

GUIDE FOR PARLIAMENTARY SECRETARIES

Canada

**Privy Council Office
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I. INTRODUCTION

As a parliamentary secretary, you serve as a key representative of the Government and as an integral link between ministers and Parliament. This guide is intended to provide you with basic information about your role and the rules and regulations relevant to your position. It is meant to supplement and elaborate on the general principles and direction provided in *Open and Accountable Government*, and should be read in conjunction with that document.

II. YOUR ROLE AND RESPONSIBILITIES

Section 47 of the *Parliament of Canada Act* sets out the following succinct job description: "The Parliamentary Secretary or Secretaries to a minister shall assist the minister in such manner as the minister directs." In this context, the responsibilities of parliamentary secretaries generally fall into two broad categories: (1) House business and (2) department-related duties.

While parliamentary secretaries may explain their minister's policies, they cannot be delegated their minister's statutory "powers, duties and functions." Overall responsibility and accountability remains with the minister. They may also be called upon to support other ministers in the portfolio. Parliamentary secretaries are not members of the Ministry and therefore do not play a formal role in the Cabinet decision-making process.

A. House Business

The main responsibility of a parliamentary secretary is to assist the minister in carrying out his or her duties in the House and to speak on the Government's behalf when issues arise in the absence of the minister. You should be familiar with the Standing Orders of the House and the procedures and practices that govern committee operations.

Because parliamentary secretaries support ministers in carrying out their House duties, it is important that you also be familiar with ministers' duties in the House.

In this context, the role of parliamentary secretaries in supporting ministers' House duties includes:

- attending Question Period;
- piloting the minister's legislation through the legislative process on the floor of the House, in parliamentary committees (although parliamentary secretaries do not vote on committees that fall under their responsibility as parliamentary secretary), and with caucus and opposition MPs;
- supporting the minister's position on Private Members' Business;
- supporting the minister on committee issues and appearing before parliamentary committees;
- liaising with caucus members and other parliamentarians on behalf of the minister; and
- carrying out other House duties assigned to them and coordinated by the Government House Leader, such as participating in "Late Show" debates, leading the Government's response to Opposition Day motions, and responding to Parliamentary Returns.

1. Question Period

In the absence of the minister, parliamentary secretaries may answer questions on the minister's behalf—although questions relating to government policy may be taken by the acting minister.

Parliamentary secretaries should not be absent from Question Period at the same time as their minister. It is therefore important that you coordinate your absences from Question Period with your minister, the Government House Leader's office, and the Chief Government Whip.

2. Legislation

a) Legislative Program

Although its direction is determined by Cabinet, the legislative program is ultimately the responsibility of the Prime Minister. In this regard, the Prime Minister is assisted and advised by the Government House Leader, who coordinates the program and the process of translating policy decisions into bills on behalf of Cabinet.

Following Cabinet approval of a minister's policy proposal, a bill is drafted by the Department of Justice to reflect the Cabinet policy decision. The Government House Leader has delegated authority to approve the introduction of the bill in the House.

As directed by the minister, parliamentary secretaries aid in advancing the legislative program by consulting and briefing opposition critics on the proposed legislation.

b) Responsibilities

Parliamentary secretaries assist ministers in steering Government legislation through all stages in the House and, where appropriate, through the Senate.

They may also personally pilot non-controversial legislation that does not involve major policy on their minister's behalf. In conjunction with the Whip, parliamentary secretaries may be asked by their ministers to ensure that a roster of Government members is available and prepared to speak on Government legislation. However, parliamentary secretaries may not move or second the motions by which a bill progresses. Only ministers can move and second.

When legislation is being conducted through the House by their minister, it is customary for parliamentary secretaries to be in the Chamber. Parliamentary secretaries may give the Government's position on amendments proposed by the opposition parties during committee consideration and at Report Stage. Particularly at the committee stage, the parliamentary secretary is called upon to explain legislation and to represent his or her minister's views, and to manage the progress of the bill through the committee process.

3. Private Members' Business

Given that ministers do not generally participate directly in debates on Private Members' Business, this is an opportunity for parliamentary secretaries to bring their parliamentary skills to bear. This is particularly so since all Private Members' Business comes to a vote.

Parliamentary secretaries play a key role in the Government's handling of Private Members' Business, in that they:

- may be called upon to speak for the minister during Private Members' Hour;
- work with the Government House Leader's office to organize and deliver the minister's response to Private Members' Bills and motions;
- keep track of parliamentary support for particular items and liaise with opposition critics and caucus members;
- act as liaison between members of the Government caucus and the minister's office to assist members with the development of their Private Members' items that fall under the minister's responsibilities;
- support the minister in presenting proposed Government positions on Private Members' items at Bill Reviews held by the Government House Leader, and in presenting the Government's position to caucus before the first hour of debate on items; and
- ensure that any contentious issues are brought to the attention of their minister and the Leader of the Government in the House of Commons.

Since a parliamentary secretary acts as a representative of the minister whom he or she is appointed to assist, the Standing Orders do not permit parliamentary secretaries to sponsor Private Members' Bills or motions, as this could give the appearance of endorsement by the Government or the minister.

4. Standing Committees

In light of their Government duties, parliamentary secretaries do not chair standing committees. For the purpose of clarity, a parliamentary secretary cannot be, or stand in for, a voting member of a committee that falls under their responsibility as parliamentary secretary.

The parliamentary secretary's key role in relation to a standing committee responsible for reviewing his or her minister's department is to:

- provide leadership on Government issues to the members on the committee;
- in the absence of the minister, explain and defend the minister's position before the committee;
- assist in providing information on the Estimates of organizations in the minister's portfolio and any other administrative matters; and
- where appropriate, facilitate public service appearances before the committee and intervene if necessary to address political issues that may arise.

5. Parliamentary Returns

Ministers are accountable to Parliament for the Parliamentary Returns they provide, such as written questions, petitions, and notices of motions for the production of papers. The importance of this ministerial responsibility is described in *Open and Accountable Government*, which states: "In the context of their accountability to the House of Commons, ministers are required to answer parliamentary questions within their areas of authority and to correct any error at the earliest opportunity."

Ministers may delegate their responsibility for approving Parliamentary Returns to their parliamentary secretary. In such instances, parliamentary secretaries would work in conjunction with the departmental branch responsible for Parliamentary Returns and the minister's political staff to expedite the response to Parliamentary Returns such as written questions, petitions and notices of motions for the production of papers. This often includes

discussion with the questioner or mover, and may include approval on behalf of the minister of the substance of the answers given to motions, petitions and questions.

Under Standing Order 39, Order Paper questions must be responded to within 45 days, or the matter of the failure of the Ministry to respond shall be deemed referred to the appropriate standing committee. Parliamentary secretaries therefore have a key responsibility in ensuring that responses are prepared and tabled within the deadline.

Given that the parliamentary secretary is acting on behalf of the minister and Government on these matters, it is not appropriate for parliamentary secretaries to bring forward written questions or motions for production of papers during their tenure. As well, you should not present petitions that relate directly to your minister's portfolio, nor should you petition your minister. Rather, you can arrange for a member of caucus who is not a member of the Ministry or another parliamentary secretary to table the petitions on your behalf.

The parliamentary secretary to the Government House Leader usually tables the Government's answers to members' written questions.

The tabling of documents such as annual reports and Government responses to committee reports is often delegated to the parliamentary secretary of the concerned minister.

6. Adjournment Motions under Standing Order 38 ("the Late Show")

Ministers usually call upon parliamentary secretaries to respond for the Government to these questions, generally with a text prepared in the department. You are responsible for finding a replacement in the House if you cannot be present.

7. Opposition Days

The minister, rather than the parliamentary secretary, is the Government's primary respondent to motions on Opposition Days. However, the minister may ask the parliamentary secretary to speak during the debate of an Opposition Day motion and to organize the debate on the Government side.

8. Liaison with Members of Parliament

Parliamentary secretaries can be of great value to the Government in a liaison role with members, both opposition party members and with caucus colleagues, on policies and programs related to their minister's portfolio.

This can work in both directions: by intervening on behalf of members to obtain departmental information on questions raised by constituents; and by carrying both the minister's views to members of caucus and the opposition, and the views of parliamentarians to the minister to inform policies and actions.

Overall, parliamentary secretaries can help maintain the minister's contacts with other members and senators.

B. Department-related Duties

Parliamentary secretaries are key resources in a minister's portfolio. A minister may delegate to you specific duties for policy development or public engagement. Overall responsibility and accountability remain with the minister, who also remains responsible for the direction of public servants and departmental resources, and has authority to initiate departmental actions.

Examples of department-related areas where you may play a key role include:

1. Engaging the Public

Parliamentary secretaries can play an important role in engaging Canadians in the policy process on behalf of the minister. For example, you may be asked to represent the minister at public events, deliver speeches on behalf of the minister, or act as a general spokesperson for the Government's position.

2. Representing Canada Internationally

In portfolios with international dealings, parliamentary secretaries may add to the effectiveness of Canadian representation abroad by taking a leadership role, at the minister's request, at international meetings. However, a parliamentary secretary may only sign international agreements with the prior approval of the Governor in Council, and on the recommendation of the Minister of Foreign Affairs.

3. Policy-related Priorities

You may be asked to work to advance specific policy-related priorities by the Prime Minister or your minister. Your minister, however, retains overall responsibility and accountability, so any decisions on policy or expenditure changes or other departmental actions must be made by the minister.

4. Limits

As a representative of the Government, you should exercise appropriate judgment in your words and actions. In your capacity to act on behalf of ministers, you should ensure that you have your minister's concurrence before making statements. Also, as a representative of the minister and a member of the minister's team, you have an obligation to refrain from engaging in public criticism of the department and its policies, including through questions or motions in the House of Commons.

III. DECISION-MAKING AND CONFIDENTIALITY

Parliamentary secretaries do not play a formal role in the Cabinet decision-making process. However, you should expect to be kept up to date on Cabinet decisions affecting your responsibilities (e.g., Government bills). While parliamentary secretaries do not normally have access to Cabinet documents, a minister may authorize specific exceptions on a case-by-case basis, on his or her own responsibility. For example, a minister may wish to authorize access to material on draft legislation in order to prepare for its introduction and consideration in the House. Or, if a parliamentary secretary is tasked with work on a particular policy priority, the minister may wish to authorize access to Cabinet documents specifically related to this work.

Parliamentary secretaries do not attend meetings of Cabinet or of Cabinet committees. Since you are not a member of Cabinet, you are not bound by the rules of Cabinet solidarity and collective responsibility of members of Cabinet. However, you are part of the Government's team in the House and are expected to work together with your minister, the Government's House leadership and other parliamentary secretaries on legislative and other issues. You are also bound to respect any Cabinet confidences which you may learn in the course of your duties.

You should also bear in mind that classified information is provided to you on the minister's authorization and responsibility. You may also be given access by the minister to government legal advice, which is covered by solicitor-client privilege and must therefore remain confidential. You may only use this classified information or confidential advice for the purpose for which you have been given access, and you have the responsibility to ensure that it is not disclosed to unauthorized individuals.

Your oath of office and secrecy applies to all Cabinet confidences, classified information, and government legal advice you receive:

I....., do solemnly and sincerely swear that I will truly and faithfully and to the best of my skill and knowledge execute and perform the duties that devolve upon me as Parliamentary Secretary including the duty not to disclose or make known, without due authority in that behalf, any matter that comes to my knowledge by reason of my holding that office. So help me God.

IV. ADMINISTRATIVE CONSIDERATIONS

A. Term and Salary

The *Parliament of Canada Act* sets the maximum term for an appointment as parliamentary secretary as 12 months, although the appointment may be renewed for more than one term.

Parliamentary secretaries currently receive a salary of \$16,600 (adjusted annually on April 1st according to an established formula) in addition to their regular sessional and expense allowances as a Member of Parliament.

Parliamentary secretaries cease to be parliamentary secretaries and to receive their parliamentary secretary allowance upon dissolution of the House or upon the end of their term.

B. Departmental and Exempt Staff Support

Ministers who have parliamentary secretaries within their portfolio are authorized to hire one exempt staff member to provide dedicated support to the parliamentary secretary. Additional support may vary from portfolio to portfolio according to the discretion of the responsible minister. Only one minister is authorized to hire a parliamentary secretary's assistant when the

parliamentary secretary has multiple responsibilities under the jurisdiction of more than one minister. Additional information may be found in the Treasury Board's *Policies for Ministers' Offices*.

Your minister will also ensure that you are provided with appropriate support from the department, including access to the advice and assistance of departmental officials, as the minister determines and based on the nature of your work. As previously stated, ministers retain overall responsibility and accountability for the direction of public servants and for departmental resources.

You should also maintain a close and effective working relationship with your minister's exempt staff, particularly the Director of Parliamentary Affairs.

C. Expenses, Office Accommodations, and Supplies

The *Parliamentary Secretaries Expenses Regulations* set out requirements for duty-related expenses (e.g., travel) of parliamentary secretaries: "Subject to these regulations, a Parliamentary Secretary shall be paid reasonable travelling and other expenses incurred by him in the discharge of his duties a) during a session of Parliament while away from Ottawa; or b) while away from his ordinary place of residence during a period when Parliament is not in session."

Support provided to a parliamentary secretary and expenses are charged to the minister's office budget and only the minister or, as delegated, the minister's chief of staff may approve expenses for such items as travel and supplies. Additional information may be found in the Treasury Board's *Policies for Ministers' Offices*.

Expenditures by ministers and parliamentary secretaries are subject to scrutiny by Parliament. Parliamentary secretaries are required to disclose publicly, by posting on their departmental websites, all hospitality and travel expenses incurred while conducting department-related business as a parliamentary secretary that is above and beyond their regular duties as a Member of Parliament. Reports will cover the financial quarter, and will be posted on departmental websites within 30 calendar days following the last day of the quarter. You will be assisted in preparing these reports by your department.

Office accommodations or supplies related to your role are at the discretion of your minister, based on operational needs, and are

charged to the minister's office budget. All inquiries on such matters should therefore be referred to your minister's office.

You also have entitlements as a member of the House of Commons, which are explained in detail in the *Member's Allowances and Services Manual* published by the House of Commons.

You are prohibited from accepting sponsored travel, i.e., travel whose costs are not wholly paid from the Consolidated Revenue Fund, or by you personally, or your political party, or an inter-parliamentary association or friendship group recognized by the House of Commons. This includes all travel on non-commercial chartered or private aircraft for any purpose except in exceptional circumstances, and only with the prior approval of the Conflict of Interest and Ethics Commissioner and public disclosure of the use of such aircraft. Any hospitality accepted must strictly adhere to the requirements of the *Conflict of Interest Act*.

V. CONFLICT OF INTEREST, LOBBYING AND ETHICS

The Prime Minister expects you, as for all public office holders, to observe the highest ethical standards in everything you do and embody the values of an open, honest government that is accountable to Canadians, lives up to the highest ethical standards, and applies the utmost care and prudence in the handling of public funds. As a parliamentary secretary, you are subject to increased public scrutiny and your actions reflect on the reputation of your minister and of the Government as a whole. You must therefore set an example by satisfying the highest standards of personal conduct in fulfilling your duties as parliamentary secretary and as a Member of Parliament.

A. Conflict of Interest

Parliamentary secretaries are subject to the requirements of the *Conflict of Interest Act*, and, as members of Parliament, they are subject to the *Conflict of Interest Code for Members of the House of Commons*. They are also subject to post-employment and other requirements under the *Lobbying Act*. You should consult with the Conflict of Interest and Ethics Commissioner with regard to the application of the Act and the Code to your particular situation.

1. Part I of the *Conflict of Interest Act*

Part I sets out the conflict of interest rules that govern all public office holders—including parliamentary secretaries—in the exercise of their official powers, duties and functions. The general rule is that a public office holder must arrange his or her private affairs in a manner that will prevent the office holder from being in a conflict of interest. A conflict of interest occurs when a public office holder exercises an official power, duty or function that provides an opportunity to further his or her private interests, or those of his or her relatives or friends, or to improperly further another person's private interests.

Aside from this general rule, there are specific conflict of interest rules dealing with matters such as decision making, preferential treatment, use of insider information, gifts, travel and fundraising.

In addition, as a *reporting* public office holder, parliamentary secretaries must avoid certain kinds of outside activities, such as engaging in employment or the practice of a profession (although they may engage in employment or the practice of a profession in order to retain licensing or professional qualifications or standards of technical proficiency, if they do not receive any remuneration and the Conflict of Interest and Ethics Commissioner is of the opinion that it is not incompatible with their duties as public office holders).

2. Part II of the *Conflict of Interest Act*

Part II sets out the compliance measures that reporting public office holders—including parliamentary secretaries—must take.

Compliance measures include: recusing from discussions, debates or votes where the parliamentary secretary would be in a conflict of interest; filing confidential disclosure reports detailing assets, liabilities, income, and gifts received; filing public declarations detailing certain kinds of assets, liabilities, and gifts received; and divesting certain kinds of assets—such as publicly traded shares—by selling them at arm's length or putting them in a blind trust.

3. Part III of the *Conflict of Interest Act*

Part III sets out the post-employment obligations that reporting public office holders—including parliamentary secretaries—must meet. After his or her appointment has terminated, a parliamentary secretary is obliged not to take improper advantage of his or her previous position, or provide clients, business associates or employers with information that was obtained in their capacity as a parliamentary secretary and is not available to the public. In addition, parliamentary secretaries are subject to a one-year “cooling off” period after they leave office, during which they are prohibited from accepting contracts or employment with organizations with which they had significant and official dealings in their last year of office. They are also prohibited during this period from making representations (either for remuneration or not) to federal government entities with which they had significant and official dealings in their last year of office.

B. Lobbying

Parliamentary secretaries (as well as ministers, other members of the House of Commons and Senate, and senior public servants) are prohibited under the *Lobbying Act* from engaging in paid lobbying of the federal government for five years after they leave office. These provisions, as well as the Act’s registration requirements for lobbyists, are administered by the Commissioner of Lobbying.

The Commissioner of Lobbying may ask designated public office holders, including parliamentary secretaries, to verify information about lobbying communications that has been registered by lobbyists. Every effort should be made to meet this responsibility using routine records.

C. Ethics

In addition to the above statutory and parliamentary obligations, parliamentary secretaries are subject to the “Ethical Guidelines for Public Office Holders” set out in Annex A of *Open and Accountable Government*, and to the guidelines in Annex B of that document, “Fundraising and Dealing with Lobbyists: Best Practices for Ministers and Parliamentary Secretaries.”

VI. OTHER REFERENCES AND CONTACTS

Open and Accountable Government, available on the Prime Minister's website.

Policies for Ministers' Offices, available on the Treasury Board Secretariat website.

Member's Allowances and Services Manual, available on the website of the Parliament of Canada.

Parliamentary Secretaries Expenses Regulations available on the Department of Justice website.

The Office of the Conflict of Interest and Ethics Commissioner, 613-995-0721, ciec-ccie@parl.gc.ca

The Office of the Commissioner of Lobbying of Canada, 613-957-2760, QuestionsLobbying@ocl-cal.gc.ca