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AN ADMINISTRATOR LOOKS BEHIND THE SCENES OF A ROYAL COMMISSION

by

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FOREWORD

The popular image of a Royal Commission is doubtless that of a knowledgeable group of persons, assisted by staff members such as a Commission's Secretary and Counsel together with a few court reporters, who move from place to place across the country seeking opinions and listening to persons, both corporate and individual, on a given subject. That is only one face of the picture; there is another, the daily work which is not apparent to the public and which goes on behind the scenes, the general administration and housekeeping tasks of any government organization. There are many tasks, not only of arranging for public hearings and all that that entails, including reservations for transportation and accommodation, both personal and official, but such things as the planning and co-ordinating of activities, from the space needed for the Royal Commission offices to the requisitioning of pencils and paper. There are, in short, a host of administrative details and many problems not apparent to the public view, similar to those found in government departments. This study is concerned principally, therefore, with the everyday administration behind the scenes of a Royal Commission.

In the search for background data it quickly became apparent that there are few publications which report an intensive inquiry into the problems of the administrative processes of a Royal Commission. Professor J. E. Hodgetts, in his M.A. thesis in 1940 for the University of Toronto,¹ briefly discussed some of the administrative procedures, but he was concerned more about the investigative techniques, and only

1. J.E.Hodgetts, Royal Commissions of Inquiry in Canada: A Study in Investigative Technique, unpublished, for degree of M.A., University of Toronto: May, 1940.

incidentally dealt with the administrative role and function of the Secretary and Commission Counsel. Keith Callard, in his review² prepared for the Clerk of the Privy Council, did mention some of the administrative problems and made some recommendations, but did not pursue the subject in detail. There are articles reported in the publications of the Institute of Public Administration, and the textbook "Royal Commissions of Inquiry"³ by Clokie and Robinson is most informative in reviewing historical background; but they do not touch on the daily routine. This is quite understandable for one's interest is not normally aroused by such things unless subjected to them personally.

The primary sources of information for this study were the files of a number of Royal Commissions which have conducted inquiries in Canada since 1948;⁴ personal conversations with officials of the Privy Council office and Treasury Board staff, Secretaries and Administrative Officers of other Royal Commissions; as well as the author's experience in his present position of Secretary of the Royal Commission on Taxation. The author cannot avoid making comparisons between administrative routines and procedures in his present position and those in vogue in the varied administrative positions he has held in the Federal Civil Service.⁵ This study has been carried out, not as a criticism of

2. Report of the Late Keith Callard, Dominion Archives, 1950.

3. H.M.Clokie and J.W.Robinson, Royal Commissions of Inquiry, Stanford University Press, Stanford University, California, 1937.

4. See Appendix I for list of files.

5. See Appendix II for list of positions held in the Federal Civil Service.

anyone in an official position, but as a project interesting to an administrator with the hope that it may lead to improvement in daily routine for others employed by future Royal Commissions.

I wish to acknowledge with thanks the assistance in preparation of this thesis of officials and colleagues of the Federal Civil Service and other Royal Commissions who I feel would wish to remain anonymous, as well as administrative staff of the Royal Commission on Taxation who, because of previous experience with the Glassco Commission, were of assistance in general discussions of this subject.

The Dominion Archivist, Dr. W. Kaye Lamb, and his staff have been most helpful at all times, and without their assistance this thesis would have been well nigh impossible. Unfortunately records of previous Royal Commissions of Canada lodged in the Public Archives are scanty, particularly those of a few years back, and those they have were only obtained through the alertness and persuasion of the Dominion Archivist--more of this later. Fortunately, this has now been remedied by the inclusion of a clause in recent founding Orders in Council and Commissions which direct the Commission to ". . . file with the Dominion Archivist the papers and records of the Commission as soon as reasonably may be after the conclusion of the inquiry".⁶ The later records are, therefore, quite complete.

Finally, to all those who have assisted by making available to me books, files and other material, and by helping in the task of preparation and typing, my sincere appreciation and thanks.

6. See Appendices III and IV.

CHAPTER I

THE INTRODUCTION

The consideration of outside opinion is a means of effecting a continuous penetration of the machinery of government by the spirit of democracy and thereby making of it something more than a piece of machinery--a vital organism. ⁷

This quotation is a comment upon the importance of the work of a Royal Commission or Committee in penetrating a problem, looking into the future and presenting a recommendation to government for its guidance and action or inaction as the case may be. Indeed these words have re-echoed recently in a Royal Commission report, that of the Royal Commission on Government Organization (Glassco Commission), wherein it is indicated that efficient administration "is nowhere more necessary today than among those charged with the management of public affairs".⁸ While the recent Glassco Commission probed into the workings of the Public Service, not only in regular government departments but into the operations of some Crown Corporations, it did not, no doubt because of the transitory nature of the institution, look at the administrative processes of one of the oldest institutions of the British form of government--the Royal Commission. The Glassco Commission was heavily burdened with its major task, the review of the operations of government departments, and it was not expected that it should review the administrative routine of Royal Commissions. The evidence is clear, however, that this particular problem has not been the subject of review in depth by anyone on the Canadian scene.

7. Oxford University Politics Research Committee, Advisory Bodies, Ed. R.V.Vernon and N.Mansergh, (London, 1940), p.442.

8. Canada, The Royal Commission on Government Organization, Vol. 1, Management of the Public Service, p.25.

It is a strange fact that an institution of the British system of government which antedates the Magna Carta--indeed we are told that the Domesday Book of Enclosures may be regarded as the first Royal Commission of Inquiry in the British sense between the years 1080-1086⁹--has been left so long without having its administrative routines, procedures and processes placed in a more formal mould to smooth the launching of its activities so that a Commission can begin work more quickly on its primary function of inquiry, whatever the subject may be.

Ordinarily a Royal Commission commences with very little funds provided, with no administrative staff other than a Secretary and perhaps a stenographer, neither one of whom may be acquainted with government routine, and there are no end of problems which may arise over such innocent things as paper and pencils, and the processes of ordering equipment like typewriters and furniture. This all takes considerable time and patience, even when one might have knowledge of the processes and routine of government, but it must be extremely burdensome when the road ahead is anything but clear and one has limited knowledge of how to proceed.

Fortunately for Secretaries of Commissions and Committees in the United Kingdom, just of recent years the British Treasury have prepared a "Book of Instructions for the Guidance of Secretaries of Temporary Commissions and Committees".¹⁰ It does not cover all activities, but does cover most of the things which must puzzle a Secretary or Administrative Officer unfamiliar with government procedures.

9. Clokie and Robinson, Royal Commissions, p.28.

10. See Appendix V.

While the institution of a Royal Commission itself was transferred to the Canadian scene long before Confederation, no completely formal approach has yet been made to this administration problem here in Canada. Some may say that no problem exists and hence there is no need of formality. It is true that there are experienced people in central agencies who provide a continuing experience from Royal Commission to Royal Commission and whose help is invaluable; and there are past Secretaries who are ready and willing to be helpful to the inquirer. However, on the basis of personal experience and the study conducted, there is no doubt in the mind of the writer that the internal administration of a Royal Commission with all that it involves should now have the benefit of a clear-cut laid-down procedure. There are many things which surely require more precise direction, including the development of a personnel establishment, the recruitment of staff, their salaries, hours of service, leave regulations; the problems of budget control and financial operations; the acquisition of accommodation, furniture and equipment; the decisions and arrangements for holding hearings across Canada as well as the special details necessary and particular to this phase of a Commission's life; and the relations with the public, particularly those submitting briefs. All these have been left in what may be called a formless and very fluid condition, somewhat like sagas and ballads, and the information required is passed on by experience from individual to individual, sometimes by written text, but more often by word of mouth from Secretary and Administrative Officer to Secretary and Administrative Officer; or from a helpful officer in a central agency who may be the only connecting link of experience, and who often can ill spare the time to give direction and assistance.

As an example, the Secretary and Assistant Secretary of a newly appointed Royal Commission paid a call at the offices of another Commission which, after ten months of organization and operation, was in relatively smooth running order, to inquire into the procedures to be followed and methods of organization to be used in setting up a smoothly operating shop of their own. The Secretary, the Research Director, and the Administrative Officers of the 'experienced' Commission put their knowledge acquired and 'lessons to be avoided' at the disposal of the new officials to help them on their way. Although the Assistant Secretary of the new Commission was a civil servant and was familiar with government routine, he had been primarily a staff officer, and the Secretary was from outside the Service although he had worked at one time for a Crown Corporation. The questions asked covered such matters as establishments, estimates, accommodation, equipment, supplies, personnel records, selection of staff, routine with respect to carrying on public hearings and relationship with Commissioners.

Many times the Commissions are perforce left to their own devices and precious time is used finding the way by trial and error. Even the outside financial limits and, on occasion, the time by which the government wishes the report are not always indicated, though this may be 'informally' discussed with the Chairman by government.

Added to this is a more subtle problem of 'freedom of action'. Presumably, the Commissioners appointed by a government will not be unfriendly to that government, but freedom to decide upon the number of personnel required by the program which the Commission itself devises, the problem of freedom of choice in selection of personnel and their salary levels, all of which must be paid for out of public funds,

provides one of the first arenas to test this freedom in the administration of the Commission.

Most Orders in Council establishing Royal Commissions clearly state that the Commissioners may "adopt such procedures and methods as they may deem from time to time expedient for the proper conduct of the inquiry"¹¹ and that the Commission is authorized "to engage the services of such counsel, staff and technical advisers as they may require at rates of remuneration and reimbursement to be approved by the Treasury Board".¹² Therefore the apparent freedom is modified by the sobering experience of requesting approval of each appointment by Treasury Board. Further, government does not recommend to Parliament that unlimited funds be made available to a Royal Commission to give it the complete freedom of choice in fact which it appears to have in theory. In other words, there is an indirect fiscal control which throws a fence around the activities of a Royal Commission. Indeed, this has been carried a step further, for a recent Order in Council¹³ was passed wherein two Royal Commissions were designated as departments for the purposes of the Financial Administration Act. Why not, therefore, prescribe administrative procedures more forthrightly in a helpful manner; this can be done without circumscribing or usurping the practical operations of the Commission's function.

It would seem logical that institutions such as Royal Commissions which appear to be a continuing part of the Canadian democratic

11. See Appendix III.

12. Ibid.

13. Canada, Order in Council P.C.1962-1598. (See p.96, Footnote 115).

process, and which have already spent over \$11,000,000 of public funds between 1948 and 1963, should be the subject of closer administrative shepherding.

This study has been carried on with the purpose of trying to establish from the 'raw material' available, whether indeed the lack of formal administrative guide-lines have been a problem, if not perhaps a deterrent, in the daily work of a Royal Commission; and whether it is possible to decide from the evidence as reflected in recurring administrative patterns that 'laid-down' procedures should now be developed for the guidance of Secretaries and Administrative Officers of Royal Commissions in the interest of efficient management of public affairs.

In this work 341 administrative files of 11 Royal Commissions since World War II were reviewed. It will be obvious that care has been exercised in the presentation to avoid a delicate problem of identification of persons because of the closeness of the events described. In pursuing the basic problem, the facts alone as described provide weight of evidence regardless of the personalities in the background.

The method followed in this thesis, therefore, is to outline the role of Royal Commissions in the British tradition; their source of authority and responsibility; and then follow through with details of the administrative problems which are not obvious in the public image created by a Royal Commission, but will be obvious to those persons who have been involved behind the scenes in the daily activities of a Commission. Finally, conclusions and recommendations will be presented which are submitted as the basis of some remedial action.

CHAPTER II

HISTORICAL BACKGROUND

The roots of Commission procedure extend far back into Norman times; and in the evolution of this method of inquiry the innumerable Commissions have been successively the instrument of¹⁴ King, Parliament and Cabinet.

The Royal Commissions, as instruments of government, certainly antedate our parliamentary institution as we recognize it in the latter day British and Canadian democratic scene. As a democratic institution of government, however, a Royal Commission on Inquiry is an organization created to give assistance to government, be it a genuine inquiry into some problem, an inquiry to postpone or defer a problem, or merely an inquiry to relieve some pressure being exerted by interested groups in the community; in every case pushing into the future the day of reckoning.

In England . . . the chief type of investigation for the past 600 years has been the Royal Commission, a mixed organ of experts and laymen¹⁵

and the British heritage has spread throughout the Anglo-Saxon world, with Canada and the rest of the Commonwealth being direct heirs. The American cousins have developed organizations having a similar function, the Congressional Committees, and the Executive Committees of Enquiry, and these perform substantially the same tasks.

There are many types of Royal Commissions covering a variety of responsibilities undertaken for and in the name of the Crown, each Commission having prescribed limits such as given to officers of the armed forces, governors, the judiciary. This thesis is concerned, however, with one particular type of Royal Commission; the Royal Commission

14. Clokie and Robinson, Royal Commissions, preface p.v.

15. Ibid. p.22.

of Inquiry. A point of interest for persons now employed with the Royal Commission on Taxation is the fact that the Domesday Book, which was compiled by the first Royal Commission, was concerned also with matters of taxation, as well as the compilation of the valuable statistics of the day.

At the time of Edward the First there was a second great survey conducted by a Royal Commission known as the 'Hundred Rolls',¹⁶ and one of the most famous of the Royal Commissions was carried on in the early 1500's when once again the subject of land and taxation resulted in a report called 'The Domesday Book of Enclosures', obviously a late revision of the original Domesday Book. Throughout English history Royal Commissions became involved closely with the executive arm of government. They blossomed forth even more in Tudor and Stuart times. Commissions of Inquiry, all through the ages, have been used for scrutiny into a variety of problems such as grievances of textile workers, revision of the statutes, and cataloguing of real estate. In Henry the Eighth's reign, Commissions were used extensively in his jousts with the Roman Catholic Church and to justify the inroads made into church wealth and property.

There was a lull in the popularity of this organization following the Tudor and Stuart reigns, no doubt due to the appellation 'Royal' and the disfavour into which monarchical government had fallen. But they emerged again and came into their "fullest development and extensive use"¹⁷ during the Victorian age. Parliament, having satisfactorily

16. Ibid. p.31.

17. Ibid. p.54.

adjusted its relationship with the Crown, could again use this instrument or institution with assurance of control over the appointment of the Commissioners. In the first thirty years of the nineteenth century there were some sixty Commissions of Inquiry appointed. They dealt with the same variety of subjects as the modern Commissions; inquiries into various problems of the armed forces, the collection of Customs and Excise; such matters as the state of education and welfare; these all have a familiar ring.

Entering the Canadian scene, the first important Royal Commission affecting Canada was the Royal Commission of Inquiry of Lord Durham. This appears to be a composite one for Lord Durham was given two commissions; one to be:

. . . Our Captain General and Governor in Chief, in and over each of our Provinces of Lower Canada, Upper Canada, Nova Scotia and New Brunswick and in and over Our Island of Prince Edward in North America¹⁸

The second commission granted:

. . . full power and authority in Our name, Our behalf, by all lawful ways and means, to inquire into . . . and to adjust all questions . . . in the said Provinces of Lower and Upper Canada¹⁹

Although Lord Durham constituted a one-man Commission of Inquiry, there have been in the British tradition Commissions with varying numbers of members from one member to twenty-one members as in the case of an inquiry into the English licencing system in 1929.

18. Lord Durham's Report, Ed. Gerald M. Craig, McClelland and Stewart Limited, Toronto, 1963, p.13.

19. Ibid. p.14.

The first Royal Commission appointed by the Canadian Federal Government after 1867 dealt with the investigation of the Civil Service²⁰ and carried on its activities from 1868 to 1870.

There have been one-man Commissions appointed by the Canadian government, the most recent ones being the Royal Commission on the Automotive Industry (Professor Vincent Bladen of the University of Toronto), and the Royal Commission on Shipping Problems on the Great Lakes (Justice Norris); but the general rule, as in Britain, is to have several Commissioners and ten were appointed to the Royal Commission on Bilingualism and Biculturalism in 1963, with the innovation of co-chairmen. Normally, however, Commissioners vary from three to six depending on the complexity and scope of the inquiry.

From 1867 to the present time there have been, as closely as can be determined from the records, 339 Royal Commissions in Canada. They have dealt with every variety of subject: economic problems involving transportation, coastal trade, canals, coal, automotive industry, energy, price spreads, economic future, agriculture and fisheries; problems of taxation; constitutional problems concerning Dominion-Provincial relations; government problems involving corruption of government officials, charges against the civil service, and government organization; social problems involving liquor laws, publications, broadcasting, arts, letters and sciences; and many more ranging from fire and floods to reindeer and aircraft disasters.

20. J.E.Hodgetts, "The Role of Royal Commissions in Canadian Government", The Institute of Public Administration of Canada 1951 Annual Conference, Ed. Philip T. Clark, p.354.

CHAPTER III

THE NEED FOR A ROYAL COMMISSION

AND RELATIONSHIP TO GOVERNMENT

The question arises, why and under what conditions are Royal Commissions appointed? A perusal of the list of subjects studied by Commissions makes it obvious that generally decision to appoint such a body is due to some unusual circumstance or problem which has developed beyond government control, or springs from a situation which the existing government services cannot conveniently investigate. In Canada our federal system quite often requires the support of a Royal Commission to give government assurance and security to justify subsequent action which may at times be politically unpalatable.

Due to the geographical extent and complexity of the Canadian scene few decisions or programs of government receive unanimous concurrence from coast to coast, and whether the motive for the inquiry is a 'political' one or sponsored by a statesmanlike approach to a problem, it is "important to recognize that in social change inquiry by Royal Commission is so generally a preliminary to legislation as to become almost a part of the legislative process."²¹ Commissions do contribute to the general democratic process by inquiring, sifting, and coming to a decision on information which may be used for government action or legislation. Their report and their inquiries spark public controversy, at least to those interested in the subject; encourage the different factions in the community to express their beliefs, bring the divisions

21. Advisory Bodies, Ed. Vernon and Mansergh, Preface, p.7.

of opinion to the fore, and flush out both pros and cons; and in this general way are vehicles for educating as well as sifting the opinions of the public. The role of information and education is itself a service, even if no other good results, and even though a Commission report may be hurried, forgotten, deferred, or, as happens with some frequency, results in some legislative action, the work performed by a Commission in assembling the facts in an orderly fashion is a public service of merit.

Thus, the report of a Royal Commission is helpful to government and, in addition, gives Parliament a report on a particular subject, in the spirit of objectivity normally possessed by a Royal Commission, but which is absent in the legislative chambers. If the subject is one of countrywide interest, the report will point out the divisions in the country, explain the points of view from geographic region to geographic region and from group to group within the community. This is something which is not possible in the Debates of Parliament, particularly in the House of Commons, which are expected and recognized to be slanted and biased by political persuasion, with national issues rarely approached with the clarity of nonpartisanship.

There are always criticisms about the cost of Royal Commissions. Modern democratic government is costly and the cost of Royal Commissions should, and in most cases can be justified by the work and service they perform. The tasks handed to Royal Commissions are often unenviable; in fact sometimes they appear hopeless and, on occasion, their decisions appear to be obvious as foregone conclusions. The Royal Commission on Taxation, for example, regardless of what the recommendations or outcome

may be, cannot recommend a reduction in taxation for it is expressly directed to see that the flow of revenue is secure. Therefore, the total tax burden on the taxpayer surely will not be less, particularly in an era of progressiveness in the welfare state, yet no doubt everyone yearns for tax relief. The Royal Commission on Bilingualism and Biculturalism cannot decide that Canada is basically unilingual because its terms of reference refer to the bilingual and bicultural nature of the country. Also, doubtless there will be recommendations for spread of the French language although many persons will be unable to accept such a need. So it is not surprising that there is some cynicism regarding the outcome of Royal Commission reports.

Some may conclude that the use of Royal Commissions may be an indication of a weakness in government service; or it can be argued that a well organized government service would be able to weigh and sift the same information, for in many instances they have the same information before them as is presented to Royal Commissions. The difficulty, however, is obvious: "a prophet hath no honour in his own country"²² and the opinions or recommendations of civil servants are quite often not acceptable to government, either because government does not agree or because it cannot agree, however reluctantly, for reasons best known to itself. It is a well known fact that in our system of government there are many documents and conversations embodying recommendations exchanged between senior civil servants and Ministers; these are privileged and the suggestions and recommendations they contain rarely become public knowledge. Or, again, organizations

22. St. John's Gospel 4:44, King James Version.

and corporations make their recommendations to government, the fate of which may be known only to themselves and the government, unless the organization, for some reason, wishes to have its conversations with the government made public. This is rarely done, for obvious reasons. None of the above circumstances are true of a Royal Commission. The evidence is almost wholly given in public, the transcripts of proceedings are available for public purchase, the report becomes a public document; and the government may act on its recommendations, deny it, or use it as it sees fit, but it cannot hide it from the light of day. Thus, while the form of a Commission on Inquiry may be archaic, it appears to be an institution which will continue as part of an indisputable democratic process.

In the past Prime Ministers have used Royal Commissions for the purpose of procrastination or to ponder the problem a while, no doubt hoping that in this process somehow the worrisome facts will disappear, or the problem will diminish, or perhaps something will turn up to put the problem in the shadow. But governments know when Royal Commissions are appointed that they will inevitably, sooner or later, present them with a report, and there is no way in which this can be avoided, even though the report may be a thorny one. The only way out would be to rescind the terms of reference of a Royal Commission, and this would doubtless bristle with sharper thorns than the report itself.

As stated previously, Royal Commissioners are generally not unfriendly to the government who appointed them, for as Professor McGregor Dawson has said, "a Cabinet is always careful to see that

the dice are not loaded against it."²³ Nevertheless, in recent Canadian history governments have received reports of Royal Commissions they themselves have appointed and have repudiated at least part of some reports, or set aside some of them. Prime Minister Diefenbaker made it clear that his government did not agree with some of the sections of the Glassco report, and while his government was in office recommendations of the O'Leary Commission were not implemented, nor have they been as yet by the present Liberal administration.

What are the costs of Royal Commissions? There do not seem to be any figures on the total costs since Confederation. A table presented in a recent edition of the Canadian Tax Journal, Volume 7, 1959,²⁴ by Marion Bryden, Statistician, shows that from 1950 to 1959 costs to the federal treasury were \$4,041,919. The following excerpt from the same source is of interest in this study:

With names like Borden, Fowler and Gordon virtually becoming household words in Canada, the question arises as to whether Royal Commissions are becoming more numerous or have merely been dealing with subjects of more vital interest to the majority of Canadians in the past few years. One is also curious about the cost to the taxpayer of these periodic applications of the stethoscope to the Canadian pulse.

In the ten fiscal years ending March 21, 1959, 22 federal Royal Commissions in all were appointed. Nine were appointed in the first five years of the period and thirteen in the second five, so that there has been some recent increase in the use of this instrument of government. In addition three more Royal Commissions have been appointed since March 21, 1959--one to study railway transportation, one on coal problems and one to choose between alternative routes for a railway from Alberta to the Northwest Territories.

23. R. McGregor Dawson, The Government of Canada, University of Toronto Press, 1959, p.234.

24. See Appendix VI.

Total expenditures for Royal Commissions in the ten fiscal years 1950 to 1959 add up to \$4 million. About three-quarters of this sum was spent in the second five years of the period. Expenditures by fiscal year are shown in Table 1. ²⁵

The author has checked into the costs of 22 Royal Commissions ²⁶ and finds that from 1948 to the present time (1963) the total cost of Commissions has been over \$11 million. This includes the estimated cost of the Royal Commissions on Taxation, Health Services, and Pilotage, but does not include costs for the newly appointed Commission on Bilingualism and Biculturalism which will doubtless be an expensive affair, for ten Commissioners at \$100 a day fees, plus living expenses when away from their headquarters, will in itself total a goodly sum. This expense, however, is part of the price we pay in a federal democratic state. Nevertheless, the control of this expenditure is necessary and is discussed at length in the following chapters.

Mention should be made at this point of the relationship between a Royal Commission and modern-day government. In announcing the creation of a Royal Commission, government normally makes the claim that this will be an independent and impartial inquiry, free from political bias. Generally speaking this is true, even though the Commissioners appointed are not unfriendly to the political party in power. Moreover, once government has 'given birth' to the Royal Commission it cannot completely divorce itself from the Commission's activities or its report--although at times it may wish to--but government may sidestep or ignore the report in total or in part.

25. "Fiscal Figures", Canadian Tax Journal, Vol. 7, (September-October, 1959), p. 386.

26. See Appendix VII.

In addition, government ties the Commission to itself by the purse strings, and by informal conversations which may take place between Commissioners and Ministers concerning such things as time limits for the report, the scope of the inquiry, perhaps size of the staff, salaries to be paid, and so forth. Indeed, in 1931 a considerable debate took place in the House of Commons between the Leader of the Opposition, W. L. MacKenzie King, and the Prime Minister, R. B. Bennett, over the tabling of a report by the Commission on Grain Futures, chaired by Sir Josiah Stamp. Our present Prime Minister, the Right Honourable L. B. Pearson, who was then an official of the External Affairs Department, was involved as Secretary of the Commission. The Prime Minister was upholding the popular view that a Royal Commission was an independent body and the activities and responsibilities of the Secretary were exercised on behalf of the Commission, not the government, even though Mr. Pearson was a civil servant. The Prime Minister stated:

I take the view that a public commission is appointed, whether it finds adversely or favourably to the administration or to individuals, it is the duty of the government to which the report of that commission is directed, to table such report. Nor have I the right to question the contents of that document. I have no right to be concerned about the contents of the commission's report. . . . But my duty was to table that report. It has been suggested that I should ascertain what the contents of the report were, and that if I did not like them I should not bring them in. . . . In this instance the secretary was a permanent official and when he acted as secretary and was released for that purpose his obligations were not to the department but to the commission 27 which he was released to serve.

The Leader of the Opposition took the opposite view and later in the debate stated:

27. Canada, Parliament, House of Commons, Official Report of Debates, July 1, 1931, p. 3293.

May I go a step further. I do not agree with my right hon. friend in what he says about his obligation to lay a document on the table of the house without first perusing it. He is responsible for everything he does. My right hon. friend was responsible--this is the crux of the whole situation--for the appointment of the commission itself and as a consequence of his having appointed the commission he becomes responsible to parliament for any of its errors. ²⁸

In summary then this is the heritage of the institution which faces an administrator who joins the staff of a Royal Commission. Whatever his own background may be, he must face many problems--whatever they are and however they occur he must handle them. What, then, are the official regulations he must follow? What are the routines and procedures of this organization? What are the foundation stones for his task which exist in law or practice? These are the details with which this thesis deals.

28. Ibid. p. 3296.

CHAPTER IV

BASIS OF AUTHORITY OF A ROYAL COMMISSION

The authority of present-day Canadian Royal Commissions rests on a solid triangular legal foundation: first, an Act of Parliament, the Inquiries Act; second, the Order in Council, a Minute of a meeting of the Committee of the Privy Council which sets forth the terms of reference and names the Royal Commission; and third, the Royal Warrant itself. The decision to appoint a Royal Commission may be the Government's by its own volition; it may be made as result of a Parliamentary resolution; it may be due to pressure from interest groups, or due to public opinion expressed in a number of ways; but when a decision is made the steps outlined below are followed.

The Inquiries Act contains four parts: Part I sets forth the conditions for appointing Commissioners for public inquiries; Part II the conditions for departmental investigations; and Part III is general and gives procedure for both types of Commissions in conducting their work, including appointment of staff and the powers to call people before them; then there is Part IV which empowers the Governor in Council to confer upon an international Commission any of the powers conferred upon Commissioners of Inquiry under Part I.

The present procedure appears to be that one of the Ministers, in recent years the Prime Minister, recommends that certain specified persons be appointed as Commissioners under Part I of the Inquiries Act to look into a set of circumstances; further recommends that powers under Section 11 be granted the Commissioners; gives authority for some

other administrative matters; and names the Chairman. The original document which has been approved by a Special Committee of the Privy Council and signed by the Governor General is a Minute of a Meeting of a Special Committee of the Privy Council and is the basis of authority for the Royal Commission. The general public reference is a copy of that document, certified by the Clerk of the Privy Council, and which is identified by number and date.

The third document, the formal Royal Commission, is the historic form of authority still in use and, except for some of the formal words used at the beginning and end of the document, reproduces verbatim the words of the Order in Council. A comparison of the two authorities can be made from the excerpts quoted hereunder. The Order in Council states:

P.C. 19 . . .

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on

The Committee of the Privy Council have had before them a report from the Right Honourable . . . the Prime Minister, respecting:

.

The Committee, therefore, on the recommendation of the Prime Minister, advise that:

.

5. That . . . be Chairman of the Commission.²⁹

The Royal Commission, granted under the Great Seal of Canada, is worded as follows:

TO ALL TO WHOM these Presents shall come or whom the same may in anywise concern,

29. See Appendix III.

GREETING:

WHEREAS pursuant to the provisions of Part I of the Inquiries Act, chapter 154 of the Revised Statutes of Canada, 1952, His Excellency the Governor in Council, by Order P.C. 19 . . . a copy of which is hereto annexed, has authorized the appointment of Our Commissioners therein and hereinafter named to

AND WE further appoint . . . to be Chairman of Our said Commissioners.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed.

BY COMMAND,
 (Sgd.)
 Under Secretary of State.³⁰

A perusal of the Orders in Council since 1945³¹ indicates that the Chairman is always named in the Minute of the Privy Council and again in the Royal Warrant, generally the additional Commissioners if any are named, and on occasion the Secretary is named also. The Chairman, being specifically named, is thus vested with the authority to preside over the proceedings of the Commission, but the Warrant:

. . . being addressed to the whole body of the Commission, does not impose upon the chairman responsibilities or duties of a nature which would justify him at any time in attempting to disregard, still less to override, the deliberate opinion of his colleagues or of dictating to them what shall or shall not be done.³²

The prefix 'Royal' signifies the origin and historic antecedence of the Commission, and the document itself bears the Great Seal, the initial of the Queen's representative, is countersigned by the

30. See Appendix IV.

31. See Appendix VIII.

32. W. Sellar, Century of Commissions of Inquiry, The Canadian Bar Review, Vol. XXV, (January, 1947), No. 1, p. 9.

Deputy Attorney General, registered and given a number by the Deputy Registrar. This original Commission is generally entered into the record as one of the first items of business at the first public hearing of the Commission.

The Commission is directed in this authority to report, sometimes within a specific time limit, 'as soon as may reasonably be', or 'with reasonable despatch', or some similar wording, and while some Commissions have been required to report to a Minister, and some have been required to file progress reports before their final report, most are directed to report to the Governor in Council.

The Canadian system of appointing Royal Commissions differs slightly from the British practice for "in Britain each Commission requires a separate authorizing Act since there is no general statute."³³ In the United States a Commission may be established by an Act of Congress which seems to follow the British practice, or an Executive Commission of Inquiry may be established by an Executive Order of the President. An example is the Hoover Commission which was established by Public Law 108, the First Session of the 8th Congress, approved July 10, 1953, for which twelve Commissioners were appointed, four by the President, four by the Senate, and four by the House of Representatives. The United States, therefore, has both systems, that is, a Commission may be created by an Act similar to the British system, or by an Executive appointment as in the case of Canadian Orders in Council, with the difference that the Canadian Order in Council rests

33. Hodgetts, "Royal Commissions in Canadian Government", p. 356.

on the Inquiries Act. The Canadian system, therefore, appears to be less rigid than the British system for obviously the government can act with far greater speed when an Act of Parliament is not required.

Clokie sums up the basis of authority for Royal Commissions by saying:

Royal Commissions are appointed by the Crown either by virtue of the prerogative or by authority of an Act of Parliament; they depend, therefore, upon simple royal warrant or upon royal warrant issued in pursuance of parliamentary permission or instruction. In consequence of this legal basis, the history of Royal Commissions is closely interwoven with the constitutional struggles which have centered about the royal prerogative, and their development is closely connected with the attempts made at various periods to restrict royal action to certain definite and legalized modes of procedure.³⁴

A Royal Commission is not a subordinate body in our system of government. It is not a part of the legislature, nor of the executive, nor of the administration. In its daily work it is inevitably and continually intertwined with government administration and Commissioners may discuss matters with members of the Cabinet, officially or privately, but it is not part of the administration or executive branch. The work of a Royal Commission could be considered an element in the legislative process for its report, if used at all, generally forms the basis of some subsequent legislation. Nevertheless it is certainly not a segment of the legislature. At public hearings of inquiry the Commissioners closely question witnesses before them and have powers to swear witnesses and force attendance; but they are not thereby part of the Judiciary.

34. Clokie and Robinson, Royal Commissions, p. 25.

In other words the Royal Commission is not created as a subordinate part of any other institution but takes its formal origin from the legal center of authority, the Crown. When properly constituted a Commission is upon a formal equality with other institutions of the state, such as the Courts,³⁵ Houses of Parliament, Privy Council, etc.

The term Commission is obviously a heritage from the days when monarchs held the prerogative and all means for its use, and Royal Commissions were in fact a direct executive appointment by an instrument in possession of the monarch. It is obvious that as the Crown may appoint a Commission it may dismiss one. However, in modern times such action would be fraught with political turmoil and it is far easier to let the Commission carry on, turn in its report, and then, if government so wishes, allow it and the report to fade away quietly.

Coming closer though and dealing with the operations and administrative processes, one cannot help but be conscious of the peculiar relationship of a Royal Commission to government; its responsibility to, its dependence upon, and indeed its independence of the government of the day. Of more importance to this dissertation are the administrative authorities, either in the founding document or subsequent documents and the links they form in the Commission's relationship to government. The administrative tie is drawn through fiscal control which must be recognized and reckoned with in practical terms, regardless of the constitutional or legal relationship set up between a Royal Commission and a government by the instrument which

35. Clokie and Robinson, Royal Commissions, pp. 150-151.

creates the Commission. This administrative tie is not always easy to recognize and for those inexperienced in government operations may cause frustration and misunderstanding. According to senior Treasury Officers there is no general instruction available anywhere to guide Royal Commissions in the normal administrative practices. Nevertheless, they do requisition equipment and supplies from Public Printing and Stationery Department and Public Works Department; conform to financial regulations of the Comptroller of the Treasury; and do all these things in the same manner as is required of government departments. All these things create many problems for in the ordinary daily routines the Secretary and administrative staff are without formal direction to guide them in organizing and getting the 'show' on the road.

It is well, therefore, to examine how much administrative direction is available to guide administrators of Royal Commissions and, because of the over-all financial limits, to raise the question of why the daily routines to be followed are not spelled out, for to do so would not only save time, energy and money, but would avoid embarrassments as well as internal and external difficulties for those who are required to direct the affairs of a new Royal Commission.

There is a basic conflict between the apparent freedom granted Royal Commissions as set forth in Section 11 of the Inquiries Act³⁶ and the actual practice when administrative officers must discuss affairs

36. See Appendix IX.

of business almost daily with central control agencies. A review of Section 11 indicates that Commissioners, whether appointed under Part I or Part II, if authorized by the Commission issued, may engage staff if they so wish, and the section names accountants, engineers, technical advisers and other technical experts, reporters and assistants, as they deem necessary and advisable, and also the services of counsel; this appears to be clear. But the Order in Council and the Royal Warrant which appoint the Royal Commission tell a slightly different story. In fact there is an interesting historical evolution to be recorded from the Orders in Council perused³⁷ from World War II to the present.

In 1945 Order in Council P.C. 1945-3422¹₂ was passed pursuant to the Inquiries Act which authorized the inquiry into the Halifax disturbances. No specific mention was made in the Order of Section 11 of the Inquiries Act, and no doubt it was assumed that as the Commission was established under the Inquiries Act it would be guided by the pertinent section. But curiously enough the Order did mention that the Commission was authorized to engage counsel, clerks and reporters, to be paid for out of war appropriations.

A Royal Commission was established by Order in Council P.C. 1946-411, February 5, 1946, to inquire into the espionage cases, and Part I of the Inquiries Act was mentioned, and in addition there was also a phrase which has appeared almost continually ever since in the authorizing Orders in Council, granting authority to the Commission

37. See Appendix I for Historical Evolution of Royal Commissions.

"to adopt such procedures and methods as they deem expedient".³⁸ In this Order there was no restriction imposed, nor indeed was any mention made with respect to engaging staff.

In the same month, on February 15, 1946, another Royal Commission was created by P.C. 1946-563, concerned with the classification in the public service. The founding Order in Council did mention Section 11 and did not impose restrictions as to remuneration to staff. This conforms with Section 11 of the Inquiries Act which does not indicate monetary restrictions. As an aside, one unusual aspect of this Order in Council is that it named two persons who were then members of the Civil Service as Secretary and Assistant Secretary to the Commission. This naming of the Secretary and/or Assistant Secretary has occurred only once or twice in the Order in Council creating Commissions since that time.

In 1948 a Royal Commission was established, P.C. 1948-3109 being the Order in Council, to inquire into the cost of living and rise in prices of food products. It was created under Part I of the Inquiries Act and Section 11 was mentioned. In this document the Commission was told that they could proceed with their own methods and no Treasury Board restraint upon money matters was specifically written into the Order in Council.

The War Claims Commission was created by Order in Council, P.C. 1951-3951, which did not mention Section 11 of the Inquiries Act, but included two specific clauses which had the same effect. These

38. Canada, Report of Royal Commission on Espionage, (1946).

authorized the Commission to engage the services of counsel, technical advisers and other experts, clerks or reporters (the same words as Section 11 of the Inquiries Act), at rates of compensation to be approved by the Governor in Council. The fact that approval of compensation was by an authority other than Treasury Board is unusual although it has been noted in the examination of files of some Royal Commissions that requests for payment of unusual expenses have been placed before both the Treasury Board and the Governor in Council. The main point of this Order in Council however is that this was the first time since World War II that some direct restraint was imposed by government on the Commission's financial activities.

However, on August 24, 1951, one month later, a Royal Commission was created by P.C. 1951-4435 to inquire into the South Saskatchewan River project. This Order in Council contained a clause in which the Commissioners were vested with all the powers conferred upon Commissioners under the Inquiries Act, and no mention of staff or financial restraint was recorded, only that departments of government were charged to assist the Commissioners.

In 1954 there were two interesting Commissions established having some of the same Commissioners serving on both Commissions. P.C. 1954-289 of March 2, 1954, appointed five Commissioners "to inquire into and report upon the question whether the criminal law of Canada relating to the defence of insanity should be amended."³⁹ P.C. 1954-445 of March 25, 1954, appointed three of the Commissioners serving on the first inquiry to a second Commission "to inquire into and report upon the question whether the Criminal Law of Canada relating to criminal sexual

39. Canada, Order in Council P.C. 1954-289, March 2, 1954.

psychopaths should be amended."⁴⁰ Both these Commissions were appointed under Part I of the Inquiries Act, but no mention was made of Section 11 of the Act. There was a clause, however, in each Order in Council granting the Commissioners authority "to engage the services of such counsel and of such technical advisers, experts, . . . as they may deem necessary and advisable;" ⁴¹ Once again this is almost the same words as Section 11 and, while it gives the Commission authority to engage these persons, for the first time a new clause appeared which stated "the expenses of and incidental to the said inquiry be paid out of money appropriated by Parliament."⁴² It would seem obvious that this new clause must have been placed in the Order for a particular reason, for obviously the expenses of any Royal Commission would have to come from the appropriation of Parliament either directly by a vote in the Appropriations Act or indirectly through the funds provided to another agency.

At this point in time it seems evident that there was a change in policy whereby there was more central control over the moneys spent by a Royal Commission, particularly with respect to salaries. For a short time it will be noted there was some inconsistency, but then it settled down into a pattern.

On March 1, 1955, P.C. 1955-308 established a Royal Commission to inquire into the coasting trade. The Commission was appointed pursuant to Part I of the Inquiries Act; Section 11 of the Act was not

40. Canada, Order in Council P.C. 1954-445, March 25, 1954.

41. Ibid.

42. Ibid.

mentioned, but the Commissioners were authorized "to adopt procedures and methods as they may deem necessary for the conduct of the inquiry"⁴³ and once again the same clause concerning the engagement of technical officers, clerks, and so forth, appeared but additional words were added: "and at rates of remuneration and reimbursement of expenses to be approved by the Treasury Board."⁴⁴ Then came an additional clause permitting "travelling expenses and a living allowance in such amounts as may be approved by the Treasury Board."⁴⁵ The phrase about expenses being paid out of Parliamentary appropriations remained as well. This appears to be the first time that Treasury Board was specifically mentioned as the direct controlling agent in the matter of salaries and expenses, although the Treasury Board is not mentioned in any part of the Inquiries Act. The decision seems to have been made that the same Treasury Board control was desirable as that maintained over the expenditures of other government operations.

In the same year the Television Broadcasting Commission was created by P.C. 1955-1796, December 2, 1955; the Order in Council specifically mentioned Section 11 of the Inquiries Act; directed other government departments to give assistance; permitted the Commission to adopt methods and procedures in their inquiries as they decided; but stated "that the Commissioners be empowered to engage such staff and expert assistance as may be required for the proper conduct of their

43. Canada, Order in Council P.C. 1955-308, March 1, 1955.

44. Ibid.

45. Ibid.

inquiry."⁴⁶ Where had Treasury Board control gone in this case?

Order in Council P.C. 1957-52, January 17, 1957, created the Royal Commission to look into the dispute between the C. P. R. and their firemen and enginemen, and Section 11 of the Inquiries Act was mentioned with permission to the Commissioners "to secure technical advice and assistance from the members and staff of the Board of Transport Commissioners and from any other board, Commission, agency or department of the government of Canada."⁴⁷ It also gave authority to engage staff, but the phrase reappeared "to be approved by Treasury Board."⁴⁸ From that time, with one or two rare exceptions the established pattern was followed.

By P.C. 1957-257, February 21, 1957, the Newfoundland Royal Commission was established; Section 11 was mentioned; the Commissioners were empowered to adopt methods and procedures as they deemed expedient for their inquiry; and they were also permitted to engage staff and expert assistance and, amazingly enough, "to determine the rates of expenses to be paid to persons so engaged and to make regulations governing conditions of employment which will be applied to their staff."⁴⁹ There was no mention of Treasury Board in this connection! There also was no mention of Parliamentary appropriation, but travelling expenses and living allowances were to be approved by Treasury Board.

On October 15, 1957, by P.C. 1957-1386, the Energy Commission was created, and here Section 11 was mentioned, methods and procedures

46. Canada, Order in Council P.C. 1955-1796, December 2, 1955.

47. Canada, Order in Council P.C. 1957-52, January 17, 1957.

48. Ibid.

49. Canada, Order in Council P.C. 1957-257, February 21, 1957.

to be adopted were authorized and selection of staff was subject to rates of remuneration to be authorized by Treasury Board.

This pattern was followed, without naming the Secretary or Assistant Secretary, for the Price Spreads Commission, P.C. 1957-1632, December 10, 1957; the Freight Rates Commission, P.C. 1959-577, May 13, 1959; the Commission to study the Great Slave Lake Railroad, P.C. 1959-705, June 4, 1959; the Commission to study the problems of the Indians in the Mackenzie District, P.C. 1959-799, June 25, 1959; and the Royal Commission to study the coal industry, P.C. 1959-1293, October 6, 1959. From that time to the present over-all control by Treasury Board in financial matters, particularly with respect to salaries and related expenses, have been written into the Orders in Council in identical phrases. This control is not mentioned in the Inquiries Act, but is implicit in the Financial Administration Act which applies to all government departments. In fact this control has been extended to Royal Commissions by a recent Order in Council.⁵⁰

This over-all control by Treasury Board was written into the Orders in Council for the Automotive Industry Commission, the Commission on Government Organization, the Publications Commission, the Health Commission, the Banking Commission, the Pilotage Commission, the Taxation Commission and the Bilingualism and Biculturalism Commission, as well as that of the Gill Committee in 1959.

To sum up, the only general written regulations which may

50. Canada, Privy Council 1962-1598.

possibly be considered of an administrative nature are the aforementioned general clauses in the founding documents of a Royal Commission. Specific controls over such matters as establishment, staff and materiel do exist however, and are discussed in the following chapters.

CHAPTER V

THE PRELIMINARY ORGANIZATION

It is now proposed to examine in detail the information gleaned from a review by the author of over 300 files deposited with the Dominion Archivist, covering the work of a number of Royal Commissions which existed between 1945 and 1960, in an endeavour to discover if there are recurring patterns in the problems of organizing the administrative work and the subsequent daily routine of Royal Commissions which might point to the need for some formal regulations.

It appears obvious that most Royal Commissions commence their operations with very little resources either human, financial, or physical. The Commissioners appointed by the founding Order in Council doubtless have preliminary discussions with the Prime Minister, other Ministers, and the Clerk of the Privy Council on a number of topics including the selection of the Secretary. Normally the Secretary, who is the administrative head and often the research head of the organization, is not selected until after the Commission has been founded, but his appointment is not long delayed. The Commissioners, particularly the Chairman, look to the Secretary to produce the materiel and arrange for the financial resources, to assist in the selection of staff, as well as arranging for the details of selection, to provide accommodation, and act as liaison officer with a host of people. The Secretary in turn needs assistance himself almost at once.

The evidence shows that arranging a place of work is not difficult, for the Public Works Department has always co-operated and, at the outset some money is provided from the Finance Department vote

covering 'Miscellaneous Minor or Unforeseen Expenses'. But this is just the beginning for the number of things with which a Commission is involved in its daily work are legion, quite apart from its particular function of inquiry and its peculiar relationship with the community in the inquiry. Without exhausting the list by any means, it goes something like this: the problems of determining and forecasting the program and relating it to the time factor of the life of the Commission; the financial resources required to carry out the program and converting this into estimates; the internal organization which is not unlike that of a small government department, for it involves most of the functions which are common to administrative support staffs. Next comes the formation of an establishment into which the personnel are fitted, and the necessity for obtaining approval of it; the routines of selection of staff, the yardsticks of qualifications somehow to be related to the task at hand, and the securing of the human resources; the financial matters with respect to pay, allowances, expense accounts, and all the mechanics related thereto; matters of particular interest to staff, such as group health insurance, workmen's compensation, the determination of leave rights and attendance; then arranging for accommodation, equipment and supplies, with the continual operations of purchasing these necessities with which to operate.

The organization, as one would expect, has to be tailored to the personalities of the 'key' staff. But the work of administrative support staff which is common to all Commissions is generally organized in similar ways, the difference being one of size, from a small Commission where one man may do many tasks to a large Commission where the

duties become specialized and large organizations are required to carry out the work.

A large Commission would require an administrative officer, or Assistant Secretary subordinate to the Secretary, who would be responsible for the accounting, personnel records, routines of office services, the library and stenographic pool, and administrative tasks involved in public hearings. The accounting work includes the paying of bills in accordance with the regulations of the Comptroller of the Treasury and the husbanding of funds. The personnel work involves not only the development of an establishment and selection of staff, but the documentation necessary in any personnel function and the custody of personnel files, the rules and records of working hours, leave regulations, identification cards, pay, allowances and travel regulations, and many other details. The office services routines entail the requisitioning and custody of supplies, furniture, dictating equipment, the messenger service, the maintenance of a central registry, including the methods of handling correspondence, the printing and copying facilities, communications generally, and the over-all maintenance of an inventory control. The library involves not only the purchasing of necessary books and periodicals, but also arrangements for interlibrary loans with libraries both in the government and outside the government. The stenographic pool is, of course, an integral part of any concern and the maintenance of a staff of qualified and efficient personnel in this section poses problems at times. The administrative tasks involved in public hearings include obtaining rooms suitable for the hearings, creating a flexible system for the visits to the various cities, making travel and living arrangements for those travelling with the Commission, and many other incidental

matters which come up each day.

This takes but a few minutes to record on paper and does not reflect the countless hours of intensive work necessary to organize the staff and the work they must perform, and this is greatly increased if the Secretary is not a person with a variety of administrative experience or one able to gather around himself others cognisant with Royal Commission work and routine. Sometimes the Secretary is a Civil Servant, but this fact alone does not mean that he will be automatically familiar with the administrative routines of government. The Secretary, by accepting the position of administrator in something as unfamiliar as a Royal Commission, accepts the fact that he must create his organization and establish the internal routines to be followed from his own background experience and knowledge, supplemented by advice and information sought on a personal basis from those who have had similar positions with other Royal Commissions. The Secretary's task is not eased by the fact that generally the Commissioners, although obviously highly qualified and experienced persons in their own fields, are not usually familiar with the details of administrative routines in government.

Fortunately for each new Royal Commission, assistance is cheerfully and readily given by persons who have had experience with the routines of other Commissions. Evidence is ample in the files perused that this is the way in which most Secretaries obtain their initial instructions. They are guided by staff of the Privy Council office and Treasury Board, and by conversations with colleagues throughout the service. However, all this takes time, and this is one place where the path can be made smoother and time saved in order that priority may be

given to the main job at hand, for the duration of a Commission's lifetime is limited and there is pressure to get on with the job and produce a report. After all, as stated in the report of the Royal Commission on Government Organization, "reduced to its simplest terms, good organization means having the right people in the right places doing the right things."⁵¹ Although the idea is not new, it bears repeating here, and to this might be added 'at the right time' and for Royal Commissions, 'in the quickest possible time'.

Perhaps it would be pertinent to make a few comments upon the selection of the Secretary at this point. Up until recent years it was found that the smaller Royal Commissions, and sometimes those with heavy tasks, appointed Secretaries who bore the responsibility not only for administration, but also for research, and in some instances did considerable report writing as well. The size of some recent Commissions, where staffs vary from fifty upwards to three hundred persons, has meant that the tasks have become specialized with a Research Director responsible for research and technical details, and the Secretary looks after the administrative and organization responsibilities as well as relationship with the public.

It is interesting to discover that no uniform pattern has been followed in the selection of the Secretary. In the Royal Commission on Classification of the Public Service in 1946 not only was the Chairman named in the founding Order in Council, P.C. 1946-563, but the Secretary and Assistant Secretary, both of whom were Civil Servants at the time, were named--Messrs. J. J. Deutsch, presently Chairman of the Economic Council, and Paul Pelletier, presently Deputy Minister of Veterans Affairs.

51. Canada, Royal Commission on Government Organization, Vol. 5, (1963), p. 23.

The records indicate that in subsequent Commissions the Secretary was not named in the founding Order in Council. In the Royal Commissions on Espionage, Transportation, War Claims, South Saskatchewan River Project, Criminal Law and Sexual Psychopaths, the C. P. R. Locomotive Firemen and Enginemen, Newfoundland, Price Spreads, the Indians in the Mackenzie District, the Coal Industry, the Automotive Industry, Government Organization, Publications, and Health, the Secretaries were appointed by a different instrument. Then in 1961, after a period of years, P.C. 1961-1484 authorized the appointment of the Commissioners on Banking and Finance, and also appointed Mr. P. Hampson of the City of Hamilton as Secretary of the Commission. Mr. Hampson was not a member of the Civil Service.

What then had happened in the intervening years? Probably at the time the Royal Commissioners were selected and appointed the government did not name a Secretary as they may not have had any particular person in mind or available. Also, they may have felt that the Royal Commissioners themselves would have some definite ideas about the person to be selected, for obviously the smooth working of the Commission requires that there be rapport and respect between the Commissioners and the Secretary and further, to preselect him without agreement with the Commissioners could be presumptuous and even appear offensive.

The variety of appointment procedures used to name the Secretary of a Royal Commission is interesting. The Royal Commission on Transportation in 1948 was appointed by P.C. 1948-6033, December 29, 1948, but Mr. C. R. Hunter's appointment as Secretary was announced by the Minister of Transport in a press release on February 17, 1949; and Mr. Paul Balcour's appointment as Assistant Secretary was announced by

the Minister on March 10, 1949. Although Orders in Council for these appointments do not appear on the files, there is authority however for remuneration and expenses which, for all practical purposes, seems to be quite adequate.

The Secretary of the Royal Commission on Coasting Trade in 1955 was Mr. Gordon McLeod; he was a Civil Servant, an economist with the Department of Transport, and was appointed by way of secondment by arrangements between the Royal Commission and the Department directly.

Mr. Douglas LePan was seconded from his position in the Department of External Affairs to be Secretary of the Royal Commission on Economic Prospects, and a terminable allowance was arranged for the additional duties he undertook by Treasury Board Minute 491110, dated September 9, 1955. Mr. LePan not only carried responsibility for the internal workings of the Commission, but he also directed the research activities as well. The administrative work in this case was carried on by an Assistant Secretary whose appointment to the Commission was somewhat unique, for it was by a National Defence Department letter signed by the Director-General of Army Personnel. This instrument shows that the Assistant Secretary, who was an army officer, was promoted to acting rank, struck off strength from Army Headquarters, and taken on strength of the Royal Commission on May 30, 1955. There does not appear to be any other document, e.g., a civil authority, supporting this appointment.

However, the original authority for the Royal Commission on Broadcasting in 1955 named not only the Commissioners but also the Secretary, Mr. Paul Pelletier, who was a Civil Servant, and who had been Assistant Secretary to the Royal Commission on Classification of the

Public Service in 1946. In 1957 the Energy Commission was created by P.C. 1957-1386, and subsequently two Orders in Council were passed, one appointing the Secretary, Mr. Joseph Parkinson, who was an economic adviser in the Finance Department, P.C. 1957-1473, November 13, 1957, and the other, P.C. 1957-1574, November 22, 1957, which appointed the Assistant Secretary.

Mr. W. Keith Buck was appointed Secretary of the Royal Commission on Coal by a separate Order in Council, P.C. 1959-1547, December 4, 1959. He was seconded from the Mines and Technical Surveys Department, as was his administrative officer. It is interesting to note that there was record of discussions between the Chairman and senior Civil Servants with respect to the organization of the staff, which affected the Secretary's appointment. The Chairman, by letter of November 27, 1959, wrote to the Clerk of the Privy Council: "I may say generally that any organization of the staff that is made by you will be unobjectionable to me, except insofar as in the course of our experience we may find it necessary to make some slight modification."⁵² The Clerk of the Privy Council shortly thereafter made a suggestion to the Chairman regarding the appointment of a particular person as Secretary, and he was appointed.

There is an interesting record on the subject of authority for the appointment of a Secretary in the files of the Royal Commission on the Great Slave Lake Railroad of 1959. The Chairman asked the Clerk of the Privy Council for guidance in the method to be followed in appointing the man he had selected for Secretary, Mr. A. Paterson of Edmonton, a Civil Servant with the National Revenue Department. In telegraphic reply

52. Canada, Public Archives, Royal Commission on Coal Papers.

the Clerk stated: "He can either be appointed by the Commission or the government. If the Commission approves it could be arranged for the government to make the appointment if you prefer it that way."⁵³ The Commission decided to make the appointment, arranging for the Secretary to be seconded to them from his Department.

The Royal Commission on Publications was authorized by P.C. 1960-1270, but the Secretary, Mr. P. Michael Pitfield, who was not a civil servant although in the service of the Crown, was appointed to the Royal Commission by a separate Order in Council.

By way of another variation, the author, who is a Civil Servant with the National Revenue Department, Customs and Excise Division, was appointed by arrangement between the Chairman of the Royal Commission on Taxation and the Deputy Minister of the Department. The appointment consisted of a letter from the Chairman to the Clerk of the Privy Council which states: "As a permanent Secretary, this Commission has arranged for the services of Agreement has been reached with his Department to have . . . seconded to this Commission."⁵⁴ The only government authority to back up the decision of the Commission is Treasury Board Minute 606358, February 1, 1963, in which the Board concurs in the payment of a terminable allowance.

The conclusions to be drawn, therefore, seem to be that there is no set pattern. Whether or not a person is a Civil Servant or from

53. Canada, Public Archives, Royal Commission on the Great Slave Lake Railroad Papers.

54. Canada, Royal Commission on Taxation Papers.

some other occupation, that person may be appointed either by Order in Council, by announcement of the Royal Commission, or by a Minister of the Crown; but the pay authority is the subject of a Treasury Board Minute. The pay authority of government employees is already effective, but a Treasury Board Minute is necessary to cover any additional remuneration. It would seem that there could be a uniform method, with Secretaries either appointed by government or by the Royal Commission itself. In any case, some standard pattern would seem called for-- public servants are not appointed in such a variety of ways, and the conclusion seems obvious that all appointments of Secretaries should be by Treasury Board authority, in common with all members of a Royal Commission's staff, and staff appointments are covered in detail in a later chapter.

CHAPTER VI

THE ADMINISTRATIVE ROUTINES - THE QUEST FOR INFORMATION

What do the files reviewed reveal about the activity of the newly-appointed Secretary? Obviously they record only a small part of the story for much is done by telephone and personal discussions, but the files show that both the inquiry and administrative functions of Royal Commissions are launched in a variety of ways. The administrative function, with which this thesis is concerned, depends to a large extent on the experience and personal contacts of the Secretary himself.

In the past some of the Royal Commissions have been fortunate because many of their administrative services were performed for them by a government department, with the experienced departmental officials treating the administrative activities of the Royal Commission as another section of the department's organization. In such cases the normal Civil Service Rules and Regulations were automatically applied, thus obviating many points of possible contention within the Royal Commission itself. The Royal Commission on Transportation in 1948 received this service from the Department of Transport, whose officials handled the detail work of estimates, accounting, personnel, pay services, etc., and therefore there were few organization problems for the Secretary. The Secretary and the Assistant Secretary were not Civil Servants, although the Secretary had previous service as an executive assistant to a Minister of the Crown.

The files of the Royal Commission on Coasting Trade reveal a somewhat different story, and there is evidence that the Transport Department once again gave substantial assistance. The Secretary, who was an

economist in the Civil Service, was probably not familiar with administrative details, for his organization was treated as part of the Department for quite some time. For instance, the Secretary wrote to the Deputy Minister of Transport on May 14, 1955, stating: "Would it be in order for me to approach Mr. Bull (then Deputy Minister of Trade and Commerce) with the request for the services of . . . to act as Commission Economist?"⁵⁵ The fact to be noted is that he felt he should approach the Deputy Minister of the Department which was supplying administrative services for such permission, and one wonders why? The Deputy Minister confirmed the Department's role for, in answer to another query, in a letter of May 15, 1955, he requested his Departmental Supervisor of Office Services to: "Give all assistance to the Secretary in securing furniture and supplies and setting up his filing system."⁵⁶ The same day the Secretary of the Royal Commission confirmed with the Director of Personnel of the Department that the Department should handle all staff matters, including payment of salaries. It was noted that later the routine was not so strictly followed, for the Secretary began to approach the Treasury Board directly.

In 1955 the Royal Commission on Economic Prospects developed a close contact with the Administrative Section of the Finance Department and personnel matters were routed through the Department to the Treasury Board staff. There is evidence that the Administrative Section of the Finance Department prepared paylists and arranged for attendance

55. Canada, Public Archives, Royal Commission on Coasting Trade Papers.

56. Ibid.

and leave records to be maintained and, in general, took care of all personnel details for the Royal Commission. Nevertheless, the Administrative Assistant Secretary of the Royal Commission corresponded with and talked directly to the Public Works Department and with the Public Printing and Stationery Department on pertinent matters.

One of the first things which the newly-appointed Commission Chairman raised in correspondence with the Administrative Assistant Secretary was his concern that he should be made aware of the procedure to be followed in matters of acquiring space, selecting clerks and messengers, obtaining telephones, stationery and supplies, making financial arrangements, and the procedures and regulations of Treasury Board. He stated: "You might look into the above matters and discuss them with me next Wednesday, P.M."⁵⁷ The Royal Commission got off the ground relatively quickly with administrative circulars being developed and circulated dealing with all such internal matters.

In 1958 the new Secretary of the Royal Commission on Price Spreads wrote to the Chief Treasury Officer of External Affairs Department, who handled the accounts of the Royal Commission, in these words:

I appreciate very much the guidance you were able to give Mr. . . . on a number of matters relating to procedure on requests. The things that seem particularly urgent include the following:

1. The required action with regard to notification concerning the hiring of personnel.
2. The procedures on requisitions for space and equipment.

57. Canada, Public Archives, Royal Commission on Economic Prospects Papers.

3. The handling of travel and expense accounts.
4. The procedures for requesting transfers between allotments if and when needed.

I would appreciate it if Mr. . . . and myself could get guidance⁵⁸ in these matters this afternoon.

In the files of the Royal Commission on Coal there is a document from the Chief Treasury Officer to the Administrative Officer of the Royal Commission listing the various financial documents to be prepared in the daily work, showing the number of copies required and the disposition of each document, such as paylists, travel claims, requisitions, invoice accounts and other accounts. Also, a senior officer of the Privy Council office directed an officer of the War Claims Royal Commission to assist the Royal Commission on Coal to become established, both with respect to their office accommodation and furniture requirements. The officer of the War Claims Royal Commission gave such assistance, prior to the appointment of a Secretary or Administrative Officer for the Royal Commission on Coal.

Files of the Great Slave Lake Railway Royal Commission are particularly revealing in this quest for information about the early phases of a Royal Commission's life. It will be recalled that the Secretary was a senior officer in charge of a regional office of the National Revenue Department, and it might therefore have been presumed that he was fully acquainted with administrative routine. However, his permanent position called for technical expertise and, while no doubt thoroughly competent in that position, the problems of setting up shop for a Royal

58. Canada, Public Archives, Royal Commission on Price Spreads of Food Products Papers.

Commission presented new experiences and new problems for which he sought and received guidance.

A meeting was held at the McDonald Hotel, Edmonton, as evidenced by handwritten notes on file, and an officer of the Privy Council office and one from Northern Affairs Department were present. The new Secretary was given a guide which set forth instructions on many things, such as: sending copies of all Ottawa correspondence to the Privy Council office; the preparation of estimates; the accounting practices for Commissioners' remuneration; the steps to be taken in requesting terminable allowances for senior officers of the Royal Commission; the details of procedure on the first day at public hearings; how to call for tenders for court reporters; arrangements necessary for transportation credit cards; space, and office equipment. Then, there is a revealing comment in a memorandum to file which states: "To arrange for staff--per Mr. . . .'s letter No. 2; for authorization to sign--per Mr. . . .'s letter No. 4."⁵⁹ As well, there is a note from the official of Northern Affairs Department attached to a paper addressed to the Secretary which is headed:

"Remarks on opening a Royal Commission based on a discussion with . . . Assistant Secretary of the Royal Commission on Energy."⁶⁰ The notes were in very considerable detail and present a good illustration of the usual practice in seeking and receiving this initial guidance. One Civil Servant was coaching another who had been appointed Secretary of a Royal Commission, by way of notes gathered from an experienced Assistant Secretary of an existing Royal Commission! Some of the notes are worthy of reproduction:

59. Canada, Public Archives, Royal Commission on the Great Slave Lake Railway Papers.

60. Ibid.

Secretary: every Royal Commission needs one, he may be primarily administrative, or he may have to write the report; he arranges for hearings, times and places, for submissions to Treasury Board, P. P. & S., Public Works and for general administration. If he is from the government service he should receive a terminable allowance of \$1,000 to \$1,500 per annum. They pointed out that a Court House is the best place for hearings. With respect to advertising, this should be in newspapers, and a cut should be made so that it can be readily sent to all newspapers, and the accounts should be sent to the Secretary.

The Secretary should have a clerk who is familiar with Treasury procedure, probably about the level of Clerk 4. Commissioners per diem allowance normally should not be claimed for Saturday and Sunday. It is preferable to have too many than too few copies of the final report made, and in this regard it is pointed out that instructions should be made with regard to the distribution of the report, but definitely it should go to the Archives.

It is pointed out that there should be submissions made to Treasury Board to arrange for signing authorities under Section 31 of the Financial Administration Act; it should be for the Chairman, one Commissioner and the Secretary; and for Section 32 of the Financial Administration Act the same three plus the Administrative Clerk. For authority under the travel regulations, it is suggested that the Chairman, the Secretary and the Administrative Clerk require authority.

With respect to staff it is pointed out that this requires a submission to Treasury Board and no staff can be hired without Treasury Board authorization. Once authorization is granted⁶¹ it is O.K. to hire.

This particular instruction must have been an invaluable guide, particularly to a Secretary whose head office was in Edmonton and who could not discuss his problems with colleagues quite as readily as those situated in Ottawa.

A further interesting comment is contained in a paragraph from the Chief Treasury Officer to the new Secretary stating: "It is understood that you are presently in the Federal Civil Service and no doubt know all the requirements with regard to documentation.

61. Ibid.

However, in order that there may be no doubt, I append a list of the requirements."⁶² Sufficient evidence that the Chief Treasury Officer had previous experience with Royal Commissions, and the records show that he was right and that there was considerable need for guidance in this phase of administrative work.

The Chairman of the Royal Commission on the Automotive Industry, who was appointed August 24, 1960, wrote to the office of the Privy Council on the next day, saying: "I am not sure what formalities are required, but I should be grateful if you would arrange for . . . to have authority to sign under sections 31 and 32 of the Financial Administration Act."⁶³ The following day, August 26th, the new Secretary wrote to the Privy Council office requesting an appointment with an officer who could give her guidance on the administrative responsibilities which she had assumed. The request was granted.

So the story goes from Royal Commission to Royal Commission: a hurried search for information, for direction in how to proceed, for assurance that the right steps are being taken along the right road; no one is allowed to be completely lost or to sink in the morass of administrative routines; the files show that some have floundered a bit until they cried for help, whilst others have found firmer ground by taking the precaution of asking for a guiding hand from those who have gone before, and a few who have had the necessary experience have boldly set forth on their own. There have been a few frustrations; perhaps considerable bewilderment for some, and doubtless much concern and worry. Would it not be much easier

62. Ibid.

63. Canada, Public Archives, Royal Commission on the Automotive Industry Papers.

and indeed much simpler to be able to reach for a manual which sets out in some detail guidelines on how to proceed in this important task? Time would be saved, uniformity achieved, and the Royal Commission could proceed with its main task of inquiry.

CHAPTER VII

PERSONNEL PEREGRINATIONS

From an administrative point of view the personnel function of a Royal Commission is most important. The establishment, the selection and hiring of personnel are discussed first in the series of tasks facing the administration.

In a previous chapter we have mentioned the seeming inconsistency in the authority granted to Commissioners to appoint staff while at the same time they are circumscribed by the restraining hand of Treasury Board authority. However one interprets section 11 of the Inquiries Act, Treasury Board have the authority, nonetheless, to be watchdogs of all expenditures paid out of parliamentary appropriations, for the Financial Administration Act, which is now applied to finances of Royal Commissions, states that:

5. (1) The Treasury Board shall act as a committee of the Privy Council for Canada on all matters relating to finance, revenues, estimates, expenditures and financial commitments, accounts, establishments, the terms and conditions of employment of persons in the public service, and general administrative policy in the public service

Moreover, there are some obvious conclusions to be drawn from the difficulties experienced by Royal Commissions throughout the years in their efforts to follow routines without regulations, or at best by ambiguous instructions. As far as the personnel function is concerned, problems arise in the first place when Royal Commissions do not prepare personnel establishments, but there is no definite requirement to do so.

64. Canada, Financial Administration Act, Part 1, 1958.

Those who do prepare establishments can discuss them with Treasury Board officials and, in a general way, the cost of the staff expenditure can be estimated, and any necessary change in program which calls for additional personnel can be further estimated and fitted into the expanded establishment.

Royal Commissions who have not prepared personnel establishments must submit individually every person selected for their staff to Treasury Board for approval. Royal Commissioners and newly-appointed senior officers, many of whom are completely unacquainted with Treasury Board control systems, take the practical approach towards selection of personnel. In the absence of any detailed instructions, they freely discuss salaries with various prospective employees and make commitments--sometimes generous ones--together with a variety of allowances, without taking into consideration the Order in Council which established the Commission or the provisions of the Financial Administration Act. They find later that, not only is Treasury Board approval necessary, but that this approval is not given lightly. The rate of pay is closely scrutinized and the person's qualifications for the job to be undertaken are minutely examined, and both are closely compared to the general framework of the public service salary ranges. Some of the ad hoc financial arrangements agreed to by the Royal Commission may not meet with Treasury Board approval, either because of the fact that all the allowances are not completely within the normal Treasury regulations or because the precedents which have been previously established do not fit the case. New ground is not easily broken.

What may be the result of an impasse between Treasury Board and a Royal Commission? Treasury Board officials recognize that persons sought by a Royal Commission must have qualifications peculiarly fitted to the nature of the inquiry of the Commission, and that usually their salary requests for short-term employment are in the higher salary ranges. The Commissioners and senior staff realize this--perhaps too sympathetically--and come to agreement with persons they wish to employ. It is, therefore, with considerable dismay that they find, when challenged after the fact, that they cannot on their own authority make such binding salary agreements. This is something which can perhaps jeopardize the early organization of the Commission's program, or a most important part of their investigations. If Treasury Board is adamant and refuses approval of an agreement made between the Royal Commission and a prospective employee, the Commission is embarrassed by having to say to the person 'Sorry, we cannot follow through on our original terms, but can offer you these new terms' The bewildered prospective employee, who now hears about Treasury Board control for the first time, may have made his personal arrangements to come to work with his new employer, the Royal Commission, and may have severed his connections with his previous employer; he is naturally upset and probably resentful. He may, of course, disengage from the offer when this happens, and some have done so. The Royal Commission's officers must then take second best or fill the position as best they can within the limitation set by Treasury Board; but they have learned a lesson the hard way. While this illustration applies only to one case, in actual fact the Commission's officers will usually be in the process of negotiation with many persons at the same time in order

to obtain the nucleus of qualified staff to start operations; consequently, many persons may be affected by this 'lesson'.

It has been the writer's experience that at times, when Treasury Board and Commission officials have come to agreement and commitments have been made, other small matters crop up later which the employee has taken for granted but which may not, in the opinion of Treasury Board, form part of such commitment. There may be problems not only of allowances, but of leave, attendance, costs of transportation, and so forth, in this area of personnel function. The files of various Royal Commissions give interesting and different approaches which have been followed by the different Royal Commissions in their relationship to government departments, Privy Council office, and Treasury Board in the personnel field. Some have obviously felt that submissions to Treasury Board on matters of salary were a formality hardly to be borne, but evidently somehow necessary; others have been wary and made their submissions in the same way as was done by government departments; and some have actually looked upon the Treasury Board as the selecting authority. Hereunder are some instances extracted from files of Royal Commissions.

The Chairman of the Royal Commission on Transportation, on July 19, 1949, wrote to the Secretary of the Treasury Board: "It is recommended that Treasury Board approve the employment by the Royal Commission of It is proposed to pay" ⁶⁵ As a matter of information, a copy of this was forwarded by the Secretary of the Royal Commission to the office of the Minister of Transport. In this particular case, Treasury

65. Canada, Public Archives, Royal Commission on Transportation Papers.

Board was asked to approve the employment, not merely the rate of pay. It should be added that the Order in Council which created this Royal Commission did not specifically mention that Treasury Board approval for pay purposes was required but, as the routine of the Royal Commission was handled by the Transport Department, the officials of that Department would certainly know that this pay authority was necessary; but what of the approval for employment?

The Order in Council for the Royal Commission on Coasting Trade, on the other hand, did require that the rates of remuneration and reimbursement of expenses be approved by the Treasury Board, and again the Transport Department was responsible for the personnel routine. Originally, the Secretary wrote to the Director of Personnel of that Department asking for authority on rates of pay, but then later he began to write directly to the Secretary of the Board. An example of the former is in a letter to the Director of Personnel by the Secretary in March, 1955, asking if he might hire three Grade 3 Stenographers, and the reply is given in a footnote to the letter: "O. K. to take on three Grade 3's at \$3060 or less; will try to get one grade 3 for you."⁶⁶ In this instance, the Director of Personnel of the Department exercised an authority with respect to the level of salary which was to be paid.

When it came to professional and legal assistance for this Royal Commission, there is evidence that the selection was discussed by the Chairman with the Minister, although the Minister did indicate that

66. Canada, Public Archives, Royal Commission on Coasting Trade Papers.

he preferred the Chairman to contact persons and carry on the selection directly rather than involve him. The Chairman then wrote to the Secretary of the Treasury Board on April 4, 1955, stating that the Royal Commission proposed to "employ the following list of people for which a statement of duties is attached:" ⁶⁷ Then he added these words: "would be grateful to have your assistance in securing Treasury Board approval." ⁶⁸ For some reason the Secretary of the Royal Commission, on the same date, wrote to the Secretary of Treasury Board repeating the same request. But it is noted that some time between March and April the Director of Personnel of the Transport Department had been dropped from the scene.

A new tone appeared when the Secretary, writing to the Secretary of the Treasury Board on May 19, 1955, stated:

I now advise that the Royal Commission propose to employ . . . for a period from May 19, 1955, to September 16th as . . . at a salary of . . . a month. The three Commissioners, meeting in Ottawa on May 13th, being satisfied as to . . . qualifications, have approved of his employment in this capacity at the rate noted. Accordingly I hereby request the authority of Treasury Board as required by P.C. 1955-308. ⁶⁹

The pendulum seems to have swung completely to the opposite side. Not only have the Commissioners decided on the selection of the party in question, which according to the terms of the Order in Council they had every right to do, but they also decided on the salary as evidenced by the words: "in this capacity at the rate noted." ⁷⁰ While they did request Treasury

67. Ibid.

68. Ibid.

69. Ibid.

70. Ibid.

Board approval of the rate, this is evidence of a commitment being made prior to submission to Treasury Board. There might have been prior agreement by telephone that the rate was in order, but it certainly seems that the Chairman and the Secretary of the Royal Commission had read section 11 of the Inquiries Act and section 4 of the Order in Council, and had taken them literally. As a conclusion to this sequel, the rate of pay was approved by T.B. Minute 491425, September 4, 1955, but at a rate of \$2.25 an hour, which to all intents and purposes works out at the same approximate rate as was requested. The Treasury Board, however, did exercise its prerogative.

There is also an instance where staff was hired and work performed before the submission was made to Treasury Board. The Secretary of the Royal Commission wrote on July 14, 1955, to the Secretary of Treasury Board:

The Commission has incurred expenses in having 800 stencils cut by outside staff. Under terms of P.C. 1955-308, the Commission may engage services of such clerks. I would ask for your good offices in securing approval in order that we may pay these⁷¹ accounts without delay.

Treasury Board did approve, but once again the question is raised as to what would have happened had they not approved, for here is an excellent example of the conflict wherein the Royal Commission did have the authority to hire the clerks for the work to be done, but did not have the authority to set the rate of pay, although again there may have been oral approval. It would have been very awkward if Treasury Board had decided the rate was too high. There was a similar occurrence two months

71. Ibid.

later, for on the 15th September, 1955, the Assistant Secretary wrote to Treasury Board saying:

Extra work necessitates the hiring of three casual typists; two of these three typists are already working It was agreed that the salary to be paid would be \$9.00 a day. These extra personnel have been hired upon the instructions of the three Commis-⁷²sioners.

Treasury Board once again approved, but they put a time limit on the term of employment of one week. But again this is a curious directive; while it would seem from the Order in Council that Treasury Board could put a limit on the rate of pay, it is not at all clear that they could restrain the length of employment. Surely the amount of time required to do a job should be exercised through the overall monies appropriated to the Royal Commission, for they should know better the task to be performed. However, this restraint occurs fairly frequently in Treasury Board Minutes, for not only do they approve the rate of pay, they also set limitations as to the duration of the employment!

As time went on the files of this Royal Commission revealed a change in the tone of the approach to Treasury Board. The Assistant Secretary on September 22, 1955, wrote to the Treasury Board asking for approval to hire a Clerk Grade 4; and approval was granted at the standard salary of the class. This, of course, raises the question of whether it should be necessary to have approval of Treasury Board again for persons being hired in such positions, for they are within the Civil Service classifications already approved, and all that should be necessary is prior approval of the establishment setting out the number and classification of such

72. Ibid.

positions, for use as required. However, the Royal Commission on Coasting Trade continued to hire people at classified rates and each individual case was approved by Treasury Board Minute--is this not a waste of time and effort!

The Royal Commission on Economic Prospects had the good fortune to have an Assistant Secretary in charge of administration who had considerable experience in government administration, and things settled down very quickly to a routine. From the time of his appointment, administrative bulletins flowed from his pen dealing with all manner of subjects such as hours of work, long distance telephone calls, filing, method of requesting travel advances, standardizing of routine and correspondence, the inevitable coffee-break problems, and so forth.

The routine for personnel appointments quickly became established and the Finance Department dealt with personnel matters for this Royal Commission in the same manner as the Transport Department did for the Royal Commission on Transportation. Letters were despatched from the Royal Commission to the Deputy Minister of Finance who, it is presumed, passed them along to Treasury Board. The Secretary or Assistant Secretary of the Royal Commission on Economic Prospects would write, as evidenced by a letter to the Deputy Minister on June 15, 1955: "It is proposed to employ personnel listed below: (name, classification, effective date, salary or terminable allowance)."⁷³ Similar letters followed on June 21st and June 24th, concerning the loan of a clerk from the Department. It was as simple as that, except that on July 8th the Chairman asked the Deputy Minister for

73. Canada, Public Archives, Royal Commission on Economic Prospects Papers.

a terminable allowance for the Secretary. There was a change in the wording following that letter, for on August 3rd the Secretary wrote to the Deputy Minister of Finance: "The following personnel will be added to the staff of the Royal Commission, as shown below:" ⁷⁴ Apparently however the Department did not accept this automatically for on August 10th there was another letter to the Deputy Minister giving some details about the prospective employees, their background and their duties; but it is not clear whether the query stemmed from the Deputy Minister directly or from the Treasury Board via his office.

The replies from the Deputy Minister's office to the Royal Commission were somewhat unusual, for these words were used: "This will acknowledge proposed appointments to the staff of the Royal Commission. I am in agreement with the following appointments: (name, classification, effective date, salary)." ⁷⁵ These letters were signed by the Deputy Minister who appeared to take over the authority when he made such a statement in answer to the Royal Commission's letter stating 'the person will be added'; nor was any mention made of a Treasury Board Minute giving approval of the rates of pay.

On September 1, 1955, the Assistant Secretary wrote to the Deputy Minister saying: "The following personnel have been taken on effective September 1, 1955." ⁷⁶ This was not the previous 'will be' but 'have been', and did not ask for the Deputy Minister's approval. However, the Deputy Minister agreed. On September 9th the Assistant Secretary

74. Ibid.

75. Ibid.

76. Ibid.

wrote to him regarding a list of employees, mainly economists, saying:

"This Commission has secured the services of the following economists:

. . . ."77 There was a subtle change in the reply of the Deputy Minister on September 12th; up until that time he had 'concurred in' or 'agreed in' the selection of staff, but he then stated: "This is your authority to appoint the following:"78 These words are surprising, for the authority was vested in the Royal Commission, subject to Treasury Board approval by Order in Council P.C. 1955-909, June 15, 1955, which established the Royal Commission on Economic Prospects, paragraph 3 of which stated: "The Commissioners be authorized to engage the services of such counsel, staff, clerks and technical advisers as they may require at rates of remuneration to be approved by the Treasury Board."79 The Deputy Minister's statement implies that he had assumed the authority for both the selection of personnel and the rates of remuneration. However, there could be some explanation not in evidence on files of the Royal Commission; it may be that officers of the Finance Department prepared the submissions to the Treasury Board and the resulting Treasury Board Minutes were routed back to the Finance Department rather than directly to the Secretary of the Royal Commission, but the statement 'this is your authority' was not supported by reference to a Treasury Board Minute; and it might be supposed that Treasury Board Minutes would normally be quoted.

Requests and replies in this form continued for ordinary selections.

77. Ibid.

78. Ibid.

79. Ibid.

However, when a terminable allowance was requested for an employee in October, 1955, the Deputy Minister stated: "The terminable allowance will, of course, require approval of Treasury Board."⁸⁰ Treasury Board Minute 495102 granted approval. All remuneration required the approval of Treasury Board and this stated exception is all the more interesting in view of the records.

The Royal Commission on Broadcasting had few problems in recruiting personnel and its area of contact for this function was certainly wider than the one contact of the Royal Commission on Economic Prospects. The Secretary of the Royal Commission on Broadcasting felt free to write to the Chairman of the Civil Service Commission about a terminable allowance, after having discussed the matter with the Justice Department. His words were:

After discussing the legal aspects of this problem with the Justice Department, I think it would be wise for the Civil Service Commission to recommend the waiving of section 16 of the Civil Service Act in order that there be no doubt about the likelihood of payment.⁸¹

To be doubly sure, he also wrote an identical letter to the Secretary of Treasury Board the same day, including a little more detail and requesting living allowances as well.

In January, 1956, the Secretary reported to the Chairman on a conversation with two Cabinet Ministers and a senior Deputy Minister about securing the services of a person to do a financial study for the Commission. The only purpose in mentioning this is to note in passing that the

80. Ibid.

81. Canada, Public Archives, Royal Commission on Broadcasting Papers.

Secretary and the Chairman considered it necessary to discuss this appointment with Ministers of the Crown. The Deputy Minister involved quite properly mentioned that it would be necessary for Treasury Board approval of expenditure to be sought, but the Secretary assured the Chairman: "This is something I am sure will not cause us any difficulty and will be taken care of in due course."⁸²

While it is interesting to note that the Secretary also felt it necessary to discuss the selection of lawyers with the Justice Department and with the Ministers, the Chairman was quite realistic about the problems of selection and pay, for in a letter to the Secretary concerning the hiring of a senior employee he stated:

I feel that with a man of his qualifications we should give him authority to operate in the most efficient way possible, provided always that this can be fitted into the procedures of Treasury Board. If this is not possible I wish you would let me know what you and the Treasury Board suggest.⁸³

On another occasion there is evidence that agreement had been reached with the officials of Treasury Board, and confirmed by letter from the Secretary of the Commission to the Secretary of Treasury Board, saying: "The Commission has retained the services . . . and I would like to forward the Commission's recommendation for Treasury Board approval to be granted for the payment of the following fees:"⁸⁴ This is certainly a very proper approach written after the ground was well prepared, but it

82. Ibid.

83. Ibid.

84. Ibid.

still contained the usual inconsistencies; the Commission had retained the services after they no doubt made financial arrangements with the person involved. Why is it necessary to go about things in this way? On April 18, 1956, the Chairman of the Royal Commission wrote to the Secretary of Treasury Board saying: "As it was found necessary to increase . . . staff as of Monday, April 9th, the required Treasury Board authority should, if at all possible, be made retroactive to that date."⁸⁵ Here we have a 'fait accompli' again; and suppose Treasury Board had not found it possible, who then would pay the bills from the 9th to the 18th?

Let us look at the routine of the Royal Commission on Price Spreads of Food Products in 1957. Its approach was forthright and basically correct. On January 6, 1958, the Secretary wrote to the Secretary of the Treasury Board direct, enclosing his proposed establishment for the fiscal year which ended March 31, 1958. His establishment contained the usual Civil Service classifications, but he added: "The research program of the Commission will be under consideration in the near future. Early in the new fiscal year we will again review our staff requirements, taking into consideration the research staff."⁸⁶

The contact for this Royal Commission was the Privy Council office, although there was direct correspondence between both the Chairman and Secretary of the Royal Commission and the Secretary of the Treasury Board. In an interesting letter concerning supplementary estimates officers of

85. Ibid.

86. Canada, Public Archives, Royal Commission on Price Spreads of Food Products Papers.

the Privy Council stated: "The Board may want some assurance before it authorizes the hiring of these economists."⁸⁷ Once again persuasion that authority to set remuneration automatically gives the right to approve or deny the appointment! In a practical sense there is the obvious fact that if Treasury Board will not approve of the rate of pay, an unsurmountable handicap may have been reached; but if Treasury Board authority is used in this way, it is in conflict with the freedom given the Commissioners to acquire necessary staff. On another occasion, there seems to have developed a difference of opinion between the Royal Commission and the Treasury Board staff over some rates of pay. While this is not directly evident from the files which have been reviewed, it has a familiar ring to the writer. In replying to the query of Treasury Board about rates of pay recommended by the Royal Commission for some economists, the Chairman, writing to the Clerk of the Privy Council, stated:

I have your letter of February 26th. In determining the remuneration for professional assistance . . . we have been guided by two factors:

- 1) The scale of remuneration for similar assistance approved for other Royal Commissions.
- 2) The alternatives open to university economists. One economist who would have been useful to the Commission is, we believe, receiving \$1,000 a month from one of the chain stores to assist them in preparing a submission to the Commission.⁸⁸

Eventually, the economists were hired.

Turning to the Royal Commission on Coal, we find most of the senior staff were seconded from other government departments. The

87. Ibid.

88. Ibid.

Administrative Officer, however, obtained a list of prospective staff from one of the Crown Corporations of persons whose applications they had on file. It is to be noted that Royal Commissions have used a number of ways of securing help, such as departmental contacts, National Employment Service, and the Civil Service Commission. Again, we have evidence of the Commissioner feeling that government should be consulted in securing senior staff, notably counsel. The Commissioner and the Secretary approached senior officials of the Justice Department and a Minister of the Crown.

In securing approval for pay the Secretary initially wrote always to a senior officer of the Privy Council in these words:

Enclosed please find three recommendations for staff appointments to the Royal Commission on Coal. It would be appreciated if you could arrange for these recommendations to be submitted for the approval of the Honourable the Treasury Board at the earliest⁸⁹ convenience.

Note the recommendation 'submitted for approval' and the fact that approval of remuneration again seems to be equated with approval of selection, even though this Royal Commission had the same authority as others to select their staff. Everything, however, seems to have gone quite smoothly, with all correspondence being routed through the Privy Council office, except there is evidence of one direct contact between the Administrative Officer and the Treasury Board staff in a letter enclosing a statement of duties related to some junior appointments, presumably in answer to a query.

There is a most exceptional sidelight, however, revealed in the records of this Commission; a statement was placed on each of the personnel files which does not appear in any other records. The statement

⁸⁹. Canada, Public Archives, Royal Commission on Coal Papers.

signed by the Commissioner is:

Under authority of P.C. 1959-1293, dated October 6, 1959, Sub-section 3 therein, I hereby recommend (in some cases I hereby appoint), subject to the approval of the Treasury Board, the appointment of (name, classification, salary).⁹⁰
The said appointment to be effective (date).

Here the Commissioner is using his authority as granted to him by his Commission and attempting to reconcile it with the authority given Treasury Board for remuneration, even though his staff, in submitting their recommendations, appear to be asking the Board to accept the whole responsibility.

The files of the Royal Commission on the Great Slave Lake Railroad contain a paper addressed to the Secretary, called 'Mechanics on the Opening of the Royal Commission'. The following quotation with respect to staff is noted; "This requires a submission to Treasury Board, and no staff can be hired without Treasury Board authorization. Once authorization is granted it is O. K. to hire."⁹¹ While this is very practical advice, and very good advice for everyday routine--one which if followed will not embarrass a Royal Commission or the person being considered for employment--nevertheless, it is not technically correct, for staff can be hired provided the remuneration is approved by Treasury Board. Recent Treasury Board Minutes are very carefully worded to make this distinction. For example, a Treasury Board Minute, dated April 10, 1963, covering the remuneration to a young lawyer of the Royal Commission

90. Ibid.

91. Canada, Public Archives, Royal Commission on Great Slave Lake Railroad Papers.

on Taxation is given below and this is the form used for all general assignments:

The Board, under provisions of section 3⁹² of Order in Council dated September 25, 1962, P.C. 1962-1334 approves payment to . . . of . . . whose services as a research assistant have been engaged for a period of approximately . . . from May 1, 1963, by the Royal Commission on Taxation of:

- 1) Salary at the rate of . . . per annum;
- 2) Removal expenses in accordance with the provisions of the Removal Expense Regulations⁹³

The words 'have been engaged . . . by the Royal Commission' are of particular note.

The Royal Commission on the Automotive Industry pursued its business with Treasury Board through the Privy Council office and, indeed, from 1958 on it appeared to be standard practice for Royal Commissions to be in contact with government administration, particularly the Treasury Board, through the Privy Council office. Aside from personnel, there are some exceptions with respect to other administrative routines which will be mentioned later. The staff for the Royal Commission on the Automotive Industry were loaned from other government departments, the contact being made generally by the Chairman to senior officials of the department. There is one strange instance of a request to the Civil Service Commission for a terminable allowance for a staff member who had been seconded from the Bank of Canada, a Crown agency whose employees are not subject to the Civil Service Act. There is no record that the request was successful

92. Section 3 of Order in Council grants the Commissioners the authority to engage staff.

93. Canada, Royal Commission on Taxation files.

and, indeed, it is surprising that there should have been such a continuing correspondence on this subject between the Secretary of the Royal Commission and the Civil Service Commission.

The approach of this Chairman in seeking authority to remunerate staff was somewhat different from that of previous Royal Commissions. While the Commissioner had the authority to select personnel and needed approval of Treasury Board for remuneration, this was not appreciated, for letters were despatched to a senior official of the Privy Council, as on September 26, 1960, stating: "This Commission requests authority to hire . . . as a part-time typist."⁹⁴ There is a further variation on October 18, 1960: "This Commission wishes to secure the services of the following economists: . . . Funds are available and I would appreciate if the appointments could be made the 1st of September."⁹⁵ The appointments were approved, but note the time lag between date of appointment and request for approval! Then on January 9, 1961, the Secretary of the Royal Commission wrote to the same official of the Privy Council:

We would be grateful if you would request permission from the Treasury Board for authority for this Commission to employ . . . at . . . per month. We requested him to begin work on the 14th of December. I would be grateful if the authority⁹⁶ would be the 14th of December.

The Treasury Board accommodated the Royal Commission and approved this request on January 19, 1961. This approach is startling, however, for in this instance Privy Council office was asked to seek permission of the

94. Canada, Public Archives, Royal Commission on the Automotive Industry Papers.

95. Ibid.

96. Ibid.

Treasury Board to employ a person, including the rate of pay. The rate of pay seems to have been taken for granted, for the letter was forwarded approximately three weeks after the person was engaged. Although we have seen that such delayed action is not unusual, it makes it difficult to reconcile the instructions of the authority with the practical application.

A different variation,⁹⁷ and one which was not discovered in any other Royal Commission file involved the Civil Service Commission district office in Toronto. Why the Civil Service Commission should have been involved is somewhat of a mystery. Perhaps it may have been due to the Commission's Secretary being uncertain of procedure, for she was not an Administrative Officer in her own department, coupled with the Civil Service Commission District Officer being unsure of his authority with respect to the classification of someone selected to work for a Royal Commission; or perhaps the Civil Service District representative was merely being helpful to the Royal Commission's Secretary by assessing the value of the employee for her in accordance with Civil Service standards. Whatever the explanation, the Chairman of the Royal Commission wrote to an official of the Privy Council: "I hereby recommend, subject to the approval of Treasury Board, the appointment of . . . at The salary and classification have been approved by Mr. . . . of the Civil Service Commission."⁹⁷ Strange administrative practice for a Royal Commission!

Then on January 3, 1961, the Chairman addressed a message to Privy Council staff: "At my request, Professor . . . has made a comprehensive study for us. I request the following amounts to be paid to

97. Ibid.

him for the study (account plus expenses)."⁹⁸ Approval was given, but the Professor would have been startled had the Treasury Board not given approval to the amount agreed to by the Chairman after the study had been completed!

The Royal Commission on Publications struck a different note for the selection routine. On October 7, 1960, the Secretary wrote to the Chief Treasury Officer of the Privy Council, not to an official of the Privy Council itself: "Further to telephone conversation this morning I wish to inform you that the Commission has approved the employment of the following:"⁹⁹ This appears again on October 11th and 20th. On November 8th the Chairman wrote, this time to an official of the Privy Council office, saying: "The approval of the Honourable the Treasury Board is requested for the appointment of . . . as financial consultant."¹⁰⁰ However, on January 24, 1961, there is a shift again and the letter stated:

The following employees have been engaged under the provisions of section 3 of P.C. 1960-1270 dated 16th September, 1960, (name, position, classification, position in the Royal Commission). Approval of the Treasury Board is required and requested for terminable allowances shown, to each of the persons involved.¹⁰¹

But on January 25th there is a different approach:

In order to relieve the pressure of an increased volume of clerical work, it is the intention of this Commission to hire a Clerk 2 for a short period as provided under section 3 of P.C. 1960-1270, 16th September, 1960, and approval of the Treasury Board is requested for this hiring over and above those already approved.¹⁰²

98. Ibid.

99. Canada, Public Archives, Royal Commission on Publications Papers.

100. Ibid.

101. Ibid.

102. Ibid.

This indicated that there had been an approved establishment agreed upon for clerical grades, and confirmation of this was disclosed by a letter on file dated October 4, 1960, wherein the Secretary, in writing to the Privy Council, stated: "After our preliminary discussion, it was decided to seek approval for the following:" ¹⁰³ There followed a list of administrative officers, secretaries, clerks and typists.

The Royal Commission on Taxation uses the following form and routines: a letter is sent to the Clerk of the Privy Council in duplicate with two copies to the Chief Treasury Officer. The letter spells out the fact that a certain person is required to take on the task in a position which has been predetermined by a previously submitted establishment at an annual rate which is within a range based on prior approvals. The second paragraph then gives the background experience and educational qualifications of the person selected. The third paragraph deals with the removal expenses and other travelling expenses which may need to be authorized for this employee. The final paragraph states: "May the above proposals be forwarded to the Treasury Board for approval." ¹⁰⁴ The Treasury Board generally agrees, but not always. There have been many discussions on the sensitive subject of salary rates; and sometimes questions concerning the persons selected or their qualifications. Occasionally, there have been considerable delays in the approval of some appointments which have encountered such administrative difficulties.

In summary, what does all this mean with respect to selection of personnel by Royal Commissions and approval of remuneration by Treasury

103. Ibid.

104. Canada, Royal Commission on Taxation files.

Board? First of all, in the earlier Commissions reviewed there seems to have been a variety of methods employed, with some Commissions working through government departments and others being independent but, in the former, the department took over the burden of the administrative routines. There appeared to be no firm pattern of approach to Treasury Board; some wrote directly to the Treasury Board, some to Directors of Personnel of the departments with which they were allied, some to Deputy Ministers, and some even to Cabinet Ministers. In many instances, approval of Treasury Board was sought for employment of persons as well as for remuneration--in fact, many seemed to find the terms synonymous; and at the other extreme Treasury Board has been advised after the fact that persons have been hired at certain rates of pay. The Civil Service Commission has been involved in matters of classification and in terminable allowances to employees not coming within the Civil Service Act. Thus, various approaches have been used during the lifetime of individual Royal Commissions and, while everyone has managed to obtain authority through the good offices of Treasury Board, a great deal seems perfunctory and after the fact. One thing appears certain; there is no uniform procedure in evidence for determining establishment, having it authorized by Treasury Board, setting up the numerical strength, and carrying on the function of selection and placement of employees of Royal Commissions. Some cases reviewed seem to have been easy and straightforward, and others had some difficulties.

The question naturally presents itself; would it be so difficult to establish a routine which could be readily followed, would be acceptable to the central agencies and to a Royal Commission, and satisfy both the freedom of the Commissioners to choose their staff and get on with the job and, at the same time, keep within the over-all financial bounds

approved by Treasury Board? Could not a Royal Commission classification system be developed for their peculiar needs; or, better still, could not certain Civil Service classifications be adapted for salary purposes? In both cases Treasury Board approval would already have been established for classes prior to a Royal Commission appearing on the scene. All that would be required, then, of a new Royal Commission would be a detailed establishment, position by position, and its approval by Treasury Board, leaving the Commission free to select personnel within these limits.

CHAPTER VIIIMORE OF PERSONNEL MATTERS

Continuing the discussion of personnel practices, the files of Royal Commissions reveal the common problems of pay procedures, hours of attendance and overtime; such things as hospitalization, compensation for injury on the job, tenure of office, oath of office, identification cards and so forth; many of which are in common with all other government organizations. Doubtless matters of pay or remuneration for services rendered rate highest on the list.

In common with the public service and private enterprise Royal Commissions appoint people at an annual salary with deductions for income tax, but other deductions such as group health insurance and superannuation are not treated in a uniform fashion. Royal Commissions, moreover, make use of other terms of employment. People may be hired on a daily fee basis, generally highly qualified specialists such as legal and financial advisers, at rates of fifty to one hundred dollars a day, or persons may be employed for a limited time on a specific project.

In the case of personnel hired at a per diem rate, the problem of setting the correct fee is ever present. Specialists have worked for Royal Commissions at rates varying from fifty to two hundred and twenty-five dollars per day. The criteria for these rates depends, of course, on the profession and the professional status of the person being considered; the rate which the person can demand and receive for his services outside a Royal Commission in relation to others with similar qualifications; the urgency of the requirement for his services; and to some extent the fact that he will be retained only on a consulting basis which may not involve many days during the fiscal year. In these cases Treasury Board

quite often take the precaution of placing a maximum on the money which may be paid, or what amounts to the same thing, a maximum on the number of days that the person may be employed.

Sometimes persons are hired at a set fee to carry out a project, the time limit being quite elastic; for example, an economist who might carry out a study in a certain area of his discipline. There are also persons who are employed full-time for a limited specified period, possibly three or four months, who then return to their former positions, generally a university, where they may continue to work for the Royal Commission to complete their commitment. In such cases they are paid at the pro rata daily rate of their monthly salary.

Then too, a Royal Commission may purchase the services of individuals from business firms related to the field of inquiry, with the firms billing the Royal Commission in the same manner as for any other purchase. The persons themselves work in the offices of the Royal Commission and, to all intents and purposes, are treated similarly to the persons employed by or assigned directly to the Royal Commission, the only exception being that they continue to be paid by their outside employer. However one point which has caused difficulty is the interpretation of the word 'service', particularly with respect to leave of absence; the man and his firm may consider that the service includes the right to take leave of absence in accordance with his firm's policy, albeit with the permission of his supervisors in the Royal Commission; whereas the Royal Commission administrator may interpret the word as including only the time which the person is 'on the job' in the office of the Royal Commission. The word 'service' is not generally defined and

both parties can argue the case from their own viewpoint; the business firm may say that if 'service' does not include time off in accordance with their leave policy then they will have to increase the rate charged for the 'service'; the Royal Commission may say they will only pay for 'service' rendered. In the long run it seems most satisfactory for this type of employee to be treated in exactly the same way as are personnel who are seconded to the Royal Commission's staff from government departments, for the Crown is going to pay for time when they are on leave either under their own or the Royal Commission's leave regulations.

Finally, and this is akin to salary, outside firms or consultants are hired to carry out projects on a contract basis. This is normally for a set fee agreed upon for a task to be done, and it is up to the group under contract to use whatever number of persons they require to do the job. There may be an arrangement made at the time of entering into a contract whereby certain assistance may be given by the Royal Commission's regular staff and/or certain facilities may be provided at the Royal Commission's expense; or it may be a straight-forward contract with the work being done without any assistance from the Royal Commission.

Normally the Civil Service administrators do not run into the aforementioned variety of pay matters, although some departments have quite a few. In any case the Civil Servants have definite regulations to follow and Royal Commissions could similarly benefit by having definite 'rules of the game'.

An examination of the files of Royal Commissions revealed a number of methods in which payroll work was done. In some cases it was performed by the pay section of a department on behalf of the Royal Commission and pay cheques were issued by Central Pay Office, through the

department. In other Royal Commissions, notably the larger ones, the payroll work was done by the Commission's administrative staff, complete in all its details, and paylists submitted every month to Central Pay Office.

Civil Servants who are seconded to the Royal Commission from government departments bring with them another type of pay problem and this has been handled in a variety of ways. It is usual to pay such employees a terminable allowance during the period of secondment--a matter of negotiation between the Civil Service Commission, Treasury Board, and the Royal Commission. To permit payment of such an additional amount an exemption by Order in Council from the provisions of the Civil Service Act is necessary and when it is obtained, the Civil Servant will, in fact, receive two salaries. In some cases the employing department continued to pay the person his usual salary, and was in turn reimbursed by the Royal Commission, and the Commission had a separate cheque issued to the employee covering the terminable allowance. There have been occasions when a department generously loaned an employee without charging the Royal Commission for salary, and the only cost to them therefore was the terminable allowance, if granted. Another pay procedure followed has been for the Royal Commission to pay the full amount of salary and terminable allowance, the cheque issued either by the Royal Commission or the department, and the transfer of monies being made by transfer voucher on a quarterly basis between the two.

Recently, and it is probably the first such instance, the Royal Commission on Taxation has been able to arrange with the Central Pay Office for the payroll work to be simplified and carried on in exactly the same way as in the Civil Service. Thus an Assignment Form and Staff Pay Certificate is completed by the Royal Commission, signed by the Secretary as

authorized under Section 31 of the Financial Administration Act, and submitted to Central Pay Office where it is honoured in the same manner as those of the classified Civil Service.

The Royal Commission on Transportation in 1948 had its pay tasks completed for it by the Transport Department. The files of the Royal Commission on Economic Prospects reveal that their pay routine was carried out by the Administrative Division of the Finance Department, and there seems to have been no problems for the Royal Commission on Broadcasting who received the same service from the same department. The Royal Commission on Price Spreads looked after their own pay work and developed their own paylists. The Royal Commission on the Great Slave Lake Railroad also handled their own paylists although there is evidence of some confusion at the beginning which was eventually straightened out by the Chief Treasury Officer. This problem concerned the oversight of proper signing authorities and no doubt held up some cheques until it was regulated. Then there is a letter on file dated July 29, 1959, showing that an engineer was taken on strength; but on September 14, 1959, the Secretary wrote to the Clerk of the Privy Council complaining that while he had asked for approval of this assignment in July, the Chief Treasury Officer would not honour the payroll, claiming that no approval had been given for this appointment. This was quickly remedied and authority was received two days later.

The only problem of pay that seems to have disturbed the Royal Commission on the Automotive Industry was the previously mentioned difficulty over a suggested terminable allowance for a person seconded from the Bank of Canada, but the payroll work itself did not present any problems. The Royal Commission on Publications and the subsequent Royal

Commissions seem to have been relatively trouble-free in this segment of the personnel work. However, it has happened that senior personnel who have come from outside the service have thought that persons can be taken on strength at a moment's notice and that there is always money available.

A few persons working for Royal Commissions have obtained increases in salary during their tenure of office, on the recommendation of Commissioners that the value of their work, and their duties and responsibilities merit a higher rate of pay, but these occurrences are exceptional rather than usual. For those Royal Commissions who have requested and obtained approved establishments for administrative and clerical classes, increases in pay can be granted by the Secretary of the Royal Commission by amending the Staff Pay Certificate. This is analagous to promotion or semi-annual increment in the classified service, and is granted in the same manner by a review of the work of each such employee. However, to give an increase in salary to technical and professional employees, an amending Treasury Board Minute would be required.

The happy conclusion that may be drawn from this part of the story is that people are not normally embarrassed by any delay of salary, but are usually promptly paid for their services; while cheques may on rare occasions be delayed, regardless of what routines are followed of the multiple choices available, employees of Royal Commissions usually receive their pay cheques promptly.

As far as the internal details of documentation are concerned, however, the fact that each assignment generally requires an individual Treasury Board Minute and each individual adjustment requires another means that there is a tremendous amount of paper flowing back and forth in this pay system. Surely it can be simplified. It appears logical to

the writer that a personnel establishment authorized by Treasury Board for the administrative, technical and professional classes, predetermined at the outset of the Royal Commission, commensurate with their research and inquiry program, using Civil Service classes as much as possible if only for pay purposes, would simplify the routines considerably. When such a personnel establishment has been approved, the rates of pay for each position having been predetermined, the Royal Commission could proceed to recruit its staff and assign persons within the establishment with Treasury Board having the assurance that the establishment is certainly within the bounds of the appropriations provided; moreover it could not be increased without the authority of Treasury Board itself. Naturally there might be cases where an adjustment in establishment would be required, and this could be the subject of negotiation with Treasury Board in the same way as is done in government departments. Each position could be identified by number, and a suitable Staff Pay Certificate could be honoured by Central Pay Office, for no person could be placed on the Royal Commission's payroll unless there was an authorized position available. This system would not only enable Treasury Board to carry out its function of control, but in addition would help the Administrative Officers of the Royal Commission to control the budget, and at the same time it would allow swift action in assignments.

Royal Commissions, particularly as they are now operating under the Comptroller's regulations, have the advantage of accountable advances for travel, removal and special expenses in the same way as government departments. An employee may be issued an accountable advance which he must reconcile with vouchers as soon as the removal or travel status is

concluded, and some senior personnel have had standing accountable advances. This latter type of advance is rare and not encouraged because it encumbers government funds. There is also provision made for accountable standing advances of petty cash out of which purchases of an incidental and minor nature are made. This type of advance is particularly necessary to a Royal Commission when it is travelling. All advances are, of course, controlled by the Chief Treasury Officer and the person responsible for the internal accounting procedures of the Royal Commission.

The next subject to be discussed should probably be that of leave for this is, after pay and allowances, very close to the heart of most employees including those paid out of the public purse; under the same heading come hours of attendance and overtime, for they have a bearing one upon the other. Generally speaking, Royal Commissions have followed Civil Service attendance and leave practices and, while there are no such regulations promulgated by any central authority which apply to them, the record shows that the Civil Service practice, tempered by the adjustments necessitated by the short life span of the organization, seems satisfactory. Leave may be granted to employees of a Royal Commission in the early days of its existence, but leave is not easily obtained in the latter part for generally there are not enough hours in the day to complete the tasks, with overtime being inevitable.

Some examples of the practices used by past Royal Commissions are noted hereunder. The Royal Commission on Transportation, being provided with administrative services by the Transport Department, applied the normal Civil Service leave regulations. There must have been some anxiety in the mind of the Assistant Secretary, for he obviously inquired of the Civil Service Commission regarding leave regulations and received a letter

from them dated April 14, 1949, setting out these regulations. He was advised by the Civil Service Commission however that the regulations did not apply in law to service in a Royal Commission.

Then the Secretary of the Royal Commission on Coasting Trade, by letter of April 6, 1955, wrote to the Chief of Personnel of the Transport Department asking if people employed by the Royal Commission, but not coming directly from a department or agency were entitled to the government health scheme, death benefits, and "was the Commission to be guided by annual, sick and special leave privileges of the Civil Service regulations."¹⁰⁵ The Chief of Personnel of the department replied:

In my view it would be preferable for the general Civil Service regulations governing leave to be observed by staff employed by the Commission as in the case of reassignment to the Civil Service without break in service it is very much to the advantage of the individual.¹⁰⁶

Later on in the life of this same Royal Commission the Assistant Secretary, by letter of February 16, 1956, wrote to the Director of Personnel of the Transport Department pointing out that personnel could not be granted all their annual leave prior to the end of March. This is quite understandable for a Royal Commission, but in the Civil Service leave is expected to be taken in the fiscal year earned and, at that time, could only be carried over to the next year with permission of the Deputy Minister. The letter lists the persons involved and asks: "Would you be kind enough to submit these three cases to the Deputy Minister to see if these persons may be permitted to carry over this leave."¹⁰⁷ This is a somewhat

105. Canada, Public Archives, Royal Commission on Coasting Trade Papers.

106. Ibid.

107. Ibid.

surprising request for an independent Royal Commission, although the persons in question may have been Civil Servants on loan from the Transport Department. Fortunately the Deputy Minister approved, but the question is raised whether it should be necessary to refer these cases to the Deputy Minister, as they were servants of a Royal Commission although on loan from the Department. The only fear must have been that their leave, if carried over without the Deputy Minister's prior approval, might not have been accepted by the department when the employees returned. However, if this had been the case, the leave could have been liquidated while the employees were still in the service of the Royal Commission. This seems to point to the fact that there should be some formal direction for such circumstances.

The Royal Commission on Economic Prospects got down to business directly on these matters. Administrative Circular No. 1, signed by the Assistant Secretary on June 17, 1955, detailed the hours of attendance including matters of leave, all of which were to follow general Civil Service practice. However, an interesting memorandum to staff was circulated August 2, 1955, signed by the Secretary, saying: "Fortunately there is no need for our routine arrangements governing hours of work, etc., to be so rigid as is necessary in business or in government departments."¹⁰⁸ He then went on to say that while this was so, he wished to know nevertheless where everyone was at all times, and what they were doing. On November 12, 1955, the Secretary felt it necessary to write to the Deputy Minister of Finance telling him:

108. Ibid.

You will remember that when this Commission organized itself it was considered that we should abide by the Civil Service regulations as closely as possible for the administration of temporary employees. It has now been decided that a deviation from the usual procedure is necessary insofar as annual leave is concerned. It is now decided to permit members to take leave if and when required, provided they have some accumulated. ¹⁰⁹

The Secretary then went on to say that leave notices would be forwarded to the Finance Department in order to keep attendance records in order. The Deputy Minister, in his reply of November 18, 1955, did not entirely concur with the Secretary. He agreed employees could take leave after six months' service if they had accumulated it, and he said he would not object to leave being taken in advance after six months' service on the understanding that if they were not entitled to all the leave taken upon separation, the final cheque would be adjusted to reflect this.

The Administrative Bulletins continued to clarify many of these matters and a bulletin dated February 3, 1956, stated clearly that all the leave regulations pertaining to the Civil Service will apply generally. On May 7, 1956, a further bulletin stated: "Effective the 1st of May, 1956, Special Leave, not exceeding accrued Special Leave, may be granted within the first six months of employment on the occasion of the death of a member of the immediate family."¹¹⁰ In February, 1957, there was a strange bulletin saying: "All leave must be liquidated prior to the 31st March, 1957."¹¹¹ This follows very rigidly Civil Service practice and it must have been possible under these conditions for the Royal Commission's

109. Ibid.

110. Ibid.

111. Ibid.

staff to be granted such leave, although this appears a bit unusual so late in the life of the Commission.

There is also on the files of this Royal Commission a memorandum from the Chief of Personnel of the Northern Affairs and National Resources Department asking for the attendance record of a staff member who had been seconded to the Royal Commission which he required to be forwarded monthly. This is not an unusual practice and seems to have been followed generally in order that home departments of Civil Servants could be kept in the picture.

An interesting memorandum on the subject of overtime appears on the files of the Royal Commission on Economic Prospects, signed by the personal secretary of the Assistant Secretary of the Commission, addressed to the Administrative Officer, stating:

M. . . . would like you to set up a roster of the overtime which staff works. I suggest you check this with . . . (Finance Department) as to how overtime staff works. In External we work $3\frac{1}{2}$ hours to get half a day, 7 hours to get a whole day, at least ¹¹² half an hour to count at all.

The point to be considered is whether, if the Civil Service attendance regulations are being followed, the overtime regulations would not be followed automatically. Normally they would, but in the life of a Royal Commission overtime appears suddenly and cannot be liquidated readily by time off, as required by the Civil Service regulations.

The Secretary of the Royal Commission on Price Spreads issued administrative bulletins and one of the first concerned leave, holidays and overtime provisions, and it was obvious again that the general civil

112. Canada, Public Archives, Royal Commission on Economic Prospects Papers.

service pattern applied. For the first time, although others may have followed the practice, there was evidence that the attendance was recorded by attendance sheets and books in a daily fashion in the same way as in the Civil Service. Everyone was required, excepting only the Secretary and the Commissioners, to sign a daily record. This has not been the practice even in the large Royal Commissions, including the Royal Commission on Taxation. It is felt that the units are small enough that they can be controlled by supervisors, and the nature of the work is such that the hours of arrival and departure may be flexible, provided the weekly hours of attendance are observed. However, weekly records of attendance are submitted to the personnel office, and leave must be approved by supervisors and checked against credit earned or anticipated by the Administrative Officer.

The Chairman of the Royal Commission on Price Spreads, on January 30, 1958, wrote to the Clerk of the Privy Council asking him for authority to transfer leave credits for members of his staff who had been employed previously on the Royal Commission on Economic Prospects and the Royal Commission on Newfoundland, pointing out that there had been no break in service. He further stated that he would adhere to the Civil Service regulations except for the six months' service clause. This letter was evidently passed on to Treasury Board staff, for in reply on February 7, 1958, one of the Assistant Secretaries of Treasury Board wrote to the Chairman approving of the leave credits and his leave policy. This is the only evidence on the files of Treasury Board staff opinion with respect to leave policy for Royal Commissions. Actually the whole exchange was hardly necessary, but perhaps a good precaution. This Commission also used the Civil Service

leave forms, although there were no physicians' certificates noted in any case. There was also an official overtime authorization form which had to be approved, and a separate attendance file was kept for each staff member.

Curiously enough the aide memoire on 'Mechanics of Opening a Royal Commission' in the files of the Royal Commission on the Great Slave Lake Railroad gave no assistance to the Secretary on the subject of leave and attendance. None of the files of other Royal Commissions which were examined indicate any problems, nor for that matter did they contain any particular record of attendance, leave or overtime practices. This is no doubt due to the fact that some of them were small and the length of their working days were dictated by the size of their daily tasks. Other possibly followed Civil Service regulations as a matter of course and probably did not consider it worthy of record.

The Royal Commission on Taxation have applied the general Civil Service attendance regulations and Treasury Board have been advised of this fact, but have not been asked to concur, for this is not considered necessary. The authority has been obtained from Treasury Board, however, to make cash payment for accumulated overtime at the time of separation of staff if it cannot be compensated by time off during their tenure of office. The words of Treasury Board Minute 614442, September 11, 1963, are:

The Board under the provisions of Section 3 of Order in Council September 25, 1962, P.C. 1962-1334, authorize the Royal Commission to make cash payments for accumulated overtime worked by its staff on their separation from the Commission, payment to be at the rate of remuneration of 1/1950 of annual rate of pay for each hour of overtime not previously compensated for at the time of separation. ¹¹³

113. Canada, Royal Commission on Taxation files.

This Royal Commission uses the Civil Service leave form, maintains an attendance record card for each individual on the personal file, and has an overtime form which must be approved by a senior officer.

The conclusions to be drawn are that Civil Service leave regulations can apply quite adequately to Royal Commissions, with some built-in elasticity to reflect the short term nature of the Commission's work. There is, however, the problem of transfer of leave credits which should be regulated, for there are many Royal Commission employees who have transferred either directly or with short breaks in service from one Royal Commission to another, and some are assigned directly to Civil Service positions. They should be able to carry their leave credits with them.

The next subject for consideration is superannuation which is of vital interest to all, although more remote than pay and leave. Civil Servants seconded to Royal Commissions continue to contribute to the Public Service Superannuation Fund on their basic salary, but they are not permitted to contribute on the amount received from terminable allowances. This is strange for when a Civil Servant is granted acting pay in a classified position one may contribute on the additional amount. Presumably the reason for this discrimination is based on the fact that Royal Commissions are transitory and the government should not be expected to add its share as in Civil Service positions. Most of the persons who work for Royal Commissions come from industry, commerce, or universities, and return there. These people would not wish to pay into a government superannuation fund for a variety of reasons, and deductions from their salaries for superannuation could create an unnecessary administrative

task for the majority would request return of their contributions on termination of their employment with the Royal Commission. However, in the case of Civil Servants, the terminable allowance could be considered in the same manner as acting pay, and the contribution for superannuation deducted from the total salary. Under Schedule A (Part III) of the Superannuation Act, some Royal Commissions have been added, after the term of their lifetime, as part of the Public Service for the purposes of the Act.¹¹⁴ To do this it is necessary that a submission be made to Treasury Board requesting that the particular Royal Commission be added to Part III, Schedule A of the Superannuation Act at the termination of the Royal Commission, in order that such employees who may later enter the Civil Service may after the fact contribute to the Superannuation Fund for the time of their service in the Royal Commission. Yet Royal Commissions, for purposes of the Financial Administration Act, are generally designated by Order in Council as a department¹¹⁵ and there should be some consideration given to this superannuation problem.

While the Financial Administration Act does not deal with superannuation, it does bring a Royal Commission under the same set of

114. Canada, Treasury Manual, Part XXII-12, as amended, May 15, 1963.

115. Order in Council P.C. 1962-1598, 8th November, 1962, states:

His Excellency the Governor in Council on recommendation of the Prime Minister, pursuant to Section 2 of the Financial Administration Act is pleased hereby to

- a) designate each of the Commissions appointed under the Inquiries Act pursuant to the following Order in Council as a department for the purposes of the Financial Administration Act:

- (1) P.C. 1962-1334 - 25th September, 1962 - Taxation.

- (2) P.C. 1962-1575 - 1st November, 1962 - Pilotage.

- b) designate the Prime Minister as the appropriate minister with respect to each of the said Commissions.

regulations as the Public Service for many financial purposes, including the regulations of the Comptroller of the Treasury and his staff, and this could also be reflected in superannuation practice for Civil Servants. A point to be considered is the fact that the services of personnel which are purchased from various firms and repaid on a monthly basis by the Royal Commission includes, generally, the firm's portion of the contributions to their superannuation plan, whatever it may be. This is apparent because it is known that the persons receive less than the amount repaid to their firms for their services.

Not much was discovered in the records of Royal Commissions on the subject of superannuation, although there are a few interesting side-lights. In the files of the Royal Commission on Coasting Trade there appears a letter of May 15, 1957, from the Chief of the Superannuation Branch to the Secretary of the Royal Commission saying that the Superannuation Branch had experienced difficulty in obtaining records of service of personnel who had served with Royal Commissions when they later became contributors to superannuation. He requested that the Royal Commission advise him of "the proposed disposition of personnel records so that we can lay our hands on them at a later date."¹¹⁶ He was advised that the personnel records would be lodged with the Transport Department Personnel Officer. Further, in May, 1958, the Chief of the Superannuation Branch wrote to the Secretary of the Royal Commission on Economic Prospects with the same query. He was informed, according to a note on the letter: "They have been informed by phone that the records would be with the Finance Department."¹¹⁷

116. Canada, Public Archives, Royal Commission on Coasting Trade.

117. Canada, Public Archives, Royal Commission on Economic Prospects.

It would seem that there should be at least some direction on the disposition of personnel records, for it should not be left to the Chief of the Superannuation Branch to trace them. Now, of course, with Royal Commission records being deposited with the Dominion Archivist, there is the assurance that they will be there--until the date on which they may be destroyed in accordance with the schedule for destruction of files.

Pay, leave, attendance and overtime, together with superannuation are perhaps the major personnel concerns. However, there are a number of other items in this area which should be mentioned. The maintenance of personnel records has of course been different from Royal Commission to Royal Commission, but this will be discussed under the heading of 'records'. There were some other personnel items of interest mentioned in the files which are worthy of recording herein.

By letter of April 6, 1955, the Secretary of the Royal Commission on Coasting Trade asked the Transport Department if people employed by the Commission were entitled to contribute to the government health scheme and death benefits. The Chief of Personnel replied on April 28, 1955, saying that the question of government health insurance was to be taken up at the next Treasury Board meeting, and that as far as the death benefits were concerned this was only open to contributors to the Superannuation Fund. The matter of government health insurance does not seem to have bothered any other Royal Commission, but the subject was reopened by the Royal Commission on Taxation in February, 1963, with the Secretary of the Advisory Committee of the Group Surgical Medical Insurance Plan. In his reply, that officer stated: "Certain legal problems have arisen in

connection with your request which must be resolved by our solicitor."¹¹⁸

In the interim collections for the Group Surgical Medical Insurance Plan were made and applications were accepted from persons who were not Civil Servants but who were employees of the Royal Commission. This continued month by month, and there was further correspondence between the Secretary of the Royal Commission and the Secretary of Treasury Board, with the Privy Council office being informed. Finally, after considerable correspondence and a study of the problem, Treasury Board Minute 6137/12 of 29th July, 1963, was issued which stated:

The Board hereby designates the following:

For the purposes of establishing their eligibility to join the Group Surgical-Medical Insurance Plan . . . employees of a Royal Commission established under Part I of the Inquiries Act who are appointed on a full-time basis for a period expected to exceed six months and whose annual salary rate has been approved by the Treasury Board:¹¹⁹

By permitting the Royal Commission employees to enrol in the Health Insurance Plan this successfully ended a story which started with a query in 1955.

Another point that was raised by the Royal Commission on Coasting Trade was the matter of protection under the Government Employees Compensation Act. By letter of July 22, 1955, the Secretary wrote to the Director of that Branch in the Labour Department asking that steps be taken to see that Commission officials were eligible for compensation under the Act. There was a long delay, no doubt reflecting serious consideration of whether Royal Commission employees could be brought under the

118. Canada, Royal Commission on Taxation files.

119. Ibid.

Act, but it was approved by Treasury Board Minute 491407, 19th October, 1955. This matter does not seem to have been of concern to subsequent Royal Commissions for there is no evidence on the files of any approach to either Treasury Board or the Labour Department on this subject. However, an Order in Council was obtained through the Privy Council office for a number of Royal Commissions which were created in 1961-62. These were added to Schedule B of the Government Employees Compensation Act in accordance with Section II of that Act which states:

An employee means any member of any department, company, corporation, commission, board or agency, established to perform a function or duty on behalf of the Government of Canada who is declared by the Minister with the approval of the Governor in Council to be an employee for the purpose of the Act. ¹²⁰

The Order in Council obtained states:

His Excellency, the Governor in Council . . . is pleased hereby to approve the declaration of the Minister of Labour that officers of Royal Commissions listed hereunder shall be employees for purpose of the Government Employees Compensation Act. ¹²¹

The Royal Commissions listed are those on Health Services, Banking and Finance in 1961, and Taxation and Pilotage in 1962, and they subsequently appear under Schedule B of the Act.

In an explanatory letter from the Labour Department, the Secretary of the Royal Commission on Taxation was advised:

Not everyone who may be engaged to perform some work or service for the Commission is eligible for coverage in the main only those persons who are paid a direct wage or salary are included. ¹²²

120. Ibid.

121. Ibid.

122. Ibid.

This is another matter which appears to reflect the need for direction for it could be of considerable concern to the personnel who might be injured in the performance of their duties, for not all employees are paid directly. A Secretary or Administrative Officer might overlook this matter altogether and not make the application, perhaps assuming automatic coverage by the Act.

There are a few other incidental personnel matters such as security screening, oaths of secrecy, personal history forms, application forms, identification cards, and so forth. Security screening seems to have arisen only on one or two occasions, most notably in the files of the Royal Commission on Coasting Trade, for obviously they were concerned with marine matters, possibly of high security. Related to this are Oaths of Secrecy. The need for Oaths of Secrecy to be taken do not appear too often although in many of the Royal Commissions secrecy is necessary, not only because of the decisions of the Commission which may be known to staff and which must not be divulged prior to the report being submitted to government, but because the Commissioners and staff are privy to secret matters of many commercial and industrial concerns. As an example, the Royal Commission on Taxation, because of the nature of the probing into financial matters of persons and business, had a special Oath of Secrecy prepared and administered by an officer of the Privy Council, to Commissioners and staff alike, excepting only those Civil Servants who were bound by the Oath taken by them with their departments.

Some form of personnel identification is generally necessary for Royal Commission staff. In the case of the Royal Commission on Coasting Trade visiting cards were prepared. In the Royal Commission on Taxation identification cards similar to those used in government departments are used.

And so the story goes, for these are some of the variety of personnel matters which crop up in daily routine; they can and should be the subject of some definite directives and organized procedures in the administration routines of Royal Commissions, for the evidence is clear that while each Commission 'gets by', the practices are not at all uniform, and they certainly could be in a path well trodden by Civil Service practice.

CHAPTER IXA PROBLEM OF OBTAINING MONEY - THE ESTIMATES

Realistically, money is the lubrication so vital to the smooth running of the 'wheels' of a modern organization, and the 'wheels' of a Royal Commission are no exception. Money always presents two problems, particularly to a government organization: the first is to obtain it, and the second is to control it to make it spin out. This means keeping expenditures within the limits of the financial resources granted by Parliament. Government agencies are quite accustomed to these two problems--to the routine of preparing estimates, making explanations, submitting them to the Treasury Board officers and to the Board itself for scrutiny; as well as to the inevitable probing and 'I'm from Missouri' approach of officials, and oftentimes the necessity of settling for a little less than the original amount. Royal Commissions have the same financial problems, although the experience of their Secretaries and Administrative Officers has not been uniform in this area. Some endeavour to get along on requests for small amounts and 'returning to the well' again and again. Others have tried a more formal approach; they have looked into the future, prepared over-all estimates, and have met with the usual objections concerning costs. However, by borrowing from the Finance Department's vote for Miscellaneous, Minor and Unforeseen Expenses, or by appropriation granted by main or supplementary estimates, the payroll and expenses have always been met, but not without some struggle and difficulty on many occasions.

It is perhaps a good idea to discuss now the experiences of Royal Commissions in estimating and obtaining funds. This generally

involves the Commission in discussions about proposed expenses and program, with senior government officials of Privy Council and Treasury Board and, on occasion, with Ministers of the Crown. The problems of control of payments usually involves the Chief Treasury Officer assigned to take care of financial matters for the Royal Commission.

Royal Commissions normally being established as a result of a political decision, with the appointment of the Commissioners as the first step, relegate finances to a secondary role--at least for the early stages of the Commissions life. Where, then, does the Commission obtain the money to commence operations, hire staff, pay travelling and living expenses, and for other incidental requirements? If the government has not anticipated creating a Royal Commission, financial provision is most unlikely in the estimates of any department to cover initial costs, but the vote 'Miscellaneous Minor and Unforeseen Expenses' of the Finance Department has always come to the rescue in the first instance. Later on, discussions take place with the staff of the Commission about total requirements. At this point, there is another interesting conflict between the founding Order in Council of the Royal Commission and the Treasury Board's exercise of financial control. While the Order in Council generally circumscribes the Royal Commission with Treasury Board control in respect of rates of remuneration for personnel and for travelling expenses, it also includes a clause which states:

The Commissioners shall adopt such procedures and methods as they may from time to time deem expedient for the proper conduct of the inquiry and sit at such times and such places in Canada¹²³ as they may decide from time to time.

123. See Appendix III.

This clause imposes no limits on the Royal Commissioners who would appear to be free to set up an elaborate program, if they so wish, which might involve expensive methods and procedures, and to carry on inquiries in the most enticing places throughout the length and breadth of Canada, and further to journey throughout the world in search of appropriate and new ideas or solutions. There is no monetary restriction mentioned in the Order in Council but, just as in departmental programs, obviously practical limits must and should be imposed.

It has been suggested that perhaps the founding Order in Council should indicate the outside limit of the amount which the government is prepared to expend, subject to supply being voted by Parliament. Such action would indicate at the outset the value which the government places on the work of the Royal Commission, and indicate the financial resources quite clearly to Commissioners and staff as well as central agency officials. In this way it would perform the same service as is recommended in a later part of this report. However, there are some dangers in having such a statement made in the founding Order in Council. The government might be forced into an unfavourable position at a later date should the Commission require additional funds for, whether or not the government authorized the issuance of additional funds, the way would be open for major controversy on the subject, and an amending Order in Council would be required. Then too, the actual request for additional funds by a Royal Commission would be made very difficult if the amount prescribed in the Order in Council was meaningful at all. It might also make it difficult for the government to attract the highly qualified persons to act as Commissioners for they might well feel that to impose such a

restraint before they could determine the ramifications of the job would place them at too great a disadvantage. Aside from these considerations is the fact that it would be very difficult for government officials to predetermine the amount needed unless they were prepared to lay out a complete program, including the staff and resources required to carry out the inquiry. To do this would be to take over the Commissioners' prerogatives of determining the places they should visit in the course of their inquiry, and the number of days they may deem necessary to conduct hearings. Therefore, in the writer's opinion, agreement on the financial allotment is better left until after the Commissioners have taken office and had an opportunity to assess the task before them.

Any talk of financial restrictions may be irritating to a Royal Commission which may feel that, if its task is to be properly performed, it should be more generously provided for by a grateful government. However, the people of Canada, through their Parliament, provide the funds, and the Ministers of Treasury Board oversee and control the over-all need and expenditure of these monies. They see that requirements and expenditures are not excessive, and they do not hesitate to let Royal Commissions know when they feel amounts asked for are, in their opinion, too great.

This is an important area of administration which requires some clear understanding of the need for control of finances at the very outset of a Royal Commission. As matters now stand, a Royal Commission may set up a research program it considers necessary for the task at hand, only to be told later by officers of control agencies that the program appears to be too ambitious. The Royal Commission may be hampered at this point by monetary restrictions which have not been discussed at all in the

over-all planning. If this should happen some months after the planning and organization have been completed, then the program of the Commission may run on the shoals because of restricted financial resources.

The Commissioners may interpret this as interference with the freedom and independence of the task of the Royal Commission, or may genuinely fear that restraint would result in something less than the best performance necessary to do justice to the terms of reference. This in turn might adversely affect the fullness of their report. However, the government must be aware of this when the financial resources are allotted. Therefore, it would seem to be in the best interests of all concerned for the government to indicate at the earliest possible moment the financial allotment to be made for the Royal Commission, for this reflects the value which is placed on the work of the Royal Commission in relation to the government's over-all program.

The Royal Commission on Transportation had the Transport Department take over the task of requisitioning funds on its behalf. The original amounts were obtained from the Finance Department vote set aside for unforeseen expenses, and there does not appear to have been any real financial problem, according to the files in the Archives, which are admittedly incomplete. The requirements of the Royal Commission on Coasting Trade were also looked after by the Transport Department, but in this case, the Royal Commission appeared to do a good bit of the preparatory work. The files show an estimate breakdown for the fiscal year 1955-56 (the year the Commission was created), prepared by the Secretary in considerable detail, in the amount of \$300,000. By letter dated April 6, 1955, the Deputy Minister of Transport wrote to the Secretary of

Treasury Board, requesting an amount of \$200,000, together with an immediate \$50,000 from the vote of the Finance Department, which adds up to \$250,000. Sometime between the original estimates of the Royal Commission and the time the request was forwarded, there was internal scrutiny either by the Commission or the department, which resulted in a decrease of \$50,000. However, Treasury Board took a second look at this and a revised request went forward for \$175,000 in the supplementary estimates, with \$25,000 covering salaries of Civil Servants seconded from the department being excluded. Apparently the department paid the Civil Servants in that fiscal year and this reduced the expenses of the Royal Commission, on paper at least, although this was hardly accurate accounting.

The estimates of the Royal Commission on Economic Prospects were forwarded from the Commission's Administrative Secretary to the Deputy Minister of Finance. The first estimate was given shortly after the creation of the Royal Commission in October, 1955, in an amount of approximately \$500,000. But this was revised in February, 1956, to \$750,000, excluding the costs of printing the final report, and later again revised. Eventually, the amount of \$775,500 was requested in that fiscal year--\$225,500 in the main estimates and \$550,000 in the supplementary estimates. However, the amount which finally appeared in the supplementary estimates was \$490,000. As the Royal Commission's work continued there was need to ask for reduced amounts in the years 1958 and 1959, the over-all total amounting to \$1,504,568. The files do not reveal the breakdown of the over-all amounts by way of personnel establishment, services and other administrative costs, but rather the requests seem to have been on a piecemeal basis with several trips 'back to the well'.

The Royal Commission on Broadcasting had the services of the Finance Department and were launched with an amount of \$50,000 from the Miscellaneous Minor and Unforeseen Expenses vote.

The Royal Commission on Price Spreads looked after their own financial affairs and requested funds of the government through the Privy Council office. It will be recalled that one of the first tasks of the Secretary was to acquaint himself with the procedures of obtaining funds with which to carry on the work of the Commission. In January, 1958, the Chairman, writing to the Clerk of the Privy Council, stated:

I understand the Secretary of this organization has discussed with the Secretary of the Treasury Board the amount of funds required. It would be appreciated if you would request the Secretary of the Treasury Board to place at the Commission's disposal \$50,000 to cover expenses to March 31, 1958. I understand that \$150,000 has been provided for 1958-59. Until some planning has been done it will not be possible to tell¹²⁴ you whether this was sufficient.

This was forwarded to Treasury Board and, on January 16, 1958, Treasury Board Minute 526552 granted the Royal Commission \$20,000 of the \$50,000 requested from the Miscellaneous Minor and Unforeseen Expenses vote of the Finance Department, subject to a further submission at supplementary estimate time. In the month of February, following some discussion about the amount the Commission required for 1958-59, the Chairman wrote again to the Clerk of the Privy Council stating that he had written to the Prime Minister telling him of the plan of the Royal Commission for public hearings and advising him that \$150,000, which he had mentioned earlier, would not be sufficient. The reply indicates one of the problems of a large Royal

124. Canada, Public Archives, Royal Commission on Price Spreads Papers.

Commission; it stated:

I assume there will be some problems in regard to the budget of the Commission if you are going to carry out such extensive research as your letter indicates. I shall take up with the Prime Minister the question of his approval in principle of asking for further funds by way of supplementary estimates. This may be something on which the Board may want some assurance before it authorizes the hiring of these economists. ¹²⁵

Two more weeks passed and detailed estimates were submitted for 1958-59 which showed \$282,220 rather than \$150,000 mentioned earlier. It was accompanied by a complete breakdown of personnel establishment and administrative items clearly spelled out. The Secretary of the Royal Commission said:

I have discussed this with the Chairman and he has indicated that these amounts are not excessive in the light of the program which the Commission will have under way. ¹²⁶

By inference, there must have been some further conversations for the following letter, dated March 21, 1958, from the Chairman to the Clerk of the Privy Council, stated:

At a meeting of the Commission on March 19th and 20th it was agreed that I should write to you again regarding the program of the Commission and the required support for it. I enclose a copy of a letter which the Commission approved for sending to the Prime Minister. The Commission support the budget and it is important for them to know whether it is approved or not. ¹²⁷

This exchange illustrates the point mentioned previously of conflict between the authority granted the Royal Commission under Section 2 of their founding Order in Council, and the necessary financial control by government. Without going into detail, the evidence on file indicates

125. Ibid.

126. Ibid.

127. Ibid.

that the matter finally came before the Prime Minister. The Royal Commission co-operated by reducing the amount by approximately \$50,000. The accompanying letter stated:

The effect of the elimination of some of the assistance requested is difficult to estimate. However, I can assure you that the Commission and the staff will do everything possible to ensure a¹²⁸ complete inquiry and effective report.

This story is not unfamiliar to Civil Service administrators and it is routine for departmental officials responsible for estimates.

The Royal Commission on Coal seems to have had some difficulty in preparing the estimates and a budget. In the first instance, the Secretary advised the Privy Council office that they would need \$75,000 in total, with \$25,000 needed immediately by way of supplementary estimates. Two months later, additional details were requested to substantiate the amount required. In the meantime, on April 27, 1960, the Prime Minister, who was the responsible Minister for the Royal Commission, requested the Minister of Finance to provide \$33,000 from the Miscellaneous Minor and Unforeseen Expenses vote of the Finance Department, saying that he had been advised that over \$33,000 worth of bills were outstanding. This was approved by Treasury Board Minute 564681 of May 5, 1960. In June the Secretary went back to the Privy Council office seeking an advance on the supplementary estimates he had requested, saying that he was out of funds and "It would appear that salaries could not be paid next payday."¹²⁹ Two days later the Prime Minister again came to the rescue and asked for an additional \$10,000 from the same vote of the Finance

128. Ibid.

129. Canada, Public Archives, Royal Commission on Coal Papers.

Department. This was approved on June 29th.

On September 14, 1960, the Secretary returned again and said: "We now find that the supplementary estimates as received will not quite meet our expenses."¹³⁰ Then on November 10, 1960, again: "The Commission is wound up, the personnel discharged, but certain accounts are outstanding and we need \$9,870."¹³¹ There were several letters of inquiry and explanation on this last item and, finally, on February 21, 1961, a reconciliation of accounts was forwarded to the Privy Council office and eventually the bills were paid.

At the first meeting of the Royal Commission on the Great Slave Lake Railroad, the representative of the Privy Council office pointed out that his office would require an itemized breakdown of the "disposition of funds given the Commission for the fiscal year 1959-60."¹³² This appears to mean that funds were provided initially from the usual source, but that a budget was now required to justify the need. The Secretary of this Royal Commission had some problems with respect to funds for there is an interesting exchange between him and the Chief Treasury Officer commencing in June, 1960. The Secretary, apparently assuming that the Chief Treasury Officer would look after the acquisition of funds as well as the control of payments, sent a telegram to him asking whether additional funds were authorized for the Commission. He replied to the Secretary: "No, balance \$900."¹³³ On August 22nd he sent a letter to the Secretary

130. Ibid.

131. Ibid.

132. Canada, Public Archives, Royal Commission on the Great Slave Lake Railroad Papers.

133. Ibid.

telling him that \$543. of funds remained, but there were unpaid bills in the amount of \$807.30, and the Secretary replied on August 25th: "I cannot understand it."¹³⁴

The Chairman of the Royal Commission followed this with a letter to the Privy Council saying that more money was required and that he understood that there had been a telephone call in the previous February from the Privy Council office assuring his Commission that there had been an additional \$7,500 provided. It is obvious that either the additional funds had not in fact been forthcoming, or unhappily that records of expenditure kept by the Royal Commission were incomplete and the money had been spent. The files in the Archives do not show just how all this was settled, but the bills were eventually paid.

There are several points to be considered here. The Administrative Officers of this Royal Commission apparently were unacquainted with the detail of obtaining and expending funds and, as their headquarters were in Edmonton, it was more difficult for them to obtain the necessary assistance and instructions. Generally Chief Treasury Officers are very diligent in rendering monthly statements showing the amount of funds expended and the balance remaining in the authorized appropriation; yet somehow the Secretary was 'at sea' with this administrative detail, no doubt to his embarrassment.

In the preparation of the budget for the Royal Commission on Publications, an interesting exchange took place in the fall of 1960. The Chairman requested \$78,650 for the fiscal year ending March, 1961. The figure would indicate that there had been careful detailed preparation to

¹³⁴. Ibid.

justify this figure. One month later, however, the Secretary reported to the Chairman that there had been a telephone call from officials of Privy Council asking for papers to substantiate the budget. While Treasury Board approved of the \$78,650 in the first instance, the Prime Minister questioned the size of the allotment and it was reduced to \$74,350, a matter of \$4,500. But lo, on February 15, 1961, it was necessary to request an additional \$55,600 by way of supplementary estimates. Presumably this was approved for the records do not indicate any further difficulties.

In summary, it is certainly reasonable to grant Royal Commissions an initial item from the Finance Department vote to carry them along until an appropriation can be obtained in the regular way, either from the main or supplementary estimates. In addition there should be a period of time, say two months, in which the Royal Commission and staff should be required to develop and present its program, its establishment, and the financial support required to the Treasury Board, and agreement reached without delay so as to minimize the possibility of future difficulties in this area.

The program of the inquiry and research is obviously the responsibility of the Royal Commission, and it is necessary for it to persuade the Treasury Board staff and, if necessary, Ministers of the Crown, of the importance of the program and the financial support required. While the Ministers might be reluctant to disagree with or be critical of a program, it would be better to have this matter settled and an over-all financial amount agreed upon so that the Commission's administration and officers of central agencies would know their outside limits. This agreement would make internal operations of the Royal Commissions much smoother; the approved establishment would be included in the estimates and this would give a

sense of freedom to its activities. Certainly there is little fear that the initial funds provided or the amount later agreed upon would be in excess of that required and, if the program is changed, revisions could be the subject of further discussions. At the same time it would be within the financial limits agreed upon and be a support to the administrative staff who may be called upon to restrain some ambitious ideas by pointing to the financial limitations. The conclusion seems obvious--a formal approach as suggested above would be of benefit to all concerned and should be instituted.

CHAPTER XOUTPAYMENTS AND CONTROL OF ROYAL COMMISSION EXPENDITURES

As recorded earlier, at least two Royal Commissions--Pilotage and Taxation--are deemed to be part of the public service as far as the Financial Administration Act is concerned, and this is no doubt being put into practice with all current Royal Commissions. The placing of Royal Commissions under the Financial Administration Act means, in effect, that all the general regulations with respect to accounting for travel and living expenses, removal allowances, and any special allowances apply to the Commission's activities and ensure that the accounting practice conforms in a general way with that of the Civil Service. For each Royal Commission a Chief Treasury Officer under the Comptroller of the Treasury is designated to audit and make the payments, to see that the signing authorities are in order, and that the expenses are justified in accordance with the regulations. There are always some circumstances where special allowances are granted to those employed with Royal Commissions, and these are approved by specific Treasury Board authority to take care of expenses which normally would be disallowed in the Public Service.

As present Royal Commissions are considered to be departments in accordance with the Financial Administration Act it is necessary, under Sections 31 and 32, to have someone authorized to certify and approve of the expenditure of Crown funds provided to the Commission. These persons who are delegated by the Minister (in recent years the Prime Minister) are generally the Chairman, the Secretary, and the senior Administrative Officer of the Commission. Only these persons may approve of expenditures and sign the certificates necessary.

Large Royal Commissions set up an internal accounting procedure with the work performed by either a part-time or full-time accountant; the smaller ones have relied on the Chief Treasury Officer to perform the task for them, or the work has been done by the pertinent unit of a government department which has administratively supported the Commission.

Special living allowances, special travelling allowances and special removal allowances require authorization by Treasury Board and there is no problem of interpretation. But the per diem allowances granted to Royal Commissioners and the pro rata salaries of some officials cause some problems. The determination of what constitutes a day or half-day for purposes of remuneration is not always easily settled. Some Royal Commissions have determined that a day should be seven and one-half hours and others have determined it to be six hours; some have determined that if a Commissioner or a 'per diem' officer leaves his home after noon he cannot apply for the whole day and this seems reasonable; others have said that if a Commissioner or officer leaves his home after 6:00 p.m., and travels all night he cannot claim his per diem remuneration for that day, but only his travel allowance. These interpretations may not be readily accepted by Commissioners and senior advisers who read briefs and do Commission work while travelling. It is obviously not feasible to expect administrative officers to exercise any close control, for these senior officials work away from the headquarters of the Royal Commission, in their own homes, offices, on planes and trains--a few hours now and a few again--and submit their monthly claim showing the number of days worked on Commission business. This may be made up of many hours of work done piecemeal throughout the month, and there is no reason for not accepting such claims

at face value. However, a definite rule establishing the number of hours which constitute a day would clarify this problem, together with a statement giving details of pertinent times involved in the per diem expense allowances.

The files of most Royal Commissions contain many observations from Chief Treasury Officers and requests for explanations of various expenses; such things as authority for entertaining guests at meals, transportation costs, explanations of why certain expenses were necessary. The Treasury Officers point out relentlessly that the charges were not permissible under the regulations--quite a familiar pattern in government routine.

Some examples of control of payments taken from Commission files are noted below. The Chief Treasury Officer concerned corresponded directly with the Secretary of the Royal Commission on Coasting Trade regarding some of the problems he encountered. On August 31, 1955, he wrote concerning the account of court reporters, saying:

The payment of such travelling expenses is authorized by the original Order in Council, but there does not appear to be any authority for us to make advances for this purpose to an individual of . . .'s status. Treasury Board feel that the ordinary travel regulations should apply. 135

There obviously was some protest about this by the Secretary of the Commission, for the Chief Treasury Officer in a further letter stated: "I don't think you will find us too exacting in the matter of receipts for some of the odd items, but I would appreciate anything you can do to ensure that we get receipts."¹³⁶ A very practical Chief Treasury Officer!

135. Canada, Public Archives, Royal Commission on Coasting Trade Papers.

136. Ibid.

In another letter he stated: "I would be glad if you could draw to the attention of those concerned the mileage provisions of the travel regulations."¹³⁷ An indication that these administrative details were not available or were not being digested by the staff. This did not apply only to staff, for there is correspondence between the Commissioner and the Assistant Secretary saying: "Thank you for your letter returning my account and pointing out grave errors in computation"¹³⁸ The Assistant Secretary was quite sympathetic and stated: "I am sorry that you were caused all that trouble, but you know how the government financial bugs are!"¹³⁹

The Secretary and Administrative Assistant Secretary of the Royal Commission on Economic Prospects had considerable control problems because of the size and complexity of this large Royal Commission. The Administrative Secretary, in one of his early administrative bulletins, admonished the staff about the high cost of telephone bills and he pointed out that travel advances must be liquidated on completion of the journey.

On March 14, 1956, the Chairman wrote to the Administrative Assistant Secretary saying: "Attached is an account from . . . for \$10,000. This was the amount agreed upon for this study and I should be glad if you would see that it is paid as quickly as possible."¹⁴⁰ From the information on the files this took the administration by surprise and, as it was a large amount, it should have had prior approval by Treasury

137. Ibid.

138. Ibid.

139. Ibid.

140. Canada, Public Archives, Royal Commission on Economic Prospects Papers.

Board. The note on file indicated that it was passed directly to the Finance Department for their consideration. Payment was authorized in two portions--\$4,000 from the estimates of 1955-56, and the remainder from the estimates of 1956-57. The contractor was not paid as quickly as he might have been had this been foreseen.

In August, 1956, and again in December there were a series of sharp exchanges between a court reporter and this Royal Commission over the payment of expenses in Ottawa. The dispute concerned charges disallowed to two persons hired to assist the court reporter. Whilst the requests seemed reasonable, the Chief Treasury Officer refused payment on the basis of the regulations and Treasury Board when asked to referee came down in favour of the Treasury Officer. The Administrative Assistant Secretary in a letter to the reporter laid the blame on Treasury Board. After several months of further appeals a settlement was reached and partial payment agreed upon.

One large file of this Royal Commission is taken up with an exchange of correspondence between one Commissioner's personal secretary in his home office and the Secretary of the Royal Commission, trying to straighten out the Commissioner's expense accounts for "he never seems to have his records quite straight."¹⁴¹

Again there were two accounts which necessitated a good bit of explanation, one due to the 'on the spot' decision of the Commissioners to hire taxicabs to take them a considerable distance (Halifax to Charlottetown) and the second to charter a private aircraft for the return journey to Moncton. The total amount was in excess of \$500 and the Chief Treasury Officer returned it, saying: "A full explanation is requested.

¹⁴¹. Ibid.

and it is to be returned to Treasury Board for full Treasury Board approval."¹⁴² The Administrative Assistant Secretary was required to set forth the details in a long letter to the Secretary of the Treasury Board, explaining that the Chairman and the Commissioners had made this decision and the commitment had been given. It was well over a month before Treasury Board authorized payment. This is a very good example of the need for clear-cut regulations on financial matters. Persons familiar with Civil Service routine and the Comptroller of the Treasury regulations would not have hired a taxicab to take them several hundred miles when other transportation was available, nor would they have chartered a private plane flight without prior Treasury Board approval. However, businessmen turned Commissioners are not accustomed to being so hampered and make such decisions on the spot.

For the most part payments on behalf of the Royal Commission on Price Spreads seem to have been controlled with little difficulty. In preparation for equipping himself to carry on his task the Secretary of this Commission contacted a senior official of Treasury Board staff about the matter of accounts, and questioned whether or not they were in fact under control of the Comptroller of the Treasury. In reply an officer of Treasury Board enclosed a copy of a letter previously submitted to the Comptroller, Mr. B. G. McIntyre, on behalf of another Royal Commission asking whether or not "Chapter 12.1 of the travel regulations which places certain restrictions on travel expenses should apply to the per diem

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142. Ibid.

living allowances and transportation expenses for members of the Royal Commission on Energy."¹⁴³ The problem had arisen over Commissioners obtaining bedrooms on trains when lower berths were available.

The Comptroller in reply dated May 19, 1958, stated:

In handling these accounts we did not seek to apply the travel regulations to the letter. In fact we pretty well accepted the accounts as submitted. At a later date I think we should make a review of the results of this type of treatment as applied to all these Commissions and consider whether it is desirable to establish special regulations to govern the members of such Commissions. I might say that in 1934 Mr. Sellar proposed a draft of the regulations cited 'The Commissions of Inquiry Financial Regulations'. These proposed regulations were submitted to the then Minister of Finance and I think perhaps the Treasury Board as well. However, no action was taken to have the Treasury Board approve these regulations.¹⁴⁴

A very fitting comment, but one which would not appear to be necessary to-day in view of Royal Commissions being placed under the Financial Administration Act.

The Royal Commission on the Great Slave Lake Railroad ran into some trouble with the Chief Treasury Officer because there were no signing authorities obtained originally and, when the authorities were later obtained, accounts were signed by persons not authorized to do so and were, therefore, unacceptable. This happened with paylists and expense accounts. There were also troubles with requisitions to obtain travel advances. The Chief Treasury Officer refused to honour the request for an advance for one person "because it is pointed out that we have no authority to make advances for other than Civil Servants or duly appointed Commissioners."¹⁴⁵

143. Canada, Public Archives, Royal Commission on Price Spreads Papers.

144. Ibid.

145. Canada, Public Archives, Royal Commission on Great Slave Lake Railroad Papers.

This seems to be an odd restriction, but eventually was cleared up. Later, the Secretary had difficulty obtaining the salary of some men because the Chief Treasury Officer did not possess authority for such payment.

The Secretary of the Royal Commission on the Automotive Industry clashed with the Chief Treasury Officer over certain accounts and wrote to him saying:

I am returning herewith two communications requesting revision in expense accounts. In both these cases I consider it unnecessary to have these accounts returned and I would say that in the future this type of communication be reconsidered before it¹⁴⁶ is sent out.

This arose over the query of one taxi fare and a \$6.50 meal for entertainment which had been authorized by the Secretary for one of the officers to entertain a witness that the Royal Commission wished to question. It must be remembered that the Secretary did have the authority to authorize payment under Sections 31 and 32 of the Financial Administration Act. Later this Secretary was compelled to write to a senior official in the Comptroller's office, saying: "I am writing to ask you if you would kindly have the following matters straightened out. I have never been questioned about my expense accounts during the past ten years."¹⁴⁷ A polite reply from the Comptroller's office explained the problem, but perhaps it all would have been unnecessary if the instructions had been made clearer to the Secretary initially when taking on her task.

146. Canada, Public Archives, Royal Commission on the Automotive Industry Papers.

147. Ibid.

By and large, it can be said that the expenses are controlled both by the Royal Commission's staff and the Treasury Officer's staff without too much difficulty. Treasury Officers, for the most part, appreciate and understand the peculiar problems of Royal Commissions, and interpret the regulations as generously as possible. This, in turn, is very much appreciated by the administrative officers of Royal Commissions. Certainly there would be no cause for difficulties if all financial matters were brought under the Comptroller's regulations, with perhaps some slight elasticity for special circumstances.

Sometimes senior officials of Commissions who are unacquainted with the normal government financial regulations make commitments regarding special allowances to persons they wish to enlist for the staff, and others are intolerant of the government regulations. This can only be cured by the administrative staff apprising Commissioners and staff alike of the financial regulations very early in the Commission's life. Too many times an employee who is promised an allowance which is not approved feels that a commitment has been breached. Normally these instances are not financially significant, but are irritating to an individual and cause morale problems which could be avoided.

CHAPTER XIACCOMMODATION, EQUIPMENT, SUPPLIES AND OFFICE SERVICES

Generally speaking, Royal Commissions have had little difficulty in obtaining accommodation. The Public Works Department originally provide office space for Commissioners and the nucleus of staff; then either by additional space in the same location or by removal to another location the final housing needs are settled. Public Works use the scale of issue for government departments as the basis for supplying office furniture and equipment to Commissioners and staff of the Royal Commission. Therefore, Commissioners and senior personnel are generally provided with more elaborate furniture and rugs, with the administrative and clerical staff receiving the same oak and birch veneer desks and chairs as do their counterparts in the Civil Service for their work benches.

The records show that officers of Royal Commissions seem to instinctively turn to the Public Works Department with no hesitation, even though there is no directive or instruction to tell them to do so. After all, what other organization would one approach for accommodation and furniture in the Federal Public Service? Also, there is very little evidence of complaint by Royal Commissions for Public Works officers appreciate the transitory nature of their work and give their requests some priority and sympathetic attention. In general requisitions are prepared by the Royal Commission staff requesting Public Works to supply the needed furniture, filing cabinets, rugs, clocks, etc., and these are supplied; an inventory is then maintained by the Royal Commission and these articles are either returned to Public Works on termination of the Commission's activities or transferred to a new Commission or other

agency with Public Works' approval.

The Administrative Assistant Secretary of the Royal Commission on Economic Prospects in 1955 requisitioned material and space from Public Works and corresponded with them directly. The files contain letters exchanged on such things as light fixtures, base plugs, shelving, additional space, space in Montreal; but there were no real difficulties in evidence.

The Royal Commission on Broadcasting, it will be recalled, carried on most of their administrative work through the Finance Department. However, the Secretary of the Commission approached the appropriate Director in Public Works directly for accommodation for one of the Commissioners in Montreal. He may have anticipated some difficulty with that Department for he stated: "There does not seem to be any objection from the Treasury Board's point of view in providing . . . an office in Montreal."¹⁴⁸ One week later he was advised by Public Works that the accommodation was available. The interesting fact here is that the Secretary seemed to feel that he must obtain Treasury Board's authority, or at least their acquiescence when requesting out-of-town accommodation. It is a fact that, when Public Works enter into a contract with a landlord to provide space for Royal Commissions, the contract and rental rate require Treasury Board approval, but this is requested by the Public Works Department. This Secretary was cautious, however, and brought a Civil Servant approach to the matter of accommodation, for in a letter to the Assistant Deputy Minister of Public Works he stated: "I am naturally hesitant to state that the Department of Public Works should spend that money for

148. Canada, Public Archives, Royal Commission on Broadcasting Papers.

space when it has space with which we can do for the time being."¹⁴⁹ Some months later the Assistant Deputy Minister replied saying: "The purpose of this letter is to record the fact that accommodation has been provided for the Royal Commission on the second floor of the Canadian Bank Note Building and the required alterations have been completed."¹⁵⁰

While the Secretary was thus dealing directly with Public Works for accommodation, his Administrative Officer on the other hand was requisitioning furniture, not directly, but through the Administrative Division of the Finance Department. On January 18, 1956, he asked for the delivery of some office furniture and on January 27th the Secretary himself wrote to the Administrative Officer, Finance Department, asking for a requisition to be raised to cover a request for a secretarial desk, filing baskets and waste paper baskets. There followed another series of letters from the Administrative Officer of the Royal Commission to the Administrative Division of the Finance Department asking for rugs, venetian blinds, frosted glass doors, etc. However, when requisitioning furniture for the Montreal office of the Commission the Secretary again wrote directly to the Chief, Purchasing and Stores, Public Works Department. Later, on March 15, 1956, the Administrative Officer of the Royal Commission wrote directly to Public Works asking for some office furniture "on a loan basis."¹⁵¹

There was also some direct purchasing permitted, for on the

149. Ibid.

150. Ibid.

151. Ibid.

27th March the Administrative Officer sent invoices to Public Works requesting them to pay for nine rugs purchased from a large store in Ottawa. At the same time there were letters to the Administrative Division of Finance Department, asking for such things as duplicate keys, wall plugs, chairs, filing cabinets; and on March 8th a request to have executive desk tops changed for "it will be appreciated, therefore, if you can arrange to have the present tops of desks in question replaced by executive tops."¹⁵²

This is surely evidence of an unco-ordinated approach towards matters which are the function of Public Works Department, for the Secretary dealt directly with that Department for accommodation and his Administrative Officer indirectly through another department for furniture, rugs, wall plugs, etc., and at the same time wrote directly to Public Works for furniture in the City of Montreal.

The Royal Commission on Coasting Trade had the services of the Transport Department who ran interference for them on matters of accommodation and furniture. On May 27, 1958, in winding up this Commission, the Secretary wrote to the Office Supervisor of the Transport Department confirming a conversation that his office space would be vacated on May 30th and stating: "All furniture may be returned to Public Works and I presume that you will make the necessary arrangements."¹⁵³

Files of the Royal Commission on Price Spreads reveal that the Secretary wrote directly to the Public Works Department, and carried on

152. Ibid.

153. Canada, Public Archives, Royal Commission on Coasting Trade Papers.

in every respect as though the Royal Commission was a government department in dealing with the appropriate Director in Public Works on matters of accommodation and furniture.

When the Royal Commission on Coal was being organized an officer of the War Claims Royal Commission, retained to assist them, dealt directly with Public Works; but when the Royal Commission's Administrative Officer was appointed he did not follow this pattern. He placed his requisitions for such things as filing cabinets, waste paper baskets, secretarial desks, furniture, etc., with the Supervisor of Stores in the Privy Council office. That office requisitioned the furniture and office furnishings from Public Works and took it on their own charge on behalf of the Royal Commission. On the 23rd February, 1960, a resume of such furnishings and furniture was sent to the Administrative Officer, saying: "A copy of this, along with a formal requisition has been sent to the Chief of Purchasing and Stores, Public Works, to have these on charge of the Privy Council office."¹⁵⁴ It would appear, therefore, that this Royal Commission used furniture technically issued to Privy Council office.

In the Royal Commission on the Great Slave Lake Railroad the Secretary was advised at the first meeting by a Privy Council officer that "accommodation and furniture is to be sought through Public Works."¹⁵⁵ Quite interesting, for both Royal Commissions were in operation at the same time. And again, the Royal Commission on the Automotive Industry, one year later, arranged for their accommodation through the Privy Council

154. Canada, Public Archives, Royal Commission on Coal Papers.

155. Canada, Public Archives, Royal Commission on Great Slave Lake Railroad Papers.

office, while the Royal Commission on Publications, which was in existence at the same time, appears to have dealt directly with Public Works, for there is correspondence between the Chairman and that Department. There was one diversion, however, when the Administrative Officer wrote to the Chief of Stores of the Privy Council office with respect to some chairs.

Certainly the Royal Commission on Taxation has been dealing directly with Public Works for both accommodation and furniture, but requisitions for furniture are routed through Privy Council office where an inventory is maintained.

In summary, therefore, what conclusions can be drawn insofar as accommodation and office furniture are concerned? First of all, it is clear that Royal Commissions do not have difficulty in obtaining space, furniture, and the necessary appurtenances with which to do their work. Second, they have dealt, for the most part, directly with Public Works for matters of space, but also indirectly through other departments such as the Transport Department, the Finance Department, or the Privy Council office for such things as furniture and supplies. Third, a Royal Commission in existence at the same time as another has requisitioned directly from Public Works, while the other has obtained the same materiel indirectly through Privy Council office.

Surely this is one function that should be the subject of a directive to Royal Commissions advising them to obtain space, furniture and relevant materiel directly from the Public Works Department. It would certainly save time and be uncomplicated, for the officers of Public Works are in complete control of all the furniture of the government service, and there appears to be no reason for any other procedure with respect to Royal Commissions.

An Office Services Unit is another of the important administrative services in any organization, and a Royal Commission is no exception. It is generally responsible for providing the personnel and equipment with which to do the job, from office machines and materials to paper and pencils. It is responsible for the Central Registry which is dealt with in the next chapter, the stenographic assistance, telephones and communications, library services, and many other miscellaneous activities, all of which are important to the daily routine.

Perhaps the most important of these is the acquisition and control of such things as typewriters, dictaphones, and a variety of machines for reproduction of material, communication systems, and all the various things that are needed in a modern office. Most of these are obtained from the Public Printing and Stationery Department, requisitioned in the same manner as practised by government departments. The materials so obtained are paid for from the appropriation allotted to the Royal Commission and the supplies become its property. However, the Public Printing and Stationery must authorize the purchase of the office machinery. Office supplies such as letterhead, paper, pencils, stencils are purchased through that department, in the same way as by other government departments. One of the differences between this material and that obtained from Public Works is that once the Royal Commission has purchased it there is no clear directive as to its disposition when the Royal Commission winds up. The Queen's Printer will take back certain common stock items, and grant the Royal Commission a credit, provided this is all done within the fiscal year in which the equipment is purchased. Normally, however, Royal Commissions carry on for more than one fiscal year. Recently the practice has developed of

transferring equipment from one Royal Commission to another; that is such things as typewriters, duplicating machines, etc., but this is rather loosely controlled and there is no central repository for such equipment, nor any routine prescribed for looking after this material in an organized fashion. This depends to a large extent on the officers of the Royal Commission themselves.

In reviewing the files there were some interesting comments on the subject of equipment and supplies and the Public Printing and Stationery Department. There was some variety, for some Royal Commissions obtained such equipment indirectly through a government department and some have had direct contact with Public Printing and Stationery.

The Royal Commission on Economic Prospects initially obtained their office equipment through the Administrative Division of the Finance Department. However, that Department which obtained a list of the equipment insisted that it was the property of the Royal Commission. When the Commission wound up some of the equipment was turned over to the Finance Department, but there are no details of its complete disposition.

The Royal Commission on Price Spreads dealt directly with Public Printing and Stationery, whereas the Royal Commission on Coal seemed to have handled its requisitions for such material through the Privy Council office. Certainly, when it wound up some of its surplus went to the Privy Council office and some went to the Department of Mines and Technical Surveys.

The Royal Commission on the Great Slave Lake Railroad, whose Secretary had a most complete briefing on how to set up a Royal Commission, was advised to obtain such supplies directly from Public Printing and Stationery, and the large current Royal Commissions are dealing directly

with that agency. Once again, like the other elements of the administrative function, the control and acquisition of office equipment and supplies could clearly be the subject of a directive advising the Commissions of the routines to be followed in their relationship with Public Printing and Stationery. Added to this there is the need to direct and control the equally important task of disposition of materiel which at present remains in a nebulous state.

The Royal Commission's library is another necessary part of the administrative life, for normally it must have a research library of some considerable size, geared to the subject of its inquiry and stocked with technical data for use by research staff. While the Royal Commission will purchase some books, and probably periodicals and journals for its work, in addition it has at its disposal the large group of government libraries in Ottawa.

The files which have been reviewed do not indicate any problems with respect to the library function or acquisition of publications. A library, however, poses a problem at the time when the Royal Commission is winding up. Presumably, periodicals and papers of limited value are discarded, but what happens to the more durable library material is not clear. A good deal of a Royal Commission's library is stocked with borrowed material from various persons and this, of course, will be returned to the owners. It is understood that the Royal Commission on Government Organization distributed its books among the various government libraries in Ottawa, and this would certainly seem to be appropriate.

Recently there has been the suggestion that all books be turned over to the Privy Council office at the end of the Commission's activities, on the basis that the estimates of the Royal Commission form

part of the "total expenses of the Privy Council office."¹⁵⁶ In the past the expenses of Royal Commissions have been covered by votes in the estimates of various government departments and initially are generally financed from the emergency vote of the Finance Department; hence, such an argument would not appear to be valid.

Probably the best way to dispose of books is to stipulate by regulation that they be given to government libraries in accordance with the best use the libraries would make of the material. In other words, books from the Royal Commission on Taxation would probably be used to advantage in libraries of the Departments of Finance, National Revenue, and the Bank of Canada. Generally, the libraries in Ottawa which have given most assistance to the Royal Commissions are those which have an affinity to the Commission's work, and a gift of books would, in small part, compensate for the willing co-operation and assistance given.

Finally, there are other details of office services which are very much internal matters peculiar to any organization. Such things as whether stenographic services are to be provided by a stenographic pool or by a decentralized service; policy with respect to conducting correspondence and reporting in the official languages; messenger and mail services; telephone and communications; internal control of equipment and supplies, and the control of reproduction facilities for reports and other material. All these have a most important bearing on the work of the Royal Commission, but they cannot be subjected to detailed regulations promulgated by a central authority, but rather to internal rules of the Royal Commission.

156. Canada, Royal Commission on Taxation files.

CHAPTER XII

FILING SYSTEM AND RECORD MAINTENANCE

The filing system is the 'blood stream' of any organization whose main tool is paper, and should be given high priority by the administration. It is interesting to note the variety used by various Royal Commissions, not that this is strange, for government departments and agencies certainly do not have a uniform filing system. However, in a transitory organization it could be of great assistance, particularly in the hectic days of organization, to have an outline of a filing system readily available in order to launch the work of registry and correspondence control without the time consuming necessity of developing, adopting or changing a filing system 'built on the site'. Papers must flow smoothly and be so controlled that the main work of the Commission goes forward as smoothly as possible.

Filing systems have been developed by Royal Commissions in accordance with their size and the complexity of their operations. Some have had very simple systems, merely descriptive name tags on manila folders; others have developed highly complex filing systems; and there are all the variations in between; but there is no uniformity.

The Royal Commission on Arts Letters and Sciences, which did some research on the matter of files of government organizations, had for itself a simple 'name' system; that is, the coding was by subjects such as 'scholarships', 'museums', 'universities', 'historic sites', etc.

The Royal Commission on Economic Prospects used a numerical system with a code illustrated as follows:

- File 2-1-1 - Administration - General - Accommodation
- 2-1-2 - Administration - General - Administrative Policies
- 2-2-2 - Administration - Financial - Court Reporters
- 2-2-4 - Administration - Financial - Expense Accounts
- 2-6-2 - Administration - Miscellaneous - Office Equipment.

The Royal Commission on Broadcasting, on the other hand, followed a descriptive title system like the Massey Commission with no file numbers. There were such titles as 'court reporters', 'clerical', 'secretary', etc.

The Royal Commission on Coasting Trade had yet a different breakdown and used a two number system, with one number for the general subject, and a second number for the specific subject. For example:

File 10-1 - Miscellaneous
 20-1 - Accommodation
 30-1 - Accounting
 40-1 - Offices and Employees.

The Royal Commission on Price Spreads followed in a general way the breakdown of that on Economic Prospects, using a three-digit set of file numbers, that is:

File 2-1-1 - General Administration
 2-2-1 - Administration - Accounts General
 2-3-8 - Administration - Travelling Allowances
 2-9-1 - Administration - Itineraries - Travel Arrangements and Hotel Accommodation.

The Royal Commission on Coal developed a coding system which was a little simpler, but followed somewhat along the same lines, as set out hereunder:

File 1-5 Materials Supplied to the Commission
 1-7 Private Talks with Commissioners
 2-1 General Administration
 2-1-1 Office Accommodation.

The Royal Commission on the Great Slave Lake Railroad however organized its correspondence in a completely different manner with a primary numerical code and a secondary alphabetical code. In the primary code number 1 was general, 2 accounts, 3 correspondence, 4 financial services, 6 office services, 7 personnel, 8 statistics, 10 transportation. The alphabetical code denoted the further breakdown under the main topic.

Some examples are shown below:

File 1 (a) Accommodation
 2 (a) Accounts Payable
 3 (a) General
 4 (b) Estimates.

The Royal Commission on the Automotive Industry had a simple index also, with one number and a descriptive title; this is a straight alphabetical sequence with a number attached, as these examples show:

File 1 - Accommodation
 2 - Advertising
 37 - Staff Pay
 43 - Underwood Limited.

The Royal Commission on Publications had a more complex breakdown and it resembled that of the Royal Commissions on Economic Prospects and Price Spreads, with a three number code, as shown below:

File 1-3-3 - Hansard References
 2-1-1 - Office Accommodation
 2-5-2 - Furniture
 2-8-2 - Queen's Printer.

The current Royal Commission on Taxation has a different system with a primary code and a secondary number, a breakdown very similar to that of the Royal Commission on Coasting Trade. The primary code is used to signify the general subject and the second one for the breakdown. Some examples are listed hereunder:

File 10-1 Administration General
 15-11 Personnel - Applications for Employment
 20-7 Financial - Living Allowances
 25-1 Library - General
 30-2 Transportation - Travel by Personnel
 35-6 Communications - Telegrams
 40-3 Public Relations - Press Releases
 45-2 Accommodation - Office Space
 50-2 Office Furniture and Fittings - Requisitions
 65-2 Accounts - Audit and Inspection
 200-1 Research Director - General.

The only conclusions that can be drawn from a review of such variable methods are that the smaller Royal Commissions used simpler systems, some using descriptive titles only, and others a combined numerical and descriptive title, somewhat unnecessarily. The larger Royal Commissions have had more elaborate systems, some of them bearing a close resemblance to one another, although none of them are identical. In some cases the subject titles and the breakdown were similar although the numerical code differed, albeit there were instances where individual file numbers coincided. This 'so near and yet so far' approach no doubt can be attributed to Secretaries and Administrative Officers passing on their heritage of filing codes from one Royal Commission to another, each officer adopting a system to fit the circumstances of his administrative responsibility.

Actually, there is no advantage in using the more complicated filing systems which would only be necessary in a large government department where the files number in the thousands. It is therefore suggested that a general uncomplicated coding system could be developed and used as the registry framework by all Royal Commissions¹⁵⁷ and set forth in an administrative manual. It could be so organized that the major headings would be the same throughout, and for the more complex and larger Royal Commissions the subjects could be refined into sub-headings. If this were done, there would be at least some common ground for Royal Commission filing systems, and later for control of files in the Dominion Archives. First and foremost, however, an important administrative tool would be ready at hand to assist a new Royal Commission.

157. See Appendix XI which gives an example of a filing system which can be adapted for either a large or a small Royal Commission.

In bygone years it would seem that the files of Royal Commissions were not thought to be of any great interest and their disposition is not a matter of record. However, the Dominion Archivist, realizing the importance of the matters investigated, the importance of the files themselves, and the need to maintain these documents for posterity, worked for many years behind the scenes to obtain these records for the Public Archives. In fact, it was through a good deal of his labour and persuasion that some of the files of Royal Commissions have finally found a resting place in the Public Archives.

Many of the files must have found their way into the storage bins of various government departments. Doubtless some still remain there, or may have been destroyed in the schedule of destruction for departmental files, for they were likely of little interest once the Royal Commission report had been published. But to the student and to posterity the files of Royal Commissions have more than passing interest for they contain quantities of material gathered together by an organized method of investigation.

The Royal Commission on Arts, Letters and Sciences were concerned about the retention of departmental files, and a committee was appointed by the Chairman called 'The Committee on Libraries and Public Records'. The first meeting was held on August 25, 1949, with the Right Honourable Vincent Massey presiding. This Committee recommended to the Royal Commission that P.C. 6175 of September 20, 1945, which authorized the establishment of the Public Records Committee, should be amended to provide for each department to review its files, and further, that no records should be destroyed without the authority of the Public Records Committee. They also recognized that it was necessary for restrictions

to be imposed by the Deputy Minister of a department in making files available to outsiders. In actual fact P.C. 6175 makes no mention of the files of Royal Commissions; it refers to 'agencies of government' which are normally considered to be departments, crown corporations, boards and similar organizations.

However, Royal Commissions' files were not overlooked by the Dominion Archivist; he certainly has been alert and personally has been in communication with Commissioners and Secretaries to persuade them to turn their files over to the Public Archives. While there is not a great deal relating to this in the Royal Commission files examined, the writer appreciates that the activities of the Dominion Archivist were carried on by personal persuasion.

The Dominion Archivist wrote to the officials of the Royal Commission on Coasting Trade on May 7, 1956, stating:

I feel strongly that either Public Archives or the National Library should receive a file copy of all briefs together with copies of evidence, reports, and so on. The care given to such things at the moment is most haphazard and I believe that there are instances in which the records of important Royal Commissions have disappeared completely.¹⁵⁸

The Dominion Archivist then wrote to the Secretary on May 30, 1958, thanking him for allowing one of the Archives officials to examine the files of the Royal Commission and saying he was "Glad to have a complete set of the transcripts . . . but sorry that the working files could not be included at present in the transfer to the Archives."¹⁵⁹ He urged "the importance of keeping them together so that they could be sent to the Archives at a

158. Canada, Public Archives, Royal Commission on Coasting Trade Papers.

159. Ibid.

later date."¹⁶⁰ The Secretary's reply was sympathetic, but he said:
 "It will be necessary to retain these in the possession of the department for some time yet."¹⁶¹

In the comprehensive instructions given to the Secretary of the Royal Commission on the Great Slave Lake Railroad the matter of disposition of records seems to have been overlooked. However, the files of this Royal Commission contain a letter to the Dominion Archivist from the Secretary on June 23, 1960, which stated: "I understand that all records including a set of all submissions and exhibits, and one set of transcripts and one report are to be forwarded to the Archives."¹⁶² The Dominion Archivist confirmed this and requested guidance in determining the matters to be designated confidential.

It is now the practice to include a clause in the Order in Council authorizing the Royal Commission which states: "and file with the Dominion Archivist the papers and records of the Commission as soon as reasonably may be after the conclusion of the inquiry."¹⁶³ There is no doubt that this clause was inserted after much diligent persuasion by the Dominion Archivist.

This clause first appeared in Order in Council P.C. 1960-1047, August 2, 1960, which established the Royal Commission on the Automotive Industry, and subsequently in P.C. 1960-1269, September 16, 1960, for the

160. Ibid.

161. Ibid.

162. Canada, Public Archives, Royal Commission on Great Slave Lake Railway Papers.

163. Canada, Royal Commission on Taxation files.

Royal Commission on Government Organization; in P.C. 1960-1270, September 16, 1960, for the Royal Commission on Publications; in P.C. 1961-883, June 20, 1961, for the Health Commission; in P.C. 1961-1040, July 17, 1961, for the Gill Committee on Unemployment Insurance; in P.C. 1961-1484, October 18, 1961, for the Royal Commission on Banking and Finance; and also in the Orders in Council for the Royal Commissions on Pilotage, on Taxation, and on Bilingualism and Biculturalism.

It will be noted that while the Order in Council establishing the Royal Commission on the Great Slave Lake Railroad was promulgated in June, 1959, the clause directing that files and papers were to go to the Dominion Archivist was first included in the Orders in Council in August, 1960. As the exchange of correspondence on the subject between the Secretary and the Dominion Archivist was in June, 1960, it is assumed that the decision was made by government and transmitted to that Royal Commission.

There is one further point which deserves comment. The files of Royal Commissions are now lodged in the Public Archives and these records contain not only the reports, transcripts of evidence, submissions from the public, but all the normal routine daily correspondence, forms, requisitions and simple pieces of paper used by any organization. Some of the files are restricted and may only be reviewed by outsiders with the approval of the Chairman or the Secretary of the Royal Commission itself and the Dominion Archivist. However, the standard of what is restricted and not restricted varies widely, for matters restricted in the files of one Royal Commission are often open in the files of another. There are, of course, confidential documents which should be closed to the general public

for a considerable period of time. Presumably Royal Commission reports, transcripts and submissions from the public, together with the research papers, will be maintained as a permanent record. However, the Dominion Archivist has a schedule from the Public Records Committee authorizing destruction of administrative files within a period of five years. Had he acted on this authority most of the research for this particular thesis would have been impossible.

Following a discussion with officials of the Dominion Archives, it is the opinion of the writer that some of the contents of administrative files could be destroyed without any loss to posterity. Such things as routine requisitions for equipment and other materials, staff pay certificates, leave slips, expense accounts, and a host of other routine minutiae are now contained in many of these files. What should not be destroyed at the present time however is the correspondence between the Commissioners, Secretary and Administrative Officers with other government agencies or outsiders which, in total, give a picture of the daily work and operations of the Royal Commission. Nor should there be any destruction of Orders in Council, Treasury Board Minutes, records of establishment and estimates, and the exchanges of correspondence connected therewith. It is also interesting to retain records of where Royal Commissions went on their travels, the places they used for their hearings, and the officials they contacted in the various cities and towns throughout Canada. There is a great deal related to the outside hearings which should be kept, such as problems relating to court reporters, instantaneous translation, mode of travel, and so on. Up until such time as there is a general set of administrative regulations covering procedures in all aspects of the daily operations of

a Royal Commission, these records should be maintained and not be destroyed. Should a general manual of administrative instruction be developed, then most routine administrative material of subsequent Royal Commissions could be destroyed. Perhaps at that time just a sample of each of the administrative items could be retained in each set of files to illustrate a Royal Commission's work. At the present time, however, the administrative records in the Archives are necessary because of the interesting variety of ways in which this institution of democratic government proceed in its daily work. All should be retained except the routine items mentioned above which could be destroyed with perhaps samples only being retained.

CHAPTER XIIIOUTSIDE ACTIVITIES INVOLVING ADMINISTRATION

If there is one way in which a Royal Commission of Inquiry differs from other institutions of government, it is in the main task of inquiry. They hold public hearings; accept briefs from the citizens, organizations, associations, governments, which may be discussed with the person or persons making the presentation; conduct research into the subject of the inquiry; hold private meetings with persons knowledgeable in the field of the inquiry. Not all Royal Commissions have a general appeal to the public. Some, such as the Royal Commission on Arts, Letters and Sciences, the Royal Commission on Bilingualism and Biculturalism, and even the Royal Commission on Taxation have a more or less general appeal, and not only specialists, interest groups, large associations and corporations, but private citizens come forward and present themselves to advise the Commissioners and give their views. Other Royal Commissions have a limited appeal. The Royal Commission on Coal, on the Great Slave Lake Railroad, or the Automotive Industry are of interest mainly to specific sections of the community; while the Royal Commission on Pilotage and on Coasting Trade obviously have a nautical flavour, and those involved in marine matters immediately became alert when these Commissions were announced.

The hearings of the Royal Commissions therefore must be held in centres where the interested public is situated, and the administrative problems in arranging for such visits are many and diverse. This is one area of administration which is not generally found in the Civil Service, and Royal Commission administrators are again forced to seek advice and

guidance from colleagues who have previously 'blazed the trail'.

There is a considerable amount of work involved in planning the public hearings and the resultant itinerary for a Royal Commission. There must be a special internal organization at the head office created to receive the briefs which are sought from the public, have them suitably recorded, filed, copied or reproduced and distributed to Commissioners and research staff. In the planning of hearings suitable time must be given to the public and the Commissioners to allow them to address themselves satisfactorily to the subject. It is only when the material is received from the participants that the Secretary or Administrative Officer is able to estimate, or perhaps a better word is 'guestimate' the amount of time to be apportioned for the public hearing in each city. Even after a timetable is prepared, inevitably it is upset by one event or another so that there must be some built in flexibility in the agenda. Secretaries must contact many and various officials across the country, of provincial, municipal and perhaps educational institutions in order to reserve suitable space for public hearings. They must arrange for the transportation of Commissioners and staff, and in planning the campaign must foresee the needs and wants of everyone in their daily work. Material must be sent ahead to be available at each hearing centre, and routines must be established in co-operation with the central office to see that correspondence and briefs reach the place of hearing well in advance. The number of personnel to travel with the Commissioners is determined and their tasks prescribed, and personal accommodation must be secured. It is necessary to organize so that Commissioners and staff will have sufficient time to carry out their tasks, with some allowance for unforeseen occurrences, and at the

same time be refreshed and ready to receive the public.

This is one area of administrative routine which could not be tied down too tightly by preconceived rules. The amount of funds necessary are generally predetermined and set aside in the estimates and for the most part the government travel regulations apply to expenses of individuals. But then there are many things which must be left to each Royal Commission to decide, such as the place of public hearings; the time of the hearings; the number of hearings; whether the Commission shall sit in the morning or afternoon or both; whether latecomers will be received if they have not given prior notice; whether it is feasible to sit over another day in any particular centre to hear latecomers and still be at the next place on time; with the resulting chaos resulting from changes of multiple reservations. These things are not only determined by the nature of the inquiry of the Commission, but obviously are influenced by many of the personal traits of the Commissioners themselves. There are perhaps a few guidelines and some common features which can be set down in print to alert Secretaries and Administrative Officers to the problems which they may face, and some general warning and guidance may be in order, but, by and large, this is a responsibility which can well test the flexibility and planning ability of the administration.

One of the foremost problems with respect to public hearings is that of obtaining court reporters. There have been several methods used in the past; contracts have been concluded in accordance with Treasury Board regulations. Some of these required that the court reporter produce a transcript, but permitted the Royal Commission and the Queen's Printer to carry out the publishing, printing and distribution.

There have been contracts with court reporting companies to provide the services at a set fee per page with the transcript duly bound in the required number of copies, and with the transcribing companies retaining the right of sale at a set rate per page. Also there have been contracts where the Royal Commission is not required to pay any amount per page, except for closed hearings, and the contracting company endeavours to recoup the expenses and make a profit by right of sale of the transcript, anticipating that the demand from an interested public will be large. Generally speaking, when a contract is entered into with a court reporter or such company, the Royal Commission undertakes to pay the travelling and living expenses of a certain number of reporters and typists whilst travelling beyond their home base under the same travel regulations as provided for government employees.

Due to the fact that there have been a continual parade of Royal Commissions in recent years, some of the reporting firms have provided almost a permanent reporting staff for them. These people have become very familiar with the routines and are of great assistance to the administrative staff of a new Royal Commission by virtue of their experiences of service with other Royal Commissions.

The record as revealed in the files examined again indicates a lack of uniformity in established routines for obtaining the services of court reporters. In some cases they seem to have been merely appointed; in others tenders have been called and a contract let, and in these latter cases the contracts have been approved by Treasury Board. Here again there is a peculiar situation where Treasury Board is called upon to approve after the fact. Obviously a Royal Commission when calling tenders should set forth the specifications and requirements for the bidder's information.

The lowest tender is then generally accepted and the contract is entered into, and it is after this is done that the contract is sent to Treasury Board for approval. Presumably, if Treasury Board did not approve, tenders would have to be called again, but the records do not indicate any instance where Treasury Board denied approval, although there have been instances of queries. It would be much simpler if there were laid down procedures for Royal Commissions to bring about uniformity.

In the Royal Commission on Economic Prospects no tenders appear to have been called, but various letters were received from interested parties, offering their services. Eventually a House of Commons reporter who had originally written to the Minister of Finance was granted a contract at a specific rate per page. This contract was approved by Treasury Board Minute 491515, September 23, 1955, and it is to be noted that it was not let as a result of a formal tender. Royal Commissions have had difficulties with firms of court reporters, and this one was no exception. There is a note in the Secretary's handwriting which says: "I think . . . has given us firm ground for believing that the transcript would be completed much, much sooner than turned out to be the case."¹⁵⁴ This was after an exchange of correspondence over the tardiness of the reporter in producing transcripts of evidence; not an unusual circumstance even to-day.

The same court reporter again applied for the task with the Royal Commission on Broadcasting, but this time he was unsuccessful. There is no record on file indicating why the successful reporter was chosen, but a gentleman who is now president of a court reporting firm received the contract in a private capacity. He also had difficulty in producing the

154. Canada, Public Archives, Royal Commission on Economic Prospects Papers.

transcript on time, for there is a letter on file from him to the Secretary explaining the delay in the transcripts and giving many reasons why this was so.

The same person received the contract for the Royal Commission on Coasting Trade, his previous experience no doubt helping him.

The Royal Commission on Price Spreads called for tenders and received two from competing firms, the only recommendation to Treasury Board being on behalf of a company whose president had received the contract as a private reporter in the two Royal Commissions mentioned above. The recommendation to the Treasury Board, which was approved, was based largely on the recommendation of the Secretary of the Royal Commission on Energy who had found the services most satisfactory.

The same firm again was successful in receiving the contract for the Royal Commission on Coal, and there is no evidence of tenders having been called.

The Secretary of the Royal Commission on the Great Slave Lake Railroad had a little more difficulty in arranging for court reporters. He was advised by an official of the Northern Affairs Department how to proceed, and indeed was given as a guide a copy of a sample letter which the Secretary of a previous Royal Commission had addressed to Treasury Board recommending a firm of court reporters. This letter included the then current Treasury Board regulations, but with a note attached saying: "Other Commissions are finding these instructions unworkable and finding they cannot abide by them."¹⁶⁵ The Secretary of the Great Slave Lake Railroad Royal Commission proceeded to call for tenders from a number

165. Canada, Public Archives, Royal Commission on Great Slave Lake Railroad Papers.

of local court reporters in Edmonton, as well as the firm mentioned above who by this time had considerable experience. While the Royal Commission itself recommended a local firm, the experienced company received the contract after perusal by Ottawa officials. The Commission's Secretary was further advised by a Privy Council official in these words: "After negotiations have been completed the contract is to be submitted to Treasury Board for approval."¹⁶⁶ This again emphasizes the 'reverse' way in which these arrangements are concluded.

This same company was again successful in obtaining the contract for court reporting for the Royal Commission on the Automotive Industry. The Secretary, however, was not sure of the procedure and wrote to an officer of the Privy Council saying: "I would appreciate it if you would advise me about the next step in awarding the contract after it has been approved by . . . the Privy Council office and the Treasury Board if necessary."¹⁶⁷ The Privy Council officer transmitted this to the Treasury Board for their action and the contract was approved.

The court reporting company, which by now was very experienced, received the contract for the Royal Commission on Publications and also for the Royal Commissions on Health, on Pilotage and on Taxation.

This is an area of administration which could be more closely regulated with instructions serving as a guide for Secretaries in calling for tenders, perhaps setting down in detail the procedure for calling tenders and awarding the contract. Perhaps those interested in submitting tenders should be canvassed more widely.

166. Ibid.

167. Canada, Public Archives, Royal Commission on the Automotive Industry Papers.

Another of the interesting functions of the outside administrative activities is that of obtaining space for public hearings. This requirement depends on the number of Commissioners sitting, the public interest in the subject of inquiry, and the procedures which are to be followed in receiving briefs, the time allotted for travel, etc. As mentioned before, this sphere of work should remain completely the prerogative of the Royal Commission. Certainly it is difficult for anyone to give other than general advice on the routines to be followed at hearings, but the usual practice in the past has been to call upon persons with previous experience, even to the extent of drawing diagrams illustrating how a hearing room should be organized for Commissioners, participants, press and spectators. There is a great deal of difference in the price Royal Commissions have paid for their hearing locations. Occasionally it is gratis, and in these cases it is not unusual for local attendants to be given gratuities for services they perform, such as arranging chairs, seeing that ash trays, drinking water, waste paper baskets, and so on, are available, and giving general assistance to the Royal Commission's staff who are at the hearings. In cases where a fee is being paid for the space, gratuities are not expected. Some over-all guidance would be helpful here to a new Secretary and to the Chief Treasury Officer who, it must be admitted, is generally understanding in this matter of gratuity provided receipts and general explanations of expenditures necessary are forthcoming for any unusual circumstances with respect to hearing locations.

The Secretary of the Royal Commission on Economic Prospects wrote originally to the Mayors of different cities to be visited, and not to universities or provincial officials as was the usual practice.

The Secretary of the Royal Commission on Broadcasting had quite a formal routine in one aspect of travel routine. Each Commission has an Administrative Officer who acts as a 'John the Baptist' and travels ahead to the locations which are visited at least the day before the Commission is to hold hearings. He sees that all is in order, that those listed on the schedule will appear the time appointed, and makes any final arrangements which may be necessary. The files of the Royal Commission on Broadcasting indicate that their Administrative Officer who preceded the main body wrote very formal memoranda to the Secretary in each case, advising him of the hearing site, rooms available for the Commission, typewriters available, listed the people they were about to see, and mentioned any unusual bits of information with which the Secretary needed to be armed, including the expected press and radio coverage.

Other Royal Commissions have followed this pattern, but in a less formal way, generally the Secretary receiving a handwritten note, telephone call, or arranging an overlapping day or two of schedules as the Commission's travels progress.

The Royal Commission on Broadcasting contacted a variety of people with respect to their hearing sites; Premiers of Provinces, Ministers of Provincial Public Works, Mayors of cities, university Presidents. They also used a variety of sites such as the Howard Ferguson Hall, University of Toronto, the Legislative Chambers in Regina, and the City Hall in Charlottetown.

The Economic Adviser of the Royal Commission on Coasting Trade discussed with the Secretary of the Royal Commission on Arts, Letters and Sciences the various pitfalls of road trips and was told about some things

that would happen; how extra briefs would roll in and upset the initial itinerary; was admonished to have court reporters available all along the way; and finally: "Much time was saved by adhering to the principle of not having briefs read aloud. Ten briefs a day was very rapid going."¹⁶⁸

The writer's experience in the Royal Commission on Taxation has been that it would be impossible to have briefs read aloud or the task would never be finished, for many briefs are upwards of one hundred pages. The Royal Commission on Taxation has found that two or three briefs a day are quite sufficient, and indeed they are sometimes so complex that one brief will take a day; but there have been as many as four briefs in one day.

The Secretary of the Royal Commission on Coasting Trade contacted some Secretaries of previous Royal Commissions and one advised rapid movement saying: "Do not delay in cities, also do not let them read briefs aloud."¹⁶⁹ This Secretary wrote to the Attorneys General of the Provinces for accommodation for the hearings, probably because the Chairman was a member of the judiciary.

The Royal Commission on Coal used rooms in the University of Toronto, the Legislative Assembly in Regina, and the ICAO Building in Montreal which is equipped with facilities for instantaneous translation. Most Secretaries should be aware that instantaneous translation may be necessary, particularly in Ottawa and the Province of Quebec. The contracting court reporter will generally look after the transcription in either of the official languages, but instantaneous translation is a matter for the administration of the Royal Commission.

168. Canada, Public Archives, Royal Commission on Coasting Trade Papers.

169. Ibid.

The Royal Commission on the Automotive Industry held their hearings in a room in the Parliament Buildings in Ottawa, not a popular location with other Royal Commissions.

The Royal Commission on Publications took a great deal of care in arranging for public hearings with considerable advance planning. The Secretary wrote to the universities and officers of Provincial Governments and public libraries, and when arrangements were made he carefully 'briefed' the people who were providing the accommodation, enclosing elaborate lay-out plans indicating where each table and chair was to be located. This Royal Commission used Office Overload for stenographic assistance whilst on the road, whereas other Royal Commissions have generally taken stenographic assistance with them from their headquarters.

The Royal Commission on Taxation also used a variety of location sites; universities in Toronto and Montreal, rooms in the Legislative Building in Newfoundland, Nova Scotia and Manitoba, Court Rooms in Ottawa, Alberta, Saskatchewan and the Territories, and a public library auditorium in Vancouver.

The pinnacle of all previous work of a Royal Commission is the publishing of the report. This event always presents problems; first of all the administration must try and forecast the cost for the estimates; this means that someone has to try and determine how large the report is going to be and how many accompanying studies are to be published. There is need for close liaison with the Queen's Printer for lay-out, illustration, cover design, type face to be used, nature of the binding and so forth. Some Royal Commissions, notably the Royal Commission on Government

Organization, have entered into a contract with a private firm for design and lay-out; others have used the very excellent facilities which are offered by the Queen's Printer. There are also delicate financial arrangements to be made, for the Royal Commission will offset some of its costs by the number of volumes that it can persuade the Queen's Printer to print on the first run; the larger the number printed at that time, the more it will offset the total costs of the printing. On subsequent runs the proceeds go to the Queen's Printer.

There is very little guidance with respect to the price to be charged. This seems to be a form of negotiation that goes on between officials of the Royal Commission and officials of the Queen's Printer. Obviously there is a price at which a maximum number will sell on the first run and which will be advantageous to the Royal Commission and the Queen's Printer. If the price is too low, the Royal Commission will not recoup as much of its expenses as it would like, and a low price tends to depreciate the value of the report. On the other hand, too high a price means that not enough will be sold, and again the Royal Commission and the Queen's Printer will not receive maximum advantage. This subject of printing and publishing is an area where a good deal of guidance could be set forth in a manual, probably written in co-operation with the Queen's Printer.

Curiously enough not much was disclosed from the Royal Commission files reviewed concerning this rather special subject. One of the instances is on the files of the Royal Commission on Coasting Trade. Here the Chairman wrote to the Minister of Transport asking instructions of the Minister concerning the printing and translation, and whether it

was to be done by the Minister or the Department.' The Minister replied that he would have the Departmental Secretary look into the matter and reply. The Chairman was advised shortly after that both the printing and the translation were the Royal Commission's responsibility. The Secretary of the Commission gave his Chairman a report telling him what had happened in other Royal Commissions with respect to printing. There were letters between the Queen's Printer and the Royal Commission concerning the design of the cover. Then a slight exchange arose between the Commissioners concerning the price to be charged for the publication and the Deputy Minister of Transport, asked his opinion, finally suggested an estimate which was accepted. Quite appropriately, the Chairman wrote with some irritation to one of his fellow Commissioners saying:

Personally I have very little interest in what the government should charge, and I am convinced that the matter should be one of the government's sole responsibility. None of us are¹⁷⁰ in the publishing business.

A very fitting comment on the problem of merchandising Royal Commission reports.

And so we have briefly reviewed some of the highlights of the administrative tasks not commonly found in other government organizations. No precise rules should bind a Royal Commission in this area except for court reporting and printing, for these activities are surely subject to more precise and uniform methods. The problems of public hearings, however, should be subject to the Commission's own rules, but some guidance would certainly be of assistance.

170. Ibid.

CHAPTER XIV

CONCLUSIONS AND RECOMMENDATIONS

"A study of that (Royal Commission) technique and an attempt to extract from such a study some lessons and general conclusions seem therefore not untimely."¹⁷¹ The foregoing pages do indeed seem to lead to some conclusions--almost self-evident conclusions.

Shortly after the writer took over his present position, he had occasion to discuss with an officer of the Treasury Board staff some problems concerning salary to be paid to prospective employees. He made a comment to the effect that it seemed rather strange that there were not some general regulations governing the administrative activities of Royal Commissions, and perhaps some qualified staff scattered throughout a few departments who automatically could be called upon to take charge of administration of each new Royal Commission. The Treasury Board officer replied quickly: "That is an old one. This idea comes up very frequently." Why then, if it is an 'old one', in the face of evidence is not something more concrete done about it? The late Keith Callard, in his report 'Commissions of Inquiry in Canada', urged that there be one department which should contain the liaison office for Royal Commissions, and he mentioned briefly some of the administrative problems, such as finance, budget control and rates of pay. He suggested that the liaison office be part of the Secretary of State Department. It does seem apparent that this part of his report was adopted, for in recent years the Privy Council office has been the liaison centre for Royal Commissions,

171. A. Salter, Advisory Bodies, p. 21.

despite the fact that in practice there is direct contact between Royal Commission staff and other departments of government.

In the writer's experience the work with Privy Council office has been narrowed down to transmittal of requests to and from Treasury Board, but often this is supplemented by direct personal conversation with Treasury Board staff. Part of this liaison involves the requests for parliamentary appropriation, which are now included in the estimates for the Privy Council office as a simple vote earmarked for the Royal Commission. Following along with the Callard report in 1955 an officer was appointed by the Privy Council office, and he presumably was to become a specialist and give guidance to officers of Royal Commissions. This task he has performed commendably and to the best of his ability in the time permitted to him, but he has been successively Assistant Secretary of two and Secretary of a third Royal Commission. These and other tasks have kept him extremely busy and more than adequately employed. The present scene is an improving one, with more persons of Treasury Board staff, Privy Council staff, and in the Comptroller's office, becoming aware of the need for a more orderly approach to a Commission's task.

The United Kingdom Government has had long experience with Royal Commissions and has published a document entitled 'Instructions for the Guidance of Secretaries of Temporary Commissions and Committees.' However, the practice in Canada has been similar to that of the United States; the following excerpt from a letter received by the author from an official in Washington is revealing:

The situation in this country with respect to lack of published guidelines for the organization and administration of a Commission is exactly the same as you have reported. Our Bureau of the Budget generally assigns one or more officials to help in developing the organization, financing, recruitment, etc. However, these are done on an ad hoc basis as circumstances dictate, and the planners draw heavily on previous experience in such work rather than on official regulations or guidelines. ¹⁷²

The correspondent went on to say that the President has funds available to finance the work of a Commission, although if it is a large one such as the Hoover Commission, a special Act of Congress is required. As an example, Public Law 108, 85rd Congress, Chapter 184, establishing the Hoover Commission, provided, by Section 7(a) and (b), that Commission with the power to appoint and fix the compensation of such personnel as it deemed advisable. In Section (b) it granted authority to pay individuals at rates not to exceed \$50 per day. Section 6(b) states:

The members of the Commission who are in the executive branch of the Government shall serve without compensation in addition to that received for their services in the executive branch, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission. ¹⁷³

It would appear, therefore, that the United States, despite the fact that their procedure is similar to our own, does give more definite guidance in such circumstances. Also, the Bureau of the Budget assigns officials to help in organizing, financing and recruiting. The President has funds available, and the Act creating the Hoover Commission contains

172. Letter from N. G. Strub, Deputy Commissioner of Customs, Washington, D. C., July 25, 1963.

173. U. S. A., Establishment of Commission, Deputy Commissioner of Customs, Washington, p. 24.

more precise instructions than those contained in the general administrative sections of the Orders in Council creating our Royal Commissions, which use the more vague phrase 'approval of Treasury Board'.

The United Kingdom publication for guidance of Secretaries mentioned above is a handy manual, consisting of seventy sections, written very simply and directly, and must be of inestimable assistance to a new Secretary or Administrative Officer. It covers most of the problems which will be encountered. It leaves no doubt of the British practice and tradition with respect to control by the Treasury, and it makes it eminently clear to new Secretaries and Commissioners where they stand, for in the first two paragraphs which are quoted hereunder instructions are quite explicit:

1. The Secretary of a Commission is directly responsible for seeing that the following instructions are observed by the Commission to which he is attached. Charges contrary to the instructions will be disallowed. It is the Secretary's duty to acquaint the members of the Commission with the substance of such portions of the instructions as it is necessary to bring to their notice.

2. No new expenditure may be incurred (and likewise no increase in expenditure already authorised) without prior Treasury Sanction. When a new Commission is set up, the first stage is therefore to obtain Treasury sanction for the number and salaries of staff to be employed, for the accommodation to be occupied, for the supply of stationery and, if this should be necessary, for printing reports of evidence and for the employment of a verbatim shorthand writer.

This guide then goes on to deal with such important things as staff, accommodation, telephones, postage, shorthand writers, printing

174. United Kingdom, H. M. Treasury, Instructions for the Guidance of Secretaries of Temporary Commissions & Committees, November, 1961, p. 1.

and stationery, preparation and printing of reports, pay regulations and Treasury regulations in very considerable detail, and also deals with such matters as luncheons, teas and entertainment. Then, leaving no tag ends, is a section on 'Winding up the Commission' and, in three short paragraphs, directs the Secretary how to dispose of staff and staff records, accommodation and furniture, and the various stationery and supplies which are left over. The detailed index of this guide is shown in Appendix V.

The evidence of this study, together with general experience, leads to some very obvious conclusions. Because Royal Commissions have been in existence for such a long time and because they appear to be here to stay as "Governments . . . are driven to carry on all sorts of ostentatious and elaborate 'busy work' of which the appointment of a Royal Commission may be as harmless and as economical as any"¹⁷⁵, why should there not be a guide book? Why should there not be some regulations, some continuing staff, some recognized routines? Such a guide book could be produced in the same manner as the United Kingdom publication.

Let us summarize these conclusions by a discussion of the possibilities. A guide book could be adapted to the Canadian scene, using Canadian Civil Service regulations as a basis where appropriate. Some of the points which could be covered are:

175. V.C. Fowke, "Royal Commissions and Canadian Agricultural Policy", Canadian Journal of Economics and Political Science, Vol. 14, (1948), p. 165.

1. In definite terms, the financial regulations to be followed by Royal Commissions.
 - a) What money is available, where it comes from, and how to obtain it.
 - b) Who is responsible for accounting and/or controlling expenditures.
2. How to go about setting up an establishment, the routine for submissions, and the authority for approval.
3. A directive stating the necessity of drafting an outline of the research program and routine to be followed, for discussion with Treasury Board officials to clarify the establishment and financial requirements.
4. Detailed instructions with respect to recruiting staff, classification, pay, leave, attendance, and other like matters.
5. Guidance for setting up the internal administration and office service functions.
6. The manner of obtaining accommodation and alterations thereto, furniture, office equipment and supplies.
7. Helpful suggestions with respect to the 'outside' activities; e.g., public hearings and the necessary arrangements.
8. The procedure to be followed in winding up a Royal Commission.

This guide should leave no doubt where responsibility lies every step of the way.

It would seem that Royal Commissions could prepare an establishment and estimates in much the same way as a government department, commensurate with and supported by the function of its inquiry and research

program. Certainly, for administrative staff, civil service classifications could be used as these have already been approved by Treasury Board, and for research and editorial staff a separate set of approved pay ranges could be approved within a general class, Royal Commission Officer. Such a series of position classifications could be flexible enough to cover most circumstances and pay ranges expected for Royal Commissions. This general pattern, with approved classes and salary rates, would then be ready at hand and available for the newly-appointed Commissioners and Secretary, who then would only have to submit the establishment based on their program to Treasury Board for approval. This establishment, once it was approved, coupled with the approved estimates, would certainly be a guarantee to central authority that no extravagance could possibly be perpetrated through the staff recruiting system. An additional boon to officers of the Royal Commission would be freedom to go about the task of recruiting without any chance of embarrassment because an agreement reached with a prospective employee had to be denied.

The guide book could give instructions with respect to the subject of recruiting. If, for instance, the government felt that it was necessary to make any restriction in regard to those employed by the Royal Commission insofar as citizenship or place of residence is concerned, this could be so stated--perhaps with the requirement that any deviation would need approval of Treasury Board before a person to whom the restriction might apply could be employed.

The routines of personnel work, such as leave, attendance, pay, overtime, sick benefits, workmen's compensation, could all be covered

within these proposed regulations for Royal Commissions, by a clause that adherence to the Civil Service routine and regulations would be followed, even to the extent of using Civil Service leave forms and similar staff pay certificates. Civil Service practice would be tempered only by some authorized flexibility for such things as overtime and leave entitlements which would be necessary to recognize the peculiar short-term nature of Royal Commissions.

Special regulations would be necessary to cover the treatment of employees who are in fact 'bought as a service' from their employers, with clear definitions of what 'service' involves. Regulations for those engaged on 'per diem' or part-time' employment would have to be developed particularly for Royal Commissions, and, as well, regulations covering contracts for special studies, the engaging of court reporters, computer services, and other such general matters.

Certainly the provision of office space and office furniture should be done as it is now by Public Works Department, upon direct requisition of the Royal Commission, and equipment and supplies which now come from Public Printing and Stationery could be continued. Special guidance could be given with respect to the printing of the report and the contacts to be made with the Queen's Printer; whether or not only the facilities of the Queen's Printer are to be used, or whether it is agreeable to have outside consultants to carry out design or publishing work; how the price of the report is to be established for public sale; who in the Public Service or outside would be entitled to free copies.

Financial expenditures and outpayment routines should be carried on in accordance with the present regulations as set up under

the Financial Administration Act and administered by the Comptroller of the Treasury. There are very few instances where these regulations do not adequately cover the experiences of Royal Commissions, but just as with the Civil Service regulations, there could be included clauses supplementing the Comptroller's regulations outlining circumstances where special allowances might be in order, either by a specific or a general Treasury Board authority.

Then there should definitely be a final section on winding up a Royal Commission, giving directions as to disposition of staff and their records; those government agencies to be notified, such as the Chief of the Superannuation Branch; direction as to the disposition of furniture, office equipment, supplies and library accumulation. Included in these general regulations there could be a clause giving details with respect to committing files to the custody of the Public Archives.

Such over-all permanent regulations would simplify the Order in Council creating the Royal Commission, would give guidance to those starting out in a new enterprise, and would give assurance to central authorities that Royal Commissions were conducting their business in a uniform way within an organized framework and financial fabric.

Further, these regulations should embody a clause or series of clauses granting authority to the Royal Commission to make their own rules with respect to certain listed activities. Such things as the hours of attendance, provided they were within the total weekly hours as required by Civil Service regulations; matters with respect to the conduct of hearings and related travel, for Royal Commissions should have control of this function as it is peculiar to each individual Royal

Commission; and such internal procedures that deal with the organization of its work, particularly in the research area. The administrative routines, however, follow a uniform pattern and can be subjected to more precise control.

The question arises of whether or not it is necessary for a Royal Commission to be attached to any one government department, even for liaison purposes. The conclusion of the writer, based on evidence of this study, is that there would appear to be no obvious reason or necessity for such an attachment, except for inclusion of requests for money in the estimates of a department of government. It is certainly not inconvenient for Royal Commissions to have their estimates included with those of the Privy Council office but this, of course, would be recognized as an administrative convenience and would not indicate any special control over the operations of the Commission. If these recommended regulations were drawn up and authorized by Treasury Board Minute or Order in Council, outlining the method of operation of a Royal Commission, then there would be little need to have the Commission report through Privy Council office, or any other government department. The estimates could in fact be discussed directly with Treasury Board staff, and if need be with the Board itself, even though included in Privy Council estimates for vote purposes. When the Privy Council office had a particular reason to be interested in a Royal Commission's activities, a call to the Secretary of the Commission would quickly elicit the information required. There is always the possibility of such attachment being too close, even with Privy Council office, for it can and has been construed as unnecessary 'interest', if not 'interference'. There is always the danger of departmental officers,

perhaps unwittingly, but because of this liaison, interesting themselves in the Royal Commission's activities. While no one in a department would deliberately try to interest themselves in an unwelcome way, there should not be the opportunity for anyone to appear to intrude into the independence of this institution. Hence the recommendation that daily routines be prescribed by a general regulation, with administrative functions controlled fairly closely in conformity with Civil Service routine; but research and inquiry should be very loosely guided by the inclusion of a clause giving authority to a Royal Commission to make its own rules in this their prime function.

Thus, the administrative staff should be able to deal directly with Treasury Board staff, Public Works Department, the Queen's Printer, or any other department, in the same manner as other government agencies do. However, for purposes of answering to Parliament, the present practice of the Prime Minister taking this as his responsibility certainly is satisfactory and, for this purpose, there would be the necessary liaison between the Privy Council office and the Secretary of the Commission.

Coupled with the conclusion that such Royal Commission regulations are desirable and necessary is another recommendation to improve a Commission's operations. There are in Ottawa a number of people who have served on several Royal Commissions and it would not be too difficult and seems most desirable to have a few key people spotted amongst the government departments, even if included in a 'special' establishment, in order that they would be available to give assistance, at short notice, to launch the career of a new Royal Commission or similar body. This staff could actually perform the administrative work initially and train others

in the first few months of a Royal Commission's life. The suggested staff should include senior administrative officers, senior clerks familiar with personnel practice, experienced office service supervisors, stenographic pool supervisors, persons familiar with developing a small library, and perhaps some supervisors at junior level for the central registry function. A number of people with these qualifications, identified throughout the large government complex in Ottawa, could lead in the work of organizing a Royal Commission, pursuant to the administrative regulations recommended above. They could be seconded from their departments at the direction of either the Clerk of the Privy Council or Secretary of the Treasury Board, as designated. Such a staff familiar with the administrative routines with respect to personnel, pay and allowances, accommodation, furniture, equipment and supplies, office services, would be of material assistance to new Royal Commissioners and Secretaries.

One further recommendation with respect to materiel. There have not been many problems with respect to furniture and such like office equipment, for Public Works Department lends it out of its considerable store on hand, and these goods are returned at the conclusion of activities. However, there should be a central store of office equipment and supplies, as well as other ancillary material gathered together for the use of Royal Commissions, such a store to be under the custody of some designated government department--possibly the Queen's Printer. This would be a continuing store for Royal Commissions and perhaps similar short-term agencies, where experienced administrative staff could requisition and obtain immediately the typewriters, general office supplies, and other necessities, pending any special requirements. Such stores could be available without

delay while the process of obtaining funds for the Royal Commission's activities was still pending and to this store would be returned all equipment left over at the time a Royal Commission is wound up, with an inventory control being maintained by the Royal Commission for reconciliation. This store could be replenished from time to time when necessary, charging an assessment to each Royal Commission for this service. After a Commission's funds were made available to it, a charge would be made as at present for current supplies. The important point is that there would be readily available in a single place such material on short notice and would provide a store to which it would be returned.

Having given consideration to every aspect of a Royal Commission's activities, it appears to the writer that these conclusions and recommendations are worthwhile and would represent a steady step forward over the present very imprecise procedure. It is emphasized again that the implementation of these ideas would give assurance to government through the central agencies of an over-all control by way of funds, personnel establishment, and general regulation. This would surely do away with the charge recently made that "there continues to be a nagging feeling among a number of federal officials that there is an increasing tendency for commissions to develop a body that is too big for the head."¹⁷⁶ A comprehensive set of regulations authorized by Order in Council or by Treasury Board, coupled with an available pool of continuing and experienced personnel, would surely keep Royal Commissions 'on the track' in an administrative way, and relieve this 'nagging feeling'.

176. B. MacDonald, "Experts Exploiting Probes", Report on Business, The Globe and Mail, September 3, 1963, p. B.6.

The gift of confidence to the staff of a new Royal Commission would be a very welcome and by no means incidental bonus. It would save many hours now spent by Royal Commission staff in contacting and discussing their experiences with others in the search for the right way to carry out their business, and should thereby enable a Royal Commission to carry out its primary function of inquiry and research much sooner by speeding up the task of organizing the work and ultimately reporting to government. It is true that Royal Commissions have been created, are now carrying out their work and are reporting; to this extent, they seem to be functioning adequately. But is it not time for the government to review the present administrative routine and the nature of this institution which has been a part of British and Canadian political life for so long? Surely they can be improved.

Perhaps the following quotation would be a fitting conclusion, taken from the report of the Royal Commission on Government Organization, and related to the purpose of this thesis:

First, the object of this inquiry was not to design theoretically perfect machinery of administration for (a Royal Commission), but to propose means of improving a large and complex organization which is well established.

The approach has therefore been a practical one. The over-zealous application of organizational logic must not be permitted to damage a healthy, mature organism that, for all its apparent untidiness, is functioning with relative efficiency on the basis of subtle working conventions

Against this must be set the fact that bodies which are poorly organized, or badly oriented in their working environment, are seldom fully efficient or effective.

.
there must be a continuous assessment . . . to ensure that the machinery . . . remains responsible to the ends it must serve.¹⁷⁷

177. Report of Royal Commission on Government Organization, Vol. 5, pp. 25-26.

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LIST OF ADMINISTRATIVE FILES

HELD IN THE PUBLIC ARCHIVES

WHICH WERE REVIEWED IN THE COURSE OF THIS STUDY

<u>PERIOD</u>	<u>CHAIRMAN</u>	<u>ROYAL COMMISSION ON</u>	<u>No. of Files Reviewed</u>
1949-1951	Massey	National Development in the Arts, Letters and Sciences	16
1948-1951	Turgeon	Transportation	30
1955-1957	Spence	Coasting Trade	45
1955-1957	Gordon	Economic Prospects	49
1955-1957	Fowler	Television Broadcasting	15
1957-1959	Borden	Energy	1
1957-1959	Stewart	Price Spreads of Food Products	32
1959-1960	Rand	Coal	43
1959-1960	Manning	Great Slave Lake Railroad	59
1960-1961	O'Leary	Publications	33
1960-1961	Bladen	Automotive Industry	18
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LIST OF ADMINISTRATIVE POSITIONS

HELD BY THE AUTHOR

IN THE FEDERAL CIVIL SERVICE

<u>DURATION</u>	<u>POSITION</u>	<u>PLACE</u>
1947-1950	Investigator, Organization Branch, Civil Service Commission	
1950-1952	District Personnel Officer (Ontario) Department of National Revenue, Customs and Excise	
1952-1956	Assistant Director of Personnel	" " "
1956-1957	Executive Assistant to Director of Port Administration	" " "
1957-1958	General Executive Assistant to Deputy Minister	" " "
1958-1960	Director of Port Administration	" " "
Sept. 1960- Dec. 1962	Acting Assistant Deputy Minister of Administration	" " "
Dec. 1962- present	Director General of Services	" " "
Feb. 1963	Seconded to Secretary of Royal Commission on Taxation.	

ORDER IN COUNCIL

P.C. 1960-1270

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 16th September 1960.

The Committee of the Privy Council have had before them a report from the Right Honourable John G. Diefenbaker, the Prime Minister, representing:

That Canadian magazines and periodicals add to the richness and variety of Canadian life and are essential to the culture and unity of Canada; and

That it has been alleged that because of inequitable competition from foreign periodicals of various forms the publication of Canadian magazines has been prejudicially affected.

The Committee, therefore, on the recommendation of the Prime Minister, advise that:

M. GRATTIAN O'LEARY, Esquire,
of the City of Ottawa,

JOHN GEORGE JOHNSON, Esquire,
of the City of Toronto, and

CLAUDE P. BEAUBIEN, Esquire,
of the City of Montreal

be appointed Commissioners under Part 1 of the Inquiries Act

- (a) to inquire into and report upon the recent and present position of and prospects for Canadian magazines and other periodicals with special but not exclusive consideration being given to problems arising from competition with similar publications which are largely or entirely edited outside of Canada or are largely or entirely foreign in content; and
- (b) to make recommendations to the Government as to possible measures which, while consistent with the maintenance of the freedom of the press, would contribute to the further development of a Canadian identity through a genuinely Canadian periodical press.

The Committee further advise:

1. That the Commissioners be authorized to exercise all the powers conferred upon them by section 11 of the Inquiries Act and be assisted to the fullest extent by government departments and agencies;

2. That the Commissioners adopt such procedures and methods as they may from time to time deem expedient for the proper conduct of the inquiry and sit at such times and at such places in Canada as they may decide from time to time;

3. That the Commissioners be authorized to engage the services of such counsel, staff and technical advisers as they may require at rates of remuneration and reimbursement to be approved by the Treasury Board;

4. That the Commissioners report to the Governor in Council with all reasonable despatch, and file with the Dominion Archivist the papers and records of the Commission as soon as reasonably may be after the conclusion of the inquiry; and

5. That Mr. H. Grattan O'Leary be Chairman of the Commission.

(Sgd.) R. B. Bryce
Clerk of the Privy Council.

COMMISSION OF APPOINTMENT

(Sgd.) "P. Kerwin"
DEPUTY GOVERNOR GENERAL
CANADA

(Sgd.) "E. A. Driedger"
Deputy Attorney General
CANADA

ELIZABETH THE SECOND, by the Grace of God
of the United Kingdom, Canada and Her other
Realms and Territories QUEEN, Head of the
Commonwealth, Defender of the Faith.

TO ALL TO WHOM these Presents shall come or whom the same may in anywise
concern,

GREETING:

WHEREAS pursuant to the provisions of Part 1 of the Inquiries Act, chapter
154 of the Revised Statutes of Canada, 1952, His Excellency the Governor in
Council, by Order P.C. 1960-1270 of the sixteenth day of September, in the
year of Our Lord one thousand nine hundred and sixty, a copy of which is
hereto annexed, has authorized the appointment of Our Commissioners therein
and hereinafter named to

- (a) inquire into and report upon the recent and present position of
and prospects for Canadian magazines and other periodicals with
special but not exclusive consideration being given to problems
arising from competition with similar publications which are
largely or entirely edited outside of Canada or are largely or
entirely foreign in content; and
- (b) make recommendations to the Government as to possible measures
which, while consistent with the maintenance of the freedom of
the press, would contribute to the further development of a
Canadian identity through a genuinely Canadian periodical press,

and has conferred certain rights, powers and privileges upon Our said Com-
missioners as will by reference to the said Order more fully appear.

NOW KNOW YE that, by and with the advise of Our Privy Council for Canada,
We do by these Presents nominate, constitute and appoint M. Grattan O'Leary,
Esquire, of the City of Ottawa, in the Province of Ontario; John George
Johnston, Esquire, of the City of Toronto, in the Province of Ontario; and
Claude P. Deaubien, Esquire, of the City of Montreal, in the Province of
Quebec, to be Our Commissioners to conduct such inquiry.

TO HAVE, hold, exercise and enjoy the said office, place and trust unto the said M. Grattan O'Leary, John George Johnston and Claude P. Beaubien, together with the rights, powers, privileges and emoluments unto the said office, place and trust of right and by law appertaining during Our Pleasure.

AND WE DO hereby authorize Our said Commissioners to adopt such procedure and methods as they may from time to time deem expedient for the proper conduct of the inquiry and sit at such times and at such places in Canada as they may decide from time to time.

AND WE DO hereby authorize Our said Commissioners to engage the services of such counsel, staff and technical advisers as they may require at rates of remuneration and reimbursement to be approved by the Treasury Board.

AND WE DO hereby require and direct Our said Commissioners to report their findings to Our Governor in Council with all reasonable despatch and file with the Dominion Archivist the papers and records of the Commission as soon as reasonably may be after the conclusion of the inquiry.

AND WE further appoint M. Grattan O'Leary, Esquire, to be Chairman of Our said Commissioners.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed.

WITNESS:

The Honourable Patrick Kerwin, Chief Justice of Canada and Deputy of our Trusty and Well-beloved Major-General George Philias Vanier, Companion of Our Distinguished Service Order upon whom We have conferred Our Military Cross and Our Canadian Forces' Decoration, Governor General and Commander-in-Chief of Canada.

AT OTTAWA, this Twenty-seventh day of September in the year of Our Lord one thousand nine hundred and sixty in the ninth year of Our Reign.

BY COMMAND,

(Sgd.) "C. Stein"
Under Secretary of State.

Instructions
for the Guidance of Secretaries of
Temporary Commissions & Committees

H.M. TREASURY

Revised November, 1961

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INTRODUCTORY

1. The Secretary of a Commission is directly responsible for seeing that the following instructions are observed by the Commission to which he is attached. Charges contrary to the instructions will be disallowed. It is the Secretary's duty to acquaint the members of the Commission with the substance of such portions of the instructions as it is necessary to bring to their notice.
2. No new expenditure may be incurred (and likewise no increase in expenditure already authorised) without prior Treasury sanction. When a new Commission is set up, the first stage is therefore to obtain Treasury sanction for the number and salaries of staff to be employed, for the accommodation to be occupied, for the supply of stationery and, if this should be necessary, for printing reports of evidence and for the employment of a verbatim shorthand writer.

The procedure generally in regard to these matters is set out below. Points likely to be dealt with at the outset will be found in paragraphs 3-10, 16, 19, 51 and 58.

CANADIAN TAX JOURNAL

VOLUME 7

(September-October, 1959)

(page 386)

TABLE IFederal Royal Commission Expenditures
for Fiscal Years Ended March 31, 1950 to 1959

<u>Year</u>	<u>Expenditures</u>	<u>Year</u>	<u>Expenditures</u>
1950	\$ 456,719	1955	\$ 85,400
1951	315,385 ^a	1956	479,695
1952	87,358	1957	1,021,825
1953	112,166	1958	755,387
1954	4,136	1959	723,848 ^b
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Total 1950-54	\$ 975,764	Total 1955-59	\$3,066,155

a. After deducting re-imbursement of \$4,522 by Province of Manitoba for Commission on Flood Damage.

b. Estimates, plus actual expenditures by Clark Commission.

Sources: Public Accounts of Canada, 1950 to 1958; Estimates 1958-1960; House of Commons Debates, 1959, p. 3148.

APPENDIX VII

COMMISSIONS AND COMMITTEES OF INQUIRY 1948 to 1963IN ORDER OF COST IN CONSTANT 1957 DOLLARS

		<u>Actual Dollars</u>	<u>Constant 1957 Dollars</u>
1960-63	Royal Commission on Government Organization (Glassco)	2,805,739	2,328,503
1962-65	Royal Commission on Taxation (Carter)	2,007,613	1,599,424 (Est)
1955-59	Royal Commission on Economic Prospects (Gordon)	1,504,568	1,588,306
1961-63	Royal Commission on Health Services (Hall)	1,032,641	847,461 (Est)
1948-51	Royal Commission on Transportation (Turgeon)	468,853	754,790
1961-63	Royal Commission on Banking and Finance (Porter)	697,853	564,096 (Est)
1959-62	Royal Commission on Railway Problems (MacPherson)	574,090	503,872
1949-51	Royal Commission on Arts, Letters and Sciences (Massey)	288,052	453,629
1957-59	Royal Commission on Energy Policies (Borden)	414,557	399,071
1955-57	Royal Commission on Broadcasting (Fowler)	328,509	352,730
1954-58	Royal Commission on Coastal Trade (Spence)	282,099	309,679
1962-64	Royal Commission on Pilotage (Nadeau)	358,693	287,438 (Est)
1957-60	Royal Commission on Price Spreads (Stewart)	290,224	276,829
1951-53	Royal Commission on South Saskatchewan (Hogg)	151,166	203,260
1960-62	Royal Commission on Publications (O'Leary)	136,121	116,146
1962-63	Great Lakes Shipping Inquiry (Norris)	133,142	107,423 (Est)
1954-57	Royal Commission on Insanity & Sexual Psychopaths (McRuer)	78,746	90,669
1959-61	Royal Commission on Coal (Rand)	99,166	88,068
1960-61	Royal Commission on Motor Vehicles (Bladen)	57,841	49,906
1961-63	Committee of Inquiry on Unemployment Insurance Act (Gill)	57,947	47,527 (Est)
1957-58	Royal Commission on Newfoundland (McNair)	47,210	46,836
1959-60	Royal Commission on Great Slave Lake Railway (Anderson-Thompson)	46,920	43,407
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		\$11,805,137	\$11,014,836

ORDERS IN COUNCILS ESTABLISHING ROYAL COMMISSIONS SINCE 1945

P.C. 3422 $\frac{1}{2}$	May 10, 1945	Halifax Disorders
P.C. 411	Feb. 5, 1946	Espionage
P.C. 563	Feb. 15, 1946	Classification in Public Service
P.C. 3109	July 8, 1948	Cost of Living and Rise in Prices
P.C. 6033	Dec. 29, 1948	Transportation
P.C. 1786	April 8, 1949	Arts, Letters and Sciences
P.C. 3951	July 31, 1951	War Claims
P.C. 4435	Aug. 24, 1951	South Saskatchewan River Project
P.C. 249	Feb. 19, 1953	Indian Act, Subsection (1) Section (9)
P.C. 289	Mar. 2, 1954	Criminal Law for Defence of Insanity
P.C. 445	Mar. 25, 1954	Criminal Law for Sexual Psychopaths
P.C. 760	May 20, 1954	Agreed Charges Authorized by Board of Transport Commissioners
P.C. 308	Mar. 1, 1955	Coasting Trade
P. C. 909	June 17, 1955	Economic Prospects
P.C. 1796	Dec. 2, 1955	Television Broadcasting
P.C. 52	Jan. 17, 1957	C.P.R. Locomotive Firemen and Enginemen
P.C. 257	Feb. 21, 1957	Newfoundland
P.C. 1386	Oct. 15, 1957	Energy
P.C. 1632	Dec. 10, 1957	Price Spreads of Food Products
P.C. 181	Jan. 31, 1958	Box Cars for Movement of Grain
P.C. 281	Feb. 18, 1958	Seabird Island Indian Bands
P.C. 577	May 13, 1959	Problems of Freight Rates on Railways
P.C. 705	June 4, 1959	Great Slave Lake Railway

P.C. 799	June 25, 1959	Indians in the Mackenzie District
P.C. 1293	Oct. 6, 1959	Coal Industry
P.C. 1047	Aug. 2, 1960	Automotive Industry
P.C. 1269	Sept. 16, 1960	Government Organization
P.C. 1270	Sept. 16, 1960	Publications
P.C. 883	June 20, 1961	Health
P.C. 1040	July 17, 1961	Unemployment Insurance
P.C. 1484	Oct. 18, 1961	Banking
P.C. 1334	Sept. 25, 1962	Taxation
P.C. 1575	Nov. 1, 1962	Pilotage
P.C. 1106	July 19, 1963	Bilingualism and Biculturalism

THE INQUIRIES ACT

CHAPTER 154.

An Act respecting Public and Departmental
Inquiries.

SHORT TITLE.

1. This Act may be cited as the *Inquiries Act*. R.S., Short title.
c. 99, s. 1.

PART I.

PUBLIC INQUIRIES.

2. The Governor in Council may, whenever he deems it Governor may cause inquiry into public matters. expedient, cause inquiry to be made into and concerning any matter connected with the good government of Canada or the conduct of any part of the public business thereof. R.S., c. 99, s. 2.

3. In case such inquiry is not regulated by any special Appoint-ment of commis-sioners. law, the Governor in Council may, by a commission in the case, appoint persons as commissioners by whom the inquiry shall be conducted. R.S., c. 99, s. 3.

4. The commissioners have the power of summoning Powers of commis-sioners. before them any witnesses, and of requiring them to give evidence on oath, or on solemn affirmation if they are persons entitled to affirm in civil matters, and orally or in writing, and to produce such documents and things as the commissioners deem requisite to the full investigation of the matters into which they are appointed to examine. R.S., c. 99, s. 4.

5. The commissioners have the same power to enforce Idem. the attendance of witnesses and to compel them to give evidence as is vested in any court of record in civil cases. R.S., c. 99, s. 5.

PART II.

DEPARTMENTAL INVESTIGATIONS.

Appoint-
ment of
commis-
sioners.

6. The minister presiding over any department of the Civil Service of Canada may appoint at any time, under the authority of the Governor in Council, a commissioner or commissioners to investigate and report upon the state and management of the business, or any part of the business, of such department, either in the inside or outside service thereof, and the conduct of any person in such service, so far as the same relates to his official duties. R.S., c. 99, s. 6.

Powers of
commis-
sioners.

7. The commissioner or commissioners may, for the purposes of the investigation, enter into and remain within any public office or institution, and shall have access to every part thereof, and may examine all papers, documents, vouchers, records and books of every kind belonging thereto, and may summon before him or them any person and require him to give evidence on oath, orally or in writing, or on solemn affirmation if he is entitled to affirm in civil matters; and any such commissioner may administer such oath or affirmation. R.S., c. 99, s. 7.

May issue
subpcena or
summons.

8. (1) The commissioner or commissioners may, under his or their hand or hands, issue a subpcena or other request or summons, requiring and commanding any person therein named to appear at the time and place mentioned therein, and then and there to testify to all matters within his knowledge relative to the subject-matter of such investigation, and to bring with him and produce any document, book, or paper that he has in his possession or under his control relative to any such matter as aforesaid; and any such person may be summoned from any part of Canada by virtue of such subpcena, request or summons.

Expenses.

(2) Reasonable travelling expenses shall be paid to any person so summoned at the time of service of the subpcena, request or summons. R.S., c. 99, s. 8.

Evidence
may be
taken by
commission.

9. (1) If, by reason of the distance at which any person, whose evidence is desired, resides from the place where his attendance is required, or for any other cause, the commissioner or commissioners deem it advisable, he or they may issue a commission or other authority to any officer or person therein named, empowering him to take such evidence and report the same to him or them.

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