

Speaker's Ruling

The Right of Legislative Secretaries to ask questions during Question Period, Speaker Arnold Tusa, Saskatchewan Legislative Assembly, August 6, 1987.

Background: On July 30 the Member for Saskatoon Riversdale (Roy Romanow) raised a point of order concerning the admissibility of questions from legislative secretaries. The right of such members to ask questions has been an issue in Ottawa and in other legislatures. The Speaker outlined some reasons why House of Commons precedent does not necessarily apply to a provincial legislature.

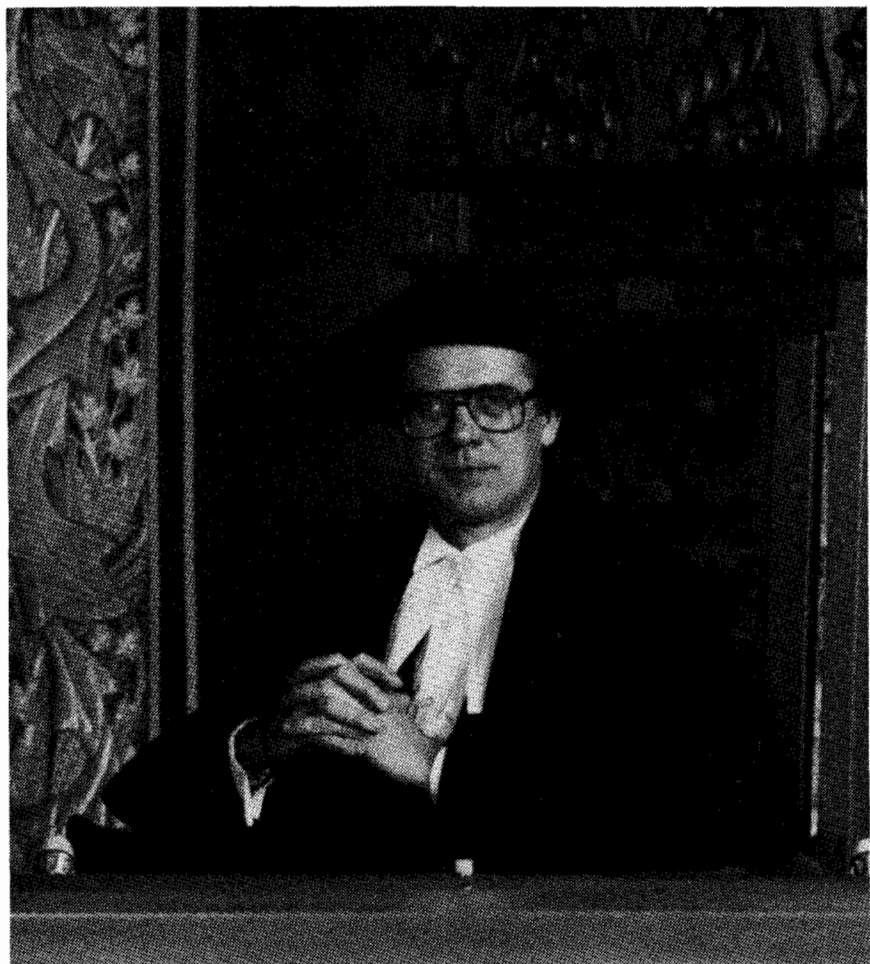
The Ruling (Speaker Arnold Tusa): Oral questions are a relatively new element in the parliamentary process, particularly so in Saskatchewan where we have had our current form of time-limited Question Period only since 1975. It is not surprising then that this House has no specific rules or precedents to guide the Chair in this matter. With this in mind, I listened with interest to the comments made by various members on the point of order.

Before dealing with the specific issue respecting legislative secretaries I want to clarify the broader issue respecting the rights of government private members in Question Period. In raising the point of order the Member for Saskatoon Riversdale indicated that Question Period was not the appropriate forum for "government Members who have easy access to members of the cabinet, both in caucus meetings and in other forums." I want to make it very clear that government backbenchers have the same rights as backbenchers of other parties to ask questions. This is based on the fundamental right of every Member to be heard and is supported by precedents in this House. I refer Honourable Members to a ruling of the Chair dated December 9, 1975, which states that "It is the right of any Private Member to ask oral

questions." While in practice the number of questions is always firmly weighted to the opposition side of the House, it is important to remember that the rules of parliamentary procedure do not require or assume that all Members of one party

speak with the same voice. Moreover, it is important to give Private Members the opportunity to raise in the House issues which concern their constituents.

Now I want to turn to the question of whether it is appropriate for legislative



secretaries to ask questions in Question Period. In this Assembly, since May of 1983, at least eight questions have been asked by legislative secretaries in Question Period. In all cases, except for the one last week, the questions were allowed and no points of order were raised. None of them were put to the legislative secretary's own minister, except for the last one asked on July 30, 1987 by the member for Kelvington Wadena, and in this case it should be noted that the member is the Legislative Secretary for the Premier, as the President of the Executive Council, while another member is Legislative Secretary for the Premier, as Minister of Agriculture.

The practice of the Canadian House of Commons was referred to in the point of order and in the ensuing discussion, and therefore, it may be useful to trace how the House of Commons practice in this area has evolved.

Initially, parliamentary secretaries were allowed to ask questions as well as to answer them. On March 6, 1973, Speaker Lamoureux ruled that parliamentary secretaries had the same right as other Members to ask questions, although he expressed some reservations about the

propriety of this in certain situations. Despite this ruling, it appears that it was not considered appropriate for a parliamentary secretary to ask a question of his own minister.

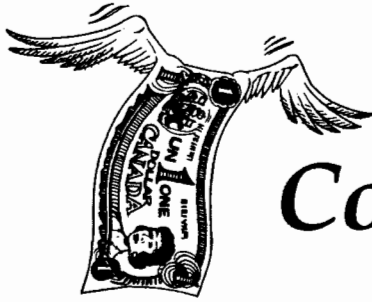
On November 5, 1974, Speaker Jerome ruled that "those who are clothed with the responsibility of answering for the government ought not to use the time of the Question Period for the privilege of asking questions of the government." Since that time it has become the accepted practice that parliamentary secretaries are not permitted to ask questions in Question Period.

In Saskatchewan the role of legislative secretaries, while still evolving, does not and has not, in practice, included the role of answering for, or acting for the minister in the House in the minister's absence. Thus, the House of Commons situation where parliamentary secretaries were able both to ask and to answer questions does not arise here. A further distinction between legislative secretaries and ministers should also be made. A legislative secretary is responsible only to his or her minister for subjects within the minister's area of responsibility, unlike cabinet ministers who are collectively

responsible for the operation and policies of government as a whole.

In view of these differences in practice, I find it would be inappropriate to apply the current House of Commons practice rigidly to this Assembly. Based on our more restricted role for legislative secretaries, based on our past practice, and based on the realization that Question Period is more than just a forum for seeking information, it is my view that, on rare occasions, legislative secretaries could be recognized to ask questions in Question Period. However, such questions should only be directed at ministers other than the one for which the Member serves as legislative secretary. The duties of a legislative secretary, and the special relationship that exists between a legislative secretary and his or her minister and department make it highly inappropriate for the time of Question Period to be used by a legislative secretary asking questions of his or her own minister.

While this ruling may be appropriate under current circumstances, this practice may need to be further restricted as the role of legislative secretaries evolves.



Public Accounts Committee Activity

Conference of Canadian Council of Public Accounts Committees

The ninth annual conference of the Canadian Council of Public Accounts Committees was held in Quebec City from July 5-9, 1987. In attendance were 34 parliamentarians who had as part of their legislative assignments membership in their respective public accounts committees and eight clerks, researchers and observers.

The conference was opened on Monday, July 6th with remarks from Jean-Guy Lemieux, President of the Council and Chairman of Quebec's Budget and Administration Committee.

A round table discussion ensued revolving around the actual operation of public accounts committees from each jurisdiction; each delegation presented a concise overview of the method of operation and the results of their work over the past year.

Mr. Lemieux began the afternoon's session with a speech posing several questions for the council to consider: "to what extent does the fact that a civil servant has been appointed under a particular government affect the reaction of parties with regard to the civil servant? Might there not be a tendency to blame the government that appointed him? What would be the consequence for civil servants of inadequacies revealed by a committee? Could penalties be imposed? If a distinction were to be established between sectorial administrative units that are centralized (ministries) and those that are decentralized (public bodies), in what way would accountability be different, taking into consideration the different degree of involvement of the minister?"

The session sparked intense debate among the delegates.

On Tuesday, July 7th, the subject of comprehensive auditing, its background, characteristics, methods, limits, strengths, weaknesses, and recent experiences provoked a frank discussion between those jurisdictions employing this audit method and those who currently do not.

The Council debated the application of comprehensive auditing in Canada in light of economy, efficiency and effectiveness issues, holding the executive arm of government accountable, while striking a balance between the cost of the audit and the results used by parliamentarians in an evaluation of government expenditures.

Mr. Lemieux said, "We must remember that requests made to the legislative auditor for comprehensive auditing may be much more urgent than in other cases. The reasons are simple: on the one hand, such an examination concerns the whole management of the chosen administration and becomes an important instrument of accountability; on the other hand, a comprehensive audit of a ministry or public body is carried out only every four or five years. Consequently, there may well be a delay between the time deemed useful for the study by the public accounts committee and the time it is actually carried out.

It should be noted that if each ministry or public body is submitted to a comprehensive audit only every four or five years, the reason is the choice of the audit cycle which is established in a manner to permit the audit of all respects at least once during the regular length of a legislature. This method of proceeding is related primarily to reasons of cost, and probably attempts to reduce the rather inevitable disturbance of operations caused by such an exercise."

The Council pondered the relevancy of comprehensive auditing in the context of comprehensive audits made on the request of public accounts committees and the importance attached to the annual or common plan between public accounts committee and legislative auditors.

Since its inception, the Canadian Council of Public Accounts Committees (CCPAC) has held its annual conference coincident with but not part of the Conference of Legislative Auditors. The only substantial common venture between the two associations is a joint meeting between them to discuss issues of mutual interest and concern.

This year, an afternoon joint session consisted of a review, started last year at the suggestion of Willard Lutz, Provincial Auditor for the Province of Saskatchewan of the expectations gap as it relates to legislative auditors and members of public accounts committees. It was said that expectations were not realized primarily due to mutual misunderstandings, political and philosophical - in what was described as a complementary relationship where each group assisted the other in reaching its primary objective.

The Yukon Public Accounts committee produced a paper entitled, "Follow-up: The Paper Chase Phenomenon" presented by Willard Phelps, MLA, Chairman and Leader of the Opposition. In it, Mr. Phelps informed the council of procedures the Yukon public accounts committee had revised in order to expedite the committee's follow-up process.

As a result, twelve recommendations by the Yukon committee out of a total of eighty-eight proposed since 1980 are considered in Phelps' words "not fully