

Hon. Peter Milliken: Well, I think what I'd rather do is answer questions. I've been to your Legislature, of course, on occasion and watched a question period or two from the public gallery, and that's about it. I have very little familiarity with the functioning of committees or debates on bills or anything like that, having not seen any of that. So it's much more limited and I don't feel that I'm an expert on the subject of the Ontario Legislature in terms of its procedures.

I might be able to answer questions about my own experience on various subjects that you might want to ask about, so for that reason I think it might be better and more practical if I just leave it to questions that you have. I'm honoured to be invited to appear and I'm sorry I'm not there in person, but what can you do?

The Chair (Mr. Garfield Dunlop): Mr. Milliken, we're very pleased to have you, especially with your experience at the House of Commons. We're going to probably just start rotating the questions right now. We'll start with Steve Clark, who is a Progressive Conservative member, and he'll start the first question.

Hon. Peter Milliken: Okay.

Mr. Steve Clark: Well, honourable sir, it's nice to talk to you. The last time you and I spoke was a few weeks ago on the banks of the St. Lawrence. I hope you're doing well.

Hon. Peter Milliken: Thank you. I am.

Mr. Steve Clark: Previously this morning we had a former member of the Legislative Assembly, Norm Sterling, who came and spoke about a variety of topics. One of them was the Board of Internal Economy, which our parties, the three parties, have been discussing about changing. There seems to be a feeling that you would provide us with some great insight about the operation of the board at the federal level and also your role as Speaker in terms of finding compromise and consensus with that body.

Could you give us just an overview of your experience with that board at the federal level?

Hon. Peter Milliken: Well, the board, I found, was very effective as a sort of governing body. Its composition clearly reflects the House. The division of membership on the board is equal between the government and opposition, with the Speaker sort of as the independent Chair. But the practice on the board has been that if more than two members voted against something—if two voted against—the motion was considered not adopted. It wasn't a case of where normally the majority could force itself over the other. The standing practice had been that you didn't operate that way; it was more consensus, which I think was fairly effective.

In addition to that, because the meetings were behind closed doors, you didn't have the partisanship that you would see often in a standing committee, because there was no reason to hammer away at somebody unnecessarily in the private session where no one's reporting on it. That, I think, had its usefulness as well. Having the meetings in camera was, I think, a sensible policy given the nature of the discussions for many of the items that

came up at board meetings and the fact that the decisions that were made were, in fact, reported subsequently. It wasn't secret in that sense, in terms of the actual decisions, but it was in terms of the discussion, which I think was generally useful. So I thought the board was quite an effective organization and got its job done.

Most of the decisions it made were pretty widely accepted by members, because, of course, they were told by their House leaders, who were usually members of the board, or whips what was the reason for the decision, and this information was given to them in caucus meetings. So they got the information and, I think, generally were reasonably happy with it, even though sometimes I'm sure when they appealed for consideration of some item they had been disallowed on or were claiming for and the board would make a decision, they might not have always liked it. But at least it was one that was usually agreed to by most of the members, if not all the members, of the board.

The Chair (Mr. Garfield Dunlop): Steve?

Mr. Steve Clark: No, that's fine.

The Chair (Mr. Garfield Dunlop): Thank you, Mr. Milliken—

Ms. Lisa MacLeod: I have a question.

The Chair (Mr. Garfield Dunlop): Okay, we'll stay with the PC caucus right now, Mr. Milliken. We've got a question from Lisa MacLeod.

Ms. Lisa MacLeod: Hi, Mr. Milliken. Thanks very much for joining us today.

Given your vast experience in the federal House and the fact that you were able to preside over minority Parliaments that were run by both the Liberal Party and the Conservative Party, so you had some great experience through that transition, I'm wondering if you could provide our committee with any examples of where you think—even if it wasn't in the federal House, but in your travels—question period was more effective.

For example, many people will say that the government of the day shouldn't have questions from their backbenchers. I tend to believe that they have just as much right as I do as an opposition member to question the executive. The challenge we've seen, of course, however, is these questions, regardless of which party is in power, become relatively cheerleading statements from the backbencher to a government member. We call them lob balls, etc.

Norm Sterling was on earlier and he had suggested going to a 45-minute question period with anything after the 45 minutes being from the government backbenchers. I'm still not certain that might be the way to go, but I'm wondering if you have any suggestions on how we reform question period so that (1) it doesn't break the tempo of a good accountability session, and (2) we prevent those very valuable questions for backbench MPPs to actually question the executive and hold them accountable as well.

Hon. Peter Milliken: Well, it's a rough area. I'm not sure my views on this would change the way it works particularly, but I put them forward in any event.

What I think is a problem with question period: In the federal House—I should indicate this—there were only three questions, max, per question period allowed to government members. The overwhelming number of questions in Ottawa come from the opposition.

1110

But when they agreed to the 45-minute time limit and the 35-second limit on each question and each answer some years ago—quite a number of years ago now—it changed the tenor of question period, in my view, somewhat, in ways that aren't necessarily an improvement. The things that I find somewhat offensive about it in the way it's structured is the fact that, first, the parties control who will be asking the questions. The party leader or the House leader decide which member will ask the question and what the subject will be, and increasingly, the questions, as I understand it, are being drafted in the leader's office and handed to the member to ask. So it isn't the case of the member asking something off the cuff; because of the 35-second limit, you need to have a text, or something pretty close to a text, that you will follow to make sure you don't go over time and get cut off, but then you also have to have a text that isn't going to embarrass the party leader, so they check everything to make sure that it's all done in accordance with this.

This didn't use to be the way it was. Members would jump up, the Speaker would choose which member to recognize next, and that member would then ask a question. It was hard for them to be totally prepared and have a text they were going to read when they weren't sure whether they were going to be the next one or not. And if the same question had been asked by somebody before, they might have to alter it somewhat to make it sound as though they weren't repeating exactly the same question that had been asked by somebody else. So it's made it more, shall I say, theatrical, because of the organization of it, very significantly, in saying who will speak next and in which order, and that list is given to the Speaker by each of the parties—it's made into a master list, actually, by the clerks—and then you're expected to follow that as chair of the proceedings.

So if you're looking at changes to question period—and I'm not familiar with Ontario's question period thoroughly—think of getting opportunities for different parties to participate in a different order, and you can change that and look at the federal method of doing that, if you want. But I'd urge that more discretion be given to the Speaker to decide who's going to ask the next question, rather than have lists, so that members are sort of caught, sometimes, unexpectedly. Of course, they're standing—they have to be standing to be recognized—but they are up and ready to go with their next question. They're going to pay more attention to what's going on if that's the case, rather than knowing that they're number 10 on the list and when they get there they are to stand up and read their question—as number 10 or number 11, whatever it is. It would make it more spontaneous and more dramatic, in the sense that members might have to change their questions at the last minute and ask some-

thing else, but they'd have a little more fun doing it. And I think that the members who want to ask a question and are not in the good books with their leader might get a chance to get recognized in those circumstances as well, which can make a difference in the way things work.

If you have a tight limit on government questions, such a rule change isn't going to have much impact, because you can be sure that only one member will rise when it's time for a government question to be asked. But who knows? It might change it.

Ms. Lisa MacLeod: That's certainly fascinating. One of the other issues I wanted to talk to you about was debate in the chamber. They have a system, I believe, in the House of Commons, but they certainly do in the United Kingdom, where you can take leave. The way our debate presently sits, when it's a government bill, there is an hour leadoff for each critic or the minister, then it goes into 20-minute rotations, and with each speech there are two-minute hits, totalling about 10 minutes, because there's a two-minute response from the speaker. It doesn't really allow for a discussion. It's more statements or questions—statements are really what occur—and then the speaker at the time responds.

What I've noticed in other legislatures is this ability for the speaker of the particular bill to give leave or give way to another speaker, who can ask questions and they can have a bit of a discussion. In the UK, I understand that they're able to add an extra minute for each time this happens to the main speaker, and that that individual can do that twice to increase their time by two minutes. Is that similar to what happens in the House of Commons? If it is, is that an effective way to have a free-flowing debate in the chamber, or are there other ways that could improve?

I was once told, when I was first elected here three terms ago, by Ernie Hardeman, who is a member of our caucus, that the Ontario Legislature is the only place that judges your quality of debate by the time you speak, not by the substance of the speech. I guess that's a bit of an issue for me, given that you can go on for an hour here and really not have to make a point and really listen to or discuss with your colleagues, whether it's opposite or in your own party.

Hon. Peter Milliken: Well, in the House of Commons in Canada, there are time limits on virtually every speech. There are certain occasions when the Prime Minister and the Leader of the Opposition will get unlimited time, or someone filling in for them. But for virtually every debate and going through bills, for example, the first three speeches, I believe, are 40 minutes each, and then after that, it's speeches of 20 minutes each for the next five hours of debate, and then after that, 10 minutes per speech. At the end of each speech, there's a period for questions and comments; 10 minutes after a 20-minute speech and five minutes after a 10-minute speech.

So, while a member could stand up and ask the member who is speaking if he would take a question and the member can say, "Yes, I will," and allow it, time is not added to his speaking time for doing that, but he may

choose to do it. But there is the time for questions and comments at the end of the speech.

Ms. Lisa MacLeod: But there is flexibility for that free flow of discussion such as you and I are having at this moment.

Hon. Peter Milliken: Well, there's some, yes. It's not rock-hard, but in the five-minute question and comment session, the Speaker, if there are a bunch of members who jump up and want to ask questions, will usually say, "Okay, one minute max for your question, and there will be a one-minute response." You go through it like that.

Ms. Lisa MacLeod: I see. The other question I have is with respect to opposition motions. In a majority government, when there is an opposition day, it's almost virtually impossible that an opposition motion will pass. I'm not talking about private members' business; I'm talking about opposition day. In a minority government, that may change, but the majority in the House, which are two parties or three parties sitting in a minority, could vote in support of a particular opposition day motion. Has there been any jurisdiction where opposition motions have been binding?

Hon. Peter Milliken: Binding? You mean binding on the House?

Ms. Lisa MacLeod: Yes, on the government.

Hon. Peter Milliken: Well, yes, because that's how the government got defeated the last time—

Ms. Lisa MacLeod: Oh, right; yes.

Hon. Peter Milliken: Yes. It was an opposition day motion.

Ms. Lisa MacLeod: We don't have that here, the ability for the opposition parties to have a binding motion.

Hon. Peter Milliken: Well, you could move them as amendments to bills like supply bills, I would think, and if those carry, it would defeat the government.

Ms. Lisa MacLeod: Yes, but I don't believe our opposition motions—they aren't, today, binding.

Hon. Peter Milliken: Oh, but you have opposition days with motions there?

Ms. Lisa MacLeod: Yes. Our opposition days are effectively toothless. We can call on the assembly to support a notion, and in our current situation—I'll just say this without a bill or a topic in mind—the New Democrats could join with us, as the Progressive Conservatives; that could pass the day, but that motion would not be binding on the government.

Hon. Peter Milliken: What if the motion expressed the lack of confidence in the government? Wouldn't that be binding? Wouldn't that force—

Ms. Lisa MacLeod: I'll ask Deb Deller—she's our Clerk—to speak to that.

The Clerk of the Assembly (Ms. Deborah Deller): Hi, Mr. Milliken. Our rules stipulate that opposition day motions cannot in fact be motions of non-confidence. There's a different process for motions of non-confidence to be given notice of on the order paper.

Hon. Peter Milliken: I see; okay. Interesting.

Ms. Lisa MacLeod: Thanks very much for that clarification, because we operate a little bit differently here.

Just as a final comment, because I know my colleagues are all dying to speak with you—actually, it's true; we're having a good time doing this.

1120

The quick question I have is, you've travelled quite extensively, I'm sure, throughout the Commonwealth and other places. Have you ever gone to a jurisdiction and looked at what they're doing in their assembly or their Parliament and thought, "Hey, what a neat idea. This seems to either allow the private member to have more influence, or it has given the Speaker appropriate powers, or this has really brought the public more efficacy in terms of dealing with this particular jurisdiction"? I'm wondering, if you've seen that, what it is in terms of the idea.

Hon. Peter Milliken: No, I wouldn't say that I've particularly grasped onto other ideas in other places. Our Parliament, in my view, works quite well in terms of making changes to its rules that make the members happy, give them a role and all that sort of thing. I'm sure there's some pressure now to look at changes concerning omnibus bills. But aside from stuff like that, generally the House of Commons, in my view, has fairly extensive powers.

Indeed, the opposite occurred. I remember meeting a British MP one day who had been visiting in Canada. I met him at a reception in the UK when I was there on a visit, and he told me about a change he'd discovered because he went to watch a committee having a study on a bill. The committee was calling these expert witnesses: professors and people who were very knowledgeable on the subject matter of the bill who were talking about what the law should accomplish by the change and so on. He was really impressed. He said, "How do you get to call all these experts?" The Chairman said, "Oh, we have the power to call whoever we want, and we do. We just agree on a list, and away we go." He was astounded, because he said, "The only expert we're allowed to call in the UK at a committee that is studying a bill is the person who drafted it."

Ms. Lisa MacLeod: Interesting.

Hon. Peter Milliken: So he went back and he proposed the change, and they got the change through the British House. So stuff like that can happen. But as I say, I haven't seen things that I would rush back with and say, "I think we should make a change in our rules to do this."

Ms. Lisa MacLeod: It's fascinating. We had the clerk from the UK, the journals clerk, yesterday, who gave us some interesting ideas, but they of course have gone through some transformations as a result of the expense scandal that they had a few years ago.

Look, Mr. Milliken, I wish I had the entire hour to talk with you, but I now have to cede the floor to my colleagues in the NDP before I get cut off by the Chair.

The Chair (Mr. Garfield Dunlop): Yes, thank you very much, Ms. MacLeod.

We're now turned over to Jonah Schein from the NDP caucus.

Mr. Jonah Schein: Thank you, Mr. Milliken, for joining us. My first question is actually to the Chair: I'd like some clarity. I'd like to bring some focus back to this committee in a certain way because I feel like we have a bit of mission creep going on here, which is to look at the entire assembly. It feels a little bit like we're just randomly assessing it all, and I think that we've expressed some concerns in this committee and I'd like to restate what some of those concerns are so that we can focus the conversation a bit. Then I have a question for Mr. Milliken as well.

Some of the things that I've heard in this room are: How do we empower private members here? We all are elected by our constituents and we have a responsibility to represent their interests as well as the interests of our party, and that's something that folks here have expressed an interest in doing. That's one thing that I've heard.

The second is around accountability. My colleague Mr. Bisson has expressed his concerns about delegated authority and the increasing power of the executive to make decisions through regulation that are ultimately not very accountable. That's a concern that he's raised several times and I think is important to discuss.

I think we're talking about the rules in here, but all of us have expressed some concern about partisanship or hyper-partisanship. That has certainly been my experience in being a new member: the times and places where partisanship supersedes the interest of the public good—and that's why we should all be here. Some of the discussion about partisanship—we've heard from some of our clerks here that some of this is about the spirit versus the actual rules of the House. I don't know how we separate that stuff apart. I agree with my colleague Ms. MacLeod, who was talking about the quality of debate where people speak for a long time and not necessarily a smart time, should I say. How do we make sure that the quality of debate is improved in the House and that people are not just speaking to the clock?

One of my many concerns is: How do we make sure that this place is accessible to the general public so that people on the outside understand what's happening on the inside? Those are some of things that I've heard. I think that there are far more things, but I think it would help me, Chair, if we could clarify what it is we're trying to accomplish in this committee. What are the challenges and how do we address those?

Before I ask the Chair to respond to that, if that's okay and appropriate, Mr. Milliken, you were the Speaker. Was there one thing in your time that you would change, a rule in the House that you would change, to make things work more effectively? Is there one thing where you said, "Wow, this is really just getting in the way of a good process"? I'll leave it to you first on the phone.

Hon. Peter Milliken: I think of, as I mentioned, this change in the rule about who chooses who is speaking next. Because when I was a student and went to watch Parliament, the Speaker made the choice. There would be

20 members at least who would jump up at the end of an answer to a question, and then the Speaker would choose which one of them would be recognized to ask the next question. I thought it was more effective—and I'm not trying to get powers back to the Chair; don't misunderstand me. I'm not saying this is vital for the Chair. But taking it away from the party leaders, I thought, would be important, because they're dictating not just the person who's going to ask but what question they're going to ask.

I think the control from the centre has become too great, in my view, for this to remain effective. You'll get a whole bunch of questions on one subject because one party or another wants to make that subject the subject of discussion in question period that day for media purposes. It has changed the whole tenor of question period, in my view, into more of a media circus than it was before, when at least there was sometimes a funny question or a humorous answer and there was some merriment in the House. It was a debate more than a question period—a little bit more.

I think shifting that back so that the list is not provided and members are recognized when they seek recognition would be helpful, as is currently the case in the UK. The Speaker there still chooses who will be asking the questions. Now, I think they have more government questions, and I'm not trying to push one side or the other on that debate, but I think it's important that the person who chooses who's next be independent, and not someone who is a party person who has provided a list and says, "This is the list you will follow, sir."

It was agreed to by a predecessor of mine. It's not something that I thought was a great idea, and it wasn't the way it was when I was first elected to the House. You stood up and you hoped you got recognized. Of course, the Speaker would try to make sure that people got recognized. And if somebody was bad and used bad language or said something unparliamentary, that member might be struck from the Speaker's list for a month and not allowed to ask a question because he did something he should not have done. It gives the Speaker additional authority, and I'm not sure that's a bad thing.

Mr. Jonah Schein: Okay, well, thank you very much for that answer. I will turn it back to the Chair, if that's okay.

The Chair (Mr. Garfield Dunlop): Thank you very much. Just to answer your question, we're strictly on an information-gathering mission here right now. This is what the subcommittee decided at all our subcommittees to date. Hopefully, at the end of today, we can discuss the next steps, which will probably be putting a report together showing all the different directions we're coming from and what we've heard.

But I don't want to spend the time today debating with you or trying to answer your question. I'd rather have the questions being asked to Mr. Milliken at this point. We'll discuss it after the last deputation today if we want.

Mr. Bisson, have you questions?

Mr. Gilles Bisson: Thank you, Mr. Milliken. It's good to have you with us. I just want to admit that I am not a great fan of the federal question period model, for a whole bunch of different reasons, which I'm not going to get into. I think our model of question period actually kind of works here.

I just want to make a comment and I don't even want you to respond to it unless you feel you need to. The issue of the Speaker having more ability to decide who asks the question has been a method to cure what you see as hyper-partisanship or more intense strategies to communicate with the media. It's not a function solely of who gets to choose who is going to ask a question; it's also a reality of our society. The media today has very much changed with social media and various mediums of communication. The business of the media has changed over the last 20 or 30 years, and I think that's the other part that drives all of this. If you get up and ask a question in a certain way, you're likely not to get very much in the way of attention by the media. I don't care who decides who's going to ask the question; the issue is the media themselves, to a certain degree. So I just wanted to say that.

Unless you have something to say, I was going to go to my questions.

1130

Hon. Peter Milliken: Go ahead with your questions. I don't disagree with you on that score, but obviously part of it is the way they play it. If you use language that's offensive, you're more likely to get on TV than if you don't.

Mr. Gilles Bisson: That was my point.

The BOIE—my favourite subject. I have been a member of the board for almost 20 years now, and I have suffered through many boards both as being a government member and being an opposition member in a system where it was controlled by the majority. Our problem here was, it didn't matter who the government was—if it was NDP, Liberal, Conservative; all the same—whatever decision was made by the board, the government had to wear it, so therefore you didn't do anything at the board because you didn't want to wear it.

We have finally agreed, after a millennium in this province, to change our system to one closer to the federal model, with the exception that the Speaker actually doesn't have a vote. That was a compromise between the opposition and the government. The government wanted to ensure that, in fact, they exercised some control by having a tie. I can understand why the government does this, because it's a big leap.

That being said, you have sat as the Chair of BOIE, as a voting member on a tie board for years. How many times in total did you actually vote to break a tie?

Hon. Peter Milliken: I hardly ever did. I think I may have once, but we didn't normally vote that way because if more than two voted against, the motion was lost.

Mr. Gilles Bisson: So essentially, would it be fair for me to say that the board tries to reach consensus, and

where no consensus exists, the board just didn't deal with the matter, right?

Hon. Peter Milliken: Yes, that would be safe to say.

Mr. Gilles Bisson: What other advice do you give us in regard to the board? In your experience of having chaired the board for so many years in various Parliaments, is there anything you have to share with us, other than the structure of the board, that you think is salient?

Hon. Peter Milliken: I don't know whether your board meets in private or not. We get lots of media criticism for doing so, but I thought—

Mr. Gilles Bisson: It's all in camera.

Hon. Peter Milliken: In camera, yes?

Mr. Gilles Bisson: Yes.

Hon. Peter Milliken: Yours does?

Mr. Gilles Bisson: Yes, it's in camera.

Hon. Peter Milliken: Okay. So is ours. As I say, there's a lot of media coverage of that, but I think it's important that it happen that way given the nature of the discussions, because most of the things centre on members' budgets, the way members are spending money, if there's something going wrong or if they're asking for an exception for something special, and I don't see why that should be in public. It's important, but the decision can be made public and is, because the minutes are published. But I think it's important that boards meet that way.

Mr. Gilles Bisson: Should there be prescribed regular meetings, in your view?

Hon. Peter Milliken: We didn't have prescribed ones. I guess the Speaker had the authority to call one, as best I can recall. But generally, we agreed to meet basically every two weeks when the House was sitting. You sit down with the schedule of House sittings and then I think we agreed they were on a certain morning—a Tuesday or a Thursday morning, something like that; whatever it was.

Mr. Gilles Bisson: What did you do if you didn't have any business? You just wouldn't sit that week?

Hon. Peter Milliken: Right.

Mr. Gilles Bisson: Okay.

Hon. Peter Milliken: It ended up, in the last six or eight months that I was chairing these things before I retired, that we were, in fact, meeting sometimes twice a week. There was so much business and there was so much discussion about things that it was hard to get things moving and get the business finished, so we had a lot more meetings than we had had before.

Mr. Gilles Bisson: Can I turn your attention to private members' bills? I want to properly understand the process in Ottawa. Every member is drawn into a draw to get a private member's spot, and you have some sort of a vetting process. Can you explain the vetting process to me, about which bills get called for debate and how that works?

Hon. Peter Milliken: Yes. There's the draw, first. Members' names—if they have a bill or a motion on the notice paper, their name goes into a box, and then there's the draw. The first—I think it's 20 or 30; I've forgotten the number; I guess 30—who have their names drawn get

to select which one of their bills or motions they want to have placed on the order of precedence for debate. Then, for the first 30 private members' hours in a session, those 30 items will be debated at least once on that day. One of them will be called on each of those 30 days. If the debate concludes, it's finished. If it doesn't, it's put down to the bottom of the list and will get debated again on the second of the 30. If all of them were bills, there's a maximum of three hours of debate at second reading, and if each was debated, that's going to take you 90 sitting days to get through that 30.

The order of draw is what determines the order of the list. Once somebody's off there, and when the numbers have got down to—I've forgotten what figure it gets to—15 left on the list, then there's another draw, and another 15 names are added, or else they take the ones from the last draw who were the next 15 on the list, but I think they do a new draw when that happens.

Mr. Gilles Bisson: Just one second. When you do the new draw, it's existing members who have not been drawn already?

Hon. Peter Milliken: That's right, or who are not on the list already.

Mr. Gilles Bisson: Okay; gotcha.

Hon. Peter Milliken: They may have been on the list and got off because their bill passed or something.

You have the new draw, and the additional ones go on. As I say, there's these limits for debate; I think it's three hours for second reading. Then when it comes back from committee, I think it's two hours for—

Mr. Gilles Bisson: Can I stop you there? Does every one of those bills, if passed at second reading, get time in committee?

Hon. Peter Milliken: Yes, they're automatically referred to a committee after second reading. Well—

Mr. Gilles Bisson: And they automatically get heard, or do they just get reported back?

Hon. Peter Milliken: Yes, the committee would hear witnesses, study the bill in clause-by-clause and then report it back to the House with or without amendments. Then it has two hours' debate on report stage and third reading in the House. If report stage takes two hours of debate, at the end of the two hours, third reading will proceed immediately without debate.

Mr. Gilles Bisson: Okay. So private members both on the government side and the opposition side, no difference: If you get drawn in the 30, it's essentially by votes of the House? There's no difference as far as outcome, right?

Hon. Peter Milliken: That's right. It's votes in the House. You're eligible for the draw unless you're a minister, and then you can't do private members' bills—

Mr. Gilles Bisson: But I thought there was some sort of prioritization about how much time you get in the House. I thought there was a committee that looks at prioritizing if you're going to get more time for debate or something.

Hon. Peter Milliken: Um—

Mr. Gilles Bisson: You wouldn't see that part because you're the Speaker in the House.

Hon. Peter Milliken: Yes, I wouldn't have seen that, and I don't remember it specifically. You're right: There was a committee that studied something—it may have had something to do with motions. On bills, the rules set out the limits for debate, and I think the list went in accordance with the draw. I don't think it was shifted around by the committee.

Mr. Gilles Bisson: I can get that information somewhere else. Any suggestions on private members' bills? Is there anything that jumps out at you?

Hon. Peter Milliken: No, I thought the system worked reasonably well. Members got to move the things they wanted to move. Sure, there were a lot of them that didn't get their names drawn, so their bill would be introduced in the House and sit there on the order paper for the whole session, going nowhere, and that must be very frustrating. But I don't know how else you can deal with it if you're going to have some limit on the number you're considering.

Mr. Gilles Bisson: I've got two questions, and I'm going to try to do them rather quickly because I want to give our government members an opportunity here. The first one is on the estimates process. Do you have an estimates committee, or do the various committees do their own estimates?

Hon. Peter Milliken: The various committees do the estimates of their own departments, as I understand it.

Mr. Gilles Bisson: And does that result in every ministry actually being reviewed in some sort of way?

Hon. Peter Milliken: Well, certainly it was the practice; from what I'm hearing, it hasn't happened with every ministry recently. Committees sometimes are less interested in that sort of thing, spending more time on legislative stuff. Technically, they're supposed to study the estimates and report them back to the House, but they're deemed reported back if they don't, as I recall.

Mr. Gilles Bisson: Okay. Is there a set limited time for the estimates to be heard in a committee?

Hon. Peter Milliken: Not in terms of hours in the committee, no, but there will be a deadline when they have to be reported back to the House for the supply bill.

Mr. Gilles Bisson: Same as us: There's a report-back date, but if the committee wants to spend 10 hours versus five hours, that's up to the committee.

Hon. Peter Milliken: Exactly. I'm sure that's the case in Ottawa, too.

1140

Mr. Gilles Bisson: My last question is that of delegated authority. In Ontario—and I don't know if it's the same in Ottawa—there have been, over the years, more and more bills by which the Legislature delegates its authority to regulation. Is that the case federally? Have there been an increasing number of bills that delegate the authority for regulation to a cabinet?

Hon. Peter Milliken: I suspect so, not being much involved in the content of bills any more. In this role, I was not doing any of the detailed study or anything like

that on bills, so I don't claim to know a whole lot about that. But I think that is a phenomenon that is happening everywhere, yes.

Mr. Gilles Bisson: Two questions come out of that: First of all, are you aware of any type of approval process that the Legislature kept by which to approve new regulations, or is it just cabinet?

Hon. Peter Milliken: We have a committee called the Standing Joint Committee for the Scrutiny of Regulations. It's a joint Senate-House committee. They do studies of these regulations to make sure they're in compliance with the law. It gets very little media coverage because the work they do is fairly boring, but they've done some fairly valuable work in this area, in my view.

Mr. Gilles Bisson: Can they reject a regulation, or they just make sure that it didn't err in law?

Hon. Peter Milliken: I think they make a report to the Houses about it. I don't think they have the power to reject, but if the report is concurred on, it can cause problems for the government because I think the regulation gets into some difficulty. I can't remember the details of it. Nothing formal has happened from the committee for some time, but they have, I'm sure, made reports that have resulted in changes in some of the regulations and stuff like that.

Mr. Gilles Bisson: Thank you very much.

The Chair (Mr. Garfield Dunlop): Thank you, Mr. Bisson. Mr. Milliken, we'll now go over to Jeff Leal of the Liberal Party. Jeff?

Mr. Jeff Leal: Mr. Milliken, thanks so much for being with us. Your old friend Peter Adams says hello.

Hon. Peter Milliken: Thanks.

Mr. Jeff Leal: Peter, a couple of questions. I share some of your views about having a more spontaneous question period, but I'd like to ask you about a qualifier: still providing specific time, by virtue of the office that they hold, for questions by the Leader of the Opposition and, indeed, the leader of the third party. What would your feeling on that be?

Hon. Peter Milliken: I would have thought they'd be the lead questioners from their party in the slot that would normally be assigned to their party.

Mr. Jeff Leal: So the Leader of the Opposition and the leader of the third party would still fill those slots by virtue of the office?

Hon. Peter Milliken: Yes. The first question in any question period is going to come from the Leader of the Opposition. That has been the practice for ages. I have no trouble maintaining that practice. The Speaker, I think, would probably indicate that that's the way it's going to be. If the leader is away, there will be a designated person filling in for the leader. The leader will notify him who it's going to be or the House leader will say, "It will be so-and-so today, because the leader is away." So that question—or series of questions, because usually they get more than one—will be somebody designated, and similarly for the third party. I wouldn't have any problem with that.

Mr. Jeff Leal: And, in your view, more spontaneity would improve the quality of question period?

Hon. Peter Milliken: Yes, that's my view.

Mr. Jeff Leal: Peter, I just want to pursue with you—I know you're also a student of Westminster, where the Prime Minister of the day virtually appears once a week to field questions. Members of the crown or cabinet ministers appear, also on a selective basis. How does that work, and would you suggest looking at that option?

Hon. Peter Milliken: I guess it depends on how pressured the ministers feel. It works, but I find it unfortunate that that's the only time they get to ask questions of the Prime Minister in the UK. Once a week is, I'm sure, fine for someone who's busy—and the Prime Minister is busy; no question—but I'd have thought he might want to be there and respond more frequently than that.

The advantage of shifting ministers around: Yes, I can see that, and maybe it's an idea that our Legislatures could look at. You'd say, "On a Tuesday we're going to have five ministers present, and here are the five, so your questions are going to be on this kind of subject rather than something else," which is understandable. It may make some sense. If there's some agreement among parties, I'd go for it. They can make that agreement and say, "This is what we're going to do for the next six months of sittings. On Mondays, we will have these three ministers present; on Tuesdays, we'll have these five; Wednesdays, these six; Thursdays, these five; and Friday, these two," and go like that. That could happen. If the opposition parties are in agreement with that, fine.

A lot of ministers are away frequently—I mean, if you watch the House of Commons on a Friday, you'll see how many of the questions are answered by parliamentary secretaries: a huge number. Or one minister will answer a whole bunch of the questions that, of course, have nothing to do with his department. So this does happen now to some extent.

Making arrangements for if you want to call it subject matter for different question periods, in my view, wouldn't necessarily be a bad thing. But that doesn't mean you're restricting who gets to ask the questions and stuff like that.

Mr. Jeff Leal: Peter, unless there are very specific circumstances, here in Ontario, of course, parliamentary assistants do not answer questions. How do you feel in Ottawa about parliamentary secretaries answering questions?

Hon. Peter Milliken: Well, it's been normal for ages. They are there to assist the minister, so I don't find it odd that they're doing so, even if the minister is present sometimes.

Mr. Jeff Leal: Would you suggest that that's something we should look at here in Ontario, to have more engagement in terms of question period and parliamentary assistants?

Hon. Peter Milliken: Well, I guess it's a matter of who you want to answer when the minister is not there. Do you want another minister to give the answer or do

you want the parliamentary secretary, who presumably knows something about what's going on in the department, to give the answer? I didn't know that they didn't in Ontario. It's news—

Mr. Jeff Leal: The other thing, Peter, I'd just like to pursue is—and time is fleeting here—increasingly, governments of all political stripes, in my view, have an overreliance on omnibus bills. It makes it much more difficult to have accountability through these large omnibus bills, because you throw everything, including the kitchen sink, into these bills. You've watched this process now over many, many years. What's your thought on that?

Hon. Peter Milliken: I agree. I think that it makes it tough for members to weigh the importance of various things in the bill and vote for or against it. There will be things in it they support and there will be things in it they oppose. If you put too much stuff in, you can, in effect, make it very, very unpleasant for members to have to make a decision on the bill.

Frankly, it's fair, I think, for members to look at different bills on different subject matters and make decisions on that basis. If you're going to have a bill that is amendments to, in Canada, the Criminal Code, you should be sticking with amendments to the Criminal Code, not changes to the Evidence Act or the Courts of Justice Act or whatever other acts you might want to amend that are in a similar vein but not the same subject matter. So I think there's some argument to be made for making sure the rules put some restriction on how many different laws you can amend in one bill if the subject matter is diverse.

Mr. Jeff Leal: One last question, Peter: In Ottawa, is there substantial use of select committees? Have they been used for investigative purposes, or have they been used for policy development?

Hon. Peter Milliken: Select committees or standing committees?

Mr. Jeff Leal: Select committees. We have standing committees. But from time to time here in Ontario—do they have select committees dealing with a specific topic in Ottawa?

Hon. Peter Milliken: They do occasionally have, but it hasn't happened much lately, I don't think. You could check with the clerks there, but I don't think there has been a select or special committee established for any purpose for some time. I don't remember a motion dealing with a special committee passing in the House lately. I mean, it's just not something that happens because they'll often ask a standing committee to undertake the work—the standing committee on a particular subject area—and they're usually happy to do it. So they'll do the work on their own without having a select or special committee established.

Given the number of committees and the amount of time members have to spend on the committees, because most of them have multiple committee memberships, doing another one would simply add a lot of work to their

already demanding schedule, and I don't think it would be wildly popular.

Mr. Jeff Leal: Peter, thanks so much for your time. I appreciate your answers.

Hon. Peter Milliken: No problem.

The Chair (Mr. Garfield Dunlop): Thank you very much, Mr. Leal. Do any of the other Liberal members have questions?

Mr. Clark has another question from the PC caucus. Mr. Clark.

Mr. Steve Clark: Thanks, Chair. Mr. Milliken, one of the things that we've discussed at this committee is something that takes place in our Legislature, which is what I would call more proclamation-type bills. We had two that passed through our session: One was Jewish Heritage Month; one was a co-sponsored bill of mine for Major-General Sir Isaac Brock Day. I know that federally you don't have that same system, where you have a proclamation-type bill where it's co-sponsored. Do you have any opinion on that style of bill or any words of wisdom on how those types of issues are dealt with at the federal House?

1150

Hon. Peter Milliken: When you say proclamation-type bill, do you mean the bill is declaring a—

Mr. Steve Clark: A particular day or month, yes.

Hon. Peter Milliken: Sometimes those will pass by unanimous consent. The member who's proposing such a bill won't have been drawn for debate, but he might run around to the other parties and House leaders and speak to them and say, "Could I ask for unanimous consent to pass this bill to declare next Wednesday a national day" of something, or a motion to do that. Those things do happen in our House from time to time.

Mr. Steve Clark: So would they go to the House leaders? How would it actually get on the floor?

Hon. Peter Milliken: They'd normally go to the House leaders, I think, and then, if there's agreement, the member would stand up and move a motion, or he would move that his bill that's on the order paper and that hasn't been drawn for debate be deemed read a second time, studied in committee, reported without amendment, adopted at the report stage and deemed read a third time and passed. He'd move that motion. There would be unanimous consent to pass it and the bill would pass and be sent to the other House.

Mr. Steve Clark: But it doesn't happen that often.

Hon. Peter Milliken: No, but it does happen from time to time.

Mr. Steve Clark: Okay. Thank you.

The Chair (Mr. Garfield Dunlop): We're going to finish it off with Mr. Bisson from the NDP.

Mr. Gilles Bisson: I've got a couple of questions. I want you to give up a couple of your secrets, Peter. One is, from a Speaker's perspective, when a House is in disorder during question period, what do you find are the most effective strategies that a Speaker can use in order to bring the House back in order and to allow question period to continue? You can eject a member; you can

stand and let everybody shout until they shut down; you can skip over somebody and not let them continue their question. There are different mechanisms. I'm just wondering, with your years of experience, what do you think is the most effective?

Hon. Peter Milliken: I think standing there and calling for order, because usually they want to get on with it; the opposition wants to ask more questions and the government wants to get their questions in and file their answers, and if everybody is just yelling, it doesn't help. So, usually, standing up quiets things down. I never ejected a member.

Mr. Gilles Bisson: That's a good thing. I commend you for that, actually.

Hon. Peter Milliken: I felt it would be, in my view, unsatisfactory as a punishment, because the member is only out for the rest of the day. There's no financial penalty, no docking of pay, no ban on travel. The member can fly off to Vancouver at House expense if he wants. You're not put out of your office. You can go and have a press conference out front in the lobby there, where the media gather, and have in effect a press conference and tell the media why you got thrown out and why you should have done exactly what you did and all that sort of stuff. I didn't regard it as a very effective punishment and therefore didn't like to do it and didn't. But I could tell the member that he or she wasn't going to be recognized to speak until there was an apology, if the language used or something was offensive, and that happened on occasion. I'd usually get the apology. It might not happen that day, but it would happen—things like that.

I just found it not so useful to throw members out. I think that standing there and calling for order was usually the most effective thing when the noise got out of place, unless the language was really bad. The other thing that I didn't like about it was, I could hear who said something if they were sitting close to me, but people at the far end of the House, if there's a lot of noise, may be saying things that were quite unparliamentary, but I couldn't hear the word, or if I did, I couldn't tell who said it. Then who do you name? Who do you try to punish for doing this? It was very difficult. Often, members don't want to get up and say "So-and-so called me this or that," because they don't want to draw attention to the bad language about themselves. So you didn't hear what it was, and nobody makes a comment.

To punish the people who were sitting close to me and not punish the ones farther away was something that bothered me as Speaker, too.

Mr. Gilles Bisson: One last question: When you, as Speaker, didn't attend question period for whatever reason, did you rotate among the deputies who would do question period or did it always go to your deputy?

Hon. Peter Milliken: I don't think it always went to the deputy. If the deputy wasn't there, it went to the next one. Especially in minority situations, I tried to make sure that I was there but give them an opportunity to do it once in a while. So I'd take off on a Thursday and let them do a Friday or something so they'd get some ex-

perience doing it. I thought it was important that they have that opportunity. But in a minority situation, I thought it would be imprudent to be away on certainly a Tuesday, Wednesday or Thursday because if something went wrong, they'd say, "Where was the Speaker? Why was the Deputy Speaker in the chair?" and all that stuff, so I didn't like to be away unless I had to be.

Mr. Gilles Bisson: Thank you very much.

The Chair (Mr. Garfield Dunlop): We have one final little quick question from Mr. Leal.

Mr. Jeff Leal: Peter, just a quick question: Do you have a formal process in Ottawa to recognize deceased members? I'll tell you what happens here at Queen's Park. Often we do it early in the afternoon. Members of the family of a deceased member are in the gallery, as are friends, and often in the House there is only a corporal's guard of people to hear the speeches by the three parties to recognize a deceased member's contribution to political life in Ontario. Do you have a different process in Ottawa?

Hon. Peter Milliken: There's no formal process, but certainly if that happens, if a member died, or a former member, they'll often arrange a time, by agreement among the parties, on when they will have the statements. It usually follows question period at 3 o'clock. The family is sometimes present in the gallery for this. Statements would be made by representatives of each of the three parties. I'd say that it normally happens after question period or sometimes at the opening of the House, but usually after question period, when there are a lot more members present.

Mr. Jeff Leal: Thank you, Peter.

The Chair (Mr. Garfield Dunlop): Thank you very much. Mr. Bisson, you've got another question?

Mr. Gilles Bisson: Believe it or not, this is a huge subject of debate at House leaders' here in this Parliament. We heard from one of your clerks yesterday, or I think it was one of the clerks—somebody; I don't know where I heard this—that apparently there is no formal process for each of the caucuses to speak on behalf of the caucus about the deceased former member. Is that correct?

Hon. Peter Milliken: No formal process? I think that's correct. I'm unaware of there being any process, nothing that—

Mr. Gilles Bisson: Maybe that was Alberta?

Interjection.

Mr. Gilles Bisson: Oh, it was Alberta. I'm sorry. Okay. No; I take it all back.

Hon. Peter Milliken: But I don't think there's anything in the rules that says that that will happen.

Mr. Gilles Bisson: So what you would typically do is, each caucus would get an opportunity to have a few minutes to speak about the deceased member with the family there, etc., right?

Hon. Peter Milliken: Yes, if that's agreed, and I think it normally would be.

Mr. Gilles Bisson: And it's the House leaders who decide when that's going to happen?

Hon. Peter Milliken: Yes. Definitely they would decide that, yes.

Mr. Gilles Bisson: Okay.

The Chair (Mr. Garfield Dunlop): Thank you, Mr. Bisson.

To Mr. Milliken, thank you so much—

Mr. Gilles Bisson: Oh, I have one last question—another House leaders' question.

The Chair (Mr. Garfield Dunlop): You've got another question again?

Mr. Gilles Bisson: Being a House leader, I've got lots of questions.

The Chair (Mr. Garfield Dunlop): Okay. Make it a 30-second question, okay?

Mr. Gilles Bisson: It's all right; lunch will still be there.

The Chair (Mr. Garfield Dunlop): I'm not having lunch. Go ahead.

Mr. Gilles Bisson: A very quick question in regard to ribbons: Do you allow members to walk into the House with ribbons—

Mr. Bas Balkissoon: Pins.

Mr. Gilles Bisson: —pins and all that kind of stuff? Is that prohibited from the House?

Hon. Peter Milliken: No. They can wear them. They're not supposed to wear something that is too big. Certainly, pins are normal.

Mr. Gilles Bisson: AIDS day and all that kind of stuff: You just wear the pin, and you don't need unanimous consent to do it.

Hon. Peter Milliken: No. Some members even wear a shirt. You'll see someone with a shirt on under their jacket, a hockey shirt or something. It's weird, but—

Mr. Gilles Bisson: Not if you're a Montreal fan. It'd be great.

Hon. Peter Milliken: Somebody might get up and object and say, "This is out of order for the member to be wearing this," but it hardly ever happens. They just ignore it. There's a fair bit of that going on compared to what used to be, I'd say. But you've got to wear your jacket. If you're a male, you have to wear a jacket and trousers. You might have a T-shirt on over it, but you're supposed to have a tie on as well. You have to be able to see those things somehow, at least in part.

The Chair (Mr. Garfield Dunlop): Anything else from anyone?

Mr. Milliken, thank you so much on behalf of the committee.

Hon. Peter Milliken: Thank you. It has been a pleasure, Mr. Chairman, to be having this conversation. It's the first time I've done a telephone interview with a committee. It was most entertaining.

The Chair (Mr. Garfield Dunlop): We really appreciate your time this morning, and we wish you all the best for the rest of the summer.

Hon. Peter Milliken: And I wish you well in your continuing work.

The Chair (Mr. Garfield Dunlop): Thank you very much.

Okay, folks, we'll recess now until 1 o'clock, or five to 1. If we could be here at five to 1, we can start with the Saskatchewan deputation. Thank you very much. We're recessed.

The committee recessed from 1200 to 1301.

HON. DAN D'AUTREMONT

MR. GREGORY PUTZ

The Chair (Mr. Garfield Dunlop): We'll call the meeting to order, everyone. On the line, I understand we have Dan D'Autremont and Gregory Putz.

Hon. Dan D'Autremont: Yes, we're here.

The Chair (Mr. Garfield Dunlop): Thanks very much, folks, for joining us. My name is Garfield Dunlop. I'm the Chairman of the Legislative Assembly committee. I really want to welcome you and thank you for taking time out of your schedules to join us here for an hour or so. We're looking at reviewing the standing orders here in Ontario, and we're looking for input and just general thoughts on what people are doing in other parts of the country and other jurisdictions around the world. We'll have three different parties—the Progressive Conservatives, the Liberals and the NDP—all asking you some questions this afternoon.

We wondered: Knowing a bit about our topic, did you have any opening remarks you'd like to make?

Hon. Dan D'Autremont: Thank you for the opportunity and the invitation to participate. We went through this process starting in about the year 2000 and implemented our new rule structure in 2004, right after the 2003 provincial election. It had been agreed to, prior to that general election, that we would do this. We further refined it in 2007, and we're actually going through it again, reviewing the rules, just to tweak it and put in place some things that we think would make it a little bit better. But our rules are based on a premise that the majority has the right to pass its legislation but that the minority has the right to have a say about it.

Mr. Gregory Putz: Just to follow up on what Dan was saying—this is Greg Putz, the Clerk of the Assembly, speaking—our main structures, as Dan was saying, were put into place in 2004, but the calendar part, in which, in my understanding, you have a particular interest, was experimented with in 2006, as I recall, and then it was formalized and made a permanent part of the rules after the 2007 general election. That part of it is the most recent part of a modernization program that started back in 2000.

The Chair (Mr. Garfield Dunlop): Would you mind just going over that process for us, folks, just to give us a bit of a Coles Notes version of it?

Hon. Dan D'Autremont: What happened in 1999-2000 is, the government House leader at the time, Dwain Lingenfelter—and I was the opposition House leader—approached me about looking at rule changes. We struck a steering committee of the House to do that, and it included Andrew Thomson, who was one of the NDP

ministers at the time and was very interested in modernizing the rules and in fact had written a paper on it; myself, from the opposition; and the Speaker of the day, Mr. Osika. We were the three members.

We sat down with Greg and completely went over our rules to determine what was working and what wasn't, and our main—

Mr. Gilles Bisson: Excuse me, I want to ask him a question, a clarification.

The Chair (Mr. Garfield Dunlop): We have a clarification question here, please.

Mr. Gilles Bisson: Gilles Bisson here from the New Democratic Party. I just want to understand. You went through a process where the Speaker and the two House leaders sat on a committee to review this. Is that what you just said?

Mr. Gregory Putz: This is Greg Putz, the Clerk, speaking. We had in those days, before we had a permanent committee that dealt with the rules, a special committee on rules and procedures that was struck to deal with this particular order of reference. Originally, it didn't involve the House leaders. Dan was the House leader for the opposition in those days. Andrew Thomson was not the House leader. In fact, he later became a minister, but at the time, he was a private member. He was from the New Democratic Party, which was in power then, and he was one of—

Failure of sound system.

Mr. Gilles Bisson: Hello?

The Chair (Mr. Garfield Dunlop): We may have lost you.

Interjection.

The Chair (Mr. Garfield Dunlop): Are you there?

Mr. Gilles Bisson: If I understand the process, there was a member from each party and the Speaker?

The Clerk of the Assembly (Ms. Deborah Deller): Yes. And you have to understand that until recently Saskatchewan had no committee system.

Mr. Gilles Bisson: Oh, what a great thing for government. Everything was done in Committee of the Whole, then?

The Clerk of the Assembly (Ms. Deborah Deller): Pretty much, but it's a much smaller Legislature.

Mr. Gilles Bisson: That's how you deal with the lack of members.

Interjection.

Mr. Gilles Bisson: No, I would argue you've got to do more in committee, less in the House.

The Chair (Mr. Garfield Dunlop): Are we back? Hello, folks. Are you there again?

Hon. Dan D'Autremont: We're back.

The Chair (Mr. Garfield Dunlop): Okay. I'm not sure what happened, but thank you very much. Mr. Bisson was getting a clarification there.

Mr. Gilles Bisson: I think I've got it. There was one member from each party and there was a Speaker who were on the committee to change the rules, as I understand it. So carry on.

Mr. Gregory Putz: Just by way of background, Saskatchewan at that time had a coalition government, and the Speaker was from the Liberal Party. Dan was representing the Sask Party and Mr. Thomson on that steering committee was from the governing New Democrats, so it truly was an all-party committee.

Hon. Dan D'Autremont: Still there?

The Chair (Mr. Garfield Dunlop): Yes. We're here, yes.

Hon. Dan D'Autremont: Another light was flashing on my phone.

We initially started looking at structures to change the committee, and when we were looking at that we realized that if we changed the committees, then we needed to change the general rules of the House to suit the new changes we were looking at for committees. At the end of the day, we ended up rebuilding all of our rules.

Also, in doing this, we also looked at various jurisdictions, both across the country and internationally within the Commonwealth. We visited Ontario to look at what you were doing. We went to Ottawa, we went to British Columbia and we toured Australia. We visited Canberra, Sydney, Perth, Adelaide and Wellington, New Zealand. Actually, most of the ideas that we picked up were from the Australian and New Zealand models, particularly what they were doing in Perth at the time. They had just changed their rules as well.

1310

Mr. Gilles Bisson: Okay, and you were explaining—

The Chair (Mr. Garfield Dunlop): Go ahead, Gilles.

Mr. Gilles Bisson: Gilles Bisson here again. So, you then went through that process, and I guess what we're interested in hearing is how your programming motion idea came about and how it actually works.

Hon. Dan D'Autremont: One of the things that we did is, we created four standing committees to deal with both the estimates and the legislation that moves through the House. Rather than legislation going to the Committee of the Whole and estimates going to the Committee of Finance, they now go to one of the four standing committees. So the ministers will direct a piece of legislation to an agreed-to standing committee. They're all listed, prior to the start of session, where most of the bills will go, but they have the ability to send it to a different committee. Generally when that happens it's because one committee is being overloaded. Estimates: The list is already made—which ministry belongs to which standing committee. This allowed us to run two committees at a time, which previously, with the Committee of the Whole or the Committee of Finance, we could not do. It shortened up the amount of physical days needed to do the work, but didn't change the amount of time involved.

The Chair (Mr. Garfield Dunlop): Gilles, if you want to just keep asking questions—

Mr. Gilles Bisson: No, please continue. I just want to hear how you evolved to where you got to where you—because, as I understand, in Saskatchewan, you have a process by which you sit down at the beginning of the session and then in your standing orders there's a process

by which you decide how you program your business through the House for the fall or the spring session. I'm sort of curious how that works. We, in Ontario, for the first time, did a very short programming motion this spring that lasted two or three weeks and dealt with three, four or five bills—whatever it was. So it's fairly new to us, and we're just wondering how you developed your programming motion, how it works and what the experience has been, if you can speak to that.

Mr. Gregory Putz: I think what you're talking about is our calendar.

Mr. Gilles Bisson: Yes; we call it programming.

Mr. Gregory Putz: Right. When our committee looked into having a parliamentary calendar for the Saskatchewan assembly, we looked at various jurisdictions across the country, and it seemed to us that many of the calendars in existence then were based on motions. They became sessional orders and they didn't necessarily work. It seemed to be that the programming part would fall to the wayside and something different than what was planned at the beginning eventually would happen.

The assembly here decided that they wanted to put all of that into the actual standing orders, and that was the beginning of our calendar. So basically the way it works is that in the fall period, the assembly convenes with the throne speech. We used to have our throne speech in the spring, but the session begins in the fall, generally the third Wednesday in October—

Mr. Gilles Bisson: Just one second. Point of clarification: Every fall you have a throne speech?

Mr. Gregory Putz: Yes. And then the debate on the address in reply ensues, but it also is the period—the fall period of the calendar has 25 sitting days—

Failure of sound system.

The Chair (Mr. Garfield Dunlop): Hello? Lost them again.

Interjection.

The Clerk of the Assembly (Ms. Deborah Deller): We used to do it here as well. There would be a throne speech starting the session off in March and we'd do the address in reply of the debate of the throne speech. Then it would be the budget—much like we've actually done in this session. Then there would be the fall sitting and then we'd prorogue in December, and the whole cycle started again next year.

Mr. Gilles Bisson: But you would carry over bills—

Interruption.

Hon. Dan D'Autremont: Okay, we're back again.

The Chair (Mr. Garfield Dunlop): Okay, we're back on. Sorry about that, guys—whatever is happening. Go ahead, continue on.

Mr. Gregory Putz: Okay, I was explaining the—

Failure of sound system.

The Chair (Mr. Garfield Dunlop): Hello?

Interruption.

The Chair (Mr. Garfield Dunlop): Okay, folks, I understand we're back on.

Mr. Gregory Putz: No, they're not on a cellphone, I don't think.

The Chair (Mr. Garfield Dunlop): We're on the phone; yes, we are.

Mr. Gregory Putz: No, somebody was just asking if you were on a cellphone.

The Chair (Mr. Garfield Dunlop): No, we're not.

Mr. Gregory Putz: I suspect you're not on a cellphone.

The Chair (Mr. Garfield Dunlop): No.

Hon. Dan D'Autremont: Pay your phone bill.

The Chair (Mr. Garfield Dunlop): I'm not sure about that.

The Clerk of the Assembly (Ms. Deborah Deller): Greg, it's Deb here.

Mr. Gregory Putz: Hi, Deb.

The Clerk of the Assembly (Ms. Deborah Deller): Hi. We're thinking it's SaskTel, because we haven't had any trouble with anybody else in this whole process.

Mr. Gregory Putz: I don't know about that, but I won't get into that debate with you.

Anyway, I guess I'll just carry on where I think I left off. I'm not sure what you heard of that, but I was just saying that there's an incentive in our standing orders—

Failure of sound system.

The Chair (Mr. Garfield Dunlop): Folks, we're ready to go again.

Mr. Gregory Putz: I was saying that in the standing orders, there's an incentive for the government to get its agenda in in the fall. Generally, that is the case. So we have, before the House recesses for its break at Christmas, usually the full government agenda, except those bills that are more closely associated with the budget, and I'll explain that in a moment.

The spring part of the session begins basically at the discretion of the government. But, again, the mechanics of our calendar rule is that we don't adjourn for the summer unless there are 28 days between the introduction of the budget, so there's at least that amount of time for a budget debate. The budget day usually is driven by the willingness to get out of the assembly by the Thursday before Victoria Day. That, in turn, drives the start date in March so that we have the requisite number of days.

In the spring part, we have 40 sitting days prescribed by our rules, with that other part, as I mentioned, where you have to have at least 28 days for the debate on the budget. Generally speaking, our spring part of the calendar begins at the beginning of March, sometime in the first week of March. Usually, 10 days to two weeks later, the government introduces its budget. We have the debate on the budget motion, and then that opens the door for the estimates to be distributed to the various standing committees.

Another premise in all of this is that if the government gets its agenda in in the fall, as I said, they're guaranteed to have a vote on all of their pieces of legislation on the day before the House is scheduled to adjourn for the summer. But in order to do that, the legislation, if it hasn't passed already, has to have 20 hours of debate. If the bill meets that threshold, the Speaker then will cause all the votes necessary to dispose of the legislation to

take place on the day before. In this way, there's a balance.

1320

Generally speaking—and this was worked out in the negotiation process by the rules committee. It was felt that if an opposition wanted to take a bill to the wall, 20 hours was sufficient. Generally, when an opposition, given our legislative history, took an issue to the wall, it was around the 20-hour mark. We had some exceptions of bills that were debated more than 100 hours. The two sides agreed that sometimes when you get on the back of a tiger, it's hard to get off, so if you had that prescribed in the rules, then it would be an easy way for the opposition to say that they've done everything they could, they've got their 20 hours in on this, and then at the end of the day the government knows the legislation is going to be passed; there's no need for sessional orders, for time allocation and that sort of thing.

On the budgetary side, our average had been 75 hours of debate, and that was built into the calendar process as well. Once the estimates get to the committees, if all of the estimates have 75 hours and at least two hours on each, if they haven't been passed before the end of that date prescribed before the end of the spring sitting, then the Speaker again will cause all of that business to come to a vote.

In essence, in a nutshell, that's the basis of our programming. We've been operating on that premise with our standing orders since 2007, and it has worked generally well. We've had a few hiccups with this now and again, but generally, I think all members are pleased with the calendar. We've adjourned for the summer, as scheduled, on the Thursday before Victoria Day, without exception.

The Chair (Mr. Garfield Dunlop): Gilles, have you got any more questions at this point?

Mr. Gilles Bisson: I have a ton of questions, but maybe—

The Chair (Mr. Garfield Dunlop): Why don't you take about 10 minutes and then we'll go to the Liberals?

Mr. Gilles Bisson: I'm trying to work this out. What I understood you did was that the government had to say what legislation it wants to pass by a given date, and so the government would say, "I've got 10 bills that I want to do," and then there was a discussion and the opposition had to go away and figure out, "We have so much time in total. How much time do we want to spend on whatever bills?" The orders of the day were determined by the opposition in regard to which bills they want to talk out and which ones they want to let go fast. But that's not what's going on, from what you're telling me.

Hon. Dan D'Autremont: That would be part of the negotiations that would take place between the government and opposition House leaders. The government has to bring in their legislation in the fall to be what we call a specified bill, which means they can force a vote in the spring if they get the 20 hours on it. If they don't, then it's up to negotiations between the House leaders to determine which bills would come forward and how much

time they would get. A lot of that negotiation, though, is more focused around the estimates side as to how much time is allocated, say, to the Ministry of Health versus government services, as an example. Those times are negotiated a lot more than the actual legislative side.

Mr. Gilles Bisson: I'm just going to let other members ask questions, because I'm more confused now than I was at the beginning, to be honest. Maybe Mr. Leal wants to start.

The Chair (Mr. Garfield Dunlop): Okay, hold on a second. I'll chair the meeting.

Mr. Gilles Bisson: No, I'm not trying to usurp your job as Chair. I'm saying that I just want to mull over what he said before I ask the next series of questions, because I'm now more confused than I was at the beginning.

The Chair (Mr. Garfield Dunlop): Okay, I'm going to let the Liberals ask some questions now. Mr. Leal?

Mr. Jeff Leal: Thanks, Mr. Chair. Mr. Speaker and Mr. Putz, thanks so much for being with us today. I just want to try to get a few more specifics on the programming motion. You indicated that there was a speech from the throne in Saskatchewan, and then that is followed up with a programming motion that the government of the day lays out as its legislative agenda. Do they, through that process, coming out of the speech from the throne, identify specifically bills A, B and C that they want as part of that programming motion to be debated during the spring session, and do they lay out—you said 20 hours max for the opposition. So they lay out all that technical information in that programming motion so that everybody knows exactly what's going to transpire on a go-forward basis.

Hon. Dan D'Autremont: No, that's not how it works, actually. What you're calling the programming motion is in our standing orders. We don't do anything special or specific at the beginning of the session; it's already agreed to in our standing orders. Everybody knows before the session even starts that we're going to have 65 days.

The specific bills or the bills that the government wants to bring forward in the fall are those that are designated, and, in most cases, the government's bringing forward 30 to 80 bills in the fall. Those are all specified bills that then a vote can be forced on to the spring, provided they get the 20 hours on any one particular piece of legislation. So then it's up to the government to make the determination which bills they wish to present to the House to get that much time on, or, if the opposition is prepared to allow them to go to a standing committee, then to bring them forward in the standing committee to get further debate on them there. That's how you would get the 20 hours. But the government doesn't say, "Well, we want bill number 1 to go through absolutely." That isn't done.

Mr. Gregory Putz: Generally speaking, the government, for the bills that they want to get through, because they control government orders, they will put those at the top of the agenda each day. Then the opposition, of

course, will decide which bills they want to concentrate on and that's where they'll spend the time. In our system, it's 20 hours maximum per bill. For the most part, nearly every bill is passed before we get to the end of session. The opposition decides which bills it wants to concentrate on, and it will spend its 20 hours on those particular bills.

I'll give you an example from this past session. We had an amendment to our Election Act which called for the creation of three new constituencies in the province, bringing our total number of seats up to 61. That was hotly contested, and the opposition made it well known that they were opposed to this. Every time that bill was called, they were speaking it out to the end of the day. The government, of course, wanted to get that through, so they made sure and accommodated the opposition by making sure that it was the first item of their choice to be called each day because they wanted to see it through to get those 20 hours. They knew it would pass once it met that threshold. The opposition, for its part, wanted to say that they used every available hour under our rules to oppose that piece of legislation.

Hon. Dan D'Autremont: The 20 hours, though, is a minimum. Some pieces of legislation have had more than the 20 hours of debate because the government agreed to bring them forward again for further debate. The government wouldn't have to do that. In most cases, the 20 hours minimum has become the maximum as well, but not in every case.

Mr. Jeff Leal: So, sir, what you're indicating to me is that through this calendar process, Saskatchewan has no provision in its standing orders for time allocation.

Hon. Dan D'Autremont: Yes, we still do. Time allocation not in closure, but in extending the hours of the day.

Mr. Gregory Putz: And you can tell right away. Say we have 60 bills that session and the opposition decides they're going to spend 20 hours on each bill. We wouldn't have near enough hours in any given session to cause all the bills to meet that 20-hour threshold. We've had one case where the opposition did oppose everything, and the government House leader, who happens to be our current Speaker, brought in a sessional order to increase the daily sitting times in order to accommodate their desire to have ample time for debate on every bill.

Hon. Dan D'Autremont: The other tool that the government has is that the committees can sit outside of the regular hours of sitting. So you can sit later on in the evenings, you can sit—we don't normally sit Fridays, so committees can sit Fridays, Saturdays and Sundays, so all [*inaudible*] the government has.

Mr. Jeff Leal: Thanks very much. And thank you, Mr. Chair. I'm finished at this time.

1330

The Chair (Mr. Garfield Dunlop): Are there any more questions from the Liberal caucus? Okay. Mr. Bisson, you had a question?

Mr. Gilles Bisson: Yes. Just in follow-up to Mr. Leal's question: You don't have time allocation but what

you do have is the ability to call the motion to extend the House sitting to Friday, Saturday, Sunday or evenings or whatever.

Hon. Dan D'Autremont: That's correct.

Mr. Gilles Bisson: If I understand it—I think I get it—there is a minimum time for debate, but if the opposition party and the government agree, "This is a no-brainer bill; we don't want to spend 20 hours on it," you don't have to use the 20 hours.

Hon. Dan D'Autremont: That's true. With most of the pieces of legislation, you're probably looking at maybe two hours.

Mr. Gilles Bisson: Okay. The point is that, let's say you had 60 bills—I would be surprised if we had 60 bills. How many bills on average, Deb, do we get a year? Thirty?

Interjection.

Mr. Gilles Bisson: No, government bills.

The Clerk of the Assembly (Ms. Deborah Deller): I don't know, on average. Since the first session, it's probably around 80 to 100.

Mr. Gilles Bisson: Yes, okay. All right. I stand corrected. It just doesn't seem that many to me, Deb.

Anyway, the point is this: If you had 60 bills and you read your throne speech, does the opposition know, once you've read your throne speech, what all your bills for the entire session are going to be?

Hon. Dan D'Autremont: No, they don't. They will learn that generally over the period of the 25 days of the fall session.

Mr. Gilles Bisson: Of the fall session.

Hon. Dan D'Autremont: Right. The government will bring in bills in the spring, but as the government House leader, I would always tell my ministers, "The only way I'm bringing this to the floor of the House is if you have an agreement from the opposition to allow this particular bill to move forward."

Mr. Gilles Bisson: So if you want to pass the bill in the session this year, you have to have it introduced by a certain date in the fall.

Mr. Gregory Putz: Correct.

Mr. Gilles Bisson: And that's normally just before the Christmas break, I would think, right?

Mr. Gregory Putz: And as the Speaker was saying, if they get their bills in by that date, then they're specified on the order paper for passage if they meet that 20-hour threshold.

Mr. Gilles Bisson: Okay, but let me come back to the basic question. The government, if they want to be assured to pass the bill within that calendar year, has to have it introduced before the Christmas break?

Mr. Gregory Putz: Correct.

Mr. Gilles Bisson: And the only way that you essentially can have it passed, if there's opposition, is that after 20 hours, there's a vote that's forced. What happens at that point?

Hon. Dan D'Autremont: The vote will be forced on the second-last day of the session, so the government simply would not bring that forward any—

Mr. Gilles Bisson: Oh, so you pile up all the votes on the last day.

Hon. Dan D'Autremont: The second-last day; that's right.

Mr. Gilles Bisson: So you could have 60 bills, and if the opposition was oppositional to every one of your bills, you would then, on the last sessional day, sit until you voted on all 60.

Mr. Gregory Putz: Correct.

Mr. Gilles Bisson: Provided they had 20 hours of debate each.

Hon. Dan D'Autremont: That's right.

Mr. Gregory Putz: You've got it.

Mr. Gilles Bisson: That's the way it works. Okay. Now you've kind of answered my question.

Mr. Gregory Putz: Generally, oppositions don't want to debate all those, as we've been discussing. We might have 60 bills a session, but all but three or four of them could be just generally housekeeping bills, simple amendments. The opposition will pick two or three that they really want to debate, and then those are the ones that become the focus of most of the debate in the House on legislation.

The Chair (Mr. Garfield Dunlop): Gentlemen, we're going to go now to Steve Clark from the Progressive Conservative caucus.

Mr. Steve Clark: Thanks, guys. Just to pick up on a little bit about what we were just talking about: You've got everything programmed. Your Monday and Tuesday are the same programming day. You end at 10:30 at night, with the little 5-to-7 break. You don't meet at any times in the Legislature outside of those four scheduled days, so you don't meet later on Wednesday when you have to; you don't meet past noon on Thursday; you just stick within the schedule. There are no late sittings; there are no emergency debates; there are no extensions.

Hon. Dan D'Autremont: There can be, if the government wants to bring in a motion to extend *[inaudible]*. But committees can meet outside their regular sitting hours. So if there's a debate on the floor of the assembly on the bill, then it's all done in the regular times unless there has been a motion to change that.

Mr. Steve Clark: No, but your daily order of business: How often would you extend your daily order of business on, let's say, a Wednesday, when you don't sit past 5 o'clock? When would you convene a 7-to-10:30 night on a Wednesday night to deal with your daily order of business—ever?

Mr. Gregory Putz: We've done that once since 2007.

Mr. Steve Clark: So once in five years.

Hon. Dan D'Autremont: Yes. But committees which are hearing legislation often sit outside of the regular sitting hours.

Mr. Steve Clark: Okay.

Mr. Gregory Putz: The key here is that the item needs to get to, as far as legislation is concerned, the committees. Until a bill gets second reading, it stays in the assembly. In the case of the example I gave you, the 20 hours was expended at second reading.

Mr. Steve Clark: Okay, so under the terms of your committees, how often, then, would your committees convene on a Saturday to deal with their work?

Hon. Dan D'Autremont: I don't believe it's ever happened. I've sat Fridays, which is not a sitting day, and we have sat lengthy evenings or Monday and Tuesday morning or *[inaudible]* evenings.

Mr. Gregory Putz: But generally speaking, those are the exceptions to the rule, and we've not had the case where any estimates have been forced to a vote. Generally, when we have sat days, it's worked out by agreement by the House leaders, because the members all have an interest in getting the work done and being out of here by Victoria Day.

Mr. Steve Clark: Okay. A little off what we've been discussing, but we've had a number of people we've talked to at committee about question period. I notice with interest that your question period is 25 minutes. We've also talked about government members lobbing soft questions, almost like member statements, through question period. Run me through your normal 25-minute question period, because to me that's pretty light.

Hon. Dan D'Autremont: Yes, it's 25 minutes—one minute for the question and one minute, or one minute and 10 seconds, for an answer. Government backbenchers—I can't tell you the last time one of them was recognized for a question. It doesn't happen. It's not against the rules; it's just that the Speakers are generally blind to them.

Mr. Steve Clark: You were breaking up a little bit. Can you just go over that again? We want to make sure we get it properly.

Hon. Dan D'Autremont: Okay, 25 minutes is the time for our question period, with *[inaudible]* of one minute for a question and one minute, one minute and 10 seconds, for an answer, and government backbenchers—I don't know that they were once recognized in the last few years. It just doesn't happen.

Mr. Gregory Putz: I don't think that a government backbencher has been recognized since the very early 1990s, and then all hell broke loose over that. As the Speaker has mentioned, generally he ignores them if they get up. I've been here since 1987, and I can probably count on one hand the number of times a government member has gotten up to ask a question.

Mr. Steve Clark: Wow, that's fascinating. So the Speaker just decides the rotation?

Hon. Dan D'Autremont: Well, the opposition decides for themselves who they want to put up, when we had the one opposition party. The second opposition or the third opposition party were allocated time based on their percentage of the House.

Mr. Steve Clark: Oh, okay.

Mr. Gregory Putz: And if there is a dispute, the Speaker would encourage them to come to some accommodation. The Speaker always said, "If you can't, then I'll make the decision. You might not like my decision, so it's in your best interest to come to some agreement

amongst yourselves.” That also applied when we’ve had independent members.

Hon. Dan D’Autremont: So what we would generally try and do for a second or third opposition party or an independent member is to build up enough time for them to ask three questions in a row.

Mr. Steve Clark: Okay. Can you just help me out with your 1:30 to 5 o’clock in terms of timing: how long the statements are, petitions? You know, how you allocated your time.

Hon. Dan D’Autremont: Okay. Petitions—we only allow the member to present one petition so they can’t continually get up and present different petitions. We only allow one petition of one particular kind per day, so the different members have to have different petitions. Petitions can only run for a maximum of one hour, and all we allow them to do is basically read the prayer of the petition. We do allow them to indicate where those petitions came from.

Mr. Gregory Putz: Generally that takes us on average 10 to 15 minutes a day.

1340

Hon. Dan D’Autremont: Members’ statements: We allow eight a day—or 10 minutes, basically is what it is, but it ends up being eight a day, with a maximum of 90 seconds for each one.

Then we have routine proceedings, question period, introduction of bills—I guess that’s basically about it.

Mr. Gregory Putz: We also have reports from standing committees.

Mr. Steve Clark: How many members do you have again? Sorry, I’ve forgotten.

Mr. Gregory Putz: Fifty-eight.

Mr. Steve Clark: Okay. Thanks.

Mr. Gregory Putz: That’s routine proceedings. We usually spend a lot of time introducing guests.

Hon. Dan D’Autremont: Yes.

Mr. Gregory Putz: There’s a period for introducing guests. There are some days that everybody and his dog is introduced.

Ms. Lisa MacLeod: Yes, we have that problem.

Mr. Steve Clark: There have been some discussions here about wearing ribbons and buttons. What’s your policy regarding members wearing paraphernalia in the chamber?

Hon. Dan D’Autremont: We allow them to wear ribbons—nothing that would be commercial. If you’re a gentleman, you have to wear a jacket and tie. I’ve seen in the past where some members have worn a T-shirt under their jacket over top of a tie, which was allowed. But generally, if your button is too big, it becomes an exhibit, and exhibits are not allowed.

The Chair (Mr. Garfield Dunlop): Steve, any more?

Mr. Steve Clark: You can go to some other members.

The Chair (Mr. Garfield Dunlop): Ms. MacCharles wanted a question, and then Mr. Bisson. Tracy, go ahead.

Ms. Tracy MacCharles: Good afternoon, gentlemen. My name is Tracy MacCharles. I am the MPP for Pickering–Scarborough East. First of all, I just want to

say thank you for the information you’re providing to this committee.

I’m interested in any high-level information you have on the demographics of the elected members. I think I heard that there are 58 members. I’m wondering if you could tell me, for example: How many of those are women? What’s the average age of your members? Do you have that at a high level? I’d be interested in other demographics, but if you could just give me a sense of that, that would be great. Thank you.

Hon. Dan D’Autremont: Just off the top of my head, I think we have eight to 10 female members. Your average age is probably 50 to 55.

Mr. Gregory Putz: We do have quite a few very young members who were elected at the last election, but unfortunately we actually have fewer women now than what we’ve had in the past. It is an issue here, and both caucuses have expressed that. It’s a concern to both parties here. I know that; they’ve said that publicly.

Ms. Tracy MacCharles: The issues around declining female representation: Are you aware of any specifics around that, like daycare supports or other accommodations for family?

Hon. Dan D’Autremont: The odd time, those issues are raised, but I think probably the larger issue is women putting their name forward to run.

Ms. Tracy MacCharles: Just in terms of other representation, how reflective do you feel that the Legislature is in terms of other groups? We chatted about gender, but I think many Legislatures struggle, as you mentioned, to get certain people to run, to make it a truly democratic process. How reflective do you feel the Legislature is in terms of representation of other groups, as made up by your province?

Hon. Dan D’Autremont: We don’t have huge visible minorities in Saskatchewan. Probably the largest one might be our First Nations, and we do have representation there on both sides of the House.

Ms. Tracy MacCharles: Do you have any persons with permanent disabilities in the Legislature, and if so, how are they accommodated?

Hon. Dan D’Autremont: We have had members with wheelchairs, and accommodations are made for them to reach the floor of the House and the seats as needed. We had temporary ramps put in place to accommodate that. But when you mention disabilities, I think most of the general public thinks all members have a mental disability or they wouldn’t run.

Laughter.

Mr. Gregory Putz: If I could add that—

Ms. Tracy MacCharles: I don’t actually find that funny.

Mr. Gregory Putz: —when we put our calendar into place, that was one of the things members were interested in having: a set, predictable time when the House would be meeting. They hoped that that might help attract younger people, women as well. I don’t think it was said in any of our rules committee reports, but that was one of the things that, when discussed with other jurisdictions—

having a set, predictable time that people could plan their lives around was of great interest to our members.

Ms. Tracy MacCharles: Okay, thank you very much.

The Chair (Mr. Garfield Dunlop): Thank you, Ms. MacCharles.

Now, Mr. Bisson had a question before I go back to Mr. Clark.

Mr. Gilles Bisson: Gilles Bisson here again. I want to understand something. Let's say there's an agreement that a particular bill is only going to have a couple of hours of debate at second reading. Is the vote taken then, or do you stack all your votes at the end?

Hon. Dan D'Autremont: Generally, the government would prefer to have it done at that point in time, but I know when I was the opposition House leader, I would prefer to have it done more towards the end of the session.

Mr. Gilles Bisson: But it's the government that decides when the vote is going to get called, or can the opposition defer it to the end of the session?

Hon. Dan D'Autremont: Generally, what would happen is, in negotiations, the opposition would say, "We're done dealing with this bill, but we don't want to vote it. If you bring it up, we're just going to waste time on it."

Mr. Gilles Bisson: So that was the incentive for the government to defer it to the end.

Hon. Dan D'Autremont: That's right.

Mr. Gilles Bisson: So essentially, the practice is that you defer the majority of the votes on bills to the last day of the session.

Hon. Dan D'Autremont: No, no. You'll maybe defer it into the last month.

Mr. Gilles Bisson: Okay.

Mr. Gregory Putz: The opposition might pick five or six they want to defer, but as I said, generally, I think since we've had this rule, we've only had a small handful of bills that actually have had to be forced to be voted on that day before the end of session. The opposition has let most of them go—well, nearly all of them, with those few exceptions—before we get to that day where the Speaker, then, would intervene and cause a vote.

Mr. Gilles Bisson: All right. Do you have a rule around deferrals? Can you defer a vote? For example, here in Ontario, if we're having a second or third reading vote, the whip of a party can introduce a deferral slip to push the vote off to another day. You don't have that, by the sounds of it.

Mr. Gregory Putz: No. We experimented with that in the late 1980s. We had it for part of one session. Members didn't like it, and we haven't seen it since. You're talking about stacking votes.

Mr. Gilles Bisson: Yes. I'm just saying—I'm trying to figure out how you get to a second reading vote, and what I think you're saying to me is, if the parties agree, then you'll have a vote in the session whenever. If the parties don't agree, then the opposition says, "Well, next time you call it, I'm just going to debate it, so don't try to bring it for a vote."

Mr. Gregory Putz: Exactly.

Mr. Gilles Bisson: What that essentially does is allow the government and the opposition to come to an agreement and say, "Okay, in the last month of the session on Tuesday, we're going to vote on these bills. In the following week, we're going to vote on those bills," etc.

Mr. Gregory Putz: You have to remember that even though we have this calendar and a lot of it is prescribed, it still requires the same sort of negotiation between the two House leaders to plan the agenda every day and through the full session.

Mr. Gilles Bisson: Now, in regard to calling the order, it's still the government that calls the order, right?

Mr. Gregory Putz: Yes. On every day except private members' day, the government House leader decides what items will be called first.

Mr. Gilles Bisson: So if I'm the opposition party and we decide you have Bills 1 through 60 that are being proposed this year and I have a real issue with five of those bills, do I have any mechanism, as the opposition, to determine which days those five bills will get called?

Hon. Dan D'Autremont: No, other than letting the government know, "These are the five bills that we want to debate, and if you want to get these passed, you either need to negotiate it with us or allow for the 20 hours of debate to happen. If you fail to do that, then your bill is not going to pass."

Mr. Gilles Bisson: But it will pass, because the government then says, "Okay, then we're going to sit here forever until they all get through 20 hours."

Mr. Gregory Putz: Well, that's what happened with this constituency boundaries issue I was talking about. The government called that every day until it had its 20 hours. The opposition would have preferred to leave that, I think, until the very end of session, but the 20 hours was expended and then it just wasn't called again until it had to be voted on that day before the end of session.

We told you about one session where I guess there was no negotiation—and Dan would know about this better than I would, but the opposition didn't like the order in which the government was bringing forth items, and it was debating everything. I'm not sure what their purpose was, but that's what spawned the sessional order to extend the daily sittings from 8 in the morning to midnight every day.

1350

Hon. Dan D'Autremont: To 1 a.m.

Mr. Gregory Putz: Well, it was amended to 1 a.m. by the opposition House leader for reasons I still don't understand; I guess he wanted an extra hour in there. That's the only time we've had this impasse, but I think the root of it, along the lines of what you're suggesting, is that the opposition couldn't get its way as far as the government ordering the agenda.

Hon. Dan D'Autremont: But also, which is different than maybe what you have, we have a set time frame, 65 days, to deal with all the legislation. So if the government isn't prepared to negotiate with the opposition, at the end

of the day it means none of the government legislation will pass before the end of session.

The Chair (Mr. Garfield Dunlop): Okay, guys. I'm going to switch it over now to Lisa MacLeod and Steve Clark from the PC caucus, and we'll finish it off with Ms. Deller.

Ms. Lisa MacLeod: Thanks very much, Chair. Hi. Lisa MacLeod, MPP from the Progressive Conservative Party. I had an opportunity a couple of years ago to actually go to your chamber through the Commonwealth Parliamentary Association, and I did meet a few of your female members. I know you've had an election since and I'm not sure if they're still there or not. One of the things I did notice is that on the main floor, there wasn't a washroom for the female legislators, so it was quite interesting. I had been involved in helping make our Legislature family-friendly, so some of those initiatives were discussed by a member of the Saskatchewan Party and the NDP there.

I do have a quick question for you with respect to your process in coming to grips with this new set of standing orders and the routine that you have. I know you mentioned you travelled. How long did your process take?

Hon. Dan D'Autremont: Well, from start to finish, from the time we started to the time we actually implemented the rules, it was probably four years.

Ms. Lisa MacLeod: Wow.

Mr. Gregory Putz: Part of that, though, was that we agreed in principle to what they wanted to do, and then they gave me the task, as clerk to the committee, of drafting the rules. Then of course those rules were brought before the committee and it took some time for the members to agree to the actual rules, but then they decided they wouldn't implement them until after the next general election. The time period was four years, but the package was completed in probably two years.

Ms. Lisa MacLeod: And were all of the members—was it a standing committee or an ad hoc committee or a select committee? How did you approach that?

Mr. Gregory Putz: It was a special committee. Part of the reform was that this committee be made permanent, so now we have a permanent committee called House Services that reviews rules periodically, and as the Speaker said at the outset, we're actually looking at our rules and going to refine what we have, now that we've had some experience with our calendar.

Ms. Lisa MacLeod: So your Speaker is involved in this periodic review of the standing orders?

Mr. Gregory Putz: He's automatically the chair of that committee.

Ms. Lisa MacLeod: I see. Okay, so this is a bit different than the process we've embarked upon, although we are a standing committee. With that special committee that you created with the Speaker as the chair, was it the same people that appeared at every meeting, or was it typical to see a number of different subs or changes in the composition?

Hon. Dan D'Autremont: Generally, it was the same people.

Mr. Gregory Putz: That's because what they did was set a subcommittee to look at this, and those members were at every subcommittee meeting. Then the subcommittee proposed the changes to the main committee, and once the main committee approved those, then we started drafting the rules. But again, it was a subcommittee that looked at the draft, and the package then was brought back to the main committee for approval and debate, and when the main committee approved that, then it was reported to the assembly.

Ms. Lisa MacLeod: So you had this obviously very laborious task for two years. When did you make the decision that you should see other jurisdictions? Was it at the beginning or the end? And was it even beneficial to you?

Hon. Dan D'Autremont: It was made near the beginning of the process and it was actually very beneficial. When we looked at our own structures—I'll use the committees as an example—we had an extensive committee structure. The problem was, it didn't work. We had an agriculture committee that had not sat for 45 years, yet it was our largest economic generator—always had members on it, but never sat. Most of our committees were of a similar nature. The only two committees that sat on a regular basis were the scrutiny committees: public accounts and our crown corporations committee. So while on paper it looked like we had a very good system, it was dysfunctional. Our concern was that in looking at other jurisdictions on paper it may look like they have good structure, but until you talk to the members that are involved in it, you don't know if it works or not.

Mr. Gregory Putz: And just to add to that, as the clerk to the committee, as I said at the beginning, each caucus was invited to put forward a paper to the committee on things that interested them. Once we had that, one of them was committee reform. Then they asked what was going on in other jurisdictions. As clerk, I presented to the committee basically a cross-sampling of what other jurisdictions in Canada and the Commonwealth were doing. The members then decided what interested them and then they decided to go and visit those jurisdictions to see how the rules worked. As the Speaker said, sometimes in standing orders you might look like you have a good system; they really wanted to talk to members to see how it works in practice. That was the reason why they decided to travel.

We also mentioned that the policy field committee system that was in place in many of the Australian states interested the committee, and that was the reason for travelling to Australia to review their system. We went to all of those states in Australia; in the course of about nine days, I think we were in seven cities. It was very much a fact-finding mission, and that became the basis for developing in principle what this assembly wanted to do with its committee system.

Ms. Lisa MacLeod: I just have a couple of quick questions. One is, it was a fact-finding mission. Did the public or the media get angry with you for going on a fact-finding mission?

Hon. Dan D'Autremont: No, there was no negative response that way because we came back and made changes to our rules based on what we saw. I would think that if we had gone and spent even more time and done nothing as a result, we would have been criticized for that.

Ms. Lisa MacLeod: Absolutely. One final question, because I know my colleagues do have some questions for you as well.

Mr. Gregory Putz: If I could just add, it wasn't the full committee; it was just the subcommittee. As it turned out, the Speaker ended up going into cabinet, so actually it was Mr. D'Autremont and Mr. Andrew Thomson and myself. It was basically three people, so the costs were much lower.

Ms. Lisa MacLeod: Okay. That's actually a good point.

Just finally, I'm very interested in special and select committees in terms of how they can bring depth and influence to a debate on public policy. My question for you: You have presenting reports by standing committees and special committees each and every day. The first question is—and I'll follow it up very quickly with the second—do you use a lot of special committees outside of just the rule changes in terms of social or economic policy to report to the government?

Number two is: When your reports are presented, is it just read into the record or is there an opportunity for the Chair of said committee to make a statement, and is there any debate?

Hon. Dan D'Autremont: We rarely used special or select committees anymore once we put in place our standing committees. Those committees do all of the work, basically. They also have the right to self-reference. So if the committee themselves decides they want to do a study on A and the government doesn't recommend it, they still have the ability to go and do that if the committee decides that that's what they want to do.

When the reports come to the chamber, they're debatable motions, so both the Chairman and any other member has the opportunity to rise and to debate anything that may happen to be in that report.

Ms. Lisa MacLeod: I very quickly wanted to say thanks. This has been very informative and very helpful for me. I appreciate it.

The Chair (Mr. Garfield Dunlop): Thanks, Lisa. Steve and then Gilles.

Mr. Steve Clark: Just one other question I wanted you to clarify, and that is this: My understanding, from looking at your calendar, is that you only debate private members' business 75 minutes a week. Is that correct?

1400

Mr. Gregory Putz: No. Do you want me to explain?

Hon. Dan D'Autremont: Go ahead.

Mr. Gregory Putz: We have set aside Thursday, where private members' business takes priority. We have one debate that's called the 75-minute debate, which is the principal feature of private members' day. It's a debate for 65 minutes and then a 10-minute period for ques-

tions and answers, where members who participated in the debate can respond to questions, and they're accountable for their comments. This happens every week, and the topic is rotated back and forth, from government to opposition, on a weekly basis. We excuse the rules of anticipation on that date so that members can raise things of topical interest. It's a very popular debate. Members really enjoy it, especially because of the question-and-answer period at the end of that.

That is followed by private members' motions, and again, the topic is alternated from one week to another, but that's more your traditional debate. The member will move a motion, and other members participate in those debates.

Basically our whole sitting day on Thursday is taken up with private members' business. We also have a process there where the caucuses can designate, from the items they put on the order paper for private members' day, the things that they want to set as priorities. So it doesn't matter where they might be on the order for private members' day—for instance, if the opposition had a bill and it was in the second reading category, once we got past the 75-minute debate, if it was their lead-off item, they could designate that debate. We also have a process involved where, if any item on private members' day is adjourned more than three times, then it has to come to a vote.

Hon. Dan D'Autremont: On the 75-minute debate, it alternates back and forth between government and opposition, depending on who initiated it. It's 15 minutes for the initial motion and 10 minutes for each speaker thereafter.

Mr. Steve Clark: And you also don't have any co-sponsored bills. Is that correct?

Hon. Dan D'Autremont: That's correct.

The Chair (Mr. Garfield Dunlop): Mr. Bisson.

Mr. Gilles Bisson: I love the idea of not having co-sponsored bills.

A quick question: In your calendar motion, is it intended that you only go through one stage of the reading? For example, if a new bill is introduced, you get second reading by the spring, or does it entail second reading, committee and third reading?

Hon. Dan D'Autremont: No. You have to have first reading in the fall, and then, providing it has a total of 20 hours on it—it could be second reading debate; it could be second reading and committee—the vote can be forced on the second-last day.

Mr. Gilles Bisson: So it's 20 hours total between committee, second and third.

Mr. Gregory Putz: Yes.

Mr. Gilles Bisson: And provided you get the 20 hours, then essentially you don't have to allocate extra time to continue the debate?

Mr. Gregory Putz: That's right. Generally, it's up to the opposition how they want—if they want to take something to the wall and do the 20 hours on it, they'll decide whether they want it all in second reading or all in the committee. We've seen—

Mr. Gilles Bisson: So that's my question. Let's say there's 20 hours at second reading. Does that mean to say there's no committee?

Mr. Gregory Putz: There is a committee, but it's only to vote on the clauses of the bill.

Mr. Gilles Bisson: So it's kind of a time-allocated clause-by-clause?

Mr. Gregory Putz: Right. So once the 20 hours happen—this assembly felt that, rather than deeming things passed once it met that threshold, there still should be a vote. The rules say that all the clauses will be combined into one vote, and then it still has to be reported. So we still have a number of votes where the opposition—

Mr. Gilles Bisson: So essentially you just deal with the votes; you don't debate the amendments. You deal with the votes at committee, and then you bring it back in the House for third reading.

Mr. Gregory Putz: Exactly.

Mr. Gilles Bisson: I had another question that came out of that, and I forgot what the hell it was.

Hon. Dan D'Autremont: I have a comment, if you'd like. Once a bill goes through second reading, goes through committee and comes back to the House, there is an opportunity there, providing it hasn't got the 20 hours yet, that it could be heard still in Committee of the Whole. An independent member who has not had the opportunity to ask questions or move an amendment in committee would then have that opportunity to have input into that piece of legislation. We have special rules on that: that Committee of the Whole is limited to two hours of questions by members. That time excludes the time that the government may respond, so a minister can't, to the first question, take up the entire two hours in providing a response.

Mr. Gilles Bisson: And one last question: Let's say an opposition party decides it wants to have more time on bill number 1, and let's say that works out to 40 hours or 50 hours or whatever. Does that mean to say, then, they have to concede somewhere else to give you that? How do you end up with more time past 20 hours?

Hon. Dan D'Autremont: Only by negotiating with the government that they would provide you with more time. They don't have to.

Mr. Gilles Bisson: Okay. Thanks.

The Chair (Mr. Garfield Dunlop): Thank you very much, gentlemen. We have to wrap it up now if we can. We really appreciate your time this afternoon. Sorry about the interruptions with the phone system there for a few minutes.

Hon. Dan D'Autremont: I think it must have been my phone.

The Chair (Mr. Garfield Dunlop): Thank you. That's good of you. Anyhow, to Dan and to Greg, thanks very much. I hope you enjoy the rest of the summer, and thank you for your time and helping us today make some decisions.

Hon. Dan D'Autremont: Thank you, and if you have any more questions, don't hesitate to contact us.

Mr. Gregory Putz: And good luck with your deliberations.

The Chair (Mr. Garfield Dunlop): Okay. Have a great day. Thank you very much.

Sorry, gentlemen. We got all that out of the way with the phone interruptions.

MR. SEAN CONWAY

The Chair (Mr. Garfield Dunlop): Now we've got our final deputation today. Mr. Sean Conway is here. We had a few phone interruptions with the last deputation, which was making it a little bit difficult at the beginning, but the last 45 minutes—so if you could take a seat here, Mr. Conway.

You know Mr. Leal, and Tracy MacCharles, Bas Balkissoon, Dipika Damerla, Garfield Dunlop, Lisa MacLeod, Steve Clark, Jonah and Gilles. We've got the task of looking at the standing orders and thought people like yourself, and Mr. Sterling this morning, would be great people to offer some assistance. We welcome you here and thank you for taking the time.

Mr. Sean Conway: I'm delighted to be here, Mr. Chair and colleagues.

Interjection.

Mr. Sean Conway: My only question is, what on earth are you doing meeting on the Fourth of July? In my day, this would be considered industry beyond the call.

Mr. Gilles Bisson: We're fiercely Canadian. That's why we're here on the Fourth of July.

Mr. Sean Conway: No, I didn't mean it that way. I just—

The Chair (Mr. Garfield Dunlop): We're probably going to ask you a lot of questions, if we can, for the next hour or so, if you don't mind.

Mr. Sean Conway: Please do, yes. Fire away.

The Chair (Mr. Garfield Dunlop): We also wanted to know if you have any opening remarks, to talk about the Legislative Assembly and changes you might automatically think would be something that we would consider.

Mr. Sean Conway: I appreciate the opportunity. I was called the other day by the very efficient clerks of this assembly and given a general idea of what you were looking at as a committee. It really made me think back to my days here, but particularly my days as government House leader, which had to be one of the most unhappy experiences in nearly 30 years. I don't know what possessed me to say yes that hot summer day in 1987.

Let me just make a couple of opening observations. The older I get—and I've been away from here now about nine years, so time and distance gives one a bit of a better perspective, I think—I'd say, not just in terms of standing order reform, but I often think about issues around electoral reform as well, because they sort of fall into the same category for me now.

I think too often we rush into these "How can we make it better?" enterprises with the idea that the fix is a kind of mechanical, technical fix. I don't think that is the

fix. In fact, I think young Jonathan said, “Think about things that worked and things that didn’t work in your day.” God, we went through quite a series and cycles of change. But in the end, it was mostly about attitude and culture when I got here in 1975.

It’s interesting—someone was telling me that you’re now a year into minority government. I came here in 1975—it’s hard to believe; 37 years ago this summer—when we had our first minority government in anybody’s memory. It was interesting watching the veterans then. There was quite a distinguished front bench on all sides and very competent people. They were learning to play the parliamentary game, if I can use that phrase, in a completely different context. The opposition, for example, had just become like Pavlov’s dogs in writing motions they knew were going to fail before they put them down, because that’s just simply—the politics of majority government were the politics, mostly, of the foregone conclusion. In a minority government, all of a sudden people had to think, “Well, now. Mr. Clark—I wonder what he’s going to do with this. I think I know where the NDP might be or where the Liberals are.”

1410

I was saying this to somebody the other day: I remember a day about 36 years ago when we misjudged Stephen Lewis. Lewis got up on one hot June day in 1976. We thought we’d put enough arsenic in the motion that he certainly wasn’t going to touch it with a barge pole. He said something like, “Why do I think my Liberals friends don’t really mean this? I think I’ll support the motion.” All of a sudden, we had to decide what we were going to do, and—

Mr. Gilles Bisson: He was clever.

Mr. Sean Conway: He was very effective, was Stephen Henry Lewis. All I remember is, we ended up, a few hours later, voting against our own want-of-confidence motion.

Laughter.

Mr. Sean Conway: The reaction to my left is as it should be. I thought, “It’s one thing to be defeated; it’s another thing to be run out of a place; but it’s quite another matter to be humiliated out of a place.”

What I learned shortly thereafter is that the public out there in the general world thought that there was some kind of a flap. They weren’t exactly sure what it was all about.

A minority government does remind one that Parliament, in the conventional architecture, does have some rather important obligations and responsibilities. They tend to get obscured in long periods of majority government.

I guess the first point I really want to make has to do with culture. The one thing I learned is, you can write whatever rules you want. If members of Parliament or members of the assembly decide to move on to a different level of behaviour, then what you do really doesn’t matter a hell of a lot.

In the early 1980s, the idea that you would ring the bells forever would have been, to people like Stanley

Knowles and Davie Fulton and Allan MacEachen, unthinkable, because in the 1940s, you just wouldn’t have done that. That would have been thought to have been deeply offensive to a parliamentary court, almost. But times change.

That would be the one thing I would really stress: You can write whatever rules you want, but it really, at the end of the day, has to do with institutional culture. What is it that people are prepared to do and to accept? What is the standard of civility?

I’m actually reading a wonderful new book by a distinguished Canadian academic about R.B. Bennett, *In Search of R.B. Bennett*, a very good book that I’d highly recommend.

Interjection.

Mr. Sean Conway: Oh, absolutely. He and Mr. King didn’t really get on very well, but I was struck by their behaviour, the things they just routinely did as Prime Minister and Leader of the Opposition, things that would have been, according to this account, unthinkable today. It would be tweeted to Canadian Press or you name it. There would be no sense that this was private conduct, not that it was always that way, I suppose. But it just is a reminder of how, in a relatively short period of time, the culture changed. It will continue to change; that’s the nature of human development, I suppose.

The one opening comment I would make is, don’t really fret too, too much around getting it precisely right, because something will happen in the future having to do with changed circumstances. But most of all, change the behaviour where the unthinkable becomes regular.

There’s an obligation, first, on government, because the government is always seized with the active responsibility for making Parliament work. So if governments do things that are either a very major surprise or something especially controversial, then they can expect a pretty vigorous reaction. On the other side, oppositions always have to be sensitive to the idea that someday they too will be almost certainly given the seals of office, and they will have to run the railroad.

I thought I knew a lot, having been here in opposition for 10 years, until I became a minister one hot day in June 1985. Let me tell you, I certainly was regretting shortly thereafter some of my misconduct in the opposition. My friends in the then-opposition were very quick to point it all out.

Enough said. I’m starting to wander; let me take some questions.

The Chair (Mr. Garfield Dunlop): No, we really appreciate it.

We’ll start with Mr. Leal. We’ll work our way around here and get some questions from everyone.

Mr. Jeff Leal: Sean, if you see me stepping out a bit early, I have to get back to Peterborough. I have a young lady and her friends who are going to a Carly Rae Jepsen concert tonight in Peterborough, so I’ve got to make sure that—

Ms. Lisa MacLeod: Don’t say that anywhere near my seven-year-old.

Mr. Sean Conway: I guess it would be bad of me to ask who this person is, but I'll—

Mr. Jeff Leal: I did that too—I did that too. But my 12-year-old filled me in pretty quickly.

Sean, I want to get to attitude and culture, because I think that has a lot to do with how Parliament proceeds, particularly in a minority position. You had experience on both sides, and you were government House leader.

One of the topics that we're looking at is replacing time allocation, perhaps, with a programming motion. In opposition, you always rail against time allocation for a whole variety of things, and I've read your comments in Hansard about time allocation and those of Mr. Bradley about time allocation. But it seems to me that, particularly in a minority Parliament, if we went to another mechanism that more clearly laid out the intent of the government in making sure that the opposition is intricately involved in that programming motion and laying out a number of items that the government would like to achieve over a period of time—in fact, we experimented with this a couple of weeks ago, in the last two weeks of the session that just adjourned a week or so ago.

Mr. Sean Conway: Well, again, I would say that governments have a right to get their business done. I mean, elections do matter; they do produce a government. One of the impressions I have—and it was really interesting, in that debate in 2007 around electoral reform. I was quite struck by some of the subtext to that debate, and it confirmed in me a feeling that I've had for some time that Canadians in general like to have governments that can make decisions. They like, in the main, executive government. The Americans—remember, it's a fundamentally different concept: Their concept is divided government.

We came out of the American War of Independence with very different concepts. The British system, which is the one we adopted, was the King and Parliament; they hinged the executive in Parliament. Canadians, by and large, even when you don't like the results, seem to be inclined to governments that can make decisions. The American reality is very different and seems to be reaching almost a tragic circumstance, where it's completely bogged down in inactivity or inaction.

I think governments have a right to get their agendas dealt with. Oppositions have a right to be heard, and beyond that, it's really agreement. You can use whatever mechanism you want; it's, "What are you going to agree to?" Again, when I was here, especially when I was government House leader, I was struck by how much—and those of you who have been whips or House leaders will, I think, find this. I used to sit there in government, particularly, thinking, "God, if more members actually knew the rules and knew what they could stop by just simply saying 'Nay,' this railroad would quickly grind to a stop." There are countervailing pressures that make you think twice about that. But I just think that there's simply got to be a level of trust between the main parties to agree on a timetable and get on with it.

Listen, I don't think you're anywhere where we were—we got so bad in the late 1980s, we were sitting here, like the worst of miscreant teenagers, saying, "Well, I can be more obdurate than you can. Let's sit right through Christmas." We got close to that a couple of times. It was just complete madness, and the world out there—and it's only gotten worse, by the way. The interesting thing about now being outside—and I do pay a bit of attention; it's just kind of, "What's going on in there again?"—my impression is that the tolerance for parliamentary gamesmanship is lower than it's ever been, because there are a lot of pressures in the world today, and I don't need to tell you that.

I would just simply come back to, you've got to make some kind of agreement about time. And you're absolutely right. I could bring in one of my students and say, "It won't be a big research paper because"—what is it that someone said of imperial Britain? She had no permanent enemies, no permanent friends, just permanent interests? Government, regardless of which party is in government, will have the interest of getting on with executive governance. I've seen it here over the course of my lifetime and, with some modest adjustment, the pattern is pretty well the same. So you don't, I think, as players inside the game, want to look ridiculous. Again, that's what the public often thinks: Spare me this lecture. Given the opportunity to change positions, I can almost predict, based on longer experience, what you're going to do.

1420

So, to get back to your question, Mr. Leal, you want to see if you can find ways of getting agreements, which is time allocation.

By the way, when I think back, he went to his grave not getting nearly the credit—the late Robert Stanley Kemp Welch, Bob Welch, from St. Catharines, was government House leader in that first minority, and he was masterful. Part of his mastery was, everybody liked and respected him. He was particularly close to Bob Nixon, who was the Liberal House leader. They had gone to Mac together, knew and liked one another, and Elie Martel, who was the—Ian Deans, I guess, for a while, and then Elie. But without that respect and goodwill among the House leaders, again, you're going to have all kinds of trouble. You really, really want to make sure that whips and House leaders—or you've got back channels. It's normally through those people that you've got to keep the communication not only active but honourable.

Mr. Jeff Leal: Just one more question, Sean. The other day we had one of the clerks talk to us in a teleconference from Great Britain. I know you've studied that inside out. Of course, in Great Britain, the question period is much different. The Prime Minister shows up once a week and the ministers show up on a rotational basis. Are there ways, from your perspective now, being away from it nine years, to improve the quality of question period? What could we do to look at that particular part of our parliamentary day?

Mr. Sean Conway: It's a very good question. By the way, have you ever had C.E.S. (Ned) Franks come and talk to you? Ned Franks is now a professor emeritus at Queen's University and wrote a wonderful book called *The Parliament of Canada*, published by the U of T Press, 1988. You should read that, actually. I think it's one of the best pieces I've ever read. I use it routinely when I teach. I'm sure that if you extended an invitation he'd be happy to come and talk to you, because he's an outstanding authority on this. One of the things he points out in that book is that the British environment is very different than the Canadian environment. Again, I don't want my friends in this or any other government to recoil when I point out that one of the things that Frank mentions is, the major difference is that—how many people of the current government bench are not of the ministry? Not very many. And I don't mean that as a criticism of the current government, because it has been true for decades here. That's not the case in Britain. The number of government members in Britain who are not of the ministry is large, so you begin with a very different mindset.

I remember going to Westminster 20 years ago. I was absolutely stunned, in the course of my visit. There, sitting two or three seats down from the very redoubtable Prime Minister, the Iron Lady, Mrs. Thatcher, was Ted Heath, and Heath was quite willing to get up and say rude things about the government and the Prime Minister of the party to which he belonged. You could walk a few feet down to the House of Lords, and there the Earl of Stockton, Harold Macmillan, was up making rather famous speeches about what, in his view, the doctrine of his party—that would be unthinkable in Canada. It just doesn't happen.

While the origins and the informing logic of our system are from Britain, the culture in Britain is rather different than it is here, and it starts with the number of people who just are not in the ministry, not connected in any way, shape or form. The government caucus in Britain is going to have something in the order of 275 to 325. There are at least 175 to 200 of that group that will not be in the government, and in that group you will have former ministers, former Prime Ministers, former party leaders. They don't need a lecture on the independence of Parliament and who's going to tell them how they behave or what they get to say.

As someone who supported television in this chamber—and I actively supported it, as did Mr. Bradley, I think with a little less enthusiasm than perhaps I did. There is no question that it has been a mixed benefit. Television is best when it's got conflict. If you're a TV producer and you're looking at Parliament—well, I know where I'd go for some conflict: You'd go to question period. I don't think there's any doubt that television has changed the nature of question period.

Having said that, I still think that in my day here, the best question ever offered in question period came from Floyd Laughren, a then NDP member, soon to be Minister of Finance. He asked the then Minister of Finance a

question that was just devastatingly effective. It was plain and unvarnished, and it might have had 22 words in it. I remember just sitting there thinking, “Hmm, why don't”—

Mr. Gilles Bisson: It was about what?

Mr. Sean Conway: It was a tax question, but it was just that he did it with such—so it was just a reminder, particularly to those of us given to too many histrionics for too flimsy a reason most of the time. I just thought, “Wow.” If you're a minister—it's really interesting. Bill Davis was really good at this.

Remember, Parliament, according to convention, has four jobs to perform: (1) to make a government; (2) to make a government work, vote supply, make it work; (3) to make it behave, hence the opposition—a wonderful job: you get paid to basically go in and say how the other guys and gals are not doing a very good job; and (4) to make an alternate government. Those are the four functions of Parliament. I don't know whether anybody thinks about it very much, but I can tell you, when you've been in the opposition and you go to government, you're suddenly, “Oh, God, now I have to run this railroad.” Now you understand things that perhaps the textbooks don't quite convey.

Question period is about making the government behave. You don't go into question period and ask, unless you're encouraged to do so—it's mostly about what has not gone as well as you might have liked. I don't know what to do, except I would just make the observation that as a minister, the really effective questions, the questions that made me feel very badly because they were so effective, were not the ones that were usually histrionic. The one I could always think is Laughren's question.

Mr. Jonah Schein: Do you remember the question?

Mr. Sean Conway: I'll tell you, it had to do with a budget. It was a—

The Chair (Mr. Garfield Dunlop): He wants to know what Floyd asked.

Mr. Sean Conway: Floyd, with a good researcher, had gone through and essentially—for all the rhetoric, it was our government, too: “The reality is, a person at this income level is no better off and might have been worse off.” I just remember my friend Mr. Nixon sitting beside me saying, “Ouch.” It was a question that might have been 20 seconds in the giving and very effective.

I don't know whether that helps to answer the question.

The Chair (Mr. Garfield Dunlop): Any other questions over here? Okay, we're going to go this way now. Lisa?

Ms. Lisa MacLeod: Thanks very much, Mr. Conway. You have, to date, been very fascinating. You can tell why you were elected for so long in eastern Ontario. I'm really enjoying this, particularly your stories—

Mr. Sean Conway: I got elected but cousin John gets acclaimed, so whatever I was doing was not nearly as effective.

Ms. Lisa MacLeod: The problem is, they want to send John here so he'll stay. No, no. John is my seatmate,

so his left ear and my right ear are both very hard of hearing now. We get in a lot of trouble together as well, your cousin and I.

This has been really fascinating, and I'm wondering if we could just take a step back to, I guess, the early 1980s and talk a little bit about—because what we're doing is studying the standing orders. It does touch on culture here. It also does touch on other workings around the assembly but particularly the standing orders. I'm wondering if you can talk to us a little bit about the process, if you can recall it at the time, of the Camp commission and the Morrow report and the figures that were there, how caucuses were given input into those proceedings, and how long they took.

We've touched on those briefly here, but it occurs to all of us around this table that this is the first minority Parliament in very many years here in Ontario, and we now are in that place that you folks found yourselves in back then. I'm just wondering how the process evolved. Was there public participation, or was it sort of inside baseball?

Mr. Sean Conway: The Camp commission was part of a big institutional reform in the late 1960s and early 1970s. I remember talking to Mr. Davis and—help me—his long-time executive—God, my brain.

1430

Ms. Lisa MacLeod: John Tory?

Mr. Sean Conway: No, no. Deb, are you here?

Interjection.

Mr. Sean Conway: No.

Interjection: Clare Westcott?

Mr. Sean Conway: Clare Westcott; thank you—Clare Westcott, who was with Mr. Davis, I think, for the whole ride. Clare was telling me one day what it was like being in government with no treasury board. It's unthinkable if you've been around in the last 25 or 30 years. There was no treasury board, so you'd simply go in and you'd have a spending proposal. As I remember, Clare said, "On more occasions than you might imagine, we came away with more, not less, money."

The government in the late 1960s was expanding rapidly. I was just struck in this book about Bennett: The spending of the government of Canada in 1930 was about \$300 million. You forget how small government was. The government of Ontario before the 1950s, before we got into health care—just go back and look at how limited the scope of government was. You could, as a minister, have a much greater understanding and control of what you did.

They established, in the Robarts era, something called the committee on government productivity, which essentially took a look at the executive arm of government and said, "We have to get a better coordinated effort; we've got to understand a lot of these issues that have got greater scientific and economic literacies than might have been imagined in an earlier day." That was done in the late 1960s.

Then the Camp commission is launched in 1972. Douglas Fisher, some of you will know—Ms. MacLeod,

you'll know; he was a constituent of yours for many years until his untimely death a year or so ago. Doug Fisher was the CCF member from Port Arthur. He defeated C.D. Howe in 1957, was eight years an MP and then, for decades afterwards, a columnist for the Telegram and the Toronto Sun. The third member—they were all people very closely associated with the political process. Dalton Camp, while he never held elected office, was national president of the Conservative Party, very close to a number of governments in the country and a very smart, creative guy; Fisher, an MP, a New Democrat; and then Farquhar Oliver, for 41 years the progressive UFO/Liberal member for South Grey. They produced a report, and then the Legislature—I think the reports were starting to arrive about the time I got elected. There was the select committee then struck by Mr. Davis to look at, "All right, what are we going to do with this?"

I guess the point I want to make is that you cannot imagine just what it was like back then. There's always this impression that it was a better time; it was a golden age. This is why I would recommend Ned Franks, because Franks does a wonderful job in that book, *The Parliament of Canada*, in just reminding us that the good old days were not always as good as we imagine.

We had what I could best describe as legislative somnolence. I don't mean this as a criticism. In fact, there's a wonderful story. In Canada, until recently, both at the national and much of the provincial level, the informing logic of the British parliamentary system of government did not work. We had long periods of one-party government. My Liberal friends might say, "It's fashionable. Let's beat up on the Conservatives, who ran the province from 1943 to 1985."

There's a great story I came upon one day. I was doing some research. You have no reason to know him, but Joseph Chamberlain was part of and destroyed the two great parties in Britain: first the Liberal Party and then the Conservative Party. Chamberlain was colonial secretary in 1902, and he met a delegation from the colonies, one of whom was a member from Ontario. All Chamberlain wanted to talk about was, "Is it possible that there's a place in the empire where there has been one-party government for 30 years?" And there was; it was Ontario. It was a Liberal government that had lasted for, apparently, ever. For people like Chamberlain, "How is that possible?", because the logic of the British system is that from time to time, a responsible group of "ins" will go out and a responsible group of "outs" goes in, both of whom are going to be refreshed by their new circumstances. In that dialectic, the public interest is going to be served.

Back to the question of 1975: We'd had the horse latitudes, which was—I didn't say it at the time, but it's true—a pretty prosperous period of Ontario's life. The politics of consensus was evident when I got here. Nobody could remember a change. Even the opposition went into most elections thinking—the question really was, who would come second? It was never a question

of, was there a change of government? So when you get that happening, you get other things. The academics have done this so I don't need to repeat it, but a lot of the institutional instruments just atrophy.

So Camp came along and there was public consultation. I think Camp had hearings of his own. They talked to a lot of people. Then there was a second phase where the select committee—I remember Mike Cassidy, Murray Gaunt and a number of people were members of that committee. They took testimony as well. They recommended everything from enhanced research for members to—I'd have to go back and look at it, but there was a lot of input at two levels. Again, I think those were three excellent commissioners, ably led by Dalton Camp. He understood the pressures of executive government, but he felt that the Legislature was getting itself into almost a position of irrelevance.

Ms. Lisa MacLeod: Mr. Conway, those were the big changes that we saw institutionally in Ontario. Over your period, both in opposition and in government—we know that when changes occur to standing orders, they sometimes have unintended consequences—do you recall any period of time where a rule change was made either to benefit the government or to move things along more efficiently, and it backfired and the assembly wished they hadn't gone that road?

Mr. Sean Conway: Oh, lots of backfiring, absolutely—unintended consequences everywhere. I can tell you, Ms. MacLeod, the best example I can think of was the one we talked about earlier: We have to have television in the chamber because we want to be “modern.” Don't get me wrong, I'm not suggesting that it get withdrawn, although there have been days—

Ms. Lisa MacLeod: That would be the only time people would pay attention to Queen's Park, if we made that decision, because they're not watching us now.

Mr. Gilles Bisson: You'd be surprised how many people watch.

Mr. Sean Conway: That's true.

I can tell you one very positive effect of television. I represented a big—well, you'd know where it is; it's the upper Ottawa Valley. I can remember, when I first got here I had to worry about the Ottawa Journal and the Ottawa Citizen. Both had bureaus here, as did the Thomson newspaper chain—Don Ahern was here. If Ahern or Eric Dowd, who was then with the Journal, and Don Butler and Bert Hill at the Citizen—if they wrote something like, “Local boy is being bad,” they didn't like that and I'd hear about it. I'll tell you, I could be in the farthest corner of the Algonquin park bush, and somebody would come up to me and say, “I saw you the other night on television. Your behaviour was not very good.” You didn't need too many of those before you thought, “Hmm.” So that was a very beneficial effect on some of us who were given to bad behaviour on more occasions than was permissible.

But let me use the other side of that: People stopped coming. Why would you need to go? And it wasn't just here. You could read the late, great Daniel Patrick

Moynihan talking about what happened to one of the great deliberative bodies in the democratic world: the United States Senate. There again, they've had huge cultural changes. You've got technology, and people just don't go anymore. One can hardly imagine Daniel Webster making the great speeches of the early 19th century to an empty chamber, but that's in fact what happened. People—not just members, but members of the media—could actually get a lot done. So the member for Cochrane North was making a very good speech, but I could listen to him in my office and do other work. That was one I remember. We didn't realize how quickly the chamber would be depopulated, because people didn't need to be there anymore. Sometimes that was understandable, but there were many occasions when it hurt the process. You really want people there for a variety of reasons.

Ms. Lisa MacLeod: Just one final question. I know that time is elapsing here, and I know my colleagues would like to question you as well. I've asked a number of our presenters this question. One of the things that we've talked about, certainly with our own Clerk, is the extensive use of special or select committees previously in Ontario to study substantive issues on the economy or social policy. It has sort of gone by the wayside, as has, by the way, Committee of the Whole. It's not really used here, ever.

1440

It appears to me that that might be a way to gain credibility with the public, if we did more of that type of work. I'm talking not about a “gotcha” type of select committee; I'm talking about the committee that we had, the select committee on mental health, where it brought a small group of individuals together from all three political parties who had to come to a consensus on how to move forward and hopefully shape the government agenda or even public perception of an issue. I'm wondering if you had any experience on that type of committee and how you viewed them during your time here at Queen's Park.

Mr. Sean Conway: Let me say that that's another very good question. I have very strong views. I don't want to be too confessional here, but unlike many of you—I think of the chairman, who had a very successful career in the private sector before he got here; I think of the member from Brockville, who was, at a youthful age, a chief magistrate and then went on to other things—I got elected here right out of grad school. I literally didn't work beyond the jobs in the lumberyard anywhere until I got elected. I had spent a lot of time, mostly as a student—I was always interested in things historical, and my area of interest was 19th-century Canadian history. I thought I knew a lot. I tell you: I knew nothing. I knew nothing when I became a minister, and I'm not trying to be facetious. I just remember thinking, how could I have been in the place for 10 years and know as little as I did?

I should have kept notes, because I became a minister under very odd circumstances, really unusual circumstances. We had the election in May. There was a discus-

sion around the accord. I was part of that discussion. About May 15, I think it was, in 1985, the leader of the party said, “I’d like you to be my designate for schools, blah, blah, blah.” It was something called the separate school issue, which was a matter of urgent and pressing necessity. Very shortly after, and well before the government changed, I was going over and taking briefings from the department of education about the things I didn’t know very much about. Of course, when the government does change, I’m then asked to become Minister of Education. Then I spent a year of my life, I think, in this room with my Bill 30 and my good friend Norm Sterling here to keep me on a very short leash.

To answer your question: There was no doubt that the best part of my life as a private member were the several select committees on which I served. I served on three having to do with energy. In 1975, there were early indications that we might be having problems with the operations of our very substantial and growing nuclear power system, of which I was a strong supporter. In 1977, we had a major collapse of the nickel industry in the Sudbury basin. I spent four or five months of my life on a select committee—an enormously valuable education about the nickel industry and resource extraction in northern Ontario and what it meant. I was thinking of this the other day. I mentioned earlier that day in 1976 when I and 35 of my colleagues, like a bunch of very overactive bunny rabbits, just hopped over a hedgerow voting against our own motion of confidence. That was in the spring of 1976. In the spring of 1978, we had an election, our second minority election. We had a budget that actually got in a little bit of trouble and got rewritten on the floor of the Legislature on or about May 15, 1978.

Ms. Lisa MacLeod: That almost happened here.

Mr. Sean Conway: I just read the press. Out of that, by the way, came a commitment to establish a Select Committee on Health Care, Financing and Costs, without a doubt the best public policy briefing I ever got in my life, which was enormously valuable. You never get it as a member, I can tell you, and I mean that as no criticism. In 1980 I was on a Select Committee on Constitutional Reform.

Energy and health care were really, really valuable, because you all rightly aspire to the day when you’re going to be Her Majesty’s ministers and you’re going to have executive responsibility. At that point, your ability to actually do detailed policy review is going to be seriously constrained. I have said, for example, for the last 15 or 20 years, that I thought there should almost be a permanent select committee on energy, a small, small group of people, if for no other reason than to really understand what’s possible and what’s not possible.

Ms. Lisa MacLeod: When you did that—and I’m thinking now of the one that you did, the nickel resources—with your travels, of course, you brought people to Queen’s Park, but given that the issue was effectively up north, did the select committee travel there, spend a little bit of time, actually get to understand that a lot more?

Mr. Sean Conway: We lived in Sudbury at the Sheraton Caswell Hotel for most of the winter of 1977. I’ll never forget that Tony Clement’s stepfather, John Clement, was committee counsel—marvellous, a former Attorney General here, an absolutely delightful, creatively helpful counsel. I’ll always remember it because there was one occasion when we were trying to get out—there was an unbelievable blizzard and we weren’t able to get out; well, I shouldn’t say we weren’t able. I remember John Clement, myself and somebody else getting loaded onto the back of a Sudbury regional fire truck. It was the only way we could get to the train, which was the only way out. When we got to Toronto the next day, I remember picking up the *Globe and Mail*, and there was the Ontario legislative select committee studying company law and insurance by poolside in Florida, and let me tell you, it was an article that put paid to select committee travel outside of the country forever and a day.

Ms. Lisa MacLeod: Yes, that’s interesting. I know my colleagues have more questions. May I ask this last one? We are doing this, and every one of my colleagues is taking this very seriously, and I do have more questions for you. Would you be open to coming back to our committee at another time?

Mr. Sean Conway: If invited, absolutely.

Ms. Lisa MacLeod: Oh, we will invite you. I will assure that. Thank you.

The Chair (Mr. Garfield Dunlop): Steve?

Mr. Steve Clark: Thanks, Chair. I just want to add that Mr. Conway’s suggestion about seeing Mr. Franks, I think, is a good one. I know that we’ll have a discussion later about possibly having our Ottawa meetings around the AMO conference, so I think we should, if we decide that, ask Mr. Franks whether he can be part of those meetings, because I think that’s an excellent suggestion.

Mr. Sean Conway: And honestly, the book—I don’t want to sound like some old schoolmaster, but if you’re interested in this subject, read that book, particularly the first four or five chapters. You’ll find it very, very helpful.

Mr. Steve Clark: And I just want to thank you, as well, for some of your comments. I’ve had some great conversations with you over the years about politics, and I’m so pleased that you’re here today.

You mentioned earlier Mr. Sterling, and he was our first presenter this morning. He made a comment about the way we do the estimates process, so I’d be interested to hear your feelings about going back to the system where each individual committee would deal with their estimates, as opposed to the way we do things today.

Mr. Sean Conway: Again, a good question, because when I got here—and it has to do with the size and scope of government. When I was here in 1975, there were people like the lovely Osie Villeneuve, who had been elected in 1948, a wonderful, good friend of mine, a Conservative member from Glengarry who had been here for almost 30 years, although he took five or six years out to be a federal member of Parliament. There were people like Don Morrow. Don was also elected in 1948. My

colleagues Harry Worton and John P. Spence were elected in the early 1950s. So you still had an institutional memory of people who remember coming to estimates.

The legislative session might be two and a half months long. The business of government was very lean. Think about it: no health care. The province was involved in public health and psychiatric facilities, but it was very, very limited. So the spending estimates were very manageable documents. You could be a very unschooled person and come in and understand it and ask questions.

I can remember being struck by how Mr. Bradley used to have a prominent constituent who would always warn the local politicians of not being “too pariochial,” but you could be very “pariochial” on these estimates, because the key word in Ontario provincial politics was “provincial”; there wasn’t very much that you needed a graduate degree to understand, and that brought people to the table. Again, the business was highway construction, it was agricultural supports, it was the development of northern Ontario, and it was really engaging watching people go through that.

1450

Then, of course, government exploded. I was going to say something about television, because what I found: Here, as everywhere else, people respond to incentives. You do work because you like the work, but you’d always like to do work for which you thought there would be maybe some reward or some incentive. After a while, why would you go and invest all of that work in something that nobody seemed to care about?

I don’t know when it started, but it probably started well back before most of you were here. My impression is that Parliament has essentially surrendered the idea of holding governments particularly accountable in ways that the old spending estimates imagined, both because the scale of it is just too big, and again, you need people to cover it. I don’t know what happens here today, but the committee that was the biggest committee when I got here was Thursday morning public accounts. But public accounts was a print story; it’s not a television story—with some exceptions.

The estimates: I remember going to the department of education, and I was horrified at the amount of time that the officials were spending to get ready for the estimates. I would say to them, “Listen, I would be one of the worst cases you would have to anticipate, in the old days, when I was an opposition member, and in my wildest dreams I wouldn’t expect you to do all this work.” I remember saying to the deputy, “Between the minister and the deputy, we should be able to answer 85% of the questions, and if young Mr. Clark asks a very good question about the public school in Mallorytown that we can’t answer, he’s a nice man, and if I say, ‘Sir, I will take that as notice and promise to get you a full answer within 24 or 48 hours,’ I’m sure that will be satisfactory.”

So the estimates process has gone from a period of time when most people, including front bench people—you weren’t just a committee. You’d come in; the esti-

mates of the department of lands and forests or agriculture were to be discussed. It was quite interesting how many people would show up. It wasn’t just the designated people from that committee. When I left here nine years ago, estimates seemed to be the grand national yawn, largely because there didn’t seem to be any incentive to doing all the work because there didn’t seem to be much credit.

I don’t want to sound too mercenary in the expectation or the assignment of credit, but it is hard to go and do a lot of work and your colleague is out in the hall putting on quite a show, and the R and T is full of that story and not the two weeks of hard work you’ve expended on the committee of X.

Mr. Steve Clark: Yes, exactly. The other thing that Norm brought up and we also asked former Speaker Milliken about is the Board of Internal Economy. We’ve had some discussions through our minority about changing the membership. Speaker Milliken spoke about their system where he was, in his capacity as Speaker, on that committee, and the fact that they dealt with it on a more consensus basis. I think he used the term that he maybe had to vote once in the entire time he was Speaker. Given your experience in the House leader position, what would you think would be a good system for the board?

Mr. Sean Conway: I don’t know what it is now, but I wouldn’t disagree at all with Mr. Milliken on that.

I would say to honourable members: When I think back to the old days, when there was considerable deference in the community, and, “That’s the business of Parliament and we don’t need to go there”—I found, towards the end of my 28 years, a keen interest among the good people of Tiny township and elsewhere as to how their monies were being spent. It was surprising sometimes how members—it was always a minority, but there was at least one in each caucus—had a kind of Marie Antoinette attitude to that and would get us all in trouble. So I think you do want to have as much consensus and as much transparency as you can have. It’s 2012; it’s not 1970 anymore.

My impression is, the public is not unreasonable. Where we get into trouble is just egregious misconduct, and I don’t mean that to sound like everybody is sinning all the time. In fact, my experience was that people were generally very good. I remember being furious with the Board of Internal Economy once—and I think one of the best things we do here, and I think they still do it, is publish the annual statement of members’ expenses. I would be so annoyed, because the press would be saying, “How come your long-distance phone calling is much higher than Mr. Bradley’s?” I’d say, “Because there are government tie lines into St. Catharines and none into rural Renfrew. That’s why. I’d like a big explanatory note. I want fair comparisons.”

I always felt that our northern members, and not just—I used to look at Noble Villeneuve. I thought, “How on earth does Noble cope with from Brockville to the Quebec border?” In some ways, that was worse than the northern ridings, because my friend from Cochrane

North—it has probably changed a bit, but a lot of those northern members were largely urban in the sense that Kap, Hearst, Cochrane and Smooth Rock Falls are probably 70% of the population of Cochrane district. There's a lot of territory up on the Hudson Bay shore. Getting there: I know only too well from talking to members over the decades here how time-consuming and expensive that can be.

I just always thought that you wanted out of the Board of Internal Economy as much fairness in reporting expenses, for example, as possible.

Mr. Steve Clark: I'll defer to Mr. Bisson, but I do agree with Ms. MacLeod that we should have Mr. Conway back.

Ms. Lisa MacLeod: If only to give us some background on this place.

Mr. Steve Clark: I love his history. It's great.

Mr. Gilles Bisson: Just a couple of quick comments and then I'm just going to get to some questions because we're out of time.

First of all, I agree with you. I wrote down in my book here, "Rule changes become necessary because of culture changes in the Legislature." I agree with you. We're trying to, by way of the rules, change the culture in this place. That's what's in my mind.

It's not just because we put television in the Legislature. It's not because of just any one thing. It's just that society has changed over the last—I've been here 22 years. I think back to 1990 and I look at politics today; it's a different kettle of fish because society has changed. The media is much different. They approach things in a much different way than they did back then. We now have social media where things are being tweeted and Facebooked by the infinitum every second. This place has much changed because of forces outside of this Legislature as well.

The other thing I would say is that, when we talk about the good old days of the Legislature, dating back to the 1970s, those two minority Parliaments, which I think are fascinating—1975 and 1977—they weren't all that good, when you talk to the likes of Elie Martel and Bob Nixon and others you knew. Those were pretty tough sledding, trying to find their way about how you make a Parliament work once you've come out of a majority of some 30-plus years, everybody groping, trying to find their way of, "How do you make this darn thing work?" in that particular time. It was at a time when members had no support: no constituency offices, no members' staff, very little in the way of support from the Legislative Assembly and the library and others. Members were left on their own.

You're right, because back then, the culture was different because so was our society. The government budget when I got here was \$45 billion. It's now \$110 billion. When you got here, it was probably about \$8 billion—

Mr. Sean Conway: Twelve.

Mr. Gilles Bisson: Twelve. I wasn't too far off. So what we did as legislators was a lot different back then

because of the sheer complexity of government over the years.

I look at, as I've been approaching this whole thing: How are you able to change the culture within this place by way of the rules? People may not agree with me, but that's the way I'm seeing it. I think one of the big things, and you've touched on it, is that we really need to figure out a way to do more things in committee and less things in the House. Committees, I think, are really where you can do the good work that has to be done.

I want your comments on a few things. One of the things that we've done over the years is that we've—never mind what we've done over the years. You made the comment that back in 1948 and through the 1960s, a person could go to committee and fly by the seat of their pants. Why? Because understanding the ministry of lands and resources at the time wasn't all that complicated. If you go in now as the critic and you're trying to understand MNR, it's a much different kettle of fish—pardon the pun—because their mandate is much expanded: the aggregate act, the Public Lands Act, the sheer volume of the ministry.

My point is this: One of the things that I'm thinking we need to do is that we need to have committees have specialties. The government should not be able to order bills to any committee that it chooses but rather should be able to order bills to specific committees so that you actually can build up some expertise on your committees and the committee members can become more knowledgeable about their critic portfolios. So let's say you're the critic for transportation or the parliamentary assistant to transportation. You're assigned to a committee that deals with your ministry and you do the estimates, so that you actually do build a bit of an expertise amongst members about what happens in those committees and how those ministries operate. I'd just like to get your views because you've lived in both.

1500

Mr. Sean Conway: Just two or three very quick observations. I should have said it earlier, and I'm going to sound a little hectoring when I say this, but I always like to remind members that you're called honourable members for a reason. Just remember that. It's amazing how many people forget that, and I did on occasion, maybe. The public actually expects it. They don't expect a saintly parade, but—and then secondly, I'm going to disagree with you a bit. I can tell you, you'll have the best intentions about specializing, and then something will happen—

Mr. Gilles Bisson: Yes, there are always exceptions.

Mr. Sean Conway: One of the things about the British parliamentary system that I think is the great appeal of it is that it is flexible, it is adaptable.

Having said that, there's absolutely no excuse—and this is where I lose all patience with some of my academic friends who come up with all these schemes to invest members of Parliament with more powers and more resources.

Let me just say this: It's a great job. What I want to know—and I'm not talking about, let's take this to the Dominion Parliament. I said to somebody not too long ago, what I'm interested in is, why do people not want to do the job? I think I know part of the answer: "If you're not a minister, you're dead; you're not alive." Well, I'm sorry. That's not the way the system operates. I was both a minister and a member of the Legislature. I have to tell you, having been out of it now for nine years and having been here for a long time, God, what a good job it was—maybe because I came from grad school. It was like a continuation of grad school, except the pay was better and the working conditions were vastly better, because you'd have smart people like Deborah Deller and others who do all the work, and you could come in and appear as kind of a down-country version of Perry Mason and appear to know what you were talking about.

So the point about now and over the last 20 or 25 years: Given the resources that flowed forth from the Camp commission, there is absolutely no reason in the world why a member who cares to do so cannot develop a good level of expertise about whatever subject they're interested in—understanding that in an assembly of 107 members, there are probably going to be at least 25% who would, like in the words of Bradley's former friend, want to be "pariochial." They just want to do the riding stuff, and there's nothing wrong with that.

I just keep looking at Parliament and Legislatures and say, I don't accept the argument that there is not the capacity to develop real expertise.

Mr. Gilles Bisson: Sean, I hear you. A lot of the members in this Legislature, as you well know, take interest in certain issues and they become experts on it. I think of Marilyn Churley with drinking water, Mr. Phillips in regard to what happened at Ipperwash etc. But my point is, is there a value, in your mind, that you build an expertise on committees so that in fact you can do the kind of work that needs to be done to scrutinize government and to do the things that need to be done better?

Mr. Sean Conway: If there is a value, it's secondary. The primary value will rest with members who just seize the opportunity and apply their general and specific expertise and energy.

Mr. Gilles Bisson: Okay. You've answered the question.

The second thing is, one of the things that's happened here over the years—and it's not just here in Ontario, but it has happened overall—because government has gotten more complex over the years, we've started to delegate away the authority of the Legislature to regulation. I just want to get your thoughts on that. Is that, in your view, a slippery slope or is that just naturally what has to happen in a complex society?

Mr. Sean Conway: I think members of Parliament, members of any Legislature in the British tradition, are right to be worried about a very steady, consistent erosion of parliamentary oversight and, conversely, the growth of executive power. To be perfectly frank, if the Premier's office or PMO people were here, they'd say,

"Well, have you had to cope with the 24-hour news cycle?" That's a legitimate issue, and I think we've all seen it. But I think there's a serious problem with the structure of traditional the-King-and-Parliament government. I don't know what the solution to it is, but I can see why people start talking about some kind of congressional-style counterweight to the endless accretion of executive power.

Mr. Gilles Bisson: It's an interesting study in history because it's almost as if we're running back to the past in a funny kind of way with the—

Mr. Sean Conway: Again, the past is not what you think it was.

Mr. Gilles Bisson: No, I hear you. I understand what you're saying.

Time allocation: You were here at a time where there was a less robust use of time allocation, to where it became, through certain Parliaments, without pointing fingers at any particular party, a use of time allocation on every bill. Your thoughts?

Mr. Sean Conway: Listen, when I got here, it was rare. But then, when I got here, we didn't do anything for the first two months of the fall session or the spring session, and we sat all night for 10 days. Literally, we would go all night. It was the craziest, zaniest behaviour imaginable. You look incredulous, sir, and you should. It was just worse than the worst cramming session you ever knew in university.

I remember—how shall I say this politely? It wasn't always clear liquids that were being consumed late into the evening. I was always amazed that more accidents didn't happen on the way to the forum.

I think that time allocation—

Interjection.

Mr. Sean Conway: Well, it is, and I think—

Mr. Gilles Bisson: It's very true.

Mr. Sean Conway: I can remember sitting here thinking, "I hope somebody knows what's going on here," because at the end—and I think we were very well served then, as you have been since, by very able clerks at the table, because somebody, hopefully, was paying attention to what was going on at 4 o'clock in the morning; there were two or three card games going on and about three people really paying attention.

So I think time allocation—listen, I was guilty. You're going to have to work out—you can't go back to the 1950s, and you've just simply got to find ways. In most cases, in my experience, both sides kind of agreed what was an appropriate amount of time. There was always somebody—"Conway's got yet another speech he wants to give." "Well, he's had three hours. Tell him to go and take the noon balloon to Rangoon." In most cases, there was an understanding of what was sort of reasonable.

You've just got to find ways to get at that, and every so often you're going to have an eruption that's going to make some people angry. Hopefully, you'll recover and move on.

Mr. Gilles Bisson: So it's pretty hard to put the genie back in the bottle, as we all know.

Mr. Sean Conway: Yes.

Mr. Gilles Bisson: One of the things that you said, I wrote down. It's essentially that you need agreement on time needed to pass a bill rather than time allocation, but the government must get its agenda through. I agree with you. In the parliamentary system, the executive must, at the end of the day, be able to govern, but the opposition needs to be able to question.

That being the case, is a programming-motion style of approach, in your view, helpful towards not having to do time allocation? In other words, an agreement between the House leaders is sought in order to say, okay, in the fall session, the government's got six bills that it absolutely wants to pass, X amount of bills that it wants to have in committee and X amount of bills that it needs second reading on; therefore, let's agree on some sort of mechanism that will allow us to get to where we want so that the opposition gets to do that scrutiny but at the end of the day, the government gets its way.

Mr. Sean Conway: It sounds to me like programming motions have become fashionable in the last 10 months. Would I be right in saying that?

Mr. Gilles Bisson: No, it's the first one we did. We just negotiated it this spring.

Mr. Sean Conway: That's my point, that they've become—

Mr. Gilles Bisson: Oh, I thought you meant we'd done it for 10 months.

Mr. Sean Conway: My experience is that minority environments make everyone a little more elastic about their tolerance—and whatever works. I mean, you've got to—

Mr. Gilles Bisson: You've lived through those two pretty momentous minority Parliaments—the accord is a different kettle of fish, but the 1975 and the 1977 minorities, and seen what's going on now and the change of culture, la-di-da-di-da. Even if there was a majority, at the end of the day, the opposition still has—and even if I'm the government—the ability to hold you to task on what you're doing. That's the parliamentary system. So the problem now is that essentially every minority Parliament, since time allocation has been put in place, has passed all of their agenda by way of time allocation.

1510

Mr. Sean Conway: Yes.

Mr. Gilles Bisson: And I don't think that's healthy. My question to you is, if you can't put the genie back in the bottle, in your experience, is programming a way of moving forward or is there something more clever you've thought of?

Mr. Sean Conway: I'm not sure I understand what the programming motion is. In my head, it's just simply, "Listen, we've got to get this much work done and we've got to figure out how we do that." It sounds to me like a programming motion is one where you've got a fair degree of—

Interjections.

Mr. Sean Conway: Yes. That's what I would expect it to be, in which—

Mr. Gilles Bisson: But the difference is, it's one agreed to by the parties. There's a difference between time allocation and programming, in my view, because there has to be give and take. The government says, "I want Bill 5 and I want it done by December whatever," and the opposition says, "Okay, we'll give you that, but in exchange we want more committee on Bill 6." So there's an agreement about where you're going to spend your time.

Mr. Sean Conway: But in my day, you only got to a time allocation after you had this kind of a conversation and there were a variety of unspoken quid pro quos, as we'd say in Shady Nook.

Mr. Gilles Bisson: I see the Clerk jumping up and down.

The Clerk of the Assembly (Ms. Deborah Deller): I don't know whether I'm going to help or hinder here, but I think where the difference lies is that currently, under our rules, a time allocation motion can be introduced by the government after there have been six hours of debate at second reading and then the debate on that motion is limited to two hours, so the government can do it unilaterally. Whereas with respect to the programming motion that Mr. Bisson is talking about, it really does require some buy-in from the other parties before it's possible. Otherwise, it can be debated ad nauseam.

Mr. Sean Conway: That's a very helpful clarification, and I would always say to members that you want to debate a substantive issue at debate rather than something else. That would be my preference. Usually the Chair is pretty tolerant. If you were sitting in the gallery you'd think the debate on the technical matter is in fact the debate on the substantive matter. Again, I just defer to your good judgment and your current experiential environment, because I know how this is going to get resolved: You're going to have to get to a table and you're going to have to figure out a way to do the business.

Mr. Gilles Bisson: Another question in regard to Bob Welch, Elie Martel and Bob Nixon, all of whom we knew: Is it right to say that Davis, as the executive, allowed the House leader to figure out how that stuff was going to work its way through the House rather than the executive trying to tell the House leader what to do?

Mr. Sean Conway: You'd certainly have to go to Brampton and ask Mr. Davis for the answer to that. But my impression was that Mr. Davis had a high degree of confidence in Mr. Welch, and Mr. Welch had an enormously good reputation with the people that mattered most. Mr. Nixon and Mr. Davis, in 1975, did not have a good relationship. Mr. Welch and Mr. Nixon had a very good relationship, and that really mattered.

Mr. Gilles Bisson: But would it be fair to say that the Premier would say, "Here's the stuff that I'd like to get," and the House leader for the government would work it out with the opposition House leaders and it was left to them to figure out how to make it work out?

Mr. Sean Conway: You probably haven't had this experience, but let me just make this observation. Executive government that is accustomed to majority

government needs a very thorough, regular education of parliamentary government once a minority environment obtains. It is amazing how many people—"What? No, no. It's not like it was before the election." Actually, it's a new reality. You think this would sink in with people. It has been my experience with all parties. I can understand why. Think about 1975. The political environment also matters. In 1975, going into that election, it does produce the first minority in memory. But it was a very unusual minority in that, first of all, Mr. Davis survived. The expectation was, he wasn't going to survive. So he's still in government in a way that Frank Miller could only have hoped for 10 years later, when Mr. Miller had more seats and more votes, as I recall, and Stephen Lewis and the NDP are in second place. The Liberals, who are thought to likely win the election, were in third place. So you've got a very, very unexpected result all around. Quite frankly, I think I can say this: At the zenith of his political success, Stephen Lewis wants out. That 1975-77 situation was very unusual. But I do know from friends of mine who were involved with the government, and you should maybe get Steve Pengelly to come up here because Steve worked as Mr. Davis's legislative—but I've heard enough, and I can believe it, because I can remember what it was like, even with the accord, trying to explain to people that minority government is different than majority government, especially for people who were seized of executive functions. That's going to happen regardless of who's in government. If you've gone from majority to minority, there's a real potential for accidents, because the reality doesn't always sink in to people who are advising government.

The Chair (Mr. Garfield Dunlop): Okay, Gilles, can we get a couple more questions in from the—we've got a couple of quick questions here from the government members' side. We apologize for running overtime here, but these are very interesting points. Tracy?

Ms. Tracy MacCharles: Thank you. It's wonderful to see you again. Probably when you come back, if you come back, which I'm sensing a lot of support for, I'd love to chat more about the transparency of the assembly and its business, the education process from the outside in and how, in your view, we can enhance participation in the daily business of government, whether it's people making deputations at committees or, even better yet, getting people more excited about being a member of Parliament and hopefully getting our assembly to be more reflective of the demographics we serve. I think there are a lot of questions around there, and around youth.

I continue to be shocked by some learned friends of mine, since I was elected, who say, "How come there's nobody in the House when you are debating something very, very important?" They translate that to disrespect, somehow, that people have chosen not to participate in meaningful debate, when in fact they are on important committee work or what have you, or they don't know quorum rules.

Some of it goes to the education thing, the pros and cons of TV, the transparency issues, continuing to build what we do in our province around engaging youth in civics and education and those kinds of things. I'm not actually expecting you to comment on all of that.

Mr. Sean Conway: Don't despair, because it has always been like that. Your job is a lot tougher today than it was when I came here 37 years ago.

I will just make this observation: I remember on more than one occasion going home on a Friday and meeting somebody that I knew—in one case, a particularly prominent member of the educational community. I met him on the main street of town X, and he said, "God, I hope you gave that Mulroney a piece of your mind this week." I smiled and said, "Well, it has been an interesting week." I thought, "This school principal got part of it right." He knew that I was in politics. That he didn't quite distinguish between Ottawa and Toronto—you know, he's busy. I didn't dwell on it too much.

Ms. Tracy MacCharles: Just lastly, I just want to say thank you so much for participating. I think we could all listen to you for the rest of the day, if time permitted. It's really insightful to look back. I think there are many lessons we learned from that, and I think you're helping us look forward at the same time. I just want to say thank you for that.

The Chair (Mr. Garfield Dunlop): Thank you, Tracy. Bas, you have a question too?

Mr. Bas Balkissoon: Yes, I just want to have one question. Thank you for being here. It's good to see you again.

As you were chatting with us, I'm sitting here thinking that I kind of agree with you that every member who's here in the elected Parliament, if they have an interest to actually learn about the ministries and the inner workings and the estimates and everything else—yes, you could do it. The problem I find, though, and I just want your comment, is when I look at the House schedule we have for the amount of days we actually sit, and in a minority situation we end up just warming that seat in there more often than not; the structure of our committees; then my colleagues on the other side asking a lot of questions about more select committees or more special policy committees; and then the fact of the number of question periods we all must be present at, because it's a rah-rah cheering session. When I really look at it, for those of us who are elected on the government side, the only opportunity we have to learn about a particular ministry we may be involved in, or other ministries, is the summer recess. To me, the learning process is not one that you could compact into a month or two. When the issues are happening in a particular ministry is the best time to go there and have a briefing with someone or a walkabout or whatever, and I'm finding it difficult that it doesn't exist here, I think strictly because we're playing to the media, we're putting ourselves in front of the media too often, and we just don't have the time to do the real work that the public expects us to do and to gain knowledge of.

1520

When you came here in 1975, what was your assessment of your time in actually getting involved in the individual departments?

Mr. Sean Conway: To govern is to choose, and that's just not a matter for the executive; I think we all do that personally. You can't be all things to all people. When I got here I was interested in energy issues, partly because I had big hydro dams and a nuclear power station, a research station. My experience was that most members would gravitate to two or three areas of interest. That would be my advice: Pick things you're interested in, maybe some where you have not as much understanding and you just want to learn, because it's a great learning—there's a didactic function. Parliament, in the 19th century in Britain, was a great continuing education. It was the way in which people got to learn things about public issues. We sometimes forget about that. I think it has become a little too much a school of theology and maybe not as much a school of antiseptic learning, I might say. So you've got to pick areas that you're interested in and that might be available to you. If you're from Scarborough, you might be interested in—well, I don't know what you're interested in. But you'll have your interests and you should try to pursue those.

I can remember, for example, there was a famous committee looking at the McMichael gallery. I wanted no part of it, and I was just told I was going to be on the committee. I went, and 30 years later, to this day, I cherish that three-month experience because I met arguably the greatest lawyer in Canada at that time, J.J. Robinette, who was acting for the McMichaels. Mr. Robinette came to me one day, in this room, and said to me, "My client has a friend who'd like to talk to somebody on this committee, and I thought you might be the person to go and see this person." I was, of course, very flattered. I was just there to behave myself; what I knew about Canadian art you could put on the back of this cellphone. I had this idea that the person involved was some place north of Sudbury or whatever, and I said, "Well, how far away is this person?" He said, "The person actually lives in north Toronto. You might know this person. His name is A.J. Casson." So two rainy afternoons in, I think, November of that year, I spent with the last living member of the—just an absolute delight. I didn't want to be on that committee. I got to know J.J. Robinette, and I got to meet A.J. Casson. Well, talk about a lottery win. So you just don't know.

You do have to make some choices. There is very good research capacity here now, better than it ever was when I got here in 1975. I would strongly encourage members, particularly members who are members of the Legislature not directly involved with the ministries, to get up there and avail themselves of those resources.

Back to Ms. MacLeod's question: One of the things that I think has produced unintended consequences—in some ways, we've almost over-resourced members. It got to the point 15 or 20 years ago of, "Well, I would never write a speech. I'm here to deliver text that somebody has

prepared for me." That is the absolute contradiction of what the parliamentary function is, in my view. There used to be a rule—Deb can help me; it's probably gone now from the standing orders: "Thou shalt not read a speech," with the possible exception of the Chancellor of the Exchequer, who every spring will deliver the budget speech.

My experience was, if you wanted to do the work, if you wanted to get your hands into something, generally speaking, there was no great constraint.

Remember, I spent my first 10 years in the opposition. There's no question; I suspect an enthusiastic member of the government backbench who wants to do that is probably going to meet somebody from the minister's office who is going to wonder about their enthusiasm and how it might be more appropriately channelled and controlled.

The Chair (Mr. Garfield Dunlop): Anything else, folks?

Mr. Bas Balkissoon: No, that's it. Thanks very much, Sean.

The Chair (Mr. Garfield Dunlop): Sean, thank you so much for taking the time today. It has been very interesting and very enlightening for us all. I think we'll have to discuss whether, if you would find the time to come back—we just nicely got into everything with you. But with that, thank you very much. We'll carry on with our deliberations and our attempt to look at the standing orders.

Mr. Sean Conway: Can I make one last comment? I should have made it earlier, and I'll be very quick. One of the other things someone had said about what it was like in 1975, the one thing that I remember I didn't like when it first started to happen—because you can imagine, I was not exactly a shrinking violet back then. I remember those front bench—and I think particularly of the NDP front bench. There were two people who became very important in a very positive way in my life: Jim Renwick and Don MacDonald, two very distinguished members who, I found out later, really had a bit of a tense relationship, one with the other. But they were very, very distinguished members. I always remember being bad or yappy and Renwick just turning around and giving me "the look." There was no standing order, there was no anything that a House leader could have given me, other than the look from those front bench people. If you were here about two days, you figured, "Those are the good people."

It was kind of like your dear Aunt Maud. You didn't want her looking back at you like some truant schoolboy. Maybe that's gone for good, but I tell you: Mentors, when I look back 30 years—Jim Auld from Brockville was just a marvellous guy with whom I was very bad one day. One of the great regrets of my life was misbehaving with Jim. But those people were really important in terms of creating a culture of, "Smarten up," and, "You've got a good role to play here. Learn to do it and do it well." Thank you.

The Chair (Mr. Garfield Dunlop): Thank you.

Folks, we're back here on the 24th and 25th of July. We'll call together a subcommittee meeting to lay out the plans for it.

Mr. Gilles Bisson: Just so we understand the process, we're coming back here at the end of August—

The Chair (Mr. Garfield Dunlop): In July.

Mr. Gilles Bisson: July, I should say; excuse me. One of the things that I was going to do is go away and put some thought to, what can we start thinking about as far as recommendations? I would hope other caucuses would do the same. We don't have to come up with a definitive in those two days, but I think we should at least start the discussion.

As far as other people to be heard, are there other deputants, Clerk?

The Clerk of the Committee (Mr. Trevor Day):

From the original list, who we didn't get to or weren't able to get yet would be Australia, Scotland and Mr. Kormos.

Mr. Gilles Bisson: Kormos will probably not do it if he has not gotten back to you now. You may want to talk to Elie Martel, because he served in that minority Parliament as House leader.

The Chair (Mr. Garfield Dunlop): We were talking earlier today about this, Gilles, and about getting an executive summary of what we've done up to this point, coming from the clerk.

Mr. Gilles Bisson: I'm not sure—

Mr. Bas Balkissoon: We should have both. An executive summary will give us some thoughts.

The Chair (Mr. Garfield Dunlop): We just thought there was some time to—

Mr. Bas Balkissoon: I have a lot of notes, but I'm sure the executive summary will probably capture everything so we make sure we don't miss it.

Mr. Peter Sibenik: Are you wanting a summary of the presentations? Is that—

Mr. Gilles Bisson: I personally don't need that. I don't know about the rest of you.

Mr. Bas Balkissoon: I would say, if it's just circulated to us.

Mr. Gilles Bisson: No, but do members want it? Because it's a fair amount of work. Do members want that?

Mr. Bas Balkissoon: I do.

Mr. Gilles Bisson: Okay. Well, then, it's going to happen. One member wants it; that's all that matters here.

The Chair (Mr. Garfield Dunlop): I would like it too. I'd like to analyze everything—

Mr. Gilles Bisson: Yes, that's fine. That's okay. Everybody has their own way of working.

What I just want to be clear with committee members and especially our subcommittee members is that we'll have time to do hearings—there was a good suggestion about doing some of that in Ottawa. When we travel to Ottawa during the AMO conference, we can meet up with Mr. Franks and others whom we may want to talk to at the time, but I would like to start a conversation next time we meet about where we have agreement, where there is possible agreement, etc.

The Chair (Mr. Garfield Dunlop): All right; I think that's it. We'll plan that through the agenda of the next two days in late July.

Okay, folks. Thank you very much. The meeting is adjourned.

The committee adjourned at 1530.

CONTENTS

Wednesday 4 July 2012

Standing orders review	M-223
Mr. Norman W. Sterling	M-223
Hon. Peter Milliken.....	M-232
Hon. Dan D’Autremont; Mr. Gregory Putz	M-242
Mr. Sean Conway.....	M-252

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Chair / Président

Mr. Garfield Dunlop (Simcoe North / Simcoe-Nord PC)

Vice-Chair / Vice-Présidente

Ms. Lisa MacLeod (Nepean–Carleton PC)

Mrs. Laura Albanese (York South–Weston / York-Sud–Weston L)

Mr. Bas Balkissoon (Scarborough–Rouge River L)

Mr. Gilles Bisson (Timmins–James Bay / Timmins–Baie James ND)

Mrs. Donna H. Cansfield (Etobicoke Centre / Etobicoke-Centre L)

Mr. Steve Clark (Leeds–Grenville PC)

Mr. Garfield Dunlop (Simcoe North / Simcoe-Nord PC)

Mr. Jeff Leal (Peterborough L)

Ms. Lisa MacLeod (Nepean–Carleton PC)

Mr. Jonah Schein (Davenport ND)

Substitutions / Membres remplaçants

Ms. Dipika Damerla (Mississauga East–Cooksville / Mississauga-Est–Cooksville L)

Ms. Tracy MacCharles (Pickering–Scarborough East / Pickering–Scarborough-Est L)

Also taking part / Autres participants et participantes

Ms. Deborah Deller, Clerk of the Assembly

Clerk / Greffier

Mr. Trevor Day

Staff / Personnel

Mr. Peter Sibenik, procedural clerk,
Journals and Procedural Research Branch