

# **Everything old is new again: observations on Parliamentary reform**

Author(s) Axworthy, Tom ; Canadian Electronic Library (Firm) ; Queen's University (Kingston, Ont.). Centre for the Study of Democracy

Imprint Kingston, Ont. : Centre for the Study of Democracy, 2008

Extent 1 electronic text (129 p.)

Topic JL

Subject(s) Canada. Parliament -- Reform

Language English

ISBN

Permalink <http://books.scholarsportal.info/viewdoc.html?id=381636>

Pages 1 to 129



CENTRE FOR THE  
STUDY OF DEMOCRACY

Policy Studies Building, Room 335  
138 Union Street  
Queen's University  
Kingston, Ontario, Canada K7L 3N6  
Tel: 613 533-6273 Fax: 613 533-2135  
[www.queensu.ca/csd](http://www.queensu.ca/csd)

# **EVERYTHING OLD IS NEW AGAIN:** Observations on Parliamentary Reform

Thomas S. Axworthy  
April 2008

Funding for this study provided by:



# EVERYTHING OLD IS NEW AGAIN: Observations on Parliamentary Reform

ACKNOWLEDGEMENTS	3
EXECUTIVE SUMMARY	5
RECOMMENDATIONS – SUMMARY	6
Efficiency	6
Scrutiny	6
Education	7
Constituency Service	7
Legislation	8
PREFACE BY THOMAS S. AXWORTHY	9
First Glimpse of Parliament	10
Parties and Politicians	15
Political Motivations	23
The Almighty PMO	26
Minority Governments	28
The 24-Hour News Cycle	31
International Comparisons	33
Preface Conclusion	37
MAIN REPORT	38
Introduction	38
The Classical Tradition	39
The Trudeau Balance	45
The Parliament We Want	54
International Lessons	64
Conclusion	70
25 RECOMMENDATIONS FOR REFORMING PARLIAMENT	72
APPENDIX 1: INTERNATIONAL COMPARISONS ON EXPERTISE AND STAFF RESOURCES IN PARLIAMENT	78
Introduction	78
Methods	81
A) Legislative/Library Research Services	82
Conclusions and Recommendations: Legislative/Library Research Services	89
B) Committee Support	92
Conclusions and recommendations: Committee Support	103
C) Budget Research	103
Conclusions and recommendations: Budget Research	105
D) Constituency Services/Office Staff	106
Conclusions and recommendations: Constituency Services/Office Staff	112
E) Partisan Research	116
Conclusions and recommendations: Partisan Research	120
Summary of conclusion and recommendations: Appendix 1	120
APPENDIX 2: HISTORY OF RECENT PARLIAMENTARY REFORM STUDIES IN CANADA	121
ENDNOTES	128

## **ACKNOWLEDGEMENTS**

This study was greatly assisted by a grant from the Aurea Foundation, and we wish to thank them for their generous support. We are especially indebted to Peter Munk, the founder of the Aurea Foundation, and Alan Gottlieb, its chair, for making the Centre for the Study of Democracy one of the beneficiaries of the Foundation's first grants.

I want to thank the Fellows and Research Assistants of the Centre for the Study of Democracy: Julie Burch, Valerie Ashford, Lara Fitzgerald-Husek, Nicholas Fogg, Callan Burgess, Erin Pleet, Dave Donovan, Mathew Johnson and Alex Derry for helping to carry out interviews and research in Canada, the United States, the United Kingdom, and Australia. Peter MacLeod, a Fellow of our Centre, not only assisted with his expert knowledge of how constituency offices could better be used (which is reflected in our recommendations), but he also drew up an interesting survey design for a longitudinal research project measuring the expectations and activities of Canadian Members of Parliament over time (see Appendix 4). This study was based on secondary sources, interviews, and personal reflection, but an ongoing longitudinal study of Canadian parliamentarians would be a very useful research undertaking.

Most of all, I want to thank the men and women who contributed to our work by agreeing to be interviewed and by commenting on various drafts. David Walker, a former MP, Gerald Schmitz, a principal analyst in the Parliamentary Information and Research Service of the Library of Parliament, Sheila Gervais, former executive director of the Liberal Party, and Tom Robson, a government relations specialist with the Portland Group, made useful comments on particular sections. Alison Loat, Arthur Milnes and Christopher McCreery gave very detailed comments to improve an early draft. Three fellows of the Centre, former MPs William Knight and Douglas Rowland, and Robert Miller, President of the Parliamentary Centre, also reviewed the text and made valuable suggestions.

The study was officially launched at a roundtable held at Queen's University on April 23, 2008. We benefited from the insight and comments of panels on the Media and Parliament and the Party System and Parliament. Three distinguished academics, and members of CSD's Advisory Committee, John Meisel, Hugh Thorburn and Ronald Watts attended and provided valuable critiques. One important point to note is that both the panels members and the academics at the event criticized the paper for being too complacent about the current situation in Parliament. The consensus was that Parliament's reputation has suffered a real decline and that it has become irrelevant to the needs of many Canadians. See Appendix 4 – "Summary of April 23, 2008 Roundtable on Release of Paper", for a detailed account of presentations and discussions.

I also want to especially acknowledge Professor C.E.S. Franks of Queen's University, also a Fellow of our Centre, who has been educating me about Parliament since I was a graduate student, and who is still engaged in that never-ending task.

*Thomas S. Axworthy*

*April 2008*

## EXECUTIVE SUMMARY

Across twenty years of significant cultural, economic and political change two of Canada's foremost scholars and observers of parliament offer the same encouraging conclusion: the institution at the heart of Canadian federal democracy deserves our confidence. And at the core of their observations lies a powerful truth: times change, but Parliament remains constant in its ability to adapt.

This report begins by affirming the similar views of both Franks and Smith (see sidebars). These views, however, were strongly contested at the roundtable launching the study; the consensus from that discussion was the Parliament's reputation has recently suffered a real decline and that it has become out of touch with the needs of many Canadian (see appendix 4 for a summary of this discussion). The argument of this report is that Parliament is far more effective than it sometimes appears from any single vantage point, and recent changes in Canadian society do challenge the institution in new ways. There are, however, opportunities for improvement, which are presented in the 25 recommendations below.

*"Despite its faults, the Parliamentary system in Canada works better than the literature would lead one to believe."*

*C.E.S. Franks,  
Parliament of Canada, 1987.*

Canada's Parliament is an executive-centred, party-dominated, adversarial-minded, multi-tasked institution. It has had these characteristics for a long time, yet it has always succeeded in adapting well enough to keep up with the changing demands of markedly different eras. Reform of parliament, therefore, is part of a continuous and honourable tradition. In effect, parliamentary democracies are always in the midst of reform, and while our system of government may look as immovable and unchanging as the stones of the Peace Tower, it is in fact, and by design, in a state of constant evolution.

The history of parliamentary reform in the past generation offers many examples of good practice that remain relevant today, and these innovations, plus recent reports by Members of Parliament (MPs) from all parties — especially "The Parliament We Want" report of 2003 — point the way toward a timely reform agenda. As the 2003 report recommended, and as the international scan of legislative practice reviewed in this study confirms, two of the main requirements are: 1) to enhance the ability of parliamentary committees and individual MPs and Senators to call on specialized, non-partisan research expertise located in the Library of Parliament and, 2) to create, within the Library, a new Parliamentary Office of Citizen Engagement to assist committees in reaching out to, and learning from, Canadian citizens.

*"Canada has a better House of Commons than its critics allow, and even perhaps than there are theories to explain it".*

*David E. Smith, 2007.*

Therefore, although Parliament is strong, it could still be much-improved. But in comparison to Parliament, which works better than its critics allege, the weakest link in our political system is the performance of Canadian parties as policy, research, and thinking institutions. This deficiency affects not only Parliament, but also every other part of our political system. Canadian parties must create research foundations, and therefore a core recommendation of this report is that a portion of the existing public subsidy for party operations should be dedicated to funding such research work.

Walter Bagehot, in his classic book, *The English Constitution*, described the five roles of Parliament: Efficiency, Scrutiny, Education, Constituency Service, and Legislation. These purposes are as valid today as they were in 1867, and the recommendations below have been organized according to Bagehot's categories.

## **RECOMMENDATIONS – SUMMARY**

### **Efficiency**

1. In any reforms that are undertaken, the powers of the Prime Minister should not be weakened so much that Parliament loses its guiding hand.
2. Chairs of committees must balance the interests of their party against the primary need to have committees operating fairly and effectively. Committees making special inquiries need flexibility to allow coherent and sustained questioning of witnesses. If partisan disputes completely stalemate a committee, the dispute should be adjudicated by the Speaker.
3. Parliamentary Secretaries should be selected with the same care as choosing Ministers.

### **Scrutiny**

4. In addition to the central role of the Parliamentary Budget Office (PBO) in assisting parliamentarians to understand the assumptions behind the government's fiscal plan, the PBO should revise the system by which estimates link expenditure to performance, and should also attempt to integrate programs by function across the various departments. This task should be carried out in cooperation with the Treasury Board and the Auditor General.
5. The job classification of the PBO should be determined by Parliament, not the Privy Council Office. In general, Parliament should determine the responsibilities and salary ranges of its most senior officials, not the executive. Parliament should be responsible for the budgets of all agencies designated as Agents of Parliament. Clerks of the House and Commons and Senate should be designated as accounting officers of their institutions.
6. A task force of prominent Canadians with experience in Parliament and government should be developed to write an accountability code that will provide standards to guide Ministers, MPs, and officials in the operation of the new system of Accounting Officers brought in by the Harper Government.
7. The Auditor General, the Public Accounts Committee of the House of Commons and the Senate National Finance Committee should oversee the government's large expenditure on public opinion research.
8. The partisan caucus research bureaus should be required to give a public account of their activities – reports written, number of MPs assisted, etc. The directors of such bureaus should report to the executives of each caucus. This is especially important for the caucus research

bureau of the governing party, since the purpose of such assistance is to assist the parliamentary work of MPs, not to operate as just another arm of the executive.

## **Education**

9. A portion of the funding that is currently directed to each political party on the basis of the number of votes received in the previous election should be designated for the creation of party research foundations. And the existing tax credit currently available to encourage donations to federal parties could be enriched if directed towards policy foundations.
10. One third of Senators should be appointed from Canadians who have made a public contribution in science, the arts, business, higher education, philanthropy, or public administration.
11. Steps should be taken to enhance Parliament's reputation as a national forum.
12. The Speaker of the House of Commons should be encouraged to use the moral suasion of his office to impress upon Members of the House of Commons that parliament is not a soap opera.
13. The government should examine the possibility of re-establishing such institutions as the Economic Council and the Science Council.
14. Parliament should continue to enhance its education outreach program. Better use should be made of the visitor's centres of parliament to encourage civic learning and to give visitors a more interactive education experience.

## **Constituency Service**

15. A Parliamentary Office of Citizen Engagement (POCE) should be created within the Library of Parliament to assist the substantive policy experts in the Library in developing engagement techniques that will further the work of parliamentary committees.
16. Every department authorizing a formal consultation process, national forum, advisory council, or outreach initiative, should be required to inform the relevant parliamentary committee before the process has begun, so that MPs will know about the undertaking and thus be able to choose whether or not to participate.
17. The constituency offices of MPs should become a centre for community activities and outreach. And as part of this commitment to the community, there should be much greater transparency on the operations of MPs offices.
18. Parliament should digitize Hansard, the record of our legislative history
19. Parliament should experiment with creating an easily understood, readily accessible electronic Hansard that can be emailed daily to Canadians, with a digest mailed quarterly.



## Legislation

20. The stature of the positions of House of Commons and Senate Chairs of committees should be raised with their salaries comparable to ministers.
21. Members and Senators should be assigned to committees for the full term of Parliament.
22. The Liaison Committees of the House of Commons and the Senate (made up of the Chairs of the standing committees) should assess and respond to the specialized research needs of every committee, with every committee having a core of 4-5 researchers.
23. The Standing Joint Committee on the Library of Parliament should review and update the legislative mandate of the Library of Parliament section contained in the Parliament Act in light of current and evolving circumstances. The review should include assessing the role of the joint committee itself, which should become more of a management body, like the House of Commons Board of Internal Economy.
24. Parliamentary committees require more well-appointed technologically proficient committee rooms.
25. There should be a return to the 1980 innovation of parliamentary task forces or policy probes in areas where the government does not have an established position, or where there is no partisan divide.

## PREFACE BY THOMAS S. AXWORTHY

*“I want to see parliament live.” – John G. Diefenbaker*

“Ours is an age of reform”,<sup>1</sup> C.E.S. Franks declared in his seminal 1987 book, *The Parliament of Canada*, and the two decades that have followed its publication have only confirmed the truth of that statement. Since the 1982 Lefebvre Special Committee of the House of Commons, studies and recommendations have poured out of Parliament, think-tanks and the academic community.<sup>4</sup> This report, by the Centre for the Study of Democracy at Queen’s University, makes a modest contribution to that oeuvre by examining the staff and expertise resources available to legislators in Canada, compared to the United States, the United Kingdom, and Australia. One of our conclusions is that in the provision of parliamentary staff resources, Canada compares well with our sister democracies, but improvements can still be made, especially if Parliament is to play the role expected of it in this era of accountability.

Our method is comparative, both in time and place. Pierre Trudeau began his career as Prime Minister in 1968 by pledging parliamentary reform. Yet, many of the issues today are exactly the same as those Trudeau addressed forty years ago: governments want to secure their legislative agenda, while individual Members of Parliament want to play a prominent legislative role. Trade-offs between these competing goals are part of the fabric of every parliament, and have been so since before Confederation. Every age has given different answers to the question of how much time must be allocated to government business, or how many votes should be held without the guidance of the whips, but these dilemmas can only be managed, never solved. Chantal Hébert, the astute columnist for *The Toronto Star*, for example, undoubtedly represents the prevailing view when she writes about the current Parliament that “the House of Commons sank to new lows of pettiness and futility”.<sup>2</sup> But Edwin R. Black, writing about opposition research in Parliament a generation earlier, equally noted that “the decline of the legislature is a time-honoured theme”.<sup>3</sup>

Parliament has so many different roles – efficient transmitter of the business of government, representative of citizen views, scrutinizer of government, educator of the public, and maker or breaker of governments — that it is always deficient in one respect or another. Because every age

---

<sup>1</sup> C.E.S. Franks, *The Parliament of Canada*, Toronto: University of Toronto Press, 1987, p. 3.

<sup>4</sup> See endnotes, p. 133.

<sup>2</sup> Chantal Hébert, *French Kiss: Stephen Harper’s Blind Date with Quebec*. Toronto: Alford A. Knopf Canada, 2007, p. 264.

<sup>3</sup> Edwin R. Black, “Opposition Research: Some themes and practice.” *Canadian Public Administration* (Spring 1972), p. 24.

has its own priorities and views of the appropriate balance, some objectives are privileged at the expense of others. Therefore, the work of a parliamentary reformer is never complete.

## First Glimpse of Parliament

I first came to Ottawa in 1967 as a junior research assistant to the Honourable Walter L. Gordon, President of the Privy Council. Happily for me, much of my time was spent in the Library of Parliament, then as now, the most beautiful place imaginable to read, write, and think. Although a man had blown himself up a year earlier in an attempt to bomb the House of Commons, security was still lax enough that I had the run of the Centre Block. In that summer, I met Alistair Fraser, the Clerk of the House, with his encyclopaedic knowledge of Parliamentary procedure going back to the colonial era; Stanley Knowles (irreverently nicknamed the “Holy Ghost” of the NDP) would often be in the fifth floor Centre Block canteen, sipping a bowl of soup, ready to interrupt his lunch to tutor a fellow Manitoban on the ways of Parliament;<sup>4</sup> Eugene Forsey, who spent even more time in the Parliamentary Library than I did, graciously educated me about the constitution, while John G. Diefenbaker, busy as he was as Leader of the Opposition, still had the time to invite young researchers into his office to regale us with stories of homesteading on the Prairies, the wit of Sir John A. Macdonald, and the merits of President Eisenhower over those of John F. Kennedy.<sup>5</sup>

I learned, especially by watching Diefenbaker, that like the man himself, Parliament was a siren with many different moods. It can be businesslike and even monotonous. Aneurin Bevan, the great Welsh orator in his last major speech in the British House of Commons, for example, told an incoming class of newly-elected MPs that the prospect before them was one of “hours and hours of exquisite boredom”.<sup>6</sup> Very rarely, Parliament can also rise to a great occasion.<sup>2</sup> More often, in a momentary flash, the mood can darken, partisan bile overflows, and it can descend into the juvenile behaviour that causes despair in so many observers. A. P. Herbert, the British novelist and university MP,<sup>7</sup> wrote about his House of Commons:

---

<sup>4</sup> For an affectionate look at Stanley Knowles in retirement, see Chris Guy, “A Day in the Life of Stanley Knowles.” *Canadian Parliamentary Review* 13:1 (1990). A Member of Parliament for 37 years, Knowles retired, after a stroke, in 1984, but Prime Minister Trudeau, with the unanimous consent of the House, made Knowles an Honorary Officer of the House of Commons, allowing him to retain his office in the Centre Block, and to sit at the Clerk’s Table in the Chamber.

<sup>5</sup> Diefenbaker was no mean wit himself. Brian Mulroney recounts in his memoirs attending a parliamentary debate when Diefenbaker, then leader of the opposition, was interrupted in mid-oratory. Liberal MP Richard Cashin had the temerity to ask the great man if he would “entertain a question.” Diefenbaker paused, glared at the Newfoundland MP, and replied, “A big game hunter is never diverted by rabbit tracks.” See Brian Mulroney, *Memoirs 1939-1993*. Toronto: McClelland & Stewart Limited, 2007, p. 32-33.

<sup>2</sup> See endnotes, p. 133

<sup>6</sup> Quoted in Julian Critchley, *A Bag of Boiled Sweets: An Autobiography*. London: Faber & Faber, 1994, p. 85.

<sup>7</sup> A.P. Herbert was the MP for Oxford University from 1935 to 1950 until the Labour government abolished University seats. University seats were a Scottish tradition incorporated into the British Parliament when James I inherited the British Crown. Between 1603 and 1950, both Oxford and Cambridge elected two university MPs to represent the university as opposed to a geographical region. Graduates of the universities, whether resident or not, were eligible to vote for these representatives, in addition to any other vote they possessed. In 1868, the University of London was granted one MP. Glasgow and Aberdeen were granted one member, as were St. Andrews and Edinburgh. In 1918, all other English universities were together granted two seats in Parliament. After several tries, the Labour party succeeded in abolishing university seats in 1948.

*It has the shifting incalculable moods of a tyrant, and is seldom in the same mood two days running. You may catch it in a sunny mood at tea-time, half-asleep at dinner-time, alive but angry an hour or two later. It can be beautifully kind or stupidly cruel. It can make the best man look silly, and the greatest man afraid.*<sup>8</sup>

To lead the House of Commons is to understand the psychology and timing of the Parliamentary moods. Members like Allan J. MacEachen, Stanley Knowles, George McLlraith and John Turner were all MPs who understood the moods of Parliament. Pierre Trudeau, in contrast, was effective in question period, where his quickness and natural combativeness suited the genre and he could deliver a good Parliamentary address when the need arose (as in the great debate over capital punishment in 1976, or in 1980, when he delivered to the House of Commons the first of his three speeches on the Quebec Referendum), but he readily delegated management of the House almost totally to MacEachen, and would usually retreat from the Chamber to his office as soon as he could decently get away after Question Period.

Diefenbaker, on the other hand, lived and breathed the Parliamentary air. All eyes would be on him as he entered the chamber and took his seat. The old man not only understood the moods of the House, he created them. Gordon Aitken, a Conservative MP, gave an example in his book, *The Backbencher*: a Liberal Minister trying to get his bill through was doing his best to keep the mood of the House sweet. Diefenbaker, however, didn't like the bill that was so very close to passing. He entered the House and quickly interjected a derogatory remark into the proceedings. A Liberal Member leapt to the bait and defended the Minister in question, while raising doubts about the former Prime Minister's own record. A Conservative MP then raised a Point of Order in defence of the Chief. Soon the House had come to life in a snarling, angry way, the hounds were unleashed and the bill was dead. "Bad moods", Aitken wrote, "are partisan moods. They overrule logic and reason disappears. Productivity vanishes. But more significant, they keep the Members on their own teams — 'us' against 'them'".<sup>9</sup>

Aitken described the House of Commons as a "place of partisan struggle, personal bias, and pressure, offset occasionally by a truce",<sup>10</sup> and this description is still relevant to today's Parliament. Partisanship has not changed much since Diefenbaker's era, but much else has. When I first roamed the halls of the Centre Block in the 1960s, MPs shared offices and secretarial assistants. Indeed, up until 1965, the secretarial pool was only hired on a sessional basis. Ian Deans, a former NDP Member of Parliament, told a conference organized by the Canadian Study of Parliament Group that when he first became an elected member, he shared an office and a secretary with four other MPs!<sup>11</sup> There were no constituency offices. Most Members continued to work part-time in their original occupations in order to make ends meet. The Senate only had two or three active Committees. The Library of Parliament's research branch was only created in 1965 over the opposition of Ministers, and there was great debate over whether this new

---

<sup>8</sup> Quoted in Henry Fairlie, *The Life of Politics*. London: Methuen & Co Ltd., 1968, p. 33.

<sup>9</sup> Gordon Aitken, *The Backbencher: Trials and Tribulations of a Member of Parliament*. Toronto: McClelland & Stewart, 1974, p. 73.

<sup>10</sup> *Ibid*, p. 66.

<sup>11</sup> Ian Deans quoted in "The Eclipse of Parliament? The Concentration of Power in Canadian Politics." *Canadian Study of Parliament Group*, Ottawa, November 1999 Conference.

innovation should service Committees.<sup>12</sup> Since the House met in the evenings on Mondays, Tuesdays, and Thursdays, and sometimes there could be all-night sessions, it was very difficult to combine the demands of the job with the needs of one's family (at age 76, Diefenbaker was urged to go home, rather than endure another all-night sitting, but declared "I never retire", as his party learned only too well).<sup>13</sup>

Today, with the base salary for Canadian MPs at nearly \$148,000, they are among the top 2% of Canadian wage earners, and Ministers, Committee Chairs, and Parliamentary Secretaries are paid additional stipends. The job is full-time, with MPs having both an office in the capital and in their constituency: their budgets of \$250,000 per MP usually allow a staff of four to be allocated between Ottawa and the riding. In 2002-2003, there were almost 1,400 political and administrative employees working directly for MPs and another 150 staffers for the Senate. Non-partisan staff serving in the House of Commons numbered about 1,500 and 400 in the Senate, in all, over 3,500 employees plus the 308 MPs and 94 Senators frequent Parliament Hill.<sup>14</sup> From a handful in the 1960s, the Library of Parliament, which offers services to 40 committees as well as to all parliamentarians from the House and Senate, has grown to 375 employees. In addition to the personal staffs of MPs, partisan research bureaus are supported by public funds for the parties' caucuses (dependent on the number of seats they have won in the proceeding election). The convention is 12 seats, but the Board of Internal Economy can waive the rule.<sup>15</sup> In 2007-2008, the government expenditure plan allocated nearly \$560 million for the operation of Parliament.<sup>16</sup> In the 1960s, Parliament appeared to me to be like a club; now it is an industry.

Many of these changes are desirable — but not all. The sensible working hours brought in by Yvon Pinard, a reformist House Leader in 1982, have allowed MPs to have a more normal family life (at least those third of MPs who bring their families to Ottawa). Yet, with parliamentarians leaving between 6-7pm, like most businesses, the special camaraderie that brought most members together when they would have to spend evenings together debating and voting has been reduced.

Parliamentary debates are not the occasions they once were: in my day, the word would go out that John Diefenbaker, Tommy Douglas, David Lewis, Pierre Trudeau, or Ed Broadbent was up and the public galleries would fill. Today, on the rare occasions beyond Question Period that there is interest in House Debates, many Members, staff, and the press gallery, watch the

---

<sup>12</sup> Erik Spicer, "The Library of Parliament: Fighting for Improved Services 1960-64." *Beyond the Hill* (Autumn 2006): p. 15.

<sup>13</sup> Aitken, p. 68. Even before working in Ottawa, I had learned about the demands on an MP's life: "Tim" Cooper, the brother-in-law of my Aunt, Rhea Thomas, was elected three times from Rosetown-Bigger in Saskatchewan in 1958, 1962, and 1963. When my family visited his farm at Hawarden, Tim would speak freely about his work in Ottawa. There were no travel passes, as there are now, and when he would catch the train to Ottawa, he would typically not be seen again in the riding until the Session ended. His wife, and his sons continued to run the farm in his absence. Tim would sometimes catch a ride with a Department of Transport plane back to Saskatchewan. Tim was a great friend of John Diefenbaker and had often travelled to meetings with the Chief long before Tim himself ran for Parliament. Because of the size of his riding even when Tim was at home, he was continually travelling. Elected in 1965, the year Tim Cooper retired, Warren Allmand also has a good description of the life of an MP in the 1960s, including the ever-present possibility of all-night sittings on Mondays, Tuesdays, and Thursdays. See Warren Allmand, "Reflections on the Gomery Report on Accountability." *Canadian Parliamentary Review* 29:3 (2006), [http://www.parl.gc.ca/Infoparl/29/3/29n3\\_06e\\_Allmand.pdf](http://www.parl.gc.ca/Infoparl/29/3/29n3_06e_Allmand.pdf).

<sup>14</sup> See the 2002-2003 Government Expenditure Plan and Expenditure Review on the Treasury Board Website: [http://www.tbs-sct.gc.ca/est-pre/20022003/001\\_e.pdf](http://www.tbs-sct.gc.ca/est-pre/20022003/001_e.pdf).

<sup>15</sup> James Robertson, *Political Parties and Parliamentary Recognition*. Ottawa: Library of Parliament Branch, 2006.

<sup>16</sup> See the 2007-2008 Government Expenditure Plan: [http://www.tbs-sct.gc.ca/est-pre/20072008/me-bd/part1/ME-001\\_e.pdf](http://www.tbs-sct.gc.ca/est-pre/20072008/me-bd/part1/ME-001_e.pdf).

televised proceedings from their offices. The debates they watch are also not the same. Ed Broadbent, one of the great parliamentary performers of his generation, made this point in his last speech to the House of Commons on May 5, 2005. Reminding the House that when he was first elected in 1968, when Pierre Trudeau was Prime Minister and Robert Stanfield was Leader of the Opposition, Broadbent said:

*I have been here for the great debates of my time; on the Constitution; the National Energy Program; on the War Measures Act ... Many debates went to the root of what the country is all about ... The tone and substance of debates have, in fact, changed as has Question Period. Those who remain after the next election, whenever it should be, should give some serious thought to the decline of civility in the debate that has occurred in the House of Commons and which occurs daily in the Question Period. If I were a teacher, I would not want to bring high school students into Question Period any longer.<sup>17</sup>*

Broadbent has decried the meanness which has now seeped into so much of parliamentary life, yet Parliament has always been a cockpit of partisan passion. When I began working in Ottawa, it was two years after the great Flag Debate, but the coals of the Diefenbaker-Pearson rivalry still blew hot. Mentioning, in passing, to a Liberal Cabinet Minister my admiration for Diefenbaker's oratory, he shot back the epithet "that evil old man". So, politics in the House was certainly a contact sport, but off the ice, friendships were made regardless of party. There was also acknowledgement that one's party was not divinely inspired and that you could learn from the opposition. Ron Basford, the Minister of Housing, in our first interview on the possibility that I might join his staff, said that I should never forget that we only had a minority in Parliament and that I had to understand the opposition parties at least as well as my own. He specifically instructed me to scan the opposition parties for good ideas that he might adopt. Such openness to the opposition was not unusual.

John Turner was another minister who understood the necessity of occasionally listening to the opposition. I once visited his office, and as I came in, a whole posse of opposition members filed out. Turner told me that he always invited the Members of the parliamentary committees that would be studying his bills for a drink prior to the opening of proceedings. He wanted to hear, personally, about the possible amendments they would be proposing so that he could consider them well before the committee hearings. Subsequently, Turner had a much easier time of it in the House of Commons than many of his colleagues. He was one of the very few Liberals, for example, who got along with John Diefenbaker, even giving the old Tory leader a portrait of Sir John A. Macdonald that Diefenbaker proudly hung in his office.<sup>18</sup> It was not only former Prime Ministers that Turner treated with respect: in 1989, Deborah Grey was elected as the first MP from the Reform Party. For any member, the first speech in the House of Commons is a memorable occasion, but as Grey rose to her feet, most MPs and Ministers had left the House

---

<sup>17</sup> Broadbent in House of Commons Debates: 5 May 2005, p. 1530.

<sup>18</sup> Diefenbaker and Turner even took their holidays together in the Caribbean. They liked the Sandy Lane Hotel in Barbados. One day, Turner noticed Diefenbaker being swept away by a strong undercurrent. An athlete since his days at UBC, Turner used life-saving techniques to rescue the Chief. When Diefenbaker died in August 1979, Turner was the only Liberal asked to be a pallbearer. See Jack Cahill, *John Turner: The Long Run*. Toronto: McClellan & Stewart, 1984, p. 94-95.

after Question Period. But one significant figure remained: John Turner, the Leader of the Opposition, had stayed to listen. Grey records in her memoirs that “I knew that he didn’t need to stay and listen to my speech, so I appreciated it”.<sup>19</sup>

I enjoyed the company of opposition Members of Parliament and their staffs as much as my Liberal friends: Members of Parliament and their staffs, whatever their party affiliation, are parts of that small minority of Canadians who actually enjoy politics. The political class of Parliament has more in common with each other than with those other powers in the system, the public service and the media. In the Trudeau era, the staff of the PMO regularly played in baseball and hockey leagues against the staffs of the other parties and the media. All would gather together after the game to recount the sporting triumphs and defeats. The press offices from the different parties even jointly hosted Christmas receptions for the media. In short, the staffs of the party leaders would conspire and strategize against each other during the day but were perfectly happy to socialize together at night.

My impression today is that this has changed. I left Ottawa after the resignation of Pierre Trudeau. But recently, I was made co-Chair of the Liberal Party’s Renewal Commission, which occasioned, once again, an immersion into the parliamentary culture. Interviewing for this report also meant frequent trips to Ottawa. Broadbent decried extreme partisanship on the Hill; I think that those emotions have now shifted off of it as well. The parties now move in self-contained phalanxes: Members now eat buffet suppers in their own separate lobbies, rather than mixing in the parliamentary restaurant; staffers drink together in their locals, rather than socializing with the opposition. The “our team” versus “their team” approach to parliamentary debate is now the approach to political life in general. Much is lost through this extreme tribalism, for as Ed Broadbent also noted in his farewell speech:

*We share as Members of the House; for seventy-five per cent of the issues, we are on the same side or we would not be living in a liberal democracy. So often, because of the structure of this institution and particularly Question Period, we forget that. We tend to think that the twenty-five per cent of issues that divide us, and seriously and appropriately divide us, are only what matters. What is more important in many ways, as a civilized, democratic, decent country, is the seventy-five per cent of things we have in common.*<sup>20</sup>

Despite the ever-present partisanship of Parliament, I believe in the virtues of the Westminster system of representative and responsible government. The Westminster system is government in, but not by, Parliament: the only time Parliament governed Great Britain, for example was from 1649-1653 after the execution of Charles I and before Cromwell’s Protectorate. One of its main strengths is that it allows the executive to govern. In *Thoughts on the Constitution*, L.S. Amery, a former British minister and Member of Parliament, described the Ministry within the Westminster System as the “directing and energizing element,” but only with the “assent and acquiescence” of Parliament being mandatory, and with assent being “secured by full

---

<sup>19</sup> Deborah Grey, *Never Retreat, Never Explain, Never Apologize: My Life, My Politics*. Toronto: Key Porter Books, 2004, p. 104.

<sup>20</sup> Broadbent in House of Commons Debates: 5 May 2005, p. 1530.

discussion”.<sup>21</sup> My emphasis, like many reformers, is directed towards improving parliamentary committees.<sup>22</sup> Reforming parliament will not only right the balance between the executive and the legislature, but this shift will ultimately improve the government’s effectiveness. I recommend many of the same policy prescriptions as the reformers who worry about the “friendly dictatorship” of the Prime Minister. But my rationale is different, however, in that I do not fear a strengthened executive. In the short-term, Ministers may worry that enhanced parliamentary effectiveness will lead to more penetrating questions designed to embarrass the executive. Longer-term, however, the Prime Minister and Ministers should realise that using parliamentary committees to probe problems or to engage citizens will lead to better policy. Most importantly, such reforms would reduce the almost total reliance of Ministers on the bureaucracy.

## Parties and Politicians

Recognizing the primacy of parties and the never-ending tug of ambition in the hearts of most Members of Parliament is essential to any parliamentary reform agenda. The starting point for any successful change is to recognize what exists. What exists in Parliament is the primacy of party. “Central to an understanding of the modern House of Commons — its functions, organization, procedures, and much of the activities of its Members”, Paul Thomas rightly observes, “is party”.<sup>23</sup> The definitions by the parties of their electoral interests are the mainspring of parliamentary activities. Much of what we dislike about the functioning of Parliament — the jejune insults, the shading of the truth, and the constant jockeying for short-term advantage is, in fact, a reflection of the prevailing mores of our party system. Improve the parties and *ipso facto*, you will improve Parliament. Such solutions, however, must address the root of the problem — that the most pressing need in our party system is to improve the policy-thinking function. Canadian parties do little serious policy work. When it is thought about at all, policy is a volunteer-led activity, with party resources devoted almost solely to polling, organization, and advertising. Canada has very strong parties, but they are muscle-bound. Compared to the think-tanks in the United States closely allied with the American parties, the Conservative Research Department, or Labour’s Transport House in the United Kingdom, or the party foundations in Germany, Canadian parties have no professional policy capacity.

This report is about reforming Parliament, not the party system. But the two are so inextricably linked that some attention must be paid to the strengths and weaknesses of our parties. Here, too, my political engagement, which began in the 1960s, colours my analysis. Today, R. Kenneth Carty, an astute observer of Canadian parties, convincingly argues that “parties are being transformed from popular organizations through which active citizens can control the state, into centralised institutions, independent of their supporters and dependent on parliamentarians’

---

<sup>21</sup> L.S. Amery, *Thoughts on the Constitution*. London: Oxford University Press, 1947, p. 10-11.

<sup>22</sup> This is also the main recommendation in Docherty, *Legislatures*, p. 194.

<sup>23</sup> Paul Thomas, “Parliamentary Reform through Political Parties.” In *The Canadian House of Commons: Essays in Honour of Norman Ward*, edited by John C. Courtney, 43-68. Calgary: University of Calgary Press, 1985, p. 45.



willingness to give them access to the state's purse."<sup>24</sup> Carty was writing about the party system in general, but certainly my recent experience as co-chair of the Liberal Renewal Commission confirms his insight: the membership we canvassed felt almost totally ignored in the party policy process and were deeply resentful of the party and parliamentary elite because of this exclusion.

It was not always thus. Following his devastating 1958 electoral defeat, Mr. Pearson encouraged the extra-parliamentary party to organize a thinkers' conference that met in September, 1960, in Kingston, Ontario. No member of the Liberal caucus was on the program except Jack Pickersgill (who spent much of his speech attacking Frank Underhill and Tom Kent for the critiques they had expressed about the approach of the St. Laurent regime).<sup>25</sup> The conclusions of this volunteer-led thinkers' conference were then ratified by the delegates to the 1961 Liberal Party Rally. The delegates at that meeting, in turn, insisted on a much higher priority for the promise of the Canada Pension Plan than the organizers of the rally had originally intended. Walter Gordon's summation was that "the Kingston Conference was a great success for which Pearson was entitled to full credit. It was his idea and he insisted upon holding it despite the serious reservations of some of his colleagues."<sup>26</sup>

Mr. Pearson's commitment to the extra-parliamentary wing of the party continued even after he became Prime Minister. In 1966, the Liberal Party held a wide-open convention which debated in public the same issues — foreign ownership and Medicare — then dominating cabinet discussions. Long lines of delegates cued behind the microphones in the Chateau Laurier Ballroom, one line dominated by Gordon supporters, the other by Mitchell Sharp adherents. In another debate, Jean Marchand vowed in public that Medicare would begin in 1968 whatever the machinations of the Department of Finance to stall it; in an adjoining room, a young law professor from Windsor, Mark MacGuigan, backed by the Young Liberals successfully amended the Liberal Party constitution to allow delegates to vote satisfaction or not in the Leader's performance after each election. The convention was exhausting, even chaotic, but wonderful if you believed in party involvement as an instrument of change.

It was not only the Liberal Party that opened its doors to its membership in that era. In the Conservative Party, Dalton Camp led the extra-parliamentary wing in challenging John Diefenbaker and the Conservative Party. In the NDP, Mel Watkins and James Laxer founded the "Waffle" to confront the parliamentary and provincial establishment. If you were a policy activist in the 1960s, the place to be was in the party of your choice.

Today, that era of volunteer impact within the party system appears to be an aberration. Carty argues that the norm is a bargain between parochially orientated party associations of volunteers

---

<sup>24</sup> R. Kenneth Carty, "The Shifting Place of Canadian Parties in Canadian Political Life." *Choices* 12 (June 2006), p. 6. R. Kenneth Carty and Munroe Eagles have a detailed treatment of constituency associations in *Politics is Local: National Politics at the Grassroots*. Oxford: Oxford University Press, 2005.

<sup>25</sup> Mitchell Sharp, then a businessman with no intent on entering politics, organized the speaker's program while Walter Gordon, chair of the Liberal Policy Committee, supplied the names of many of the 250 invitees. See the memoirs of Mitchell Sharp, *Which Reminds Me*. Toronto: University of Toronto Press, 1994, p. 88. I did my MA Thesis at Queen's on the Kingston Conference and the subsequent rejuvenation of the Liberal Party. I was able to read all the papers and interview many of the participants. See Tom Axworthy, "Innovation and the Party System: an Examination of the Career of Walter L. Gordon and the Liberal Party", Kingston: MA Thesis, Queen's University, May 1970.

<sup>26</sup> Walter L. Gordon, *A Political Memoir*. Toronto: McClelland & Stewart, 1977, p. 86.

who select local candidates and participate in leadership conventions, and the parliamentary caucus of professional politicians, effectively dominated by the Leader, who maintain discipline and articulate party policy. This franchise-model means that Canadian parties “remain, as they have always been, the underdeveloped institutions of a political elite playing a highly personalized game of electoral politics: they are not the instruments of an engaged or even interested citizenry.”<sup>27</sup>

This model is certainly convenient for the party leader and perhaps even for the parliamentary caucus, but there are many negative consequences. The parliamentary party, as it must, makes policy in the House of Commons on a day to day basis depending on the issue and short-term political calculations. Members of Parliament or member’s of the Leader’s staff buffeted by events and subject to impossible time pressures rarely have the luxury of thinking about the long-term. Within the extra-parliamentary party, the lack of any meaningful policy role means that there is little reason to join a party except to nominate a candidate or play a role in leadership conventions. A survey of party members in 2000 showed that 89% wanted their parties to do more to encourage local associations to discuss public policy, 73% wanted a role in developing the national election platform, and 67% thought that the party leaders should accept the policy set by the members.<sup>28</sup> So, frustration at being shut out of a meaningful policy role is one consequence of franchise-model, and a second is a rapidly aging party membership. The same 2000 survey of party members found that the average age was fifty-nine. In a similar 1990 survey, only 10% of respondents aged eighteen to thirty reported belonging to a party. By the year 2000, that had fallen to 5% of Canadians in that age bracket.<sup>29</sup> At this rate, we will soon have virtual parties.

The reform strategy outlined in this study suggests improvements to the leader-dominated franchise party model described by Carty. The 25 recommendations contained in this report can be grouped into three main themes: 1) parliamentary leaders should recognize that on many issues there is no partisan divide and they should better use parliamentary committees to probe policy problems and engage citizens; 2) but to do so, committees require more and better expert assistance; 3) we need major changes in the policy capacity of our parties. At present, our parties are machines for winning elections. By doing little else than concentrating exclusively on the mechanics of winning elections, our parties alienating their membership, not to mention Canadians in general. A party without members is, in the words of Cross and Young, “an empty vessel”<sup>30</sup> piloted by a skeleton crew.

Compare, for example, the policy infrastructure of Canadian parties with their American or European counterparts. American parties can draw on a host of think tanks loosely associated with one or other of the major parties. The Heritage Foundation, for example, is close to the Republican Party and has an annual budget exceeding \$30 million.<sup>31</sup> Canada does not have a network of privately funded foundations or think-tanks comparable to the United States. With few

---

<sup>27</sup> Carty, “The Shifting Place of Canadian Parties in Canadian Political Life,” p. 6.

<sup>28</sup> William Cross and Lisa Young, “Are Canadian Political Parties Empty Vessels?” *Choices* 12:4 (June 2006), p. 21.

<sup>29</sup> *Ibid.*, pp. 16-17.

<sup>30</sup> *Ibid.*

<sup>31</sup> Donald E. Abelson, *A Capitol Idea: Think Tanks in U.S. Foreign Policy*. Montreal: McGill University Press, 2006 at 86.

private sector resources dedicated to public policy research, Canada possesses one of the least-developed public policy research infrastructures of any mature democracy. This gap in Canada's research deficit was narrowed in the past by support for publicly financed think-tanks such as the Economic Council. This capacity, however, was lost when the Mulroney government eliminated the Council, as well as the Science Council and the Canadian Institute for International Peace and Security.

In the United Kingdom, the Conservative Research Department is noted for hiring brilliant thinkers and has played a key part in the intellectual revival of the British Conservative Party on at least two occasions — after the massive 1945 defeat by Labour, and again in the 1970s, when Mrs. Thatcher developed her alternative to the Keynesian consensus.

The German party system offers an even more striking contrast with the Canadian situation. One of the partners of the Queen's Centre for the Study of Democracy is the Friedrich Ebert Foundation of Germany, linked with the Social Democratic Party. In the 1980s, when I had first-hand knowledge of the Liberal Party's central office operations, the party budgets were between \$5-8 million. There was a Director of Policy Development with an assistant. The Policy Committee of the party, made up of volunteers from across the country, at times played an influential role. In 1979, for example, members of the Policy Committee joined representatives of the caucus to draft the Liberal platform after the defeat of the Clark government. The Leader's Office provided the secretariat for the Platform Committee. But as a volunteer effort, costs connected with the Policy Committee were small; essentially travel to and from Ottawa. All in, the salaries of the Policy Officers of the party and the expenses of the Policy Committee in a non-election year were approximately \$200,000. Special events, like the 1960 Policy Conference in Kingston or the Aylmer Policy Conference in 1991 would boost this amount, but they were one-time investments in the policy process.

During this same period, the Friedrich Ebert Foundation in contrast had revenues in 1988 of \$52 million deutschmarks, or approximately \$35 million CAD. The German *Stiftungs* have programs abroad as well as at home, but this still means that the Social Democratic Foundation spent within Germany \$17-18 million on research, political education, meetings, scholarships for German students interested in policy work, etc.<sup>32</sup> This money was put to good use: at home, the German Party Foundations played a major role in educating citizens in former East Germany about democracy after unification in 1989. In their international program, the German foundations were leaders in assisting the democratisation of Portugal and Spain. In 1973, the Portuguese Socialist Party had its beginning in an office in the Friedrich Ebert Foundation.

Fast forward to today, and the contrast is even more pronounced. In the 1980s, at least, there was a minimum investment in policy staff at Liberal Party headquarters. In 2006-2007, when I co-chaired the Liberal Renewal Commission, it was totally volunteer-led, with only one party official assigned part-time to the task. At present, all of the full-time staff at the Liberal Party's

---

<sup>32</sup> Details of the Friedrich Ebert Foundation and other German foundations in this period can be found in Michael Pinto-Duschinsky, "The Party Foundations and Political Finance in Germany." In *Comparative Issues in Party and Election Finance*, vol. 4, edited by F. Leslie Seidle. Toronto: Dundurn Press, 1991. I have taken the figures found in this study and converted them to Canadian dollars. In 1990, the exchange rate was about 1.00 USD = 0.85 CAD, and the U.S – Deutschmark rate was 1.00 USD = 1.65 DM, so I have used a ratio of 1 CAD = 1.40 DM.

Central Office is dedicated to fundraising, accounting, communication, etc., with no policy-designated staff whatsoever. Meanwhile, in 2002, the Friedrich Ebert *Stiftung* had a staff of over 500, a budget of over \$100 million Euros, international activities in more than 100 countries, and within Germany, it organized more than 3000 education forums and special subject conferences.<sup>33</sup> All of the German parties have similar research foundations and programs.

Within the German party system, then, every party has publicly funded staff resources in the legislature, large central party electoral organizations, and legally independent but closely linked policy and research foundations. Canada has well-funded parties for election competitions and comparable staff capacity to assist legislators, but virtually no party research capacity at all.

Thinking, as well as organizing, must become a regular daily aspect of Canadian party life. To that end, we recommend the creation of party research foundations to be funded by a portion of the tax-supported funds that now flow into party coffers. Parties receive \$1.75 in public funds for every vote they win. They are no longer private institutions, but are more like public utilities. As a public utility, taxpayers can demand standards, and one standard should be that we ask parties to do research and think. The tax credit for contributions to federal parties should also be enhanced to give citizens incentives to designate their contributions for the policy foundations. The 1991 Royal Commission on Election Reform and Party Financing advanced this idea, which the 2006 Liberal Renewal Commission endorsed.<sup>34</sup> This proposition is a core recommendation of this report.

I am the product of an age when parties meant something. They meant something because they opened their doors to volunteers to debate real issues, and because the party leaders valued this involvement enough to listen to the views expressed. Party reformers, in addition to parliamentary reformers, should take heart: we did it once, we can do it again.

In 1968, the Trudeau government broke new ground by providing financial resources to opposition parties to improve their policy capacity in Parliament. The activities of the Caucus Research Bureaus are described in Appendix 1. But the researchers who work in these Bureaus are relatively few in number and have to respond to a variety of requests that range from assisting in Question Period preparation, to caucus task forces, to assisting Members on committees. Parliamentarians receive little guidance from party headquarters on policy issues. This means that parliamentarians often take policy positions on the fly. Some of the recommendations of this report are internal (those directly involving the operation of Parliament) and others are external (those affecting the political system as a whole, which will have an indirect influence on Parliament). One the most important external recommendations is that a portion of the tax-supported funds that go to our parties based on their results from the previous election be designated specifically for policy research foundations. Thinking, as well as organizing, should become a regular and daily aspect of party activities.

---

<sup>33</sup> See the Friedrich Ebert Foundation's website for details, <[http://www.fes.de/intro\\_en.html](http://www.fes.de/intro_en.html)>

<sup>34</sup> Such a recommendation is well-advocated in Cross and Young, pp. 23-25. The 1991 Royal Commission on Electoral Reform and Party Financing also recommended that parties establish ongoing policy foundations. I wrote one of the research studies for this commission, called "Capital Intensive Politics."

I like politicians. I enjoyed their company while in Ottawa, and, in my overseas teaching and consulting since that time, I have met politicians from Tel Aviv to Taipei. Politicians everywhere share a common delight in conversation and gossip; they have a keen eye for the foibles of human beings; they are somewhat in awe of the common wisdom of their voting publics; and mostly, they want to do good, according to their own particular ideological lights.<sup>35</sup> In *The Charm of Politics*, R.H.S. Crossman, himself a British politician for more than a generation, describes the breed thusly:

*What makes a British politician? First, a tradition of public service; then a dash of vanity and another of self-importance and, added to these, a streak of rebelliousness, a pleasure in good talk for its own sake, and in gregarious living. These, much more than the desire for personal power are the qualities of the individual Member. But the individual is shaped into his final form by the institution itself. It is Parliament which takes hold of the players.*<sup>36</sup>

To achieve parliamentary reform, one must begin with this political animal. Clement Attlee, a former Prime Minister, once said about Crossman and the over six-hundred other Members of Parliament in the British House of Commons that they were “all peculiar, one way or other”.<sup>37</sup> They are peculiar because, unlike almost any other professionals, politicians are part of a self-selected minority. They are drawn from the tiny percentage of voters who are politically active. In Canada, for example, there is general awareness that, like every democracy in the western world, turnout has been declining (from an average of 75% from 1945-1988 to 65% in the 2006 election; the all-time low was 61% in 2004). But underneath the mass activity of voting, participation in other forms drops even more dramatically. Less than one Canadian in ten did anything to help a candidate, such as attending a rally or putting a sticker on their car during the Federal Election in 2000.<sup>38</sup> Of the eight to ten per cent of Canadians who were engaged more robustly in election campaigns, only about 1-2% per cent were consistently active members of a party, placing Canada at the bottom of the list of Western democracies.<sup>39</sup> This tiny minority of active party members is comparable to the United Kingdom, where two to three per cent of voters are active partisans.<sup>40</sup>

From this small pool of the politically engaged emerge the 1,634 candidates who ran in the 2006 Canadian election. Here, the self-selection process begins. To be nominated, you simply join a party, recruit two-hundred of your best friends to attend a meeting in a church basement or union hall, and, if successful, meet minimal ethical standards as laid down by the codes of our national parties. Parties constantly attempt to recruit prominent candidates (that was one of my jobs, working for Mr. Trudeau), and in the Liberal Party at least, a leader can nominate a select few, despite the desires of the local militants. Still, the vast percentage of candidates is chosen by local

---

<sup>35</sup> Michael Waldman, the main speechwriter for William Clinton, for example, writes about his boss: “Clinton’s love for the human quality of politics undercut any puritanical drive to reform it.” See Michael Waldman, *Potus Speaks*. New York: Simon & Schuster, 2000, p. 31.

<sup>36</sup> R.H.S. Crossman, *The Charm of Politics*. London: Hamish Hamilton, 1958, p. 9.

<sup>37</sup> Clement Attlee as quoted by Peter Riddell, *Political Opportunism*. London: Penguin, 1993, p. 126.

<sup>38</sup> Elisabeth Gidengil, André Blais et al, *Citizens*. Vancouver: University of British Columbia Press, 2004, p. 124.

<sup>39</sup> William Cross and Lisa Young, “Are Canadian Political Parties Empty Vessels?” *Choices* 12:4 (June 2006), p. 16.

<sup>40</sup> Peter Riddell, *Political Opportunism*. London: Penguin, 1993, p. 50.

associations in public meetings. In any other profession, one must pass an exam, go through an interview, or become an apprentice. But in Canadian politics, you need only to show up.

Then, in actually getting elected, almost everything has to do with the image of the national leader and the party brand and very little has to do with the local candidate.<sup>41</sup> Members of Parliament, on casting their votes on legislation, are potentially conflicted by three different demands: their own values and judgment, the opinions of their constituents, and the demands of the Parliamentary party leadership. The debate between the “trustee” definition of a representative, in which voters elect an individual who will use experience and wisdom to make judgments in the interests of a broad community, versus the “delegate” style of representation, where an MP is motivated by the views of a majority of constituents, is a classic one that goes back to the eighteenth century articulation of Edmund Burke. This debate is briefly summarized in the body of this report. But Burke was also one of the first to defend the concept of party, and the party interest in Parliament most often supersedes individual judgment or constituency views.

Though parties do make great demands on their Senators and on their Members in the House of Commons, it is fair to note that Senators are usually appointed because of their loyalty to the party interest and that Members are mostly there because of the strength of their parties. In Canada, even the best known local candidates only have a personal vote of 4-5%.<sup>42</sup> This is one of the great differences with the United States, where incumbents have remarkable success in being re-elected. Voting the party line on legislation is partial repayment for the votes a candidate receives because of the party brand. If there are few formal requirements for becoming a candidate, there are equally few standards for determining success in Parliament. What makes a successful Member of Parliament? There are many answers: loyalty to the party whip, articulation of local issues, solid committee work, ombudsman-like work on behalf of constituents, intelligent interventions in national caucus, skill with the media, etc. The first requirement is simply to be noticed; how one gets noticed is up to the individual MP. There are many different ways to win the parliamentary crapshoot. Unfortunately, given the televising of the House, especially in Question Period, one of the best ways to get noticed is by asking intemperate questions, or by giving insulting replies. Apart from the requirement of being noticed and being diligent in attending votes, however, there are few guidelines on how to play the Parliamentary game.

This is one reason that public servants have such difficulties in understanding MPs. From the moment they enter the public service, officials have annual evaluations, formal standards for promotion, and a plethora of training seminars in a hierarchical, well-defined system. Members of Parliament have none of this, except the requirement to catch the leader’s eye. The relationship between politicians and the public service is often a dialogue of the deaf because of the mutual

---

<sup>41</sup> For an extensive discussion of the impact of national campaigns on local candidates, see R. Kenneth Carty and Munroe Eagles, *Politics is Local: National Politics at the Grassroots*. Toronto: Oxford University Press, 2005. They declare “successful candidates are party candidates – it is rare for a genuine independent to be elected to Parliament” (p. 84). Canada is not alone in this characteristic. John Kenneth Galbraith told me a story at a Cambridge dinner party about James Farley, the great campaign manager for Franklin Roosevelt. In 1936, a young man was nominated as part of the New York Democratic ticket but had heard little from the national campaign. He visited Farley and asked why. Farley replied with his own question: “have you ever taken the Staten Island Ferry?” “Of course,” was the reply. “When that ferry docks,” said Farley, “all kinds of garbage is swept in behind. This year, Roosevelt is the ferry”.

<sup>42</sup> C.E.S. Franks, “Members and Constituency Roles in the Canadian Federal System.” *Regional & Federal Studies* 17:1 (March 2007), p. 29.

incomprehension between a cadre of self-selected, short-term amateur generalists and the differing perspectives of the long-term, much-evaluated policy professionals.

If self-selection is one characteristic of the Canadian MP, demonic energy is another. Suggested parliamentary reforms must take into account that MPs are already under enormous time pressures. The average number of sitting days per annum in the House of Commons is 130; there are twenty standing committees who question five-thousand witnesses a year in over nine-hundred meetings, taking up fifteen-hundred hours of time. In addition, Senators annually spend over eight-hundred hours in committee work.<sup>43</sup> In the House of Commons' Annual Report of 2005, in the Parliamentary session from April 2004 to March 2005, for example, eight-four government bills and six-hundred-eighty-two Private Member's bills were introduced; four-hundred motions were drafted to amend bills at either the committee or report stage; nearly fourteen-hundred amendments were tabled in the House; and there were thirty-seven-hundred-thirty-one oral questions and one-hundred-forty-four written questions in the daily 45-minute Question Period.<sup>44</sup>

As anyone who has appeared as a witness before a House of Commons committee knows, Members race back and forth between committee meetings, votes, House duty, party meetings, and urgent constituent demands. Mark MacGuigan, before becoming Secretary of State for External Affairs, described the life of a back-bencher in the late 1970s. As well as the House duties listed above, in an average year, MacGuigan dealt with three-thousand constituency cases in his riding office and a further twenty-five hundred through his House of Commons office. In addition to this steady drumbeat of constituency mail or phone calls, as Chair of the Standing Committee of Justice and Legal Affairs, MacGuigan received eight-thousand letters in 1976 on the Gun Control Bill C-83. On weekends, he commuted to his riding in Windsor to attend, on average, two-hundred public functions a year. Somewhat understating the case, MacGuigan concluded that the demands on his time were "considerable", and the burden of constituency case work was "staggering".<sup>45</sup> Speaking to a conference in the same year as MacGuigan's article, Robert L. Stanfield, a former Leader of the Opposition, made a similar point about MPs and Ministers being "overloaded".<sup>46</sup>

The pace has intensified. Deborah Grey, a Reform MP from Edmonton, describes in her book an equal load of work to MacGuigan's twenty years earlier, but in her case she also commuted to Edmonton on a weekly basis.<sup>47</sup> MPs today also have to cope with thousands of e-mails each week, a burden that Mark MacGuigan did not have to face.

Grey's commitment to weekend travel back to the riding is an important part of an MP's job. Whatever the stresses on Canadians because of their everyday jobs, most of us have the weekend

---

<sup>43</sup> David McInnes, *Taking it to the Hill*. Ottawa: University of Ottawa Press, 2005, p. xxi (footnotes 1 and 2).

<sup>44</sup> Government of Canada, "The House of Commons Report to Canadians 2005," <http://www.parl.gc.ca/information/about/process/house/report2005/report05-e.htm>.

<sup>45</sup> Mark MacGuigan, "Parliamentary Reform: Impediments to an Enlarged Role for the Backbencher." *Legislative Studies Quarterly* 3:4 (November 1978), p. 673.

<sup>46</sup> Robert L. Stanfield, "The Present State of the Legislative Process in Canada." In *The Legislative Process in Canada*. Montreal: Institute for Research on Public Policy, 1978, p. 44.

<sup>47</sup> Grey, p. 142.

off to refresh and unwind. Not so, for Members of Parliament. They work in the ridings just as hard on the weekends as they do during the week in the House. They are always in the public eye. Sherrod Brown, a Member of the US Congress, for example, has an anecdote about always being in the public fishbowl: in between events in his Ohio seat, he took his kids to a fast food restaurant; a few days later, he received a letter saying “the next time you go to a fast food restaurant in Medina, Ohio, make sure you clean up after yourself. My children watched how you left your waste on the table ... ps. If the kids aren’t watching you, the Republicans are”.<sup>48</sup> Brown recounts this anecdote in a rueful way, by quoting a fellow Congressman who told of receiving a letter from a constituent saying “We didn’t send you up there to make intelligent decisions. We sent you up there to represent us”.<sup>49</sup>

Seventy-hour work weeks for MPs are not uncommon. They often have breakfast meetings, go to committee hearings, House duty, and then back to their offices until midnight working on correspondence and constituency cases. On the weekends they attend a plethora of service club lunches, church dinners, and local sporting or cultural events. Motivations have to be strong to endure that pace.

## Political Motivations

What are the motivations that propel this relatively small number of Canadians to enter politics (which then, in turn, demands an almost total commitment of energy to keep up)? I have met a few political “monsters” whose egos have completely overtaken their judgment, but generally, I have found that most parliamentarians retain the idealistic core of values which propelled them to go into politics in the first place. Personal ambition, however, does jostle in equal measure with a more idealistic commitment to public service. This has been long recognized. Lord Chesterfield, famous for his wise letters to his son in the eighteenth century, said no man enters the House of Commons without secretly believing he will end up as First Minister.<sup>50</sup> James Madison, in the Federalist Papers that developed the rationale for the new US Constitution, wrote that:

*Those ties which bind the representative to his constituents are strengthened by motives of a more selfish nature. His pride and vanity attach him to a form of government which favours his pretensions and gives him a share in honours and distinctions.*<sup>51</sup>

Abraham Lincoln has rightly been elevated to political sainthood, but we should not forget that before he became a wise President, he was a striving Illinois politician whose ambition, according to William Herndon, his law partner at the time, was “a little engine that knew no rest”.<sup>52</sup> Winston Churchill, in his novel *Savrola*, was just as emphatic — “ambition was the motive force,

---

<sup>48</sup> Brown, *Congress from the Inside*, p. 31.

<sup>49</sup> *Ibid.*, p. 30.

<sup>50</sup> Lord Chesterfield, as quoted in Riddell, *Political Opportunism*, p. 130.

<sup>51</sup> *Ibid.*, p. 266.

<sup>52</sup> “Loathing Abe Lincoln,” *Time Magazine*, June 26, 2005.



and he was powerless to resist it”.<sup>53</sup> Benjamin Disraeli, Lincoln’s contemporary in Great Britain and a future Prime Minister, was especially candid in telling his constituents in 1844 that:

*All men who offer themselves as candidates for public favour have motives of some sort. I candidly acknowledge that I have and I will tell you what they are: I love fame; I love public reputation; I love to live in the eye of the country.*<sup>54</sup>

Ambition is also the engine that drives most Canadian politicians. David Docherty’s surveys of Canadian MPs reveal that 80% of the Members sampled in the 34<sup>th</sup> Parliament (1988-93) stated that getting into Cabinet was at least somewhat important to them, and among rookie MPs in the 35<sup>th</sup> Parliament (1993-97), the number was even higher, at 84%. In the 37<sup>th</sup> Parliament (2000-2004), almost 2/3 of responding MPs indicated that getting into Cabinet was important.<sup>55</sup> Docherty writes that a place at the cabinet table “is the brass ring of federal politics.”<sup>56</sup> In his memoirs, Brian Mulroney relates an anecdote that illustrates this point: in 1985, Defence minister Robert Coates resigned, and to show empathy with Coates, Mulroney walked the former minister to his car. In a space of those few moments, an MP had the chutzpah to deliver a hand-written note to Mulroney’s office offering to become Defence Minister. “I shook my head as I read it,” Mulroney recounts, “not sure if I should laugh or cry.”<sup>57</sup>

This ambition for ministerial office, however, often leads to frustration and discontent: 80% of the caucus may want to be in Cabinet, but only 20% at any one time can grab the prize. Among parliamentarians as a whole, the ratio of Minister to Member is 10:1. John Roberts, a former Minister in the Trudeau government, laughingly recalled that upon his elevation to Cabinet, not many of his Ontario caucus colleagues seemed to be pleased.<sup>58</sup>

Competition drives every aspect of Canadian politics. There is competition for party nominations, then the election itself. If your party has succeeded in winning the election, there is competition to get into Cabinet; if you are in the Opposition, there is a desire to be a front bench Opposition spokesperson, or member of the “Shadow” Cabinet. Ministers compete with each other in Cabinet to get resources for their programs or for House time to pass their bills. I have been at Cabinet meetings where two Ministers have had the most intensive rows, only to appear a few minutes later in Question Period, laughing and applauding each other as they defended themselves against the attack of the opposition. Julian Critchley, a UK Member of Parliament for a generation, jokes about this false camaraderie, when he observes that your opponents are on the other side of the Parliamentary aisle, but your real enemies are in your own party!<sup>59</sup> Barbara Castle, who made the top rank of the British Cabinet (which Critchley did not), also quipped that a version of Dante’s

---

<sup>53</sup> Churchill, as quoted in Fairlie, p. 45.

<sup>54</sup> Riddell, *Political Opportunism*, p. 14.

<sup>55</sup> David C. Docherty, “Legislatures.” Vancouver: University of British Columbia Press, 2005, pp. 57-58.

<sup>56</sup> David C. Docherty, “Canada: Political Careers between Executive Hopes and Constituency Work.” *The Political Class in Advanced Democracies*, edited by Jens Borchert and Jürgen Zeiss. Oxford: Oxford University Press, 2003, p. 74-75.

<sup>57</sup> Mulroney, *Memoirs*, p. 356.

<sup>58</sup> Interview with John Roberts, January 2007.

<sup>59</sup> Critchley, *A Bag of Boiled Sweets*, p. 85.

description of Hell — “abandon love, all ye who enter here” — should be inscribed above the door of every Minister’s office.<sup>60</sup>

Ministers compete over resources, or, in their dreams, they contemplate future leadership contests. Opposition MPs are equally ambitious, but have less opportunity to make an impact on legislation. That is one reason that they are so prone to revolt against their leader. What can be readily influenced when one is an opposition MP is internal party politics. Party revolts are also a way to get noticed. Factions naturally form within parties, and if one is facing a majority government, then an obvious next target may be one’s own leader — especially if you are not part of the group that brought him or her to the position of leadership. George Perlin, in assessing the Diefenbaker era of the Conservative Party, called such revolts the “Tory syndrome”. John Turner, as leader of the Liberal Party, however, equally endured party dissension when he was Leader of the Opposition after 1984, suggesting that it may be more of an Opposition syndrome than a Tory syndrome. Occasionally, however, backbench frustrations even break out in majority governments. Margaret Thatcher resigned in 1990, despite her success in winning three majority governments in a row, because of fears among her Cabinet and backbenchers that she would cost them the next election. Similarly, Jean Chrétien won three majority governments in Canada, but an unruly backbench and a powerful opponent hastened his departure in 2003.

Therefore, given the primacy of ambition and the relative paucity of Cabinet posts or frontbench Opposition slots, there must be positive outlets and more prizes, beyond the Cabinet, for the men and women who sit in Parliament. I endorse the recommendation that Parliamentary Secretaries should be assigned on merit, given real jobs, and be allowed to hold this position through the life of a Parliament, rather than there being an automatic rotation. For those interested in an eventual Cabinet position, attaining a Parliamentary Secretary position is an obvious first rung on the ladder. But I am not in favour of making parliamentary secretaries privy councillors or part of the executive, as was briefly tried in Paul Martin’s government. This sweeps too many government MPs under the sway of the executive.

A second avenue for influence, however, should also be paved: the salary and staffs of Chairpersons of Parliamentary Standing Committees should be comparable to that of Ministers, so that contributing to the Committee process will become an end in itself. Members should be assigned to committees for the full term of Parliament to build up their experience.

Further, within the Standing Committee structure, I propose that we return to the innovation of Parliamentary Task Forces on issues that are not yet part of the government’s agenda. These can be chaired as readily by Members of the Opposition as by supporters of the government. Every Standing Committee could usefully have three or four subcommittees looking at either emerging policy issues, or evaluating administrative competence in existing programs. Ministers and Opposition critics number about one-third of the House. By enhancing the positions of subcommittee Chairs, Standing Committee Chairs, and Parliamentary Secretaries, the number of important Parliamentary positions that could attract the ambitions of Parliamentarians could rise to accommodate more than half of the Members of the House of Commons.

---

<sup>60</sup> Castle, as quoted in Jeremy Paxman, *The Political Animal*. London: Penguin Books, 2002, p. 205.

## The Almighty PMO

Upon completing graduate studies, I returned to Parliament Hill as an assistant to Ronald Basford in early 1974, as part of the minority government of Pierre Trudeau. I then joined the Prime Minister's Office in 1975, and stayed with Mr. Trudeau until his retirement. My responsibilities in Mr. Trudeau's office were never directly related to the House of Commons: in this domain, he relied upon the intuition of Allan MacEachen, twice Trudeau's House Leader; the energy of Joyce Fairbairn, his legislative assistant; the diligence of our Whip, Tom Lefebvre; and the cleverness of Jerry Yanover, long-time advisor to every Liberal House Leader from Mr. Trudeau's era to today. But events on Parliament Hill were the prism through which our political life refracted.

Both in government and in Opposition (1979-1980), Parliament Hill was our centre, almost our cocoon: Question Period, the debates, legislative progress (or the lack of it), caucus meetings, West Block cafeteria breakfasts, Parliamentary Restaurant lunches, and the "Wonderful Wednesdays" get-togethers of political assistants were the locus of most of our activities. The rest of Canada may not have noticed what was going on in Parliament, but to the denizens of its reaches, it was all that mattered.

The Prime Minister's Office (PMO) is not a favourite of those who either work in Parliament or who write about it. David Kilgour, a former Member of Parliament, Minister and Fellow of our Centre (CSD), for example, believes that "Canada is the Whip's Shangri la", and has written that "Party discipline, exerted on most votes in our House of Commons and provincial legislatures, is the tightest in the democratic world".<sup>61</sup> Elwin Hermanson, a Member of the Legislative Assembly of Saskatchewan, recently told a conference organized by the Canadian Study of Parliament Group that the almighty PMO is one reason for the reduction in accountability.<sup>62</sup> Books that lament the power of the PMO are almost too numerous to mention.<sup>63</sup>

The PMO may look "almighty" from the outside, but from inside the bunker, the impression is more akin to the Wizard of Oz, pushing levers that lead nowhere. One of the wise sayings about public policy is "Where you stand depends on where you sit". I sat for many years in the PMO, so it will surprise few that my perspective is different from those that decry the growth of executive power. My first point is that the Prime Minister is far from being "all powerful" vis-à-vis the Cabinet, caucus, and the opposition parties. John Diefenbaker's Cabinet led a revolt against him that contributed to his loss of that position. A caucus revolt hastened the resignation of Jean Chrétien. And, as will be described in the body of this paper, the Charter of Rights and Freedoms and the patriation of the Constitution in 1982 are due at least as much to the influence of parliamentarians as they are to the Prime Minister and the Premiers. Our Charter is parliament-inspired.

---

<sup>61</sup> David Kilgour and John Kirsner, "Party Discipline and Canadian Democracy." *Canadian Parliamentary Review* 11:10 (Fall 1988).

<sup>62</sup> Hermanson, quoted in the conference proceedings of the Canadian Study of Parliament Group, topic "Whom do you Trust? The Growing Relationship between Legislative Assembly Officers and Citizens", December 2006.

<sup>63</sup> See, for example, J. Patrick Boyer, *Just Trust Us: The Erosion of Accountability in Canada*. Toronto: Dundurn Group Ltd., 2003; Jeffrey Simpson, *The Friendly Dictatorship*. Toronto: McClelland & Stewart, 2001; Donald Savoie, *Breaking the Bargain: Public Servants, Ministers, and Parliament*. Toronto: University of Toronto Press, 2003.

Secondly, while there is no denying the centrality of the PMO in the machinery of government, given the complexities of governing our federation in a global world, there has to be at least one institution that copes with the “horizontal” or “whole of government” dimension of problem-solving. One of the strengths of our Westminster System of government is its efficiency in passing legislation to adapt to change. To do so, it requires priorities and a clear sense of direction. The Prime Minister must be the guiding hand in this, and sometimes this requires a firm approach to caucus and the Opposition. Effective government is as important as representative government, and the PMO is one of the instruments that helps achieve this.

My predecessor as Principal Secretary to Mr. Trudeau, Jim Coutts, described the PMO as “a switchboard”, and that is far closer to the reality than claims that it is “all powerful”. Most of the incoming calls to this switchboard concern Parliament. A standing joke in my personal office was that the Regional Chair of the Quebec Caucus would always leave his message with the concluding demand “I expect a reply, right quick”. Since he co-ordinated the demands of the seventy-four Liberal Members of the province of Quebec (out of seventy-five), his wish was always granted. Mr. Trudeau would also often call after the regular caucus meetings on Wednesdays to relay complaints or demand action on a file. Members of my staff would also attend the regional caucus meetings held before national caucus. Mr. Trudeau regularly invited a cross-section of our Members to lunch, and every week, I invited five Members of caucus to tea, to hear their views and recommendations. This job of listening to caucus was also the daily concern of our Legislative Assistant, the Whip, and the House Leader. In the daily 8:00 A.M. staff meeting of the PMO, issues connected to caucus and Opposition house strategies (and our attempts to counter-act them) were by far the dominant part of the agenda.

In his memoirs, Jean Chrétien confirms that he also spent much of his time attending to caucus. Chrétien rarely missed the Wednesday meeting of the Liberal caucus and he instructed his Ministers to go as well. After the various regional reports, caucus allowed an average of more than twenty members to stand and express their views. “If they had problems with a certain department or if a particular minister was refusing to meet with them, they got a chance to air their grievances in front of their colleagues. And, if necessary, I didn’t hesitate to order a minister to be more helpful.”<sup>64</sup> Chrétien believes that “some people can be extremely effective MPs without ever being in Cabinet, and some can have more influence in the caucus or party than many ministers.”<sup>65</sup>

Most often, rather than complaining about the power of the PMO, Members of our caucus wanted to use it for their own ends. Janus-like, the PMO faced both the politicians in our caucus and the public servants in the Privy Council and the outlying departments. To continue with the switchboard analogy, we took the incoming calls from our caucus and then we made outlying calls to the relevant Ministers or senior officials. The PMO and the caucus usually worked as one, as political allies to obtain information, or even get action, from a reluctant bureaucracy. Members of caucus no doubt complained about the heavy hand of the PMO, but it was a hand they used to reach out to the government system as a whole.

---

<sup>64</sup> Jean Chretien, *My Years as Prime Minister*. Toronto: Knopf Canada, 2007, p. 35.

<sup>65</sup> *Ibid*, p. 36.

## Minority Governments

When I first came to Ottawa, minority governments (governments by a cabinet with less than half the seats in the House of Commons), were the norm, majority governments the exception. From 1962 to 1968, there were three minority governments in a row, a majority government led by Mr. Trudeau followed in 1968 to 1972, then a minority again between 1972-1974, another Trudeau majority government from 1974 to 1979, followed by Mr. Clark's minority government in 1979. Only in 1980 did majority governments begin the long run, one led by Mr. Trudeau, two by Brian Mulroney and three by Jean Chrétien. Now the pendulum has swung again. We have had a House of minorities since 2004.

Minority governments are different from majority governments. I was part of two minority governments, two majority governments, and contributed to an official opposition that passed a motion of non-confidence against the Conservative government in 1979. Parliaments without majorities are more exciting, and the status of individual members is enhanced. Party mavericks become far more important when their votes determine whether a government will survive. The energy level in a house of minorities is high, and the attention level of ministers is sharpened. As Dr. Johnson wrote: "when a man knows he is to be hanged in a fortnight, it concentrates his mind wonderfully." In a minority government, as Parliament's influence waxes, the bureaucracy's influence wanes. The House Leader and whip become as important to the government's survival as the Minister of Finance. Opposition members, the government backbench, and the media generally love minority governments; senior officials are much less keen.

Minority and Majority governments have contrasting virtues. Eugene Forsey has made a strong case for minority governments: "having to get support from outside its own party may not only help a government to do good and sensible things, but also prevent it from doing bad and foolish things."<sup>66</sup> The minority governments of Lester Pearson did such "good and sensible things" as introducing Medicare and the Canada Pension Plan. Many historians see the Pearson government as Canada's most productive. But such social advances have to be financed. The Trudeau majority government in its first term had to find the money to pay for this advance in the welfare state. A House of minorities might have been less successful in solving Canada's debt problem as Mr. Chrétien's majority government's did in the 1990s, and it is virtually certain that a minority government could not have brought in the Goods and Services Tax as Brian Mulroney's majority government did in 1990. Minority governments often lead to bursts of policy creativity followed by a need for consolidation which majority governments provide. The body politic requires both cycles.

The length of a minority government depends on the political fortunes of the parties. Some minority governments last the full life of a parliament. H.H. Asquith's Liberal minority government in the United Kingdom lasted from 1910-1915, and Mr. Pearson's back-to-back minority governments also went on for five years. Minority governments end when Prime Ministers call elections, when they are defeated on motions of confidence or on measures the

---

<sup>66</sup> Eugene Forsey, *Freedom and Order*. Toronto: McClelland & Stewart, 1974, p. 113.

government considers critical. But the definition of critical is very elastic and depends on the political whims outside Parliament. Forsey writes that a government is “free to consider even a very minor defeat decisive.”<sup>67</sup> But even a defeat on a major bill can be finessed if the government does not consider the political climate favourable.

In 1965, for example, Mr. Pearson called an election, in part, because Liberal strategists felt that John Diefenbaker was an election liability. The theme was that Canada needed a majority government. Pearson did not get it. But in his subsequent minority government, in which I briefly worked, the government seems to be quite secure from parliamentary defeats because Mr. Pearson did not want to lead the Liberals in another campaign, and many in the Conservative party shuddered at the prospect of Mr. Diefenbaker doing so. Politics gave the Liberal Party an easy parliamentary ride. By 1968, Robert Stanfield had replaced Mr. Diefenbaker as Leader and Mr. Pearson planned to retire in April of that year. But the Liberals were sloppy in allowing too many MPs to be absent on key votes, and in February of 1968, the government was defeated on its budget, normally a confidence measure. Mr. Stanfield, however, allowed the Liberals to escape when the government introduced and parliament passed a specific motion of confidence. Had John Diefenbaker been leading the Conservatives, I am sure he would have forced an election by bringing the House to a standstill. An election in February 1968, with Mr. Pearson as leader of the Liberal Party, or with a caucus-chosen alternative, would almost certainly have resulted in Pierre Trudeau missing his chance to replace Pearson as leader.

In 1974, the Liberal Party took a more traditional view of a budget defeat as a matter of confidence. After the 1972 election, Mr. Trudeau had only the slim advantage of two seats over Mr. Stanfield’s Conservatives, but Trudeau’s government proved adept at marinating its position in Parliament, and gradually gained in popularity. The NDP had previously supported many Liberal initiatives like PetroCanada, but the 1974 Liberal budget had corporate provisions the NDP could not swallow, and the government was defeated. But unlike 1968, a budget defeat in 1974 was now considered to become a vital item of confidence, and the Governor General agreed to Mr. Trudeau’s request for dissolution.

In 1979, Mr. Clark’s strategists thought that their government was secure (at least for a year) because Mr. Trudeau had announced his retirement in the fall of that year. John Crosbie used the opportunity to bring in a budget of “short-term pain for long-term gain.” The Conservative government was surprised when the Liberals announced a full-court press to defeat the budget and were even more surprised when Mr. Trudeau danced back into the fray in a political ballet wonderfully choreographed by Jim Coutts and Allan MacEachen. In misreading the signals from Parliament, the Conservatives endured the pain and the Liberals enjoyed the gain as Trudeau won a majority in February 1980.

Minority governments, however, are as exhausting as they are exhilarating. Every parliament is political but in a parliament of minorities an election is always possible. And this prospect excites

---

<sup>67</sup> Ibid, p. 114-115. Forsey points out that Lord Melbourne’s two governments in the United Kingdom (1834-1840) were defeated 58 times and Sir John A. MacDonald’s in Canada was defeated 9 times between 1868-1871. This was the era of independent members or, in MacDonald’s phrase, “loose fish.” Writing in the 1960s, Forsey maintained that “we seldom have any loose fish nowadays...but we do have loose shoals of fish: parties which shift from side to side on particular votes.” p. 115.

MPs in every party. Hot tempers and bad behaviour often result from such a prolonged pressure-cooker. Such is the case with today's 39<sup>th</sup> Parliament. The party politics have become so polarised that even the operation of committees has been affected.

In May 2007, Don Martin of the *National Post* revealed the existence of a Conservative guidebook detailing how to unleash chaos while chairing parliamentary committees. The manual, given to committee chairs, outlines how they can favour the government's agenda, select party-friendly witnesses, coach favourable testimony from these witnesses, and, if necessary, storm out of meetings.<sup>68</sup> These tactics have recently been employed by Art Hanger, Chairman of the House Standing Committee on Justice and Human Rights. Mr. Hanger has resorted to the tactic of walking out at the start of his committee meetings to delay an investigation into the Cadman affair (there are allegations that Conservative Party officials offered a large insurance policy to Chuck Cadman, a dying MP, to vote against Paul Martin's government in 2005).<sup>69</sup> Other committees, like Environment and House Procedure, are similarly stymied. The Conservatives accuse the Liberals of using committees for "political witch-hunts"<sup>70</sup>, and the Liberals reply that the government is deliberately trying to make the House of Commons dysfunctional as a possible excuse to ask the Governor General for dissolution.

The Speaker of the House, Peter Milliken, recently implored members to change their behaviour. Referring to 'crisis management in committees,' Milliken told the House, "I do not think it is overly dramatic to say that many of our committees are suffering from a dysfunctional virus that, if allowed to propagate unchecked, risks preventing members from fulfilling the mandate given to them by their constituents." He exhorted the House Leaders and the whips of all parties to "address themselves to the crisis in the committee system that is teetering dangerously close to the precipice at the moment."<sup>71</sup>

These are strong words from the Speaker. But what can be done?<sup>72</sup> On special inquiries, such as the Ethics Committee investigation of Brian Mulroney's dealings with Karl Heinz Schreiber, many critics question the current rules which allow MPs from the four parties limited time in their questioning on whatever topic they choose. After a few minutes, one line of questioning ends and a possibly unrelated one begins, often allowing witnesses to leave key points unanswered. If the parties agreed, committees conducting such investigations could strike task forces or special sub-committees of well-briefed MPs with changes in procedure allowing sustained questioning. This, however, would require the parties to cooperate, and their unwillingness to do so is the core of the problem.

Since committees elect their own chairs, overly partisan or incompetent individuals can be removed. But if problem behaviour results from differing party strategies, rather than the personal inclination of members, this extreme sanction is of limited utility. One possible solution is to

---

<sup>68</sup> Don Martin, "Tories have Book on Political Wrangling." *The National Post*, 17 May 2007.

<sup>69</sup> Gloria Galloway, "Opposition to seek new ways to get Cadman queries answered." *The Globe and Mail*, 2 April 2008.

<sup>70</sup> Bea Vongduangchanh, "House Affairs Committee gripped by political difficulties." *The Hill Times*, 7 April 2008.

<sup>71</sup> House of Commons Debates: March 14 2008 (142(067)).

<sup>72</sup> The idea for special committees with new rules is recommended by Paul Szabo, the Liberal Chairman of the Ethics Committee, in John Geddes, "How to fix the lowly committee." *MacLean's*, 7 April 2008. NDP member Joe Comartin raises the idea of the Speaker having 'quasi-judicial' powers, in Bea Vongduangchanh, "House Affairs Committee gripped by political difficulties."

expand the jurisdiction of the Speaker beyond refereeing debates in the House of Commons to also adjudicate major disputes in committees. The Speaker may be reluctant to take on this job — umpiring the House of Commons is already an onerous task — but if committees cannot agree on how to conduct their business, there must be some dispute resolution process.

What will it take to get Members of Parliament from all sides to back off and agree to a compromise? I recall in March 1982 an even more dramatic parliamentary crisis than the current Parliament's disruptive behaviour in committees. The Trudeau government had introduced an omnibus Energy Security Act. But the opposition demanded that the bill be divided into separate pieces of legislation. Our government refused. The opposition moved an adjournment motion, and then refused to appear for the vote as the bells summoning members rang out. The bells continued ringing for two weeks (some people have nightmares about falling off a cliff, mine is to wake up remembering that loud ringing). Jeanne Sauv , the Speaker, refused to intervene, saying it was up to the parties to negotiate a compromise. Eventually, reason prevailed. Our government agreed to separate the omnibus bill as the opposition had demanded, and the opposition, in turn, agreed to a timetable for passage of the separate bills. Sauv  had wanted the parties to come to their sense rather than lifting from them that responsibility. The extraordinary spectacle of a parliament closed down to the accompaniment ringing of the bells put great public pressure on all concerned to reach a compromise.

But in the current parliamentary dispute, the disruptions are taking place offstage in several different committees. The public is not as aroused (or disgusted) as it was in 1982. Without the impact of public opinion, it will be very difficult to make common sense prevail, as Sauv  was able to do two decades ago.

Even the best procedures or structures will fail if parliamentarians catch a bad case of political distemper or even rabies. In such a case, elections are usually the only way to purge Parliament of the extreme partisanship disease. This report is full of recommendations about how to improve process and procedure, but none of these ideas will have much impact if Parliament does not have the will to make the system work. As Milliken aptly quoted Shakespeare, "the fault...is not in our stars, but in ourselves..."<sup>73</sup>

## **The 24-Hour News Cycle**

Having witnessed the Diefenbaker-Pearson confrontation, even today's current parliamentary bitterness does not shock me. But what is profoundly different from the era in which I first began to work in Parliament is the role of the media. The Press Gallery then was led by the print journalists. In the 1960s, pride of place went to such journalists as Blair Fraser, Val Sears, Anthony Westell, and Peter C. Newman. In the 1970s, Allan Fotheringham, Richard Gwyn, Marjorie Nichols and Christina McCall were the names to reckon with. Television certainly had stars like Norman Depoe, Knowlton Nash and Jack Webster and television had the most impact politically: in the 1974 campaign, for example, we timed our policy announcements according to the needs of the networks. But the leaders of the gallery who set the tone for the media as a whole

---

<sup>73</sup> Ibid.



were still largely the print journalists. Not until the end of my time in Ottawa, in the mid-1980s, did television journalists begin to set the media agenda with the CBC's creation of *The Journal* with Mary Lou Finlay and Barbara Frum, and Pamela Wallin's debut in *Canada AM* on CTV. The House of Commons was one regular meeting place: as the political staffs went into the reserve galleries to observe Question Period or a major debate, we would wave, or at least nod, to the reporters who had their own gallery above the speaker. Journalist, staffer, or a Member of Parliament experienced together the theatre of the House of Commons and the comedy of political life.<sup>74</sup>

This began to change with the advent of television dominance and the invention of 24-hour news channels. Being on camera drives many Members of Parliament to make extreme statements so that they will be noticed. Worse, the 24-hour news cycle constantly demands such sound bytes. Television thrives on pictures and drama. It does not know what to do with reflection and conciliation. Parliament certainly has drama, but not all the time. To fill television's incessant appetite for confrontation, politicians happily pander to the media's needs. A radio reporter for the CBC wrote "MPs feel they will be rewarded with more face time on TV or front page newspaper coverage by being negative or controversial".<sup>75</sup> To paraphrase Max Weber, politics is the slow, boring of hard boards. Good parliaments slowly bore lots of wood. But in doing so, they likely bore television audiences.

Parliament and the media have mutual, not identical, interests. Politicians need the media in order to get known. But the media do not need politicians nearly so much, as there is lots of other news in other domains. Editors and television producers decide what "newsworthiness" is, and the day-to-day improvement of legislation, which is the most worthy thing about Parliament, is decidedly not newsworthy. In the United Kingdom, when *The Times* abandoned its historic parliamentary page, its editor argued: "we are not there to provide a public service for a particular profession, or, for that matter, for a particular chamber."<sup>76</sup>

What is always newsworthy for the media is scandal, or even the hint of impropriety. Parliaments have long resented the media's intense scrutiny: in 1982, for example, Maurice Dionne, one of Mr. Trudeau's hardest working MPs wrote about "the continuing crusade of the mass media to discredit elected representatives."<sup>77</sup> Scandals obviously cannot be ignored — it is the role both of the media and of parliament to expose them — but a diet only of scandal weakens the constitution of even the most fervent supporter of our political institutions.

One possible way out of this dilemma is the emergence of new media through blogs and the internet. These mechanisms allow for infinity of taste. Covering or explaining the intricacies of committee work could appeal to a specialist audience, even as they underwhelm the multitude. But in our MTV world of colour, music, drama and ten-second sound bytes, the difficulties of

---

<sup>74</sup> For an entertaining and informative account of the Press Gallery in this era, see Anthony Westell, *The Inside Story: A Life in Journalism*. Toronto: Dundurn Press, 2002. For an account on how the PMO dealt with Mr. Westell and other members of the gallery, see Patrick Gossage, *Close to the Charisma*. Toronto: McClelland & Stewart, 1986.

<sup>75</sup> Susan Murray, "The Media and Parliament." *Canadian Parliamentary Review* 27:1 (2004).

<sup>76</sup> Simon Jenkins quoted in Ralph Negrine and Colin Seymour-Ure, "The Challenge of Adaptation." In *The Future of Parliament*, edited by Philip Giddings. London: Palgrave MacMillan, 2005, p. 232.

<sup>77</sup> Maurice Dionne, "The Committee System can Work." *Canadian Parliamentary Review* 5:4 (1982).

refurbishing Parliament's image are immense. The citizen engagement techniques that are recommended for committees might also contribute, in a small way, to showing citizens how Parliament really works and how constructive the process can be when politicians are not on camera.

## International Comparisons

International comparisons allow you both to put your own situation in perspective and to seek out new ideas. Comparison is the engine of all knowledge. As Alexis De Tocqueville asserted, "without comparisons to make, the mind does not know how to proceed".<sup>78</sup> Teams from the Queen's Centre for the Study of Democracy have interviewed Cabinet Ministers, MPs, political staffers, public servants, and journalists in Australia, the United Kingdom, and the United States, as well as in Canada. One quickly learns that Canada is not alone in debating the merits of its representative institution. Malcolm Fraser, the former Prime Minister of Australia, has educated me about Australian politics for many years. He recently joined with his rival, Gough Whitlam, also a former Prime Minister, to release a letter stating: "In the past two decades, the constitutional principle that ministers should be held accountable for the failings of their policies or administration has been seriously undermined". They called upon "all political parties to commit to the establishment of an independent and comprehensive review of the operation of ministerial accountability, so as to modernize and strengthen it".<sup>79</sup>

In the United Kingdom, concerns about Parliament's role vis-à-vis the executive mirror the debate which emerged in Canada in the 1960s as the Pearson and Trudeau governments reformed House procedure. R.H.S. Crossman developed a thesis about "Prime Ministerial Government" in his introduction to Bagehot's classic *The English Constitution* in 1963. I had the pleasure of hearing Crossman defend his thesis in a Nuffield College seminar and his soon-to-be released *Diaries of a Cabinet Minister* made many points about Parliament that would be familiar to a Canadian audience. As a Minister, Crossman wrote in his diary: "there is no effective parliamentary control... since the whole of our Parliament is geared not to help back-benchers criticize Ministers, but to help Ministers overcome back-benchers".<sup>80</sup> As in Canada, the British debate over the appropriate balance between the executive and parliament has never abated since Crossman's era. In 2000, the UK House of Commons Liaison Committee released a report, "Shifting the Balance", which argued that governments had become too powerful. The Hansard

---

<sup>78</sup> Quoted in *Comparative Politics Today*, edited by Gabriel A. Almond and G. Bingham Powell, Jr., 5<sup>th</sup> edition. New York: Harper Collins, 1992. p. 3.

<sup>79</sup> Gough Whitlam and Malcolm Fraser's letter to *The Australian*, 12 November 2007, ran under the headline "Ministerial Accountability Transcends Party Politics". Malcolm Fraser has published many of his recent articles and speeches in *Common Ground*, Camberwell, Victoria: Penguin Books Australia, 2003. Malcolm Fraser and I spoke about the comparisons between the Canadian and Australian Parliaments at a Vienna meeting of the InterAction Council in June 2007. Bob Hawke, Fraser's successor, published his memoirs in 1994 (*The Hawke Memoirs*, London: Heinemann, 1994). An engaging book on more recent Australian politics is by Bob Carr, *Thought Lines*. Camberwell, Victoria: Penguin Books Australia, 2002. Carr was Premier of New South Wales. Changes in the Australian Parliament are well-described in John Uhr, *Deliberative Democracy in Australia*. Cambridge: Cambridge University Press, 1998.

<sup>80</sup> Richard Crossman, *The Diaries of a Cabinet Minister: Volume 1*. London: Hamish Hamilton and Jonathan Cape, 1975, p. 628. Crossman later became Leader of the House of Commons from 1966-68, where he promoted a variety of reforms, of which nothing came. The significance of the Crossman Diaries is assessed by Vernon Bogdanor, "The Crossman Diaries." *Political Studies* 25:1 (1977): 110-121. Crossman dictated his diaries: his better-rounded prose is to be found in R.H.S. Crossman, *The Charm of Politics*. London: Hamish Hamilton, 1958.

Society for Parliamentary Government (whose executive members were interviewed for this report) has also released a study on the need to enhance parliamentary scrutiny.<sup>3</sup>

In the United States, too, there is doubt about the current workings of Congress. As in Canada, many worry about the impact of extreme partisanship. Thomas Mann and Norman Ornstein, two respected analysts who have long worked on Congressional reform, described their beloved institution in 2006 as “the broken branch.” “Over the past two decades”, they write, “we have grown more and more dismayed at the course of Congress ... we are not alone in our dismay. Each of us has had current and retired Members of Congress we respected as model legislators, both Republicans and democrats, who have told us that they barely recognize the House or Senate anymore”.<sup>81</sup>

One of the themes of this study is that, since the 1960s, changes to the Canadian Parliament have been unending. The Gothic structure of the Parliament buildings, with their carved gargoyles, may appear timeless, but within their walls, change is constant. Perhaps not enough, or not in the right direction, but Parliament has adopted a steady stream of innovation. So, too, have our sister democracies. In August 1969, for example, I began studying the Anti-Ballistic Missile debate within the United States and took my first research trip to Washington. The timing was propitious, as I witnessed the drama of Vice President Spiro Agnew casting the deciding vote against an amendment that would have killed the project. I witnessed a Congress still dominated by the great southern barons who ruled the various committees with iron fists. But change was on its way. The Watergate class of reformers appeared in 1974 and rebelled against the traditional seniority system. In the 1970s, the staff and committee structure of the Congress exploded. Congress became atomized. Allan Gotlieb’s *The Washington Diaries* contains wonderful anecdotes about the day-to-day life of an ambassador trying to cope within adverse power centres in Congress. “Some Congressmen behave”, Gotlieb wrote in 1982, “as if they are great satraps whose role it is to receive petitions from supplicants”.<sup>82</sup>

In the mid-1990s, the wheel of fortune spun again, resulting in the 1994 election of Newt Gingrich and his “Contract with America” Congress. The new Republican leadership controlled the Congress through the majority party, deciding in caucus (or by the Speaker alone) the substance and timing of legislation, with much less of the traditional give and take with the individual Members of Congress. Strong party government began to re-arrange the atoms. With this coalescence, partisanship in Washington also intensified. Robert Keefe, a former assistant to Democrat Senator Birch Bayh, recalls that, in the 1960s, he worked on a Constitutional

---

<sup>3</sup> See endnotes, p.130

<sup>81</sup> Thomas E. Mann and Norman J. Ornstein, *The Broken Branch: How Congress is Failing America and how to get it Back on Track*. New York: Oxford University Press, 2006, pp. x-xi. The literature on Congress is even greater than that on Parliament in the UK. A good starting point is Thomas E. Mann and Norman J. Ornstein, Eds., *The New Congress*. Washington: American Enterprise Institute for Public Policy Research, 1981. These two books serve as bookends for what has happened to Congress over the past generation. The tenth edition of Roger H. Davidson and Walter J. Oleszek, *Congress and its Members*. Washington: Congressional Quarterly Press, 2006, contains up-to-date statistics on the Congress as well as a useful history of the institution. Burdett A. Loomis, *The Contemporary Congress*, 2nd edition, New York: St. Martin’s Press, 1998, also contains many insights. Like Critchley’s wry description of his Parliamentary career in the United Kingdom, Sherrod Brown – then a Congressman, now a Senator – has written an engaging memoir on the life of a contemporary American legislator in Sherrod Brown, *Congress from the Inside*. Kent, Ohio: Kent State University Press, 1999.

<sup>82</sup> Allan Gotlieb, *The Washington Diaries, 1981-1989*. Toronto: McClelland & Stewart, 2006, p. 34.

Amendment for Bayh's sub-committee that was largely inspired by the earlier work of Senator Everett Dirksen, a Republican. That kind of bipartisanship is now rare, as the current Democratic majority in Congress is just as inclined as the Gingrich Republicans to attempt straight party votes.<sup>83</sup>

Changes in the Mother of Parliaments have been subtler than in the United States, but just as profound. Outwardly, Parliament seems very similar to the institution described by Crossman, but inwardly, the social characteristics of MPs have changed. British MPs have become far more professional and far more careerist. A new species has arrived in Britain, the professional Political Advisor. I remember R.H.S. Crossman producing gales of laughter in one of the Nuffield seminars by his descriptions of how senior British public servants reacted to party advisors. In a scene out of "Yes Minister", Crossman told of how the British Cabinet Office dealt with Marcia Williams, the main Political Advisor for Prime Minister Harold Wilson. On Wilson's first trip to Washington to meet Lyndon Johnson, he insisted on taking Williams, and the Cabinet Office obliged by putting her down officially as a maid to Mary Wilson. Ms. Williams subsequently was invited to all the tea parties, but none of the meetings with President Johnson.<sup>84</sup> At Oxford, in the lively seminars of L.J. Sharpe and David Butler, there was great interest in Pierre Trudeau's formal creation of the PMO in 1968, and I gave several presentations on the subject. In 1974, Harold Wilson finally broke the British mould by creating the Prime Minister's Policy Unit, staffed with partisan policy experts, but paid for by taxpayers (like Trudeau's PMO). The creation of the Policy Unit in the 1970s legitimized the use of partisan advisors within the British machinery of government — so much so that, by the time of Tony Blair, partisan appointees like Alistair Campbell have become better-known to the public than most Ministers.<sup>85</sup>

Parallel to this development of a new policy layer in British government has been a change in the kinds of men and women who become Members of Parliament. Many of the Labour MPs I met in the early 1970s were working class members of trade unions. The Conservative Parliamentary Party still had a significant number of "Knights from the Shire". Both have now been largely replaced by a professional political class that decides at a young age to run for Parliament, strives to become President of the Oxford or Cambridge Debating Union, then runs as an Alderman or County Councillor before seeking a "marginal seat", and then ultimately, the Valhalla of a safe seat, in order to make a lifetime career in Parliament. In *Honest Opportunism*, Peter Riddell, a political columnist for *The Times*, documented this change: "Instead of life in the Commons being an offshoot of social and economic positions outside, it is now the centre of their lives and ambitions. Most MPs of even moderate success, let alone those who reached the Cabinet, have committed themselves to politics in their youth, frequently in their teens".<sup>86</sup> Unlike their predecessors in generations past, many of whom were content simply to represent their area, this professional political cadre lives for advancement. Great Britain's Parliament is now dominated by careerists, and as they move up the ladder, positions as Research Assistant to a Member of

---

<sup>83</sup> Interview with Robert Keefe, Washington DC, November 2007.

<sup>84</sup> Marcia Williams, *Inside Number 10*. London: Weidenfeld & Nicholson, 1975, pp. 55-57, describes this incident in more genteel tones than Crossman at our seminar.

<sup>85</sup> See Andrew Rawnsley's book on New Labour: *Servants of the People*. London: Hamish Hamilton, 2000.

<sup>86</sup> Riddell, pp. x-xi.

Parliament or Political Advisor to a Minister become new rungs on the ladder of success. These rungs did not exist when I first began to study the British Parliament.

So, there are striking similarities between Canada's Parliament and other representative institutions. Change is a constant and so is angst about how these representative institutions are working. But there is a crucial difference between the four Legislatures described in this report, and that difference has a direct bearing on our recommendations. In the United States, the United Kingdom, and Australia, it is possible to plan for a lifetime career in the Legislature. In Canada, it is not. In the United States, for example, the evolution of the political and congressional system has greatly aided incumbency. In the US, since World War Two, 93% of the Members of the House of Representatives who have stood for re-election have succeeded and the Senate is not far behind, with 80% of its members returning to office.<sup>87</sup> In the United Kingdom, two-thirds of the 650 seats in Parliament are safely held by the major parties.<sup>88</sup> So, the most crucial contest for an aspiring MP in the United Kingdom is the first one — to get selected to a safe riding. In Australia, more than half of the Liberal-Country Coalition seats in 2004 were termed by the Australian Electoral Commission as “safe”.<sup>89</sup> In all three countries, a politician can realistically hope for a lifetime career as a legislator.

Not so in Canada. The volatility in Canadian elections has meant that Canada has one of the highest rates of legislator turnover in the world. This has always been the case. David E. Smith quotes Henry Boulton, a member of the Legislative Assembly of Upper Canada, remarking, in 1853 that “every new election changed the lower house about one half”,<sup>90</sup> and that percentage has not appreciably declined in the last 150 years. In elections from 1968-93, the average turnover rate was 45%, with the all-time high being in 1993, when 66% of the incoming Parliament were new members.<sup>91</sup> Since there are so few safe seats in Canada, C.E.S. Franks has observed that the length of time served in the Canadian House of Commons by our MPs is half that of a British MP or an American Congressman.<sup>92</sup> There is no need for term limits in Canada, since the voters take care of that requirement. As David C. Docherty notes in his 2005 book, *Legislatures*, “Parliament seems to do a better job of losing talent than it does retaining it”.<sup>93</sup>

The short-term nature of Canadian parliamentary careers has direct implications for the effectiveness of Parliament. The MPs who so impressed me in the 1960s — John Diefenbaker, Stanley Knowles, and Allan MacEachen — were among the few who had relatively “safe” seats, although they all experienced electoral defeats at one point in their careers. Their longevity in Parliament allowed them to acquire a tremendous knowledge of the institution. They had time to build up their knowledge of Parliament, but most Canadian MPs barely have the time to learn the

---

<sup>87</sup> Roger H. Davidson and Walter J. Oleszek, *Congress and its Members*. Washington: Congressional Quarterly Press, 2006, p. 611.

<sup>88</sup> Michael Rush, *Parliament Today*. Manchester: Manchester University Press, 2005, p. 96.

<sup>89</sup> Gerard Newman, “Statistics Section.” *Parliament of Australia: Parliamentary Library*, 29 November 2004, <http://www.aph.gov.au/LIBRARY/pubs/rn/2004-05/05rn25.htm>.

<sup>90</sup> Henry Boulton, quoted in David E. Smith, *The Canadian Senate in Bicameral Perspective*, Toronto: University of Toronto Press, 2003, p. 77.

<sup>91</sup> David C. Docherty, *Mr. Smith Goes to Ottawa: Life in the House of Commons*. Vancouver: University of British Columbia Press, p. 52.

<sup>92</sup> Franks, p. 73.

<sup>93</sup> Docherty, *Legislatures*, p. 63.

nuances of the House before they must face an electorate again — and many of them don't return. Therefore, it is even more critical in Canada than in other legislatures that we have expert long-term staff resources to assist every new intake of short-term Members of Parliament. And where we do have longevity and accumulated policy expertise among legislators — such as in the Canadian Senate — we should recognize it as being a priceless asset and perhaps be not so keen to throw it away.

## Preface Conclusion

The purpose of this preface is to give context to the Main Report and recommendations that follow. For nearly twenty years, national politics as played out in the cockpit of Parliament was a major part of my life, and the conclusions I draw about today's Parliament naturally reflect those early experiences. "Old men forget"<sup>94</sup> was the assertion of Duff Cooper, a British cabinet minister, and it is difficult to resist the temptation to extol the Parliaments of Diefenbaker, Pearson, Douglas, Trudeau and Broadbent, especially in comparison with what is on offer now.

A useful antidote to rosy-tinted spectacles, however, is to look at documents from the time. Here, a 1964 speech, by John Turner, is instructive. Turner went on to become a great parliamentarian and a future Prime Minister, but, in January 1964, he was not yet in Cabinet, and his assessment of the influence of backbench MPs was unforgiving:

*So this is your Member of Parliament: whipped by the discipline of the party machines; starved for information by the mandarin class; dwarfed by the Cabinet and by bigness, generally, in industry, labour, and communications; ignored in an age of summitry and leadership cult.*<sup>95</sup>

The ills described by John Turner in 1964 remain with us still. The task of parliamentary reformers has always been the same — to improve what you can, when you can, given the realities of the times. The analysis and recommendations, in the main body of the report that follows, attempt to address the areas outlined by Turner in 1964, and which continue to be problems today. Thus, party machines can be improved by giving them incentives to think; expert staff assigned to parliamentary committees can challenge the information hegemony of the bureaucracy; if committees had real power, their chairpersons need not be dwarfed by cabinet ministers, and if such influence could be attained, even the media might take notice.

In "Everything Old is New Again", after many years' absence, I have returned to the parliamentary file. After spending several months in the very enjoyable work of speaking to, and corresponding with, legislators on three continents, my final thought is that Anthony Trollope, the famous novelist who tried and failed to win election to Parliament in 1868, was right — it is no mean thing to have the initials MP after your name.

---

<sup>94</sup> Duff Cooper, *Old Men Forget*. London: Rupert Hart Davis, 1953.

<sup>95</sup> John N. Turner, *Politics of Purpose*. Toronto: McClelland & Stewart, 1968, p. 18.

## MAIN REPORT

### Introduction

*“Parliamentary reform is more than mechanics” – Eugene Forsey*

“Where were the Parliamentarians?” asked Justice Gomery in his 2006 report on the sponsorship scandal,<sup>96</sup> and with that question, the perennial issue of parliamentary reform has taken on new life. Prior to the 1960s, House Standing Orders (or rules) had changed little since 1867. But, starting in 1965, Parliament has undergone three great waves of change. Efficiency was the predominant goal of the structural changes to Parliament enacted by the Pearson and Trudeau Governments; shifting the balance back toward the individual Member of Parliament was the intent of the 1985-2003 reform agenda, highlighted by the Parliamentary election of the Speaker and Committee Chairs, instead of nomination by the Prime Minister, and with the sponsorship scandal, the Gomery Report and the Harper Government’s response to these developments with the 2006 Federal Accountability Act, accountability is now the major theme in efforts to improve Parliament’s performance. Rationales change, but the pace of change in Parliament’s procedures and organization continues unabated.

The Harper Government’s Action Plan on Accountability states as one of its major goals that “Parliament will be in a better position to hold government to account on behalf of Canadians”.<sup>97</sup> The government’s actual proposals in its centrepiece legislation are wide-ranging, from reducing the amount of allowable political contributions, to increasing the reporting requirements of lobbyists, to making Deputy Ministers accounting officers, to taking away the perk of political staff having an easy entry into the public service. The main provision directly affecting Parliament is the creation of a Parliamentary Budget Office (PBO) and the creation of new Agents of Parliament, such as the Commissioner of Lobbying. There may be some debate whether creating Agents of Parliament really strengthens the institution or, instead, merely offloads what used to be Parliamentary concerns to public officials.<sup>98</sup> But there can be little doubt that giving committees of Parliament access to expertise on economic issues and the ability to question the assumptions behind the projections of the estimates will strengthen the ability of MPs to scrutinize. Many of the recommendations that follow build on the same logic that led to the PBO.

One pillar of an accountability system is effective legislative oversight. To be effective, MPs need two things: timely and relevant information and the incentive to use it. J. Patrick Boyer, a former MP who has written extensively on accountability, asserts that “a parliamentarian’s effectiveness

---

<sup>96</sup> Canada, “Restoring Accountability: Recommendations,” p. 3.

<sup>97</sup> Government of Canada, *Federal Accountability Act* (2006, c. 9), <http://laws.justice.gc.ca/en/showtdm/cs/F-5.5>.

<sup>98</sup> See Paul Thomas, “The Emerging World of Accountability and Ethics.” Paper presented at the Canadian Study of Parliament Group Conference “Who Do You Trust?” Winnipeg, December 2006.

is directly proportional to the timeliness and quality of the information he or she possesses”.<sup>99</sup> The PBO will provide such specialized research and information to the individual MPs and Committees who use its services; no longer will Parliament have to rely solely on information provided by government departments. This report endorses the creation of a Parliamentary Budget Office and believes that its rationale – the availability of specialized expertise that parliamentarians can call upon – should apply to other critical areas like foreign, science, and health policy. Indeed, every Committee of Parliament could usefully employ such specialized expertise. The recent hearings of the Ethics Committee on Brian Mulroney’s past dealings with Karl Heinz Schreiber would certainly have benefited from the advice of legal counsel and forensic accountants. The Library of Parliament certainly has specialists in particular areas, and these analysts are also expected to work on a broad range of topics. One of the central propositions of this report is that the existing cadre of policy experts needs to be expanded. The Library also requires additional resources to employ outside expertise on certain subjects.

Once timely and relevant information is provided, the second condition for Parliamentary effectiveness is that MPs have an incentive to use it. Sean Conway, a former Ontario Minister and long-time member of the legislature, maintains that time is the single thing most lacking for MPs, not information.<sup>100</sup> Changing the incentive system so that MPs will make the time to intensify their work on Committees, rather than constituency service or party affairs, is another requirement that this report addresses.

The current accountability focus emphasizes the scrutiny function of Parliament. Yet, this is only one of Parliament’s many tasks. The classic formulation of Parliament’s five main duties was described in 1867 in *The English Constitution* by Walter Bagehot. Bagehot was preceded in his analysis by two titans of English philosophy, Edmund Burke and John Stuart Mill. The goals these three set for representative institutions are as relevant today as when they wrote.

## The Classical Tradition

Canada’s history of representative institutions begins in 1758, when Governor Lawrence summoned the First Representative Assembly in Nova Scotia. Prince Edward Island followed in 1773, then New Brunswick in 1784. When the British Parliament passed the Constitution Act of 1791, establishing legislative assemblies in Upper and Lower Canada, Governor Simcoe told the legislative assembly of Upper Canada in its first meeting that it was his intent to create in the colony “a perfect image and transcript” of the British Constitution.<sup>101</sup>

When Canada was created in 1867, it already had more than 100 years of experience with representative institutions starting in Nova Scotia. In 2008, Canada will be celebrating its 250<sup>th</sup>

---

<sup>99</sup> J. Patrick Boyer, “Can Parliamentarians Become Real Players?” *Canadian Parliamentary Review* 27:3 (2004).

<sup>100</sup> Interview with Sean Conway, June 2007.

<sup>101</sup> Quoted in Janet Ajzenstat, “Celebrating 1791: two hundred years of representative government.” *Canadian Parliamentary Review* 14:1 (1991). The influence of the British model in Canada’s political development is well-described in R. MacGregor Dawson, *The Government of Canada*, 5th ed., revised by Norman Ward. Toronto: University of Toronto Press, 1970, p. 3-19; and J. R. Mallory, *The Structure of Canadian Government*. Toronto: MacMillan, 1971, p. 1-31. In the 18<sup>th</sup> Century, British courts held that in a colony acquired by settlement, British subjects were assumed to have taken with them all English rights and laws compatible with local conditions.



year of enjoying popularly elected assemblies. We are sometimes described as a young country, but we have a mature political system.

Once established in the 18<sup>th</sup> Century, Canadian legislators quickly began making the same demands for representative and responsible government from their local governors as Edmund Burke and Charles James Fox had demanded from George III. In 1806, Pierre Bédard, a leader of the faction *Le Canadien* in the Lower Canada Assembly, called for the Governor to be responsive to the majority in the Assembly (and was jailed for his pains). In 1829, Dr. William Baldwin and his soon-to-be-famous son, Robert, submitted a memorandum to the Duke of Wellington, then Britain's Prime Minister, urging that responsible government be given a trial in Upper Canada.<sup>102</sup> Joseph Howe succinctly made the reformers case in 1839: "while the Governor is amenable to his Sovereign and the Members of the Assembly are controlled by their constituents, these men are not responsible at all".<sup>103</sup>

The great issue of responsible government was fought for, and finally achieved in, the first half of the nineteenth century in Canada. But more mundane (and still familiar) complaints were also raised. The Assemblies of Lower and Upper Canada made extensive use of committees — 58 were created by the Upper Canada Legislature in 1825. When the United Province of Canada, in 1841, abolished this committee structure, the Attorney General of the day argued that Ministers could accept special committees on contingencies, but that "important objects of trade and commerce should be submitted to [the ministers]." A backbencher, in response, made a charge that has been echoed from that day to this: "it is the intention of the Attorney General to monopolize the whole business of the House. If this was going to be the case, he was convinced that the system of responsible government would not work well".<sup>104</sup>

Few Canadians know or appreciate the early advocacy and sophistication of the arguments of the reform movement in British North America. The differing cases for representative government, responsible government, cabinet government, and party government were all made by Canadians not too long after these ideas first emerged in the United Kingdom. Given Canada's long history of representative institutions, it should come as no surprise that Canada was first in the British Empire to achieve responsible government, to combine federalism with the Westminster Parliamentary system, and to begin the evolution from colony to Commonwealth partner.<sup>105</sup>

As Canada's early parliamentary system was evolving, three British theorists articulated standards for parliamentary performance that set the foundation for the way we judge parliament today. Edmund Burke (1720-1797) argued that Parliament was the centrepiece of the British Constitution, and that Parliament, not the King, should control the Ministry. This "power of control was what kept ministers in awe of parliament, and parliament in reverence with the

---

<sup>102</sup> Arthur R. M. Lower, *Colony to Nation*. Toronto: McClelland & Stewart, 1977, p. 240.

<sup>103</sup> Joseph Howe, Letter to Lord John Russell, 18 September 1839, quoted in J. A. Chisholm, ed., *Speeches and Public Letters of Joseph Howe*. Halifax: The Chronicle Publishing Company, 1909, pp. 230-1.

<sup>104</sup> Mr. Durand, *Parliamentary Debates*, 1841, United Province of Ontario, pp. 144-15, quoted by Gary O'Brien, "The Impact of Senate Reform on the Functioning of Committees." *Canadian Parliamentary Review* 30:1 (2007).

<sup>105</sup> This perspective is well-argued by L.S. Amery, pp. 108-110. Amery stated in his 1947 lecture that "Canadian confederation may be regarded as the great turning point in opinion here as well as overseas as it was also the first positive step in the constitutional process which has led up to the Commonwealth" (p. 110).

people.”<sup>106</sup> Burke had much company in decrying the influence of George III, but he was one of the first to argue for the utility and legitimacy of party government. Given the priority of party in modern parliaments, Burke’s advocacy of party as an organizing device, rather than the traditional view that parliament should be an assembly of independents was prescient.

For Burke, “parties must ever exist in a free country,”<sup>107</sup> and he delivered the classic definition of party: “a body of men united by promoting for their joint endeavours the national interest upon some particular principle on which they are all agreed.”<sup>108</sup> Parties are informed by “great, leading general principles in government,”<sup>109</sup> and therefore, the role of a Member of Parliament is not to be a delegate bound to the opinions or instructions of constituents. In his famous 1774 Letter to the Electors of Bristol, Burke maintained that “your representative owes you, not his industry only, but his judgment: and he betrays, instead of serving you, if he sacrifices it to your opinion”.<sup>110</sup> Further, an MP, while advancing the interests of his riding, must remember the public interest as a whole:

*Parliament is not a Congress of ambassadors from different and hostile interests; which interests each must maintain, as an agent, and advocate, against other agents and advocates; but Parliament is a deliberative assembly of one nation, with one interest, that of the whole; where, not local purposes, not local prejudices, ought to guide, but the general good, resulting from the general reason of the whole. You choose a Member indeed: but when you have chosen him, he is not the Member for Bristol, but he is a Member of Parliament.*<sup>111</sup>

As a defender of parties, Burke worked assiduously to promote the Marquis of Rockingham, the leader of the Whigs. Burke’s party work was as much disdained in the eighteenth century as parties are attacked today. The poet Oliver Goldsmith, a friend of Burke’s, lamented:

*Here lies our good Edmund, whose genius was such  
We scarcely can praise it, or blame it, too much;  
Who, born for the Universe, narrow’d his mind;  
And to party gave up what was meant for mankind.*<sup>112</sup>

Burke’s advocacy of party government is based on the assumption that parties have thought about the principles on which the state should be based. He demanded that parties should reflect before they aspire to power. By that standard, Canadian parties are often deficient.

John Stuart Mill (1806-1873) argued that Burke’s 18<sup>th</sup> Century conception of Parliament was too limited for the liberal goal of enhancing the rights of all. Representative government should be popular government, with a wide franchise that would even include women. Educating that wide

---

<sup>106</sup> The ideas and influence of Burke is well-described in John Uhr, *Deliberative Democracy in Australia: The Changing Place of Parliament*. Cambridge: Cambridge University Press, 1988, pp. 58-82.

<sup>107</sup> *Ibid*, p. 63.

<sup>108</sup> Burke, quoted in F. P. Lock, *Edmund Burke Volume 1: 1730-1784*. Oxford: Clarendon Press, 1999, p. 284.

<sup>109</sup> Uhr, p. 63.

<sup>110</sup> Burke, quoted in Rush, p. 61.

<sup>111</sup> *Ibid*.

<sup>112</sup> Goldsmith, quoted in Fairlie, p. 18.

franchise, therefore, was a prime goal of any parliament: “The first element of good government ... is to promote the virtue and intelligence of the people themselves. The first question in respect to any political institutions is how far they tend to foster in the members of the community, the various desirable qualities, moral and intellectual”<sup>113</sup>— therefore Mill’s standard for the educative function of parliament is as demanding as Burke’s standard for parties. Based on this, how to better engage citizens and contribute to their civic literacy is a major theme of this report.

Mill’s essay “Representative Government”, along with his famous tract “On Liberty”, achieved intellectual ascendancy over the liberal England of the mid-nineteenth century. But it was an editor of *The Economist* (and a failed parliamentary candidate) who wrote the book, which remains, even today in the view of many, the best single introduction to the workings of British politics.<sup>114</sup> In a series of essays for *The Fortnightly*, later published as a book in 1867, Walter Bagehot (1826-1877) distinguished between the “dignified” formal authority of the monarchy in English government and the “efficient” exercise of real power. Bagehot concluded that “the dignified aspect of the House of Commons is altogether secondary to its efficient use”.<sup>115</sup> Bagehot defined five efficient uses of the House of Commons that set standards by which parliaments can still be judged.

According to Bagehot, the first function of Parliament is to make and unmake governments. Bagehot complained that this pre-eminent function was often ignored, and it is rarely mentioned today. But the starting point of the Westminster System is not government by Parliament, but government through Parliament. The efficiency by which Parliaments create and maintain governments and the effectiveness achieved by having Ministers drawn from the legislature is the essential characteristic of the Westminster System. This joining of the executive and legislative domains leads scholars like Sharon Sutherland to conclude that “the Westminster System of government provides a better basic design for government than the available alternatives”.<sup>116</sup> Because of our Westminster style of government and the party mechanics by which it is organized, the House of Commons passes between 65-75% of the government bills introduced.<sup>117</sup> Many believe that the Westminster system is a more efficient mechanism for the executive than the congressional one in terms of legislative productivity.<sup>118</sup> Robert Stanfield, for example, strongly defended the Westminster system in a speech to a conference on parliamentary reform in the late-1970s:

*It is better to have a government following a coherent programme and providing efficient government based on the views of even a substantial minority than it is to have a government floundering around ineffectively, trying to hold together an uneasy*

---

<sup>113</sup> John Stuart Mill, *Three Essays*. Oxford: Oxford University Press, 1975, p. 167.

<sup>114</sup> See R.H.S. Crossman’s introduction in Walter Bagehot, *English Constitution*. Ithaca, NY: Cornell University Press, 1966, p. 1.

<sup>115</sup> *Ibid.*, p. 150.

<sup>116</sup> Sharon Sutherland, “Does Westminster Government Have a Future in Federal Canada?” *I/OG Occasional Papers Series* (1996), [http://www.iog.ca/publications/1996\\_westminster\\_gov.pdf](http://www.iog.ca/publications/1996_westminster_gov.pdf).

<sup>117</sup> From April 2004 – March 2005, 84 government bills and 682 Private Member’s bills were introduced in the House of Commons: Government of Canada, “The House of Commons Report to Canadians 2005.”

<sup>118</sup> The US Congress passes 4-5% of the bills introduced by its members: 90% of bills introduced in the Congress are killed in its numerous committees, mostly by inaction. Brown, p. 53.

*and shifting coalition of groups of differing views and ideology, really pleasing no one and taking the country nowhere.*<sup>119</sup>

It is not just effective and active government that the Westminster System favours. It has also conceived the concept of a “loyal opposition” whereby the critiques of the opposition are a legitimate part of the process. Stanley Knowles, long-time Opposition member, made this point well when he said, “freedom always dies when criticism ends”. Knowles also established the basic point that every opposition retains the hope that it will become the government. He said: “the opposition should so conduct itself in Parliament as to persuade the people of the country that it could be an improvement on the government of the day. No one will deny that our system works best when there is a change of government at reasonable intervals”.<sup>120</sup>

The role of an opposition party, as Gerald Schmitz emphasizes, is “to check and prod, but ultimately, to replace the government party”.<sup>121</sup> In 1979, for example, encouraged by supporters of Pierre Trudeau, the parliamentary Liberal Opposition led the way in defeating the Conservative Government over its budget. This parliamentary defeat precipitated an election which led to a change in government – exactly the formula proposed by Stanley Knowles.

For Bagehot, Parliament has a second role which he described as “expressive”. Parliament represents public opinion, acting as a conduit for the views of the people and placing the government’s actions under intense scrutiny. The “efficiency” and “scrutiny” roles of Parliament are the yin and the yang of Parliamentary life: the government feels there is never enough Parliamentary time to get its legislation through, the opposition feels it never has enough time to give legislation the scrutiny it deserves. These two competing demands clash daily; but this clash enables Parliament to become, in theory at least, a “learning organization”. Sharon Sutherland argues:

*Responsible government builds heavily on a retrospective cycle of discussion, evaluation, argument and blame, so that parliamentarians have the opportunity to educate themselves about the outcomes of legislation and policies now in effect, as well as the quality of all ministers’ administrative leadership of their departments. This cycle of learning and discussion takes place formally, and on a daily basis, in the House of Commons, the heart of our representative institutions.*<sup>122</sup>

Hard-pressed ministers enduring a daily barrage may not think there is much learning going on, but a government that adapts, knows when to compromise, and knows when the opposition is onto a good thing is one that will learn how to have a longer lease on political life.

Bagehot’s third role was that Parliament “ought to teach the nation what it does not know”.<sup>123</sup> Parliament does all its work in public: in contrast, Cabinets meet in secret, bureaucrats behind

---

<sup>119</sup> Stanfield, p. 49.

<sup>120</sup> Stanley Knowles, as quoted in Gerald Schmitz, “The Opposition in a Parliamentary System.” *Library of Parliament* (December 1988), <http://www.parl.gc.ca/information/library/PRBpubs/bp47-e.htm>.

<sup>121</sup> Ibid.

<sup>122</sup> Sutherland, “Does Westminster Government Have a Future in Federal Canada?”

<sup>123</sup> Bagehot, p. 152.

closed doors. The public nature of Parliament gives it great potential to educate citizens. Yet, this function of public education is perhaps the least obtained result of Parliamentary practice. This is a deficiency which affects every Parliament: Douglas Hurd, former Foreign Secretary in Great Britain, has written “people simply do not take seriously the toy drums and tin whistles of ordinary party politics as practiced on the floor of the House”.<sup>124</sup> Whatever the problems elsewhere, one of the conclusions of this report is that Canada has the least-developed party apparatus for serious thinking of any of the countries we have surveyed, and this paucity shows on the floor of the Canadian House of Commons.

Fourth, Bagehot emphasized the role of Parliament in addressing citizens’ grievances. In Bagehot’s day, most Parliamentary business was private. Members presented petitions or introduced bills to improve public works in their home counties. As the scope of government exploded, so did the amount of time in Parliament allocated to government business. So much so that, by the 1960s, it was very rare for a Private Member’s bill ever to become law. But the redress of individual grievances still goes on, though it is now achieved through the provision of constituency services, rather than private legislation. Parliamentarians are now ombudsmen for their ridings. So much so that the constituency service role has become the activity that takes up the most time of the individual MP and the function that gives most Members the greatest satisfaction.<sup>125</sup>

The fifth role is the one most often associated with Parliament, and that is its legislative function. “The statute-book of every great nation yearly contains many important new laws”, Bagehot wrote, and therefore, legislation was “as important as the executive management of the whole State, or the political education given by Parliament to the whole nation”.<sup>126</sup> If today’s MPs feel that constituency service is their most rewarding function, their lack of ability to contribute to law-making is their most frustrating. Douglas Hogarth, a Liberal Member for New Westminster (1968-1972) who retired after only one term, said “what the Private Member gets as a lawmaker is a fast ride on a square-wheeled chariot”.<sup>127</sup> Bill Blaikie, Deputy Speaker of the House of Commons, believes that the legislative function can best be achieved in Committees: “I have always felt that there is much more room for common understanding and consensus in Parliament than the Canadian political and media culture permits at the moment. I have seen this spirit at work in committees over the years; while during the same time, I have seen it almost disappear entirely from Question Period”.<sup>128</sup>

Still, despite doubts about the individual impact of MPs, many have made an enormous legislative contribution. John Matheson, MP for Leeds, for example, began working on his idea of a new flag for Canada when he served as an opposition MP. When the Liberals returned to government in 1963, Prime Minister Pearson gave Matheson the job of choosing a design and achieving a committee consensus on the red maple leaf motif. Following the tumultuous flag

---

<sup>124</sup> Douglas Hurd, *An End to Promises*. London: Collins, 1979, p. 71.

<sup>125</sup> Docherty, *Mr. Smith goes to Ottawa*, pp. 121-123.

<sup>126</sup> Bagehot, p. 153.

<sup>127</sup> Hogarth, quoted in Aitken, p. 53.

<sup>128</sup> Blaikie, “On Being Deputy Speaker.” *Parliamentary Review* (Spring 2007). But Blaikie’s hopes for committees may have fallen prey to Parliament’s consistent partisanship.

debate of 1964-65, Pearson then asked Matheson to work on creating an honour system which eventually became the Order of Canada.<sup>129</sup> Few Ministers had as much impact as this Private Member.

Equally impressive was the career of Gerald Baldwin, MP for Peace River, Alberta. In 1958, Baldwin raised in the Conservative Caucus of John Diefenbaker the issue of thousands of government regulations being enacted daily without any Parliamentary oversight. He returned to the issue in 1964 as a Member of the Special Committee on Procedure. In 1968, now a House Leader of the Opposition, Baldwin used that position to persuade the government to create a Special Committee to review the issue of regulations. This led, in turn, to the creation of a joint Senate-House of Commons Standing Committee on Regulations and Statutory Instruments, which has the power to disallow excessive government rule-making. Baldwin then took up a crusade for freedom of information legislation: he proposed a Private Member's bill in 1969, took the issue to the Committee on Regulations and Statutory Instruments, and was finally rewarded in 1979, when the Clark government introduced freedom of information legislation. This government was defeated before the bill could be passed, but Pierre Trudeau was persuaded to overcome the fears of the bureaucracy and to commit his government on the initiative in the 1980 Speech from the Throne. In 1982, the Access to Information Act was passed and proclaimed on Canada Day, 1983. Like Matheson, Baldwin was a Private Member who first raised important ideas while in opposition, but had the satisfaction of seeing them adopted by the government of the day.

Bagehot's five roles of efficiency, scrutiny, education, constituency redress and service, and legislation give every Parliament more work to do than time allows. Different eras strike different balances: the Trudeau government placed most of its emphasis on efficiency, but it also initiated some creative attempts to involve MPs legislatively that deserve emulation, even today.

## The Trudeau Balance

Provoked by an opposition filibuster on his government's plan to reform parliamentary procedure, Pierre Trudeau made one of his least felicitous remarks: "They [the opposition] do not have to govern, they have only to talk ... when they get home, when they get out of Parliament, when they are 50 yards from Parliament Hill, they are no longer Honourable Members – they are just nobodies".<sup>130</sup>

This outburst was both inaccurate — many MPs believe they are nobodies within Parliament, but they are certainly some bodies within their ridings — and it has been used ever since to illustrate Trudeau's disdain for Parliament. Disdain, he had on occasion, but his government also innovated creatively in each of the five areas outlined by Bagehot. Trudeau enjoyed his jousts in Parliament

---

<sup>129</sup> See Thomas S. Axworthy, "The Order of Canada." *The Beaver* (Dec 07/Jan 08).

<sup>130</sup> Trudeau, quoted in Anthony Westell, *Paradox: Trudeau as Prime Minister*. Scarborough: Prentice Hall of Canada Ltd., 1972, p. 94.

and his participatory slogan in the 1968 election campaign (“Come work with me”<sup>131</sup>) also describes part of his parliamentary legacy.

**Efficiency:** Elected in 1965 as Parliament was still reeling from the impact of the year-long debate over Canada’s flag, Trudeau’s first Parliamentary priority was that something had to be done to speed up the flow of business. “Governments propose and oppositions dispose”, said John Diefenbaker. The Trudeau Government began by making permanent the committee system introduced by the Pearson Government and it made the passing of supply by the committees automatic after a fixed date (rather than being reviewed, as previously, in the Committee of the Whole House). In exchange for the new procedures on supply, the opposition were granted a number of days in the Parliamentary timetable where they could raise any issue. The major parliamentary battle of the Trudeau era, until the constitutional initiative in 1980, was the government’s proposal in its first year, to pass a time allocation mechanism so that debates could be managed and a final vote called in a reasonable period (reasonable from the point of view of the government). Standing Order 75-C was finally passed by the House of Commons, but not before the Trudeau Government had to invoke closure to win time allocation. From 1971-2000, motions to use 75-C have been introduced 163 times.<sup>132</sup> There can be little doubt that the enduring parliamentary legacy of the Trudeau era is imbedding the committee system and giving the government Standing Order 75-C for time allocation.

**Scrutiny:** In 1969, for the first time in a parliamentary system, the Canadian House of Commons allocated money to be spent on research assistance for Opposition Members. No money was initially provided for the government caucus, though after a year of complaints from the Liberal Caucus, the oversight was remedied. The Director of the Conservative Research Caucus wrote that “most governments can find more deserving people on whom to spend \$200,000 than their obvious political foes. The government of Prime Minister Pierre Elliott Trudeau was something of an exception”.<sup>133</sup> The year previous, in the 1968 election campaign, Trudeau spoke often about participatory democracy and mentioned that one of those components should be an informed opposition. In his first Throne Speech, the Prime Minister made good on the commitment. He told the house that:

*...the intent of this measure is to enable leaders of the opposition parties to avail themselves of some technical facilities, to resort to the services of economists, sociologists, jurists, and to alleviate their difficult duty in criticizing the government’s legislative measures. The intention is, of course, not that these funds be employed for political organization or narrow partisan purposes but that they be employed directly as an aid to parliamentary work.*<sup>134</sup>

---

<sup>131</sup> For an overview of the Trudeau Government’s record in Parliament, see Lorna Marsden, “The Party in Parliament.” In *Towards a Just Society*, edited by Thomas S. Axworthy and Pierre Elliott Trudeau, 306-325. Toronto: Penguin Books, 1990; and John Stewart, “Commons Procedure in the Trudeau Era.” In *The Canadian House of Commons*, edited by John C. Courtney, 21-42. Calgary: University of Calgary Press, 1985.

<sup>132</sup> See Yves Yvon J. Peltier, “Time Allocation in the House of Commons: Silencing Parliamentary Democracy or Effective Time Management?” *Institute of Governance* (November 2000), <http://www.iog.ca/publications/Time-allocationEN.pdf>.

<sup>133</sup> Edwin R. Black, “Opposition Research: Some Theories and Practice.” *Canadian Public Administration* (Spring 1972), p. 26.

<sup>134</sup> House of Commons Debates, 1968-69, p. 2791.

The budgets and criteria for funding of the partisan research bureaus are determined by the House of Commons Board of Internal Economy (twelve Members is the usual number necessary to be recognized as a party in the House of Commons). From the perspective of the opposition benches facing a government with thousands of public service advisers, the resources available for opposition research appear meagre. Roy Rempel was a defence expert hired by the Alliance Research Office in 1998. He was part of a team of six to ten researchers in total. In addition to himself, those working on defence matters were the Official Opposition Defence Critic, the Critic's personal assistant, and researchers from the Library of Parliament. But this number was still less than ten, compared to the eight thousand officers in the headquarters of the Department of National Defence.<sup>135</sup> Professor Douglas Bland from Queen's University confirmed Rempel's view that "Parliament does not provide much assistance to Members who might wish to become informed".<sup>136</sup> The result, writes Rempel, is that "the debates, if that's what they are meant to be, become a rehearsed repetition of positions".<sup>137</sup>

Originally budgeted at \$200,000 in the late-1960s, the Opposition Liberal Caucus Research Bureau today enjoys a budget of \$2.3 million; enough to employ 12 policy analysts, five translators, and a communications team. But this relatively small team has to respond to exactly the same pressures enumerated by the Conservative Research Director in 1972 – responding to individual Members in Question Period, serving caucus policy committees, and, in theory at least, thinking about long-range policy options. On the government side during Mr. Trudeau's time, the Liberal Caucus chose its own Director of its Research Bureau, and the PMO had no direct role. Warren Allmand, first elected in 1965, writes that this changed during Mr. Chrétien's tenure.<sup>138</sup> There are also fears that too many analysts are used for communication work rather than policy research. This should not be allowed. The object of the innovation, as Trudeau outlined in 1968, was to provide resources for parliamentary research, not another resource for the executive. This problem can be handled by having each research bureau make a detailed report to the Board of Internal Economy, which should insist that the bureaus report to the caucus executive.

**Education:** Educating the public and providing counterweights to the bureaucracy was a key component of Trudeau's conception of participatory democracy. One way was to fund, through the taxpayer, independently-run think-tanks, such as the Economic Council, the Science Council, the Canadian Centre for Peace and Security, and the Asia-Pacific Foundation. Other bodies, including the Law Reform Commission, also provided timely and useful reports. The Department of Finance, however, never liked competing with the Economic Council, and it eventually persuaded the Mulroney Government to do away with all the above, save the Asia-Pacific Foundation. With few private sector resources dedicated to public policy research, Canada has one of the least-developed public policy research infrastructures of any mature democracy.

The Senate of Canada, however, has helped to fill some of this public policy research gap. Starting in the mid-1960s, with the Senate Special Committee on Aging (SSCA), Chaired by

---

<sup>135</sup> Roy Rempel, *The Chatterbox*. Toronto: Dundurn Press, 2002, p. 184.

<sup>136</sup> Bland, quoted by Rempel, p. 12.

<sup>137</sup> Rempel, p. 114.

<sup>138</sup> Allmand, "Reflections on the Gomery Report." *Parliamentary Review* 29:3 (2006).



Senator David Croll and followed by his equally significant Senate Committee on Poverty, then joined by the Davey Committee on the Media, the Senate began a tradition of major studies, which has carried over into our day with the Kirby Committee on the health care system<sup>139</sup> and the recent Senate Foreign Affairs Committee Report on CIDA and Africa, Chaired by Senator Hugh Segal. “What the Canadian Upper House does, rather than for whom it speaks, is the major source of the Senate’s good report”, concludes David E. Smith — a view supported by virtually every serious scholar.<sup>140</sup>

Smith’s conclusion is important because when one has a negative view of Parliament, what springs to mind most readily is the shrillness of the daily Question Period in the House of Commons. But Parliament has two chambers, and they nicely complement each other. The Senate makes up for many of the weaknesses of the House: it is less partisan (though still organized in the party interest), Senators have longer tenure, and the Senate’s more leisurely pace allows it to get more value of the witnesses who testify before its committees. George Kennan, one of the great American public servants of the 20<sup>th</sup> century, proposed late in his life that what the US government needed most was an appointed Council of State, with long-term tenure, drawn from a variety of experts, and able to advise the American people on long-term trends. What Kennan advocated has many similarities with our Canadian Senate.<sup>141</sup>

Together, the two Chambers of Parliament do a much better job than they are given credit for: C.E.S. Franks’ assessment of Parliament in the late-1980s still applies today — it is “more in need of understanding than change”.<sup>142</sup> Understanding the policy and education contributions that the Senate makes to this partnership would contribute greatly to a much more balanced view of how Parliament is doing.

The question of Senate reform is the hearty perennial in Canadian politics. Many favour an elected Senate. But Benjamin Disraeli asked a pertinent question in 1835 — what would we gain if an elected upper house simply replicated all the weaknesses of the House of Commons? In *Vindications on the English Constitution*, Disraeli said:

*I cannot understand how an efficient Senate is to be secured by merely instituting another elective chamber, the members of which being the deputies of their constituents must either be the echo of the Lower House or, if returned by a different class, the delegates of an envious and hostile section of the community.*<sup>143</sup>

Mr. Trudeau, in contrast, made appointments that, if made in greater number, would meet the requirements of Kennan’s Council of State. Given the Liberal majority in the Senate, Trudeau offered to the opposition that they could nominate replacements for their party stalwarts who were reaching retirement age. Like all Prime Ministers, he was very conscious of party interest,

---

<sup>139</sup> For an analysis of the Kirby Report, see Howard Chodos and Jeffery J. MacLeod, “The Senate Committee Study on Canada’s Health Care System.” *Canadian Parliamentary Review* 26:1 (2003).

<sup>140</sup> David E. Smith, *The Canadian Senate in Bicameral Perspective*, p. 110.

<sup>141</sup> George F. Kennan, *Around the Cragged Hill*. New York: W.W. Norton and Company, 1993, pp. 232-249.

<sup>142</sup> Franks, *The Parliament of Canada*, p. 260.

<sup>143</sup> Disraeli, quoted in Amery, p. 59. *The Vindications*, written in 1835, was Disraeli’s first serious piece on politics.

but he also appointed Senators like Thérèse Casgrain, Jean Le Moyne, Eugene Forsey, and Michael Pitfield, who were accomplished leaders in their fields. Subsequent Prime Ministers also made meritorious, non-partisan appointments: Brian Mulroney appointed the world-renowned heart surgeon Dr. William Keon; Jean Chrétien appointed Laurier LaPierre, the noted broadcaster. There is no denying that some Senate appointments are made to reward partisan loyalty, but our Prime Ministers have shown that they can reach out to the wider community in the manner that George Kennan advocated.

One initiative not nearly as productive as appointing Eugene Forsey to the Senate was the decision to televise the House of Commons in 1977. This initiative has encouraged our politicians to perform in an exaggerated and unseemly fashion. Rather than debate, the quest is to find a 30-second clip that television will use, the more sensational and outrageous, the better. In addition to the delusion of their arguments, Members also try to create the illusion of a full house, with a handful of House attendees clustering behind a lone speaker. Peter Milliken, Speaker of the House, has also noted that “because proceedings are televised, Members like to push the limit in their choice of language”.<sup>144</sup> In 1977, Canada was a pioneer in this area; today, legislatures in over 80 countries permit some form of broadcasting, so the horse is out of the barn. But when developing democracies come to Canada to learn about our Parliamentary experience, we should be careful about advocating televised coverage. Educating Canadians was the goal in 1977, but the education has mostly resulted in Canadians being exposed daily to the worst of the party system. In the United Kingdom, surveys reveal that people who watch Parliament on television trust the institution less than those who do not; the same finding applies to C-SPAN viewers of Congress in the United States.<sup>145</sup> C-PAC, the Canadian parliamentary channel, recently placed ads in the Toronto Subway system advertising its coverage of Question Period. With tongue-in-cheek, the ads had the disclaimer “viewer discretion advised, may include scenes of bare knuckles and hardball.” These ads say it all.

**Constituency Service:** Canada was one of the first Westminster Parliaments to see the value in providing proper facilities for its Members. Starting in 1968, MPs went from shared offices and telephones and a joint secretarial pool, to separate office suites (not achieved in Great Britain until 2000) and a personal secretary. A second assistant was added in 1972, a full-time constituency office was supported in 1974 and in 1978, Members gained control over their own office budgets, allowing flexibility on staffing and contracting out research. Today, the annual allowance for a Member’s office and staff ranges from \$250,000 to nearly \$300,000, depending on the size of the riding. Most MPs employ a staff of four, divided between the Ottawa and riding office. Because of this major investment in MPs offices over the past generation, David Docherty concludes, in his assessment of legislatures that, “in terms of local responsiveness, Canadians are well-served. Members dedicate a great deal of their own time and effort to this function, as well as a large portion of their office resources”.<sup>146</sup>

---

<sup>144</sup> Peter Milliken, speaking in an international conference in Malaysia was quoted in Paul Gabriel, “Canada’s Parliament Speaker Doesn’t Fancy Live Telecasts”, *The Star* (Kuala Lumpur, Malaysia), 18 November 2007.

<sup>145</sup> Stephen Coleman, “New Media and Parliamentary Democracy.” In *The Future of Parliament*, edited by Philip Giddings. London: Palgrave MacMillan, 2005, p. 244.

<sup>146</sup> Docherty, *Legislatures*, p. 91.

According to C.E.S. Franks, members focus on three kinds of activities: 1) representing general constituency interests in Parliament and with the government; 2) meeting with constituents either at home or in Ottawa; 3) helping individual constituents in their problems with government.<sup>147</sup> In carrying out these tasks, members raise issues in caucus, write letters to officials, call ministers, ask questions, and work with other members from their city or province to gain support for local projects. Constituency service takes up more of a member's time than any other activity including attendance in the House or committee work. Because of the high priority members give to their ridings, while in session, parliament adjourns every fourth week to allow members to travel home. As Franks concludes, "the time that members devote to constituency matters is a function of their own desires and choices."<sup>148</sup> Since one of the themes of this report is on enhancing the legislative role of MPs, we recommend that increased staffing be directed towards the Library of Parliament, not individual MPs offices. More staff for MPs would end up as more staff for constituency service.

**Legislation:** As discussed, changes to the standing orders at the beginning of the Trudeau era have greatly enhanced the government's ability to secure supply (and consequently, reduced one of the great levers of the opposition). By the end of the Trudeau era, however, the desire of MPs to assert themselves more legislatively was being felt and the government adjusted. The Lefebvre Special Committee on Special Orders and Procedure, struck after the notorious bell-ringing episode, discussed many ideas to improve the influence of MPs. It recommended, for example, that MPs elect the Speaker. It also initiated the requirement that the government respond to House reports within a reasonable time, rather than ignoring them. The McGrath Report of 1985 to the Mulroney Government, which built on the earlier proceedings of Lefebvre, is regarded as the breakthrough moment when MPs began to insist on a better balance between the executive and the legislature. The McGrath committee changed the Standing Orders so that committees would have the power to initiate their own inquiries.

Two other legislative initiatives of the Trudeau Government deserve mention. The 2003 report "The Parliament We Want"<sup>149</sup> urges governments to use MPs "the earlier, the better". Many reformers suggest that Green Papers or draft legislation should be sent to committees before the government's position is set in stone. A very useful precedent for this type of initiative occurred in 1975. Robert Andras was one of the most able Ministers of the Trudeau era: in the mid-1970s, he grasped the nettle of immigration and produced, in 1976, a landmark act. Andras' strategy was to write a Green Paper, then use a parliamentary committee to involve the public and aim for consensus. Many Cabinet colleagues and officials had serious doubts about opening up the process to MPs (given the constituency pressures that many would face). Andras, however, tabled a Green Paper in early 1975 and a special joint Senate and House Committee on Immigration subsequently held fifty meetings in twenty-one cities and received fourteen-hundred briefs. The Committee's report, in turn, was almost entirely reproduced in the 1976 act, which broke new ground on family reunification and refugee policy. If a Green Paper process can work in

---

<sup>147</sup> C.E.S. Franks, "Members and Constituency Roles in the Canadian Federal System," p. 28.

<sup>148</sup> Ibid, p. 42.

<sup>149</sup> "The Parliament We Want: Parliamentarians' Views on Parliamentary Reform." *Library of Parliament* (December 2003), <http://www.parl.gc.ca/information/library/views/parliamentviews-e.htm>.

immigration, one of the most complex and contentious policy areas, it could be applied to almost any policy file.

The Green Paper policy route involves considerable government preparation and forethought before the options are outlined. Andras, for example, knew where he wanted to end up on immigration, and the committee process helped him to get there. In 1980, however, the Trudeau government experimented with a device where it had no set views. After negotiating with the opposition parties, six parliamentary task forces were established on issues like government regulation, alternative energy supplies, the North-South development relationship, the utility of a national trading corporation, employment opportunities, and programs for the disabled and handicapped. Composed of seven members, the task forces were given the power to hire supplementary staff, travel inside or outside of Canada, and to make public interim or final reports, even if the House was not sitting. Some of the research money for the task forces was also allocated for the researchers of the opposition members, thereby helping to create a collegial relationship. The task forces were not to undertake extensive new research, but instead they were action-oriented, with a goal to synthesize existing public sources.

The North-South Task Force, for example, Chaired by Herb Breau, MP for Gloucester, New Brunswick, brought together MPs with development experience from all parties (for example, Douglas Roche from the Conservatives, Fr. Bob Ogle from the NDP, and Maurice Dupras from the Liberals). The task force held 55 meetings, decisions were arrived at through consensus, and the 17 December 1980 final report was unanimous.<sup>150</sup> At a time when North-South issues were far down the list of most Canadian priorities, the task force was important in demonstrating an all-party commitment to the subject. Further, Pierre Trudeau was Chair of the Cancun North-South Summit in October 1981, and the 1980 parliamentary report focused the foreign policy policymakers a year before this important event.

The Task Force on the Disabled and the Handicapped, Chaired by MP David Smith, produced one-hundred-thirty recommendations in its 1981 report “Obstacles”, ranging from better access to Parliament Hill to the necessity for Statistics Canada to collect data on the disabled. More critically, the Members of the task force played a key role within their parties to lobby for the rights of the disabled to be included in the Charter of Rights and Freedoms.

The Special Committee on the Disabled and the Handicapped (originally announced as task forces, they formally became Special Committees of the House) had Conservative members such as Walter Dinsdale and Bruce Halliday (who continued to work actively on issues for the disabled through subsequent Parliaments) and Thérèse Killens from the Liberals. Its mandate was to evaluate existing government programs and to suggest improvements. The Committee held briefing sections with 17 government departments, and then divided into two subcommittees to travel to 18 cities to hear witnesses. The total staff attached to the Committee was twenty-three — one reason that its final report was so comprehensive (and a useful benchmark for comparison to the one or two Library of Parliament researchers usually assigned to committees today). The declaration of 1981 as the International Year of Disabled Persons, and the “*Obstacles*” report

---

<sup>150</sup> For further exploration, see Norah Lever, Barbara Plant Reynolds, and Philip Rosen, “The Parliamentary Task Forces: Committees of the Future?” *Canadian Parliamentary Review* (1981), <http://www.parl.gc.ca/Infoparl/english/issue.htm?param=96&art=399>.

released that same year, became major contributions to the international community's discussion of the issue. The House of Commons subsequently created a Standing Committee on Human Rights and the Status of Disabled Persons to continue work on the agenda that "*Obstacles*" had set forth.

As the Special Committee was meeting on its particular topic, Parliament as a whole was consumed by the great constitutional debate. The Trudeau Government had decided to go to London to repatriate the Constitution and entrench a Charter of Rights and Freedoms. Demonstrating that non-partisan compromise was possible, even in the midst of such a galvanizing debate, the Progressive Conservative Members of the Special Committee on the Disabled and the Handicapped agreed that, if there should be an entrenched Charter (which they did not necessarily support), then it should protect Canadians with disabilities. The initial draft of the Charter did not contain any such protection but the government announced that it was willing to accept amendments. All the Members of the Special Committee went to work within their parties. Jean Chrétien eventually announced to the Special Joint Parliamentary Committee of the Senate and the House of Commons on the Constitution of Canada that equality of rights with persons of disabilities would be specifically enumerated (not only for people with physical disabilities, but those with mental disabilities as well). The Parliamentary task force experiment shows that parliamentarians can work together quickly and competently on issues that are not yet part of the partisan divide, especially if they have expert staff assistance. Every standing committee could have three or four similar probes, and there is no reason why such subcommittees could not be chaired by Members of the Opposition.

Robert Marleau, a former clerk of the House of Commons, in writing about how parliamentary committees in the future might promote policy development, also referred back to the Task Force experiment. He wrote: "we will also see, I believe, a return to some of the concepts that were experimented with in the early 1980s federally. Small mini-task forces will be charged to go out there on a specific subject matter, and then the government of the day will be affected by these initiatives."<sup>151</sup>

The pressure by Members on the Task Force for the Disabled during the constitutional debate was only one of the many parliamentary influences on that turning point of Canadian history. Parliament's impact was in each of the areas enumerated by Bagehot: the government eventually got its way (efficiency), but not before Parliament had slowed down the process (scrutiny), substantially altered the draft of the Charter (legislation), informed Canadians about why our Charter was desirable (education), and Canadian groups and individuals from many ridings submitted briefs and held local meetings (constituency participation).

Parliament's impact on the constitutional settlement of 1981 to 1982 went through four phases. First, in February 1980, Pierre Trudeau won a majority. But he had few MPs from western Canada. Knowing the magnitude of the constitutional and energy policies he planned to introduce, Trudeau asked Ed Broadbent, the leader of the NDP, to join his government in a coalition. Because he knew the likelihood of the parliamentary and public storms ahead, Trudeau

---

<sup>151</sup> Robert Marleau, "Future of Parliamentary Committees." *Canadian Parliamentary Review* 23:3 (2000).

acted on the precautionary principle, as if he were in a minority. Broadbent's party was offered several seats at the cabinet table, but it ultimately declined the honour.<sup>152</sup> Yet, the seeds were sown for what was essentially a de facto Liberal-NDP parliamentary partnership between 1980-1984. Trudeau's offer of a coalition should not be forgotten as a precedent as Canada copes with the problems and opportunities in electing a parliamentary house of minorities.

Next, caucus played a deciding role in persuading the Prime Minister and Cabinet to go to Britain for an entrenched Charter, despite the opposition of most of the provinces. When Pierre Trudeau attended the Special Liberal Caucus on 17 September 1980, he knew that some Members of his Cabinet doubted the wisdom of the unilateral strategy. But the caucus was bullish: Hazen Argue, a Senator from Saskatchewan, galvanized the caucus by saying that if the government was going to risk all, it should do so for a first class Charter. Quebec MPs chimed in: "*allons-y-Cadillac*". "To go Cadillac", Trudeau summed up; "I understand this caucus wants to go with the full package, all the way down the line".<sup>153</sup> This "full package" was then vastly improved by a Special Joint Committee on the Constitution Chaired by Serge Joyal, MP, and Senator Harry Hays. The 25 Senators and MPs who made up the Committee in the fall of 1980 were petitioned by 914 individuals and 294 groups. Members of the three parties on the Committee put forward 123 amendments (including disability rights). The Conservative Opposition, while decrying the imposition of the Charter, still proposed twenty-two amendments, of which seven were eventually accepted by the government. In fact, more than half of the amendments put forward by the Committee were accepted by the Trudeau Government. By the time this committee process was over, public opinion had been moved and it was now a peoples' Charter.

Then, in March 1981, the opposition made its stand: the Conservatives raised questions of order, motions of privilege, and other filibustering tactics, demanding that no final vote on the Constitution be held until the Supreme Court decided on its legality. In April 1981, the government was forced to agree. The Constitutional express was stalled until the fall of 1981. The Supreme Court then ruled in September that the Constitution was legal, but contrary to convention. Trudeau agreed to meet the Premiers one last time. In November 1981, a deal was struck: the Constitution would be patriated, but with a very different amending formula and Charter than the Trudeau Government's first draft in the fall of 1980. "Obstruction", Eugene Forsey has written, "is generally considered a very nasty word", but "I think it's one of the reserve powers in our Constitution."<sup>154</sup> C.E.S. Franks agrees on the Constitution, that "a reasonably successful conclusion was finally won, in no small way due to the delays caused by Tory intransigence."<sup>155</sup>

Parliaments can rise to a great occasion. The Parliament of 1980-81 did so. The Liberal Caucus, supported by the NDP Caucus, gave a dramatic push to the constitutional enterprise.

---

<sup>152</sup> See Jan Wong, "A Salute to Mr. Decent." *The Globe and Mail*, 3 January 2006. In this story, Broadbent confirms Trudeau's offer.

<sup>153</sup> Robert Sheppard and Michael Valpy have an accurate account of this meeting in Robert Sheppard and Michael Valpy, *The National Deal: The Fight for a Canadian Constitution*. Toronto: Fleet Books, 1982, pp. 65-66.

<sup>154</sup> Eugene Forsey, "Parliamentary Reform is more than Mechanics." In *The Canadian House of Commons: Essays in Honour of Norman Ward*, edited by John C. Courtney. Calgary: University of Calgary Press, 1985, p. 197.

<sup>155</sup> C.E.S. Franks, "The Problem of Debate in Question Period." In *The Canadian House of Commons: Essays in Honour of Norman Ward*, edited by John C. Courtney, 1-19. Calgary: University of Calgary Press, 1985, p. 7.

Parliamentarians from all three parties then improved the fundamental law of the land and educated Canadians in the process. The opposition then used its powers of delay to slow down the government, which, in turn, led to a more widely-accepted constitutional settlement. The Charter of Rights and Freedoms is every bit as much Parliament's achievement as it is of the First Ministers who negotiated it.

## The Parliament We Want

Parliamentarians today still struggle with the same issues as the parliamentarians of past eras. Efficiency was the main goal of the Trudeau period, and independent roles for MPs pre-occupied the Parliaments of Brian Mulroney and Jean Chrétien. The mission of the 1985 McGrath Report was "to restore to Private Members an effective leadership function". To that end, McGrath recommended that committees have independent budgets to hire specialized staff (as the parliamentary task forces did in 1980). In September 1986, following the recommendations of the Lefebvre and McGrath committees, Parliament began electing the Speaker,<sup>156</sup> and this precedent, in turn, later led to the election of the Chairs of standing committees. In 1994, Finance Minister Paul Martin finally broke with the hoary tradition of budget secrecy by inviting the Commons Finance Committee to hold public pre-budget consultations. Ten years later, as Prime Minister, Martin again launched important initiatives on parliamentary reform by introducing a package that organized parliamentary votes into "three-line" Whips so that there would be a clear distinction between measures which meant non-confidence in the government and other votes of lesser import.<sup>157</sup> [for a summary of the recent history of parliamentary reform see Appendix 11]

This shift toward the role of Private Members has been further endorsed in an important report on "The Parliament We Want" in December 2003, authored by the Library of Parliament, directed by Carolyn Bennett, MP, Deborah Grey, MP, and Senator Yves Morin. This report has credibility and weight because it is based on a wide-ranging consultation with a large number of current and former MPs. The Parliamentary Centre also organized a Forum on Parliamentary Reform in 2003<sup>158</sup> that contains similar themes to the Library of Parliament's report.

"*The Parliament We Want*" report made critiques that are also found in most past studies. It noted that the House of Commons had lost its "forum" quality and was no longer the place in which meaningful debate occurred; Parliament had lost its ability to scrutinize government activity, especially the link between spending and performance. All of this had been said by parliamentarians a generation ago.

But where the report did break new ground was in situating the issue of parliamentary reform within the broader context of citizen engagement and democracy. "As one parliamentarian put it",

---

<sup>156</sup> See Gary Levy, "A Night to Remember: The first election of a Speaker by secret ballot." *Canadian Parliamentary Review* 9:14 (1986).

<sup>157</sup> The Whip designation has long been part of British practice. A "three-line" Whip informs Members supporting the government that they are expected to vote with their party (on the budget, etc.). A "two-line" Whip denotes that the government would like Members to vote with the party, but will consider valid grounds for abstention or opposition. A "one-line" Whip indicates Cabinet has agreed to the measure, but will leave it to the personal judgment of Members on how they vote. A "no-Whip" measure is a free vote.

<sup>158</sup> Parliamentary Centre, "Harmonizing Party Interests with a Productive Role for Private Members." *Forum on Parliamentary Reform* (May 2003), [http://www.parlcent.ca/publications/pdf/reform\\_e.pdf](http://www.parlcent.ca/publications/pdf/reform_e.pdf).

the report said, “parliamentary reform can, and perhaps should, be seen as a way to buttress democracy between elections”. In answering the question of what Parliament should look like in the 21<sup>st</sup> century, the report began with an assessment of citizens’ expectations. The report found that:

- Citizens expect a greater voice and inclusion in public deliberation, especially on normative questions. But the public is currently underwhelmed by the existing regime of consultation and engagement;
- Citizens do not want to provide dictates to parliamentarians. Instead, they want to provide advice. They do not expect their advice to be taken at all times, rather, they want to be told how their advice was used. Feedback is critically important to any consultation exercise.<sup>159</sup>

Responding to changing public demands is not new to Parliament. Hansard was once a radical innovation, resisted by the British Parliament. Finally, in 1803, the House of Commons gave the press access to the public gallery and William Cobbett began reporting on parliamentary debates. In 1812, that publication was taken over by T.C. Hansard. Parliament eventually granted Hansard a sum for shorthand assistance. With press coverage of debates won in the 19<sup>th</sup> century, in the 20<sup>th</sup> century, parliamentarians began traveling the country, receiving briefs. And, on an individual basis, parliamentarians constantly meet with their constituents. Town hall meetings and community get-togethers also fill the schedule of every MP, one reason the job is so punishing. But despite all these efforts, the 2003 report concludes that something is lacking and that more creativity is needed to engage citizens.

To achieve the goal that Parliament should once again become a national forum for debates, the Prime Minister need only participate more actively in the House. Question Period is one thing, a Prime Ministerial contribution to a debate, another. Ministers should also make major announcements in the House, rather than in media conferences. Take-note debates are another good idea. Currently, a Minister must submit a motion urging that the Commons, “take note” of important issues. Such debates are topical and give private Members the opportunity to exchange opinions. Take-note debates should become a regular part of House business, with each recognized party initiating three such debates during each Parliamentary session.

“*The Parliament We Want*” report is also illuminating about the impact of the information age on representative democracy. The Members report it is not that information is lacking, for “the deluge of information coming from all sides, the complexity of departmental performance reporting of estimates and estimates processes and the lack of time all conspire to reduce Parliament’s scrutiny function to a few partisan skirmishes on largely symbolic matters”.<sup>160</sup> Already, in the 1970s, Robert Stanfield spoke of parliamentary overload, but today, MPs must deal with a 24-hour news cycle, e-mail, and the internet. Parliamentarians admit in the report that “they are simply overwhelmed ... There are too many expenditures, too many reports, and too

---

<sup>159</sup> Library of Parliament, “The Parliament We Want.”

<sup>160</sup> Ibid.



many departmental programs to review for some four hundred individuals in the House of Commons and the Senate to oversee effectively".<sup>161</sup>

To play their crucial role in accountability, parliamentarians must be able to discover who is responsible to whom, for what. Timely and relevant information is a prerequisite, and while Parliament certainly has an abundance of timely information, its relevance to the needs of parliamentarians is another matter. What is needed is a system to link spending to performance, the estimates, departmental performance reports, and the reports of the Auditor General. Parliamentarians need data from the various departments to be consolidated in broad functions, like science or the needs of children. This report recommends not only increased expert assistance, but differing kinds of advice as well: there should be a Parliamentary Advisor on broad, cross-cutting issues, such as science and the environment. The Liaison Committees of the House and the Senate (made up of the Chairs of the various standing committees) should meet and recommend to the Library what type or specialized advice is required and in what areas.

At present, the Library of Parliament is under-resourced to carry out the expanded role recommended in this report. The Library has professionals who have a considerable degree of specialization and capacity in given fields. And it does create multi-disciplinary teams to address certain committee studies. But the Library is stretched to provide prospective studies and in-depth expert overviews on potentially controversial issues or emerging problems that require intensive and concerted effort. The Library has recently published a new *InfoSeries* on Afghanistan, which is an example of the work it could do if it had more resources. In short, the capacity of the Library has to be strengthened to allow it to provide more ongoing services to individual committees and parliamentarians. It also needs additional resources to engage specialised experts as required for major studies or particularly complex pieces of legislation.

The Liaison Committees of the House of Commons and the Senate (made up of the Chairs of the standing committees) should assess and respond to the specialized research needs of every committee. Committees such as Public Accounts or Ethics require the services of counsel and forensic accounting. "The Parliament We Want" report identified the need for senior researchers able to integrate knowledge in functional areas like science or children. Every committee of Parliament should have a core of four or five researchers who are expert in their subject areas. For major reports or urgent priorities, the Library of Parliament requires resources to hire whatever outside assistance is needed. As the Library of Parliament continues to expand its research capacity, it should be possible to arrange exchanges with government departments, so that parliamentary researchers will have the experience of working within the executive and public officials will come to know the workings of Parliament. The Library of Parliament should also examine the possible use of exchanges with the private sector.

Necessary too is a review of the statutory foundation of the Library of Parliament. The first Library of Parliament Act was given Royal assent in 1871. Today the statutory provisions for the Library are contained in sections 73-79 of The Parliament of Canada Act. The functions of the Library described in section 73 are still those of 1871: "All books, paintings and other articles that

---

<sup>161</sup> Ibid.

are the joint possession of the Senate and the House of Commons ... shall be kept in a suitable portion of the Parliament Buildings." The Library has obviously grown well beyond these duties and the recommendations of this report would require further expansion. The Library's legislative mandate should be reviewed by the Standing Joint Committee on the Library of Parliament in light of the Library's evolving circumstances. As part of this review, the joint committee should also look at its own mandate and perhaps bring in amendments to the standing orders that would make it more of a management body, like the House of Commons Board of Internal Economy.

Parliamentarians need help with the estimates. The new Parliamentary Budget Office, in addition to its main task of helping parliamentarians to understand the economic assumptions behind the government's fiscal plan, should also take on the specific task of looking at the estimates from the perspective of parliamentarians. The question should be how should financial information be presented so a parliamentarian can fulfill the job of oversight? Working with the departments and the Auditor General, the PBO should work on developing a new simplified version of the estimates linked to performance and horizontal objectives. Information needs to be synthesized in a form that parliamentarians and the public can easily understand.

The new position of a Parliamentary Budget Office within the Library of Parliament has also raised important issues of the executive trying to control parliamentary institutions through stealth. In December 2006, soon after Parliament had approved the creation of a Parliamentary Budget Office, the Librarian of Parliament forwarded a job description for this position to the Privy Council Office. The Privy Council Office took its time in approving the job classification and in July 2007, the Library received word that the classification would be roughly equivalent to an EX-3 or Director General level in the public service. My view is that such an important post should be equivalent to an Assistant Deputy Minister. By having the Privy Council Office determine the job classification of offices that report to Parliament, the Executive can determine who, in general, will apply for the post. John McKay, a member on the House of Commons Standing Committee on Finance was quick to draw the implications of the PCO's less-than-robust support of the new parliamentary institution. Mr. McKay said, "I can see Finance's sticky little paws all over this. They do not want to have any entity — particularly not an entity from Parliament — disputing what their numbers might be for budgetary purposes."<sup>162</sup> Parliament should determine the job classification of its main officers, not the Privy Council Office. As C.E.S. Franks argues,

*[t]he question of who appoints, sets salaries for, and reviews the performance of these senior staff of the legislature have received little attention in Canada. These procedures are, however, crucial to the autonomy and independence of the legislature.*<sup>163</sup>

The PCO attempt to hobble the new Parliamentary Budget Office raises the related issue about the relationship of Agents of Parliament, like the Human Rights Commission and the Privacy Commissioner of Canada, with the executive. The House of Commons controls its own budget,

---

<sup>162</sup> Standing Committee on Finance, 'Evidence', Rob Merrifield (Chair), no. 024, 2<sup>nd</sup> Session, 39<sup>th</sup> Parliament, 13 February 2008, p. 6.

<sup>163</sup> C. E. S. Franks, "Quis custodiet ipsos Custodes? The Contribution of Newfoundland and Labrador to the Reform of Management of Canadian Legislatures." Review Essay (forthcoming).

approved first by the Board of Internal Economy, and then submitted to the Treasury Board. The Ethics Commissioners of the House of Commons and the Senate are also part of the parliamentary estimates. But as Franks points out, “Parliament’s control of the budgets of other Agents is less firm.”<sup>164</sup> The estimates of other Agents of Parliament are scattered throughout the executive — the Human Rights Commission and the Privacy Commission, for example are part of the estimates of the Department of Justice. In 2003, the Auditor General found several problems in the operations of the Privacy Commission. Franks rightly argues that “if an agency of Parliament is to be truly Parliament’s agent and not the executive, then Parliament should be responsible for its budget.”<sup>165</sup>

Another accountability anomaly is that the Clerk of the House of Commons is not the designated accounting officer for that institution. Following the recommendations of the Gomery Report, the accounting officer concept became a centrepiece of the Federal Accountability Act. Parliament’s operations are vast, with expenditures of over \$500 million. The chief administrative and procedural officers of the legislature — the Clerk, Deputy Clerk, Law Clerk, and Sergeant of Arms, and their counterparts in the Senate have a large and difficult institution to manage. The British initiated the concept of an accounting officer<sup>166</sup> and the Clerk of the British House of Commons has long been the accounting officer for the expenditures of the House. Recent legislation has made the Clerk of the Newfoundland and Labrador House of Assembly its accounting officer. The clerks of the House and Senate should be so designated in Canada.

The Parliament of Canada could also usefully learn from the British and Newfoundland experience on the need for transparency for MPs expenses. Scandal in Newfoundland on members’ constituency allowances led to the appointment of the Green Committee of Inquiry, and British MPs have also been exposed for making fraudulent, or at least suspect, claims. This report recommends greater transparency for the operations of the partisan research bureaus funded by Parliament. We also need greater transparency on how MPs use their grants for their offices. Alberta and Quebec apply their Access of Information legislation to the legislature, but generally, as C.E.S. Franks writes, “Canada’s record on these scores, both at the provincial and federal level, has not been impressive.”<sup>167</sup> Parliament should initiate greater transparency beyond the limited information on members’ expenses that it now provides.

Many of the recommendations of this report deal with the Library of Parliament, but the clerks of the committees are as essential to the good functioning of the committee system. A successful committee starts with a close relationship between the chair, the clerk and the research analyst assigned by the Library of Parliament. “Unquestionably, the biggest challenge,” Robert Marleau writes, “is to serve the chair well, but equally, a clerk must serve all committee members.”<sup>168</sup> If

---

<sup>164</sup> Ibid.

<sup>165</sup> Ibid.

<sup>166</sup> For a detailed discussion of the accounting officer approach, see C.E.S Franks, “The Respective Responsibilities and Accountabilities of Ministers and Public Servants: A Study of the British Accounting Officer System and its Relevance for Canada.” In Commission of Inquiry into the Sponsorship Program and related Activities (The Gomery Commission), *Restoring Accountability: Research Studies*, vol. 3., pp. 157-230.

<sup>167</sup> Franks, “*Quis custodiet ipsos Custodes.*”

<sup>168</sup> Marleau, “Future of Parliamentary Committees.”

Parliament implemented the recommendations of this report, that committees use enhanced citizen engagement techniques, the clerks would have an indispensable role.

An enhanced role for parliamentary committees also requires more rooms in which committees can meet. These rooms should be well-appointed and technologically proficient committee rooms. Currently, the House of Commons does not have enough committee rooms for even half of the Standing House Committees to sit simultaneously. The Senate has enough rooms for half of its committees to meet simultaneously. In each place, there are often disputes between committee chairs over room allocation, especially those outfitted for television. There should be enough space for two-thirds of the Senate Committees and three-quarters of the House Committees to sit simultaneously.

The 2003 report also recommended that a new bargain be struck between Parliament and the public service. Each has a vital role to play in ensuring that government is effective and accountable, though there is often mutual incomprehension between the two groups.<sup>169</sup> Parliament's relationship with the public service, highlighted in the 2003 report, is even more important today, with the initiative of the Harper government to designate Deputy Ministers as accounting officers. The United Kingdom has long made permanent secretaries accountable for the administration of their departments, but, until now, this has always been resisted in Canada. Recommended by the Gomery Commission, the Harper Government should be applauded for taking this step. But how this relationship unfolds may be problematic. Members of Parliament need to have their questions answered. But they also have a responsibility not to play politics with the reputations of public servants who cannot defend themselves. Parliamentarians have legal immunity, as long as charges are made within the walls of Parliament. Officials, foremost, serve their Ministers and prefer anonymity to parliamentary publicity. Another problem is that Ministers and their staffs too often shirk their personal responsibilities for problems and attempt to offload them on the officials who have given them advice. Opposition MPs also cry for Ministerial resignations at the drop of a hat. In short, there is very little mutual understanding of what accountability means.

We need a code of accountability that defines the concept clearly and outlines the accountability chain of official, Minister, and Parliament. A task force composed of respected figures should be asked to develop such a code, and a Parliamentary Resolution should endorse its standards.

Citizen engagement was the second major theme raised by the report. MPs should have the tools to become “knowledge brokers”, consulting and listening to citizens, then using that knowledge to scrutinize and contribute to public policy development. Bagehot described this as the “expressive function”. He said it is the office of the House of Commons to “express the mind of

---

<sup>169</sup> A report prepared by Nancy Averill and Alison Weyland, “Bridging Two Solitudes: A Discussion Paper on Federal Government-Industry Relations.” *The Public Policy Forum* (2000), [http://www.ppforum.ca/common/assets/publications/en/ow\\_e\\_01\\_25\\_2001.pdf](http://www.ppforum.ca/common/assets/publications/en/ow_e_01_25_2001.pdf), shows how little members of the public service thought of the influence of parliamentarians. In ranking various institutions on their influence in Ottawa's decision-making, only 1% of public servants believed the Senate to be influential, and 7% thought Members of the House of Commons had sway (compared to 81% who listed Deputy Ministers and 76%, the PMO). However, this survey was taken before the Public Accounts Committee began its investigation of the sponsorship scandal; a similar survey taken today might have different results. As noted in this study, parliamentarians – like Senator David Croll, or MPs, like Gerald Baldwin or John Matheson – have had great individual influence on important public policies.

the English people”.<sup>170</sup> This interaction between the citizen and the MP goes to the heart of our democratic system. If it is the role of the public service to provide long-term, professional and expert advice, it is the role of the politician to respond to voters, to interpret public opinion, to educate citizens, and to broker values and interests. The MP is the one part of our system that has a direct and personal relationship with voters. The MP is the hinge between the public and the public service.

But this hinge has become rusty, while the executive, by contrast, has kept itself well-greased. Vast amounts, for example, are being spent by departments on public opinion research. In 2006-2007, the Federal Government spent more than \$31 million on five-hundred-forty-six polling and focus group projects, an increase of 17% over the year before.<sup>171</sup> This is almost five times the amount spent in 1994-1995 (\$7 million). Government functions have not increased five-fold in a decade, nor has the size of the population, so what is behind this mania for polling? The Auditor General, the Public Accounts Committee of the House of Commons, or the Senate National Finance Committee should investigate this trend by asking the departments that most heavily invest in this research to explain why and to give an account of the value received. The committees should ask why was public opinion research required in order to make a policy decision. Were there other types of data that might have proved more useful than the money allocated to polling? Who initiated the request, the public service or the minister’s office? The Harper Government has given a commitment that the results of this public opinion research will be in the public domain six months after its completion. The Department of Public Works used to distribute paper copies of public opinion research reports to the Library of Parliament, but recently, this task has devolved to Library and Archives Canada. There have been complaints about the marked reduction in the number of polls being received and made available. The Harper Government’s commitment to dissemination is an important undertaking, but, in addition, any department that authorizes a survey should be required to inform the relevant parliamentary committee or a designated officer in the Library of Parliament who will, in turn, alert the Members of Parliament. Polling research is an early warning sign that something is afoot in policy development. According to the 2003 report, in order to have an impact, parliamentarians need to be informed “the earlier, the better”. Polling expenditure is a sure guide to the executive’s future agenda.

Parliamentarians also believe they should be the primary conduit in the consultations that take place between government and citizens. George McLlraith, the long-time Member for Ottawa-West and House Leader under Pearson, stated in 1984 that “the administrative arm and the civil service should compliment the work of Parliament. At the present time, they seem to overlap and this subject needs attention.”<sup>172</sup> But, as with polling, the executive has a vast consultation apparatus that has nothing to do with Parliament. In 1998, the Clerk of the Privy Council, Jocelyn

---

<sup>170</sup> Bagehot, p. 152.

<sup>171</sup> “Conservative Spending on Polls Hits \$31 Million.” *The National Post*, 4 December 2007.

<sup>172</sup> Gary Levy, “Interview: George McLlraith.” *Canadian Parliamentary Review* 7:4 (1984). First elected in 1940, McLlraith had encyclopaedic knowledge about the history of the House.

Bourgeon, revealed that in that year, there were three-hundred consultative exercises underway.<sup>173</sup> As with polling, it should be mandatory for a department which has authorized such an exercise to inform the relevant parliamentary committee so that parliamentarians might jointly work with the department in carrying out the exercise, or benefit from testimony on what has occurred. Enhancing the knowledge about citizen engagement techniques will, at a minimum, help committees evaluate the effectiveness of government-led consultations. MPs should be able to distinguish between deep or genuine engagement efforts by departments and the more usual public relations or pro forma exercises that put a consultative gloss on what a department already intended to do.

The Parliamentary Centre, in its 2003 publication *Forum on Parliamentary Reform*, also took up the issue of consultation and citizen engagement. It recommended that Parliament create a “resource centre” to assist committees with such consultation techniques as deliberative dialogues, citizen juries, and e-discussions on the internet. A Parliamentary Office of Citizen Engagement (POCE) could help MPs in this central function, as the PBO will in understanding the economic assumptions behind the estimates. One of the most ambitious ideas in citizen engagement is the use of advisory citizens’ assemblies: they have been primarily used in Canada on the issue of the electoral system, but they could also potentially be very valuable on issues where there are clear trade-offs, such as the utility of a carbon tax.

Some parliamentary committees have already begun to experiment with the potential of new technology. The Sub-Committee on the Status of Persons with Disabilities, in 2002-2003, had an e-mail consultation on the disability provisions of the Canada Pension Plan: over a four-month period, fourteen-hundred people completed an issue poll, shared their stories, and gave the committee their solutions. The Sub-Committee’s findings were presented in the report entitled “*Listening to Canadians: A First View of the Future of the Canada Pension Plan (Disability) Program*”. When the government responded to this report in November 2003, it noted the innovative consultation techniques of this committee and its recommendation that such techniques form a larger part of committee work, but it refused to endorse them, with the rationale that this was a matter which only Parliament could decide.

Stephen Coleman and John Gotze, in their report “*Bowling Together*” for the Hansard Society of the United Kingdom, make an argument similar to that proposed in “The Parliament We Want” report. “As citizens have become less deferential and dependent and more consumerist and volatile, old styles of representation have come under pressure to change.”<sup>174</sup> Yet, despite this need, “there have been very few examples in any country of the internet being used to involve citizens and policy deliberation.”<sup>175</sup> As in Canada, with the work of the sub-committee on the disabled, the authors of “Bowling Together” found in their extensive scan that where examples of internet use for deliberation can be found, they are experimental in nature. The Hansard Society,

---

<sup>173</sup> Kathryn May, “Top Bureaucrat Discusses Shift in Thinking.” *Ottawa Citizen*, 28 May 1998, referenced in David McInnes, *Taking it to the Hill*, p. 18 (footnote 17).

<sup>174</sup> Stephen Coleman and John Gotze, *Bowling Together: Online Public Engagement in Policy Deliberation*. London: Hansard Society, 2001, p. 35. The OECD also has a large report on online citizen engagement. See “Promise and Problems of E-Democracy: Challenges of Online Citizen Engagement.” OECD, 2003.

<sup>175</sup> *Ibid.*, p. 36.

which commissioned “Bowling Together”, has been running since 1998 a series of pilot online consultations for the UK Parliament. The UK House of Commons Social Security Select Committee employed the technique and its Chair reported: “I think it’s an experiment that has been a success and I think if it were to be rolled out on a more widespread basis; it would enhance the work of Parliament.”<sup>176</sup>

“The Parliament We Want” report argued that Canadians were disengaged from their representative institutions. Canada is not alone in that regard. According to the 2003 Oxford Internet Survey in the United Kingdom, 61% of the sample discussed politics with friends and family (not particularly high to start with), but most have no engagement whatsoever with parliamentarians: 98.5% were not members of any party, 88% had no face-to-face contact with their MP within the year, 84% had not visited their MP’s website, and 80% had not written to their MP. Not surprisingly, therefore, 72% of the sample felt “disconnected” from Parliament. A similar 1999 survey in the United States found that 64% of Americans agreed that “I feel distant and disconnected from government.”<sup>177</sup> Like British and American citizens, Canadian voters in the 2000 election also felt disengaged: two-thirds agreed to the survey question, “the government does not care much what people like me think.”<sup>178</sup> It will therefore take a lot of work for Parliament to create meaningful connections with Canadians in this atmosphere of disconnection and public disengagement.

One of the lessons learned from citizen engagement experiments is that the exercise needs to be content-driven. The participants need to know exactly what to expect as a result of their engaging with parliament on any given subject. Their role is advisory, not determinative. And to avoid misunderstandings, this must be made clear to all. The Parliamentary Office of Citizen Engagement would help committees integrate new techniques into their more traditional methods of gathering information and evidence. The POCE should be set up much like an information technology directorate in a corporation. Its founding premise should be that it is there to facilitate, not to direct, the engagement exercise. The management of the engagement activities needs to be vested in those who understand these substantive issues. The experience of the Centre for the Study of Democracy in assessing deliberative citizen assemblies and participatory evaluation exercises in democratic promotion is that it takes far more time to assess how citizens can make a useful contribution than the use of engagement tools themselves.

Citizen forums can be wonderful or they can be meandering, and it takes real expertise to use these new tools well. Therefore, the POCE office should also be located in the Library of Parliament to work with the substantive experts who service the committees. The Library team would work with the procedural clerks to suggest new mechanisms of engagement. The ultimate authority, of course, would continue to be the chairperson and executive of the committees. The Standing Committee on the Library of Parliament should also examine the proposal for a Parliamentary Office of Citizen Engagement as part of its review of the Library of Parliament Act. The committee should be aware that other governments, such as the Chilean Library of

---

<sup>176</sup> Ibid, p. 37.

<sup>177</sup> Stephen Coleman, “New Media and Parliamentary Democracy,” pp. 251-252.

<sup>178</sup> Gidengel, Blais, Nevitte and Nadeau, *Citizens*, p.106.

Congress, undertake anticipatory or proactive citizen engagement exercises, and Finland has created a parliamentary Committee for the Future that also commissions similar work. The Committee for the Future is an innovative parliamentary approach to the long-term issues that determine the Finnish Parliament's approach to climate change, energy, population, information and technology policies.<sup>179</sup>

Peter MacLeod, a Fellow of the Centre for the Study of Democracy (CSD), has also done extensive work on how MPs' constituency offices could become an even more valuable citizens' resource.<sup>180</sup> After traveling across the country, interviewing the staff of MPs, MacLeod reports that constituency staffs all say the same thing: over the course of the past fifteen years, constituency offices have become the Federal Government's unofficial front door. Every day thousands of Canadians call their MPs seeking more information regarding government services. Each office has between two and four staffers, serves one-hundred-thousand potential clients a year and annually opens one-thousand new files. MacLeod recommends that Parliament should create a new "popular" Hansard, organized around broad themes that could detail recent or pending government action. Such a publication could be e-mailed to interested Canadians with internet access. This Hansard would be in addition to the mail-out that every MP sends out quarterly. MPs' websites are also basic citizen resources.

The education potential of existing parliamentary resources could also be improved. The electronic record of Hansard Debates only goes back to the 1<sup>st</sup> Session of the 35<sup>th</sup> Parliament in January, 1994. Parliament should digitize all of Parliament's debates so that in time, Canadians can have access to the complete history of parliamentary debates at their fingertips. The Parliament of the United Kingdom, for example, is currently engaged in a major project to scan and tag the history of their debates going back to 1803.

Over the past decade, the Library of Parliament has developed a robust education outreach program. In addition to providing tours and information to over three-hundred-sixty-six-thousand visitors to Parliament Hill each year, the Library has established the Teachers Institute on Canadian Parliamentary Democracy, which annually brings in eighty-five educators from across Canada for a two-week training program. The UK House of Commons Library used this Canadian model for a similar program that it has recently established. Better use, however, could be made of the Visitor's Centres of Parliament to encourage civic learning and to give visitors a more interactive educational experience. Among those three-hundred-sixty-six-thousand annual visitors, there are thousands of students. The national parliament should learn from the Alberta legislature where there are two mock legislative chambers, so visiting classes can spend up to an hour staging a debate. The chance to have a mock debate within the vicinity of Parliament Hill would be tremendously attractive to Canadian students and teachers. The exhibits of the Visitor's Centre across the street from Parliament and in the Centre Block should be reviewed by education and heritage experts. The objective of a tour should be to understand the history of Parliament,

---

<sup>179</sup> "The Committee for the Future," Parliament of Finland Website, <http://www.eduskunta.fi/efakta/vk/tuv/tuvesite.htm>.

<sup>180</sup> Peter MacLeod, "How to Organize an Effective Constituency Office." *Parliamentary Review* 29:1 (2006), <http://www.parl.gc.ca/Infoparl/english/issue.htm?param=173&art=1177>.



and the civic lessons contained therein, as well as appreciating the beauty of the buildings themselves.

As the frontline in providing information to citizens about government services, the staffs of MPs should be regularly trained in new communication and engagement techniques, office management, and research skills. The Congressional Research Service in the US Congress, for example, has regular and extensive training sessions for the personal staff of Senators and Congressmen. MacLeod calls this package the “low road to democratic reform”. The triplicate form, the telephone query, and the town hall meeting “are the truck and trade of the low road thinker. Their concern is the everyday experience of government”.<sup>181</sup> Parliament is our representative assembly. It would be worthwhile if our representatives took the lead in inviting citizens to take part in genuine participatory exercises.

## International Lessons

The main body of this report has selectively compared Canadian parliamentary practice to the experience of legislatures in Australia, the United States, and the United Kingdom. A more exhaustive comparison is contained in Appendix I, which examines library research, committee support, budget research support, constituency services and partisan research in the four countries.

Australia has often led the Commonwealth in political innovation. The secret ballot was introduced in the states of Tasmania and Victoria in 1856, long before the United Kingdom in 1872, Canada in 1874, or Massachusetts in 1888. A wide franchise without property restrictions became common in Australia in the 1850s, and women (with the exception of Aboriginal women) obtained the vote in the Commonwealth in 1902, two decades before Canada, the United States and Great Britain. Marion Sawer writes that “Australia has been described as the first nation created through the ballot box. Much of Australia’s early identity as a nation revolved around its democratic experiments.”<sup>182</sup>

These experiments have continued into our own time; since 1994, the House of Representatives has sat simultaneously in a main committee and the Chamber proper, in effect having two chambers to tackle the parliamentary workload. In 1999, the United Kingdom adopted a variant of the Australian experiment, with the House of Commons sitting both in the main chamber and Westminster Hall. With two chambers working simultaneously, Parliament can conduct more business but members are conflicted about which debate they will attend.<sup>183</sup> The emphasis of this report, however, is on improving the operations of parliamentary committees rather than increasing the number of chambers.

Australia’s experience, however, confirms another recommendation — the value of non-partisan research expertise located in Libraries of Parliament. One of the main recommendations of this

---

<sup>181</sup> Ibid.

<sup>182</sup> Marion Sawer, “Inventing the Nation Through the Ballot Box.” In *From Subjects to Citizens: A Hundred Years of Citizenship in Australia and Canada*, edited by Pierre Boyer, Linda Cardinal and David Headon. Ottawa: University of Ottawa Press, 2004, p. 61.

<sup>183</sup> The impact of this experiment in the United Kingdom is succinctly described in Steve Priestly, “Recent Procedural Developments in the British House of Commons.” *Canadian Parliamentary Review* 20:2 (2000).

study is that Parliament needs additional expert staff resources in specialized areas, such as citizen engagement, or cross-cutting themes, such as the role of science. Canada's existing parliamentary research service meets or exceeds comparable services offered by its peer states. Since 1997, funding for the Library of Parliament has more than doubled, and today, nearly 375 people staff the Library, compared to a handful in the 1960s. The history of our own Library of Parliament, plus the experience of Parliaments, like Australia's, demonstrate the value of expert non-partisan research, rather than increased funding through the party research bureaus or staff for MPs' offices.

The Parliamentary Library of Australia, for example, released a client-based assessment in 2007 that demonstrates the value of that service: 89% of the parliamentary clients were satisfied with the services of the Library and 99% said they would recommend the service to colleagues. Improvements were sought by Members on the timeliness of "Bills Digest" and in the orientation training sessions held by the Library. But the predominant sentiment was one of satisfaction. An Australian Senator said: "The Parliamentary Library and its staff are one of the Australian political system's best assets".<sup>184</sup> In 2006-7, the Australian Library's Research Branch produced 275 publications, had training sessions for four-hundred-forty-eight clients, and had over four-million online uses of library resources.

The Democratic Audit of Australia conducted by Australian National University, however, has raised issues about the future of the Library. June Verrier compared the announcement of then-Prime Minister Howard on providing extra political staff for constituency work with declines in the number of Parliamentary Library Information Specialists and Research Analysts. "It would be contrary to the preferred balance in the MP's role", she wrote, "if the provision of one kind of resource – personal staff – were to be at the expense of the other supports provided to assist parliamentarians as a whole".<sup>185</sup> Dr. Nicholas Horne, of the Politics and Public Administration Branch of the Library, informed a CSD researcher that Prime Minister Rudd, the victor in Australia's recent national election, had announced that there will be a 30% overall reduction in the numbers of Ministerial and Shadow Ministerial staff, compared to the complement allowed by the Howard government.<sup>186</sup> Analysts in Australia conclude that a productive way to assist MPs with their parliamentary responsibilities is through a high-performance parliamentary research service. This is also the thrust of several of our recommendations.

The influence of the United Kingdom on the development of Canada's system of government cannot be overstated. The British North America Act of 1867 declares that Canada is "to be federally united into one dominion under the crown of the United Kingdom of Great Britain and Ireland, with a Constitution similar in Principal to that of the United Kingdom." John Uhr writes of Australia but the same applies to Canada. "Most political doctrines are derivative. Australian doctrines can best be understood against the background of the British system of responsible

---

<sup>184</sup> Australian Parliamentary Library, "Client-Based Assessment 2007," <http://www.aph.gov.au/library/pubs/index.htm>.

<sup>185</sup> June Verrier, "Resources for Members of Parliament: More Australian Anomalies?" *Democratic Audit of Australia*, Australian National University (March 2007), <http://democratic.audit.anu.edu.au/>.

<sup>186</sup> Letter from Dr. Nicholas Horne to Callan Burgess, "Resources Available to Australian Commonwealth MPs," 11 December 2007.

government, which was the bank of political experience to which all Australian framers turned for guidance.”<sup>187</sup>

Canada is still borrowing good ideas from the British. The Canadian Federal Accountability Act created the new position of “accounting officer” for deputy ministers, as recommended by the Gomery Report, but inspired by British example. Senior public servants in a department now have the personal responsibility to ensure that statutes and rules are followed. In the United Kingdom, the statutory concept of accounting officers was first contained in the 1866 Exchequer and Audit Act, and in the one-hundred-forty years since, accounting officers have become an important part of the British accountability system.<sup>188</sup>

In other areas of parliamentary innovation, Canada has been ahead of the United Kingdom. Both the Pearson government in Canada and the Wilson government in the United Kingdom began experimenting with an expanded committee system in the mid-1960s. The Trudeau Government in 1968 abolished the old Committee of Supply, and referred all estimates to standing committees. The new standing committees quickly became active, a “virtual revolution” in the view of Robert Marleau.<sup>189</sup>

In the United Kingdom, progress was much slower. Wilson’s Leader of the House, Richard Crossman, supported the creation of specialist committees in agriculture and science in 1966. But specialist committees only limped along until 1979, when the Thatcher government created fourteen departmental select committees. They have since become an integral part of the British House of Commons.<sup>190</sup> Canada changed the sittings of the House of Commons in 1982 to better accommodate family life; the British House of Commons began to do so in 2003. In Question Period, the British Prime Minister only attends once a week (and for only half an hour), and ministers have a roster system so that their attendance at question time is also limited. In Canada, both the Prime Minister and full Cabinet attend daily. Britain has been ahead of Canada, however, in parliamentary experiments in online consultations, new citizen engagement techniques and transparency for MPs’ expenses. “The Mother of Parliaments may have a somewhat staid matronly reputation abroad,” Steve Priestly writes, “but actually, she is constantly updating her wardrobe.”<sup>191</sup>

One part of the British political wardrobe that positively shines compared to Canada’s meagre rags is the depth and coherence of political party research in Britain. Sharon Sutherland, on this point, has a devastating but accurate critique of Canadian parties:

*Our mainline parties, when viewed in comparison with established parties in some other developed western countries, are only very small, opportunistic electoral organizations which do not seriously plan to ensure their own competence as potential*

---

<sup>187</sup> John Uhr, *Deliberative Democracy in Australia*. Cambridge: Cambridge University Press, 1998, p. 59.

<sup>188</sup> For a description of British practice, see Brian Glicksman, “The Role of Accounting Officers: A Prospective of the United Kingdom.” *Canadian Parliamentary Review* 30:3 (2007).

<sup>189</sup> Marleau, “Future of Parliamentary Committees.”

<sup>190</sup> See Nizam Ahmed, “Select Committees in the British House of Commons.” *Canadian Parliamentary Review* 20:4 (1997).

<sup>191</sup> Steve Priestly, “Recent Procedural Developments.”

*governments. They do not develop systems of ideas and policy, nor do they provide a structure that can recruit and train serious political talent.*<sup>192</sup>

Another Canadian political scientist, Robert Young, quips that the Pulp and Paper Association has more capacity to do strategic analytical work than the Liberal and Conservative Parties combined.<sup>193</sup> The recent report of the Liberal Party's Renewal Commission confirms this depressing insight.<sup>194</sup>

The United Kingdom has a long tradition of articulate politicians who can also write. A few of them have been quoted in this study – Benjamin Disraeli, Winston Churchill, L.S. Amery, R.H.S. Crossman, Douglas Hurd, and A.P. Herbert. This is not due to intellectual gifts alone; British politics has a tradition of producing well-thought out and coherent manifestos before each election, not a series of *ad hoc*, rushed policy pronouncements, which is too often the case in Canada. To prepare the manifestos, both major parties have well-established research offices. R.A. Butler, after the devastating Conservative defeat in 1945, led a legendary cast of thinkers in the Conservative Research Department.<sup>195</sup> Iain MacLeod, Enoch Powell, and Reginald Maudling, working with Butler, put a new face on British Conservatism, which enabled the Party to return to office in 1951, where it enjoyed a long tenure until 1964.

In 1945, the Conservative Parliamentary Secretariat recruited these three officers who serviced 23 parliamentary party committees. In 1948, the Secretariat merged with the Conservative Research Department. Butler and his research team produced the major statement “right road for Britain” in 1949, a platform that pulled the Conservative Party towards the centre and helped its election prospects.<sup>196</sup>

In 1975, the Conservative Research Department also played a part in making Margaret Thatcher Prime Minister. Chris Patten, like R.A.B. Butler, a major figure in moderate Toryism, was director of the Department when Thatcher became leader. She moved the Department from Old Queen St., where it had resided for 50 years, to unite it physically with the rest of the party's central office, but she retained Patten as director. Officers of the Department served as the Secretariat to Thatcher's shadow cabinet, and worked with the Leader directly on the radical changes she was planning for Conservative Party policy. Thatcher writes in her memoirs, “I came to have a high regard for the work of the Department.”<sup>197</sup>

MacLeod, Powell and Maudling set a pattern that has continued till this day. They eventually joined Butler in the House of Commons to become significant Conservative Cabinet Ministers in

---

<sup>192</sup> Sutherland, “Does Westminster Government Have a Future in Federal Canada?”

<sup>193</sup> Young, quoted in Sutherland.

<sup>194</sup> See Thomas S. Axworthy, “The Four Key Questions: An Essay on Liberal Renewal.” (24 November 2006), [http://www.queensu.ca/csd/publications/Axworthy\\_4\\_Key\\_Questions.12.4.06.pdf](http://www.queensu.ca/csd/publications/Axworthy_4_Key_Questions.12.4.06.pdf). The Renewal Commission had 34 task forces on a host of topics, including the Democratic Society Taskforce's Report on the Role of Parliament, chaired by Tony Valeri, former Government House Leader. Valeri's report provided a useful summary of past reform efforts which have been largely incorporated into Appendix 2: History of Recent Parliamentary Reform Studies in Canada.

<sup>195</sup> Lord Butler, *The Art of the Possible*. London: Hamish Hamilton, 1971, p. 153.

<sup>196</sup> Good accounts of the role of the Conservative Research Department in the immediate postwar era can be found in Anthony Howard, *RAB: The Life of R.A. Butler*. London: MacMillan, 1989, pp. 140-177; Robert Sheppard, *Iain MacLeod*. London: Hutchison, 1994, pp. 37-51; and Simon Heffer, *Like the Roman: The Life of Enoch Powell*. London: Phoenix, 1999, pp. 99-133.

<sup>197</sup> Margaret Thatcher, *The Path to Power*. New York: Harper Collins, 1995, p. 292.

their own right. This tradition also stretches into modern times, with Douglas Hurd, Norman Lamont, Chris Patten, Michael Portillo, and Nigel Lawson, who all served with Mrs. Thatcher, spending stints in the Conservative Party Office. On the Labour side, Dennis Healy, a future Chancellor, was Secretary of the International Department of Transport House from 1945-52. Gerald Kaufman, another future Minister, was Parliamentary Press Liaison for the Labour Party. Many British politicians begin their careers by doing serious political and policy research, become major politicians themselves, and then write entertaining and thoughtful memoirs when their political careers are over.

In Canada, hundreds of volunteers work hard to get their policy resolutions passed at party conventions. But there is no professional spine on which this voluntary effort can attach itself. To create this professional party research capacity in Canada, a portion of the party subsidy that is now directed to the parties, depending on the votes they received in the previous election, should be allocated for the creation and maintenance of party research foundations.

Next to Great Britain, the American model of government has had the greatest foreign influence on Canada's political development. J.R. Mallory writes that "the essence of a constitutional order is that it provides effective means of preventing abuses of power, and ensures that those in authority cannot take away the ultimate right of the governed to remove them or reject their policies."<sup>198</sup> In the 18<sup>th</sup> century, Great Britain and the United States each provided a different answer to the question, how best to control executive power and each did so in reaction to George III. That king, in the early years of his reign, dominated the executive by creating a 'court party' who controlled the House of Commons. Rebelling against the taxes and laws passed by this 'court party', the founders of the American Republic drafted an American Constitution, which established a clear separation of powers to reduce the influence of the executive over the legislature. This is the well-known system of checks and balances. The American success in winning independence so weakened George III's 'court party' that power shifted from the monarch to politicians, who had the confidence of the House of Commons. In time, this resulted in the Cabinet of Ministers being responsible to the House of Commons rather than to the King. "When the time came, at a later date for the other British North American colonies to gain greater control of their own affairs," Mallory writes, "it was possible to weigh the merits of the two very different products of the Seventeenth Century English Constitution."<sup>199</sup>

The American system of government, then, has always had a powerful attraction for many Canadians, even as Canada rejected the congressional model in favour of the parliamentary one. The example of the American Civil War greatly influenced the Fathers of Confederation as they grappled with how to implement federalism. The expansion of American mass democracy after Andrew Jackson's election in 1828 inspired many Canadian reformers, not least William Lyon Mackenzie and Louis Joseph Papineau. Institutional developments in the Congress, while not having the grand sweep of federalism or democracy, have still attracted the interests of Canadians over the years.

---

<sup>198</sup> J.R. Mallory, *The Structure of Canadian Government*. Toronto: MacMillan Canada, 1971, p. 1.

<sup>199</sup> *Ibid*, p. 5.

The United States is not a Westminster-style legislature, so comparisons with Canada can be misleading, as well as enlightening. In the Westminster System, Parliament creates a government but it does not govern. In the United States, two branches of Congress not only share government with the President, but with over thirty-thousand employees working in the Congress, it has more officials than the State Department. Some committees of the US Congress have staffs larger than the total complement of the entire research branch of Canada's Library of Parliament. Members of Congress are advised by personal staff, congressional committee staff, and the non-partisan experts of the Congressional Research Service and the Congressional Budget Office. Congressmen have a personal staff of eighteen, and Senators, more than seventy. The staffs of American politicians are so large that a Congressman is like the CEO of a small business. Sometimes, the Members of Congress are so besieged by staffers with memos and briefing notes at the ready, that they retreat to domains of the Capitol, where staff cannot enter, or they simply lock the door.

But if the total weight of the congressional complement is not something that the Canadian Parliament should emulate, the strengths of the American system should also be acknowledged. The Library of Congress was created in 1800: in 1814, after the burning of the Capitol, it purchased Jefferson's private library to reconstitute the collection. "There is, in fact," Jefferson noted, "no subject to which a Member of Congress may not have occasion to refer."<sup>200</sup> In 1946, 20 years before the Canadian Library of Parliament began a research service, the Legislative Reference Service renamed the Congressional Research Service in 1970 authorized the hiring of "senior specialist" to assist committees and members in the analysis, appraisal and evaluation of legislative proposals. Ever since, the Congress has been a leader in ensuring that substantive expertise is available to legislators who want to use it. Erik Spicer, the Parliamentary Librarian, who initiated the research branch in 1965, acknowledged that it was "modeled after the Congressional Research service in Washington."<sup>201</sup> Recently when the congressional leadership identified the 9/11 Commission Report as a priority, for example, the Congressional Research Service was able to dispatch over 70 research analysts and information professionals to provide support within a week's time.

There is substantial and long-term expertise in the Congressional Budget Office. The Congressional Budget Office's estimate of costs is *the* estimate because few believe administration projections. The new Parliamentary Budget Office in the Library of Parliament is also inspired by the American innovation of the Congressional Budget Office. Both the Congressional Budget Office and the Congressional Research Service are non-partisan sources of expertise available to all Members of Congress. "The Parliament We Want" report called for advisors who could integrate policy advice on major thematic issues and such experts are plentiful in these two offices.

The overall weight of the staffing system of the US Congress is to be avoided. What should be emulated is development of centres of non-partisan expertise that can acquire long-term memory.

---

<sup>200</sup> Quoted in Hugh Finstein and Joseph Ross, "Research Services in Congress and Parliament." *Canadian Parliamentary Review* 11:4 (1988).

<sup>201</sup> Barbara Benoit, "Interview: Erik Spicer, Parliamentary Librarian." *Canadian Parliamentary Review* 8:4 (1985).

The careers of most Canadian parliamentarians are so relatively short that there is a pressing need for advisors who are grounded in the traditions of Parliament and can speak with experience as well as knowledge. Quality, not quantity is the lesson to be learned from the US Congress.

## Conclusion

In 1987, C.E.S. Franks wrote: “Despite its faults, the parliamentary system in Canada works better than the literature would lead one to believe.”<sup>202</sup> Franks’ judgement was echoed by David E. Smith, in 2007, who argued that “Canada has a better House of Commons than its critics allow.”<sup>203</sup> This report concurs with both views. Canada’s Parliament is an executive-centred, party-dominated, adversarial-minded, multi-tasked institution. It has had these characteristics for a long time, yet it has always succeeded in adapting enough to keep up with changing demands in different eras. Reform, therefore, is part of a continuous and honourable parliamentary tradition. In effect, parliamentary democracies are always in the midst of reform. While our system of government may look as immovable and unchanging as the stones that buttress Parliament’s walls, it is by fact, and by design, in a state of constant adaptation.

This flexibility and capacity for reform is an important part of the genius that sustains the premise and legitimacy of responsible parliamentary government. Every generation defines, in a different way, how it will attain — or how it will balance — the five roles enumerated by Walter Bagehot. The spirit of reform, therefore, is not merely a question of mechanics, as noted by Eugene Forsey, whose words open this report. It is a question of judgment on what aspect of Parliament needs attention to meet the demands and the values of the age, realizing that it cannot all be done to everyone’s satisfaction. An opposition will always demand more time for scrutiny, a government would take all the time of Parliament if it could to pass legislation.

As we enter the 21<sup>st</sup> century, several current assessments of the state of Parliament have the same message. Legislation is increasingly specialized and multi-faceted, requiring higher levels of technical expertise. Impossible demands continue to be made on a parliamentarian’s time. The travel schedule is punishing. The partisanship is wearying. Public demand for consultation at every stage is growing. Desire for a more constructive parliamentary culture struggles to overcome the long adversarial tradition, and a partisan mindset that has recently intensified. At the same time, through vast expenditures on polling and ongoing consultative exercises in almost every department, the public service is now assessing and shaping public opinion, a responsibility that has traditionally been the domain of politicians. This report suggests twenty-five recommendations (arranged according to Bagehot’s five categories) to enhance support for parliamentarians, through new research capabilities that will strengthen the ability of MPs and Senators to scrutinize, educate, serve, and legislate for Canadians, all in the overall interest of effective and efficient government. Parliament works better than its public image would suggest. However, it can be improved. Yet, as David Smith cautions, any attempt at reform must have realistic expectations. The injunction, first viewed by Smith on a lithograph of the writer Samuel

---

<sup>202</sup> Franks, *The Parliament of Canada*, p. 8.

<sup>203</sup> David E. Smith, “A Question of Trust: Parliamentary Democracy and Canadian Society.” *Parliamentary Review* 29:1 (2004), <http://www.parl.gc.ca/Infoparl/english/issue.htm?param=61&art=35>.

Beckett, should inform every parliamentary reformer: “No matter. Try again. Fail again. Fail better”.<sup>204</sup>

---

<sup>204</sup> Ibid.



## 25 RECOMMENDATIONS FOR REFORMING PARLIAMENT

### *Efficiency*

1. In any reforms that are undertaken, the powers of the Prime Minister should not be weakened so much that Parliament loses its guiding hand.

The Westminster System, whereby the political executive is drawn from the legislature, enables government to be the directing and energizing element in our Constitution. Parties organize and mobilize the support which elects MPs, and this party competition, in turn, becomes the dominating element within Parliament. Parliament exists as an arena for party conflict and it cannot be understood without recognizing this fact. Since the party competition turns, in large part, on the abilities and image of the party leaders, the advisors in the leader's office play an important role in devising and managing the strategies and tactics of the party competition. So, the critics are right: our system does concentrate political power, but it is the use of that power which should be the issue, not its concentration.

2. Chairs of committees must balance the interests of their party against the primary need to have committees operating fairly and effectively. Committees making special inquiries need flexibility to allow coherent and sustained questioning of witnesses. If partisan disputes completely stalemate a committee, the dispute should be adjudicated by the Speaker.

In assessing the performance of Parliament, the strengths of our party system should not be ignored. Parties are the main organizing element of Parliament. Party competition can be overdone. There are many issues on which there is no party-divide, and on these, the energy and intellect of all the MPs can be put to good use. The use of parliamentary committees for policy probes, or as a means for assessing the intensity of public opinion on an issue, or as a means of building consensus, or as a political counterweight to the established views of the bureaucracy, are all potential gains from legislative involvement, gains that should be attractive to even the most partisan Prime Minister's Office (PMO). The party system makes politicians into adversaries, but what binds them is that they are all members of that tiny minority of Canadians who work full-time to make our system of representative democracy thrive. That connection is as important as the party-divide and should be carefully fostered. If partisan debates completely stalemate the operation of the committee system, there should be a dispute-resolution mechanism. The Speaker adjudicates disputes over the rules in the House of Commons and this office could become such a dispute resolution body for dysfunctional committees.

3. Parliamentary Secretaries should be selected with the same care as choosing Ministers.

Once chosen, Parliamentary Secretaries can make a real contribution to the Executive, but they need time to learn their jobs. The position of Parliamentary Secretary should be regarded as a potential stepping-stone to the Ministry, and there should be no automatic rotation of those holding this position. They should be picked on merit, and if

meritorious, they should hold these jobs throughout the life of the Parliament, or until they are promoted elsewhere. Parliamentary Secretaries, however, should not become Privy Councillors, as this weakens their independence from the Executive.

### *Scrutiny*

4. In addition to the central role of the Parliamentary Budget Office (PBO) in assisting parliamentarians to understand the assumptions behind the government's fiscal plan, the PBO should revise the system by which estimates link expenditure to performance, and should also attempt to integrate programs by function across the various departments. This task should be carried out in cooperation with the Treasury Board and the Auditor General.

MPs have complained for a generation that they cannot do their job of financial scrutiny because of the complexity of the estimates. The first task of the PBO — the latest addition to the expertise resources of Parliament — should be to fix this problem.

5. The job classification of the PBO should be determined by Parliament, not the Privy Council Office. In general, Parliament should determine the responsibilities and salary ranges of its most senior officials, not the executive. Parliament should be responsible for the budgets of all agencies designated as Agents of Parliament. Clerks of the House and Commons and Senate should be designated as accounting officers of these institutions.
6. A task force of prominent Canadians with experience in Parliament and government should be developed to write an accountability code that will provide standards to guide Ministers, MPs, and officials in the operation of the new system of Accounting Officers brought in by the Harper Government.

Accountability is the dominant theme of contemporary parliamentary reform, and therefore MPs require answers. Public officials, however, must be protected from undue attacks on their integrity and competence by MPs who are carried away by the heat of the moment. A proper code, endorsed by a resolution of Parliament, would do much to police behaviour, and to provide a framework for evaluation.

7. The Auditor General, the Public Accounts Committee of the House of Commons and the Senate National Finance Committee should oversee the government's large expenditure on public opinion research.

The House Public Accounts and Senate National Finance Committees should invite the departments that are particularly heavy users of public opinion research to justify these projects and to provide evidence that the research provided value for money. Any department authorizing a public opinion or focus group contract should be required to inform the relevant parliamentary committee, before the work has begun.

8. The partisan caucus research bureaus should be required to give a public account of their activities – reports written, number of MPs assisted, etc. The directors of such bureaus should report to the executives of each caucus. This is especially important for the caucus

research bureau of the governing party, since the purpose of such assistance is to assist the parliamentary work of MPs, not to operate as just another arm of the executive.

### ***Education***

9. A portion of the funding that is currently directed to each political party on the basis of the number of votes received in the previous election should be designated for the creation of party research foundations. And the existing tax credit currently available to encourage donations to federal parties could be enriched if directed towards policy foundations.

Canadian parties are deficient in policy, research, and analysis. This has many implications, not least being the poor job parties do in educating Canadians on political philosophy and how it applies to current issues. This report recommends greater capacity for non-partisan research institutions, like the Library of Parliament. But equally important would be encouragement to our parties to develop coherent party philosophies and platforms. Helping our parties think will also help their work in Parliament. Research foundations funded in this way must give an annual public account of the activities they have promoted.

10. One third of Senators should be appointed from Canadians who have made a public contribution in science, the arts, business, higher education, philanthropy, or public administration.

The policy and public education contributions of the Senate of Canada are greatly undervalued. Canada's Parliament has two chambers, and they are complementary. When Parliament is often criticized for being overly partisan, lacking policy depth, and somewhat frenetic, it is usually the House of Commons that critics have in mind. The Senate is none of these things. Since the 1960s, it has consistently produced reports of high quality, which have contributed much to Canadian debates over public policy. These achievements must be weighed in the balance when the Senate's so-called deficiencies in legitimacy are trumpeted. The Senate is able to make such a contribution because compared to members of the House of Commons, Senators have longer tenures, and are not as entirely motivated by partisan passions. Appointment of such people as described above would achieve a measure of Senate reform without destroying its existing value. Distinguished past Senators, like Thérèse Casgrain or Eugene Forsey, could serve as a model for such nominees.

11. Steps should be taken to enhance Parliament's reputation as a national forum.

The Prime Minister should participate actively in House debates (not just Question Period). Major policy announcements should be made in Parliament, not at media events or photo-ops. "Take-note" debates are also a useful and topical way for Parliament to inform, and every party should be allowed three take-note debates per session.

12. The Speaker of the House of Commons should be encouraged to use the moral suasion of his office to impress upon Members of the House of Commons that parliament is not a soap opera.

Televising the House of Commons is an experiment that has failed. Television encourages the worst type of partisanship, with Question Period often resulting in a particularly juvenile display. Whatever gains have been made since 1977 in public education through televising the House of Commons, there have been even larger losses in decorum and a dumbing-down in the quality of argument. Radio broadcasting does not encourage such bad behaviour. Canada was the first legislature to televise its debates. This example, unlike many other aspects of our parliamentary performance, should not be emulated by newer parliamentary democracies struggling to create viable institutions.

13. The government should examine the possibility of re-establishing such institutions as the Economic Council and the Science Council.

The quality of Canada's public policy debate, including debates within Parliament, has suffered since the demise of publicly funded think-tanks. Such institutions offer a valuable counterweight to the policy weight of the bureaucracy. In this regard, the Library of Parliament is to be congratulated for making its research available to the public, unlike the US Library of Congress, which provides its reports only to its members.

14. Parliament should continue to enhance its education outreach program. Better use should be made of the visitor's centres of parliament to encourage civic learning and to give visitors a more interactive education experience.

More than 360,000 visitors, including thousands of students, annually tour parliament. This is an education resource that is underutilized. The national parliament should learn from the Alberta legislature, which contains two mock legislative chambers where visiting classes can spend up to an hour staging a debate. The chance to have a mock debate within the vicinity of Parliament Hill would be tremendously attractive to Canadian students and teachers. The exhibits of the Visitor's Centre across the street from Parliament and in the Centre Block should be reviewed by education and heritage experts. This will encourage visitors to appreciate the history of Parliament, and the civic lessons contained therein, as much as the beauty of the buildings themselves.

### ***Constituency Service***

15. A Parliamentary Office of Citizen Engagement (POCE) should be created within the Library of Parliament to assist the substantive policy experts in the Library in developing engagement techniques that will further the work of parliamentary committees.

In addition to its substantive expertise, the Library of Parliament should engage animators, experts in deliberative democracy and technology specialists to assist Canada's Parliament in becoming a leading practitioner of citizen engagement programs. Citizen assemblies, deliberative polling, and mediated internet discussions are only a few of the techniques that parliamentarians can use to compliment their traditional methods of cross-country travel and invitations to experts who provide policy advice. As the Library does now, its POCE could also work with individual Members of Parliament on website design and individual efforts to promote consultation.

16. Every department authorizing a formal consultation process, national forum, advisory council, or outreach initiative, should be required to inform the relevant parliamentary committee before the process has begun, so that MPs will know about the undertaking and thus be able to choose whether or not to participate.
17. The constituency offices of MPs should become a centre for community activities and outreach. And as part of this commitment to the community, there should be much greater transparency on the operations of MPs offices.

The physical amenities of MPs' offices should be improved with this goal in mind. There should also be a regular training program for the Ottawa and riding staffs of MPs in areas such as office management, information technology, citizen engagement strategies, and research techniques. The operations of MPs offices are now so important as a means of connecting citizens with their government that there should be full public transparency on office expenses. Quebec and Alberta, for example, apply their access of information laws to the legislature.

18. Parliament should digitize Hansard, the record of our legislative history

The existing electronic version of Hansard Debates only goes back to 1994: Parliament should digitize the debates of previous years so that Canadians have the complete history of parliamentary debates at their finger tips. In the United Kingdom's Parliament, there is a major project to scan and tag the history of their debates going back to 1803.

19. Parliament should experiment with creating an easily understood, readily accessible electronic Hansard that can be emailed daily to Canadians, with a digest mailed quarterly.

Interested Canadians can now have access to Hansard through the House of Commons' website, but a more streamlined version should be themed and should, at the same time, have information about government services and websites.

### ***Legislation***

20. The stature of the positions of House of Commons and Senate Chairs of committees should be raised with their salaries comparable to ministers.

The House of Commons and Senate Chairs of committees should receive additional staff to assist them in their committee work. The salaries of House of Commons and Senate Chairs of committees should be comparable to those of Ministers. Committing to committee work should be made an alternate course for Members who wish to make their mark, rather than today's almost total concentration on advancing to the Ministry. The election of Committee Chairs is a good step in this direction.

21. Members and Senators should be assigned to committees for the full term of Parliament.
22. The Liaison Committees of the House of Commons and the Senate (made up of the Chairs of the standing committees) should assess and respond to the specialized research needs of every committee, with every committee having a core of 4-5 researchers.

Committees such as Public Accounts or Ethics require the services of counsel and forensic accounting. “The Parliament We Want” report identified the need for senior researchers able to integrate knowledge in functional areas like science or children. Every committee of Parliament should have a core of four or five researchers who are expert in their subject areas, and the Library of Parliament should have enough capacity to assign extra staff or hire outside consultants on particularly intensive or urgent priorities. As the Library of Parliament continues to expand its research capacity, it should be possible to arrange exchanges with government departments, so that parliamentary researchers will have the experience of working within the executive and public officials will come to know the workings of Parliament. The Library of Parliament should also examine the possible use of exchanges with the private sector.

23. The Standing Joint Committee on the Library of Parliament should review and update the legislative mandate of the Library of Parliament section contained in the Parliament Act in light of current and evolving circumstances. The review should include assessing the role of the joint committee itself, which should become more of a management body, like the House of Commons Board of Internal Economy.
24. Parliamentary committees require more well-appointed technologically proficient committee rooms.

Currently, the House of Commons does not have enough committee rooms for even half of the Standing House Committees to sit simultaneously. The Senate has enough rooms for half of its committees to meet simultaneously. In each place, there are often disputes between committee chairs over room allocation, especially those outfitted for television. There should be enough space for two thirds of the Senate Committees and three quarters of the House Committees to sit simultaneously.

25. There should be a return to the 1980 innovation of parliamentary task forces or policy probes in areas where the government does not have an established position, or where there is no partisan divide.

These task forces (or subcommittees) should be small in number, have the ability to travel, and have the capacity to subcontract-out research. Every standing committee could likely use three to four such probes. There is no reason that such task forces could not be chaired by opposition MPs, thereby giving a far greater percentage of MPs a chance to make a policy imprint. More difficult to organize because of the involvement of departments and Ministers, but still a useful practice, would also be a return to producing Green Papers to explore major policy options (as occurred over immigration in 1975) prior to legislation. Such a process leads to good public ventilation and enhances parliamentary influence.

## **APPENDIX 1: INTERNATIONAL COMPARISONS ON EXPERTISE AND STAFF RESOURCES IN PARLIAMENT<sup>205</sup>**

### **Introduction**

Everything Old is New Again details a series of recommendations made to enhance the capacity of Members of Parliament (MPs) to access and make use of rigorous analysis in their work as representatives. It also suggests ways to augment the capacity of MPs to meaningfully consult with Canadians on matters before Parliament.<sup>206</sup>

In many respects, this is a ‘think piece’ intended to stimulate discussion and further research. It builds on the considerable body of academic literature that has grown as interest in parliamentary and democratic reform has increased (for example, the work of bodies like the Parliamentary Centre and the Study Group on Parliament which have long studied the operation of Parliament, and, not least, the reports and findings of MPs themselves, assisted by the Library of Parliament).

A quick survey of these studies and various reform initiatives in Canada over the past ten years shows how extensive this interest has been. Compounded by the effects of two successive minority governments, there remains a clear appetite to evaluate and implement new reforms — especially those that seek to promote the primacy of parliament and enhance the ability of individual MPs to hold the government to account.

While many studies have looked at the issue of parliamentary reform writ large, few have limited their scope and narrowed their focus in the way that this study does. We have evaluated the merit of recurring recommendations that specifically concern the analytic and consultative abilities of MPs. Following that evaluation are our proposed recommendations...

The need for parliamentary reform is well established, as demonstrated by the heightened interest it has lately commanded as well as by its part as a continuous and honourable parliamentary tradition. In effect, parliamentary democracies are always in the midst of reform. While our system of government may look as immovable and unchanging as the stones that buttress Parliament’s walls, it is, in fact and by design, in a state of constant adaptation. This relative flexibility and capacity for reform is an important part of the genius that sustains the premise and legitimacy of responsible government. Any investigation undertaken in good faith that proposes new reforms automatically participates in this tradition, giving new life and purpose to our parliamentary institutions.

There are also contemporary and immediate reasons for this heightened interest. Many long-time MPs acknowledge that their job is becoming more complex. Legislation is increasingly specialized and multifaceted, requiring higher levels of technical expertise. The demands on a parliamentarian’s time have grown exponentially. The travel schedule is punishing. Public demand for consultation at every stage is growing. Desire for a more consensual and constructive

---

<sup>205</sup> This appendix was compiled from separate work by Dave Donovan, Nicholas Fogg, Lara Fitzgerald-Husek, Mathew Johnson, Peter MacLeod, Erin Pleet, Alex Derry and Callan Burgess.

<sup>206</sup> Also of interest may be: House of Commons Select Committee on Modernisation of the House of Commons, “Revitalising the Chamber: The Role of the Back Bench Member,” (First Report of Session 2006-07). London: The Stationary Office Limited, June 20, 2007. This recent report deals with recommendations to augment or modernise the role of backbench MPs in the United Kingdom.

parliamentary culture struggles to overcome adversarial and partisan traditions. At the same time, the degree to which power has become concentrated in the executive is impossible to ignore. Many MPs view the possibility of enhanced support and new services as a way to check the influence of the executive and strengthen their ability to evaluate legislation and hold ministers to account.

Although they are most often invisible to the casual observer, parliamentary reforms usually have a far greater effect than the public realizes. They may also have unforeseen effects, which is one reason many reforms oscillate in and out of fashion. In the late 1980s, for instance, the scheduling of private members' business was studied and revised no fewer than nine times in the space of six years.

Informal decisions can have a profound influence on parliamentary proceedings. Until recently, MPs were likely to dine with one another in the parliamentary restaurant before evening sittings. This promoted a sense of collegiality and an occasion for members of opposing parties to break bread. Now, separate buffets are served in the caucus lobbies and MPs find they are less likely to socialize with one another before turning to business.

Perhaps the most significant reform to effect parliamentary culture has been the decision to provide MPs with airline vouchers, allowing them to travel back and forth to their constituencies each week. With MPs constantly shuttling in and out of the capital, there is little time for a more congenial culture to take root. Schedules are packed, constituents are waiting and families are either hundreds or thousands of kilometers away. Faced with these pressures, MPs report that they are more dependent than ever on their assistants and party bureaus. It's no surprise that they feel increasingly isolated from one another.

What's striking is just how powerful many of these informal reforms or 'upgrades' can be. A 1990s study on upgrading the parliamentary precinct recommended wiring each desk in the House of Commons with a data port. While doubtless handy for MPs wishing to access a report or attend to other business, there is no record of any discussion concerning whether accessing the internet, much less permitting portable computers into the Commons, might be detrimental to the quality of debate.

The committee members who unanimously recommended the installation do not appear to have considered why, until then, strenuous traditions that insist on the use of pages to deliver notes and restrict 'strangers' from the floor of the Commons had been observed. Instead, creating a twentieth-first century Parliament was felt to be the pre-eminent concern.

Integrating new technologies is always disruptive. Few MPs could imagine living without their laptops, email accounts and Blackberries. Still, given how peripheral the Commons appears to have become to the business of government and how little interest MPs take in routine debates, does the choice made have merit?

While debates in the House used to be the centerpiece of the Parliamentary process, today, that pride of place belongs to "Question Period". But 'take-note' debates are important but seldom-used mechanisms for consulting the will of parliamentarians. Currently, a minister must submit of motion urging that the Commons 'take note' of an issue and debate lasts one day.



Take note debates have typically garnered significant press coverage. They are also popular with backbench MPs who can take the occasion to present their views and the views of their constituents. However, quorums are not required for take-note debates — meaning that fewer than twenty MPs must be present in the House — emphasizing their secondary status and practically ensuring that they will be ignored by senior members of the government.

This seems regrettable given that the broad issues typically taken up in a take-note debate are generally weightier and more accessible than those concerned with the minutiae of House business or legislation. The authors of this report advocate that increasing the number of take-note debates is good for parliament and can ultimately promote public interest in Parliament.

In Sweden, the Speaker of the Riksdag reported a very successful initiative whereby, using a fuller set of powers, he was able to schedule take-note debates on a regular schedule that helped to anticipate both pending legislation as well as national and international events. Viewership as well as participation by parliamentarians was increased.

In Canada, the Standing Orders should be amended to permit each status party to schedule up to three take-note debates during each parliamentary session, with the effect that take-note debates become a regular part of house business.

Proposals for parliamentary reforms inevitably reflect their times. In this sense most debates about reform have less to do with available resources than culture. Today, accessibility, convenience, efficiency, and immediacy are among the cultural attributes that define the standards to which new reforms must adhere. If a proposal to increase the number of flights an MP can take broadly corresponds to the shared desire of MPs to be more accessible to their constituents, money will be found and the proposal approved. If new technology is required to speed the delivery of information, few will argue that this convenience could detract from other aspects of their work.

What's at issue then is the degree to which interests and outcomes align. MPs routinely say they want greater collegiality, more opportunities for consensus-based decision-making and a more constructive work environment. Many say that they want to open up official Ottawa to Canadians and bring more citizens into the decision-making process, and yet, when given the opportunity, MPs have opted for reforms that have gradually and almost imperceptibly eroded the foundations of the parliamentary culture they now valorize.

We believe it's in the absence of an alternative set of cultural priorities that the manifold and micro decisions governing life on the Hill have run their course towards a more individualistic, partisan and divided parliamentary culture. Meaningful reform will only start by articulating and building support for a new set of cultural priorities. It's then in their everyday application that their true transformative powers lie.

## Methods

### *Expertise in Parliament*

Scholars of Canadian government—as well as analysts within the Treasury Board—have taken great interest in the accountability deficit in Canadian government. There is agreement on the need to re-invigorate the role of the public service and to more precisely clarify the respective responsibilities of ministers, deputy ministers, and their exempt staff. Concern is expressed about the rapid turnover of MPs vis-à-vis the executive as well as turnover of deputy ministers within the public service, while at the same time there is a political consensus to expand the role of committees and the powers of Members of Parliament. In both their 2004 and 2006 election platforms, the Conservative Party of Canada proposed to “increase the power of Parliament and parliamentary committees to review the spending estimates of departments and hold ministers to account.” Similarly, in their 2006 campaign platform, the Liberal Party of Canada called for “increasing the opportunities for Parliamentary Committees to propose changes to government bills.”

Many long-time MPs acknowledge that the job is becoming more complex. Legislation is increasingly specialized and multifaceted, requiring higher levels of technical expertise. The demands on a parliamentarian’s time have grown exponentially. The travel schedule is punishing. Public demand for consultation at every stage is growing. Desire for a more consensual and constructive parliamentary culture struggles to overcome adversarial and partisan traditions. At the same time, the degree to which power has become concentrated in the executive is impossible to ignore. Many MPs view the possibility of enhanced support and new services as a way to check the influence of the executive and strengthen their ability to evaluate legislation and hold ministers to account.

Making use of a wide range of recent parliamentary and academic reports and an intensive mining of a deep body of literature on the role of the research bureaus and legislative libraries in Canada, the UK, the US and Australia, this paper offers an overview of the current state of research services available to MPs. Informed by interviews with current and former legislators, librarians, researchers, staff members and long time observers in three of the four jurisdictions we explore if the research capacity available to MPs matches the stated goal of enhancing the role of committees and individual MPs in parliament. Is the expertise to fill the analytical gap and contribute to the accountability debate readily available to them?

This report makes use of a wide range of recent parliamentary and academic reports that have proposed various reforms to the House of Commons. We have surveyed a deep body of literature on the role of the research bureaus and legislative libraries in Canada, the UK, the US and Australia. Additionally, more than a dozen interviews were completed with current and former legislators, librarians, researchers, staff members and long time observers in three of the four jurisdictions.

Considerable theoretical work was also completed as we prepare the next phase of this project: a survey of past and present MPs measuring their sense of efficacy and identity. This report shares many of the precepts that have informed the design of this survey. Following is a comparative

analysis of library research, committee support, budget research, constituency services/office staff and partisan research in Canada, United States of America, United Kingdom and Australia.

## **A) Legislative/Library Research Services**

Generally, legislative research services are branches within parliamentary or congressional libraries whose principal role is to provide balanced and non-partisan research and policy analysis to Members of Parliament or Congress. Although this service can take different institutional forms, generally, it is made up of policy experts in a wide range of areas, from science and technology, to environment, social policy, foreign affairs, finance, and so on. Research experts can assist individual members or be assigned to committees. The degree to which the legislative research services are balanced between assisting committees and assisting individual members varies. Members (or their staff) and committees will contact research experts from the Library to provide them with resources, generally in the form of a backgrounder or report, relating to their field of expertise, usually in less than two weeks or according to a deadline set by parliamentarians. Members would be provided with research advice and policy analysis, but typically library research services would not provide direct policy or legislative recommendations. Typically 80-90% of research budgets are invested in personnel.

According to the World Directory of Parliamentary Libraries, approximately one-hundred-and-forty-five countries have parliamentary or congressional libraries, and about half of those have dedicated research services. While countries like Canada, the United States, and the United Kingdom have well-established libraries, newly developing democracies, particularly in Eastern and Central Europe, are also creating research units to better inform their legislative processes.<sup>207</sup>

Investigating the knowledge resources available to legislatures in other jurisdictions provides a base which can be used to evaluate Canada's Library of Parliament and PIRS<sup>208</sup>: Australia, the United Kingdom, and the United States are examined. Parliamentary Libraries in Australia and the United Kingdom are closer relatives of Canada's Library of Parliament in terms of funding and staffing than that of the United States.

### ***Canada***

The mission of the Library of Parliament is to "provide Parliament, in a timely fashion, with comprehensive and reliable information, documentation, research and analysis while maintaining extensive and pertinent collections to support the functions of legislation and representation; and to provide information about Canada's Parliament to the public."<sup>209</sup> The library staff support

---

<sup>207</sup> Dr. Dobrin Kanev and Margarita Anguelova, "Parliamentary Libraries and Research Services: Cooperation, Coordination, and Future Directions." Paper presented at the 62nd International Federation of Library Associations and Institutions (IFLA) General Conference, August 25-31, 1996.

<sup>208</sup> "Currently available data on legislative research and analytical services are skimpy and contradictory, largely because of incomplete definitions about what constitutes "research" in a parliamentary setting and also because of the many actors that may be engaged in the enterprise" says William H. Robinson, Senior Specialist in Public Policy at the U.S. Congressional Research Service. Robinson makes an attempt at a comparative analysis of legislative research services given the lack of information in William H. Robinson, "Research and Analytical Services for National Legislatures: A Preliminary Analysis." Paper presented at the 64th International Federation of Library Associations and Institutions (IFLA) General Conference, August 16-21, 1998.

<sup>209</sup> Library of Parliament, <http://www.parl.gc.ca/Publications/LOP-e.asp>.

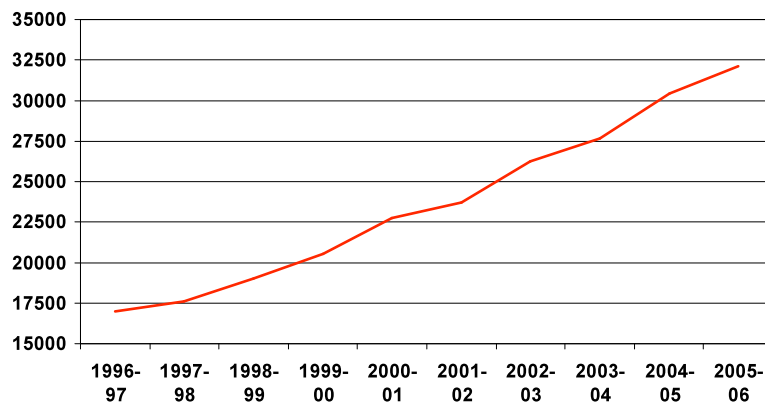
parliamentarians and their staff, parliamentary committees, various delegations, and provide certain services to the general public.

Operations of the library are divided into two main branches: the Information and Documentation Branch (IDB) and the Parliamentary Information Research Service (PIRS). The IDB mainly responds to members' requests for daily information and reference assistance with a quick response time. Products from the IDB typically include items such as bibliographies and compilations of legislation.

PIRS employs specialists in law, economics, social policy, and so on, to write detailed research pieces that provide analysis for parliamentarians and parliamentary committees concerning legislation and public policy. These more detailed pieces typically take a week or two to complete, depending on imposed deadlines.

The Library of Parliament has been increasingly called upon to provide knowledge resources and legislative assistance as committees and the roles of individual MPs have become increasingly important over time. As evidence of the Library's increasingly important role, its budget has roughly doubled over a ten-year period. Much of the Library's growth has taken place in the PIRS, as the Government in 2005-2006 allocated part of \$5.4 million investment in parliamentary activities to support members of parliament in committees.<sup>210</sup> The library has a staff of approximately 375, including librarians, support staff and research analysts; its budget for 2005-2006 was \$32,105,000.

**Budget: Library of Parliament. 1996-97 – 2005-06 (\$thousands)<sup>211</sup>**



### ***The Parliamentary Information and Research Service (PIRS)***

According to the Library of Parliament:

*The Parliamentary Information and Research Service (PIRS) provides a consulting service for individual parliamentarians, responding to questions that require research and analysis on legal, economic, scientific, or social science matters. Researchers obtain and analyze material, and write letters, short notes*

<sup>210</sup> Finance Canada Estimates 2005-06.

<sup>211</sup> Finance Canada Estimates 1996-97 – 2005-06

*and longer research papers at the request of Senators and Members of the House of Commons. In some cases, responses are provided to clients by telephone briefings or by meetings with individual parliamentarians and/or their staff.*<sup>212</sup>

The Parliamentary Research Branch (PRB) in the Library of Parliament was established in 1965 under the Pearson government and was renamed PIRS in 2003. What began as a small unit with five research analysts expanded into an increasingly important institution relied upon by members of parliament and their increasingly important committees. In 1972, the research services branch employed 30 research analysts.<sup>213</sup> By 1995, that number had grown to sixty researchers<sup>214</sup> and increased again to seventy researchers in 2002.<sup>215</sup> PIRS now consists of approximately eighty research analysts<sup>216</sup> as well as a number of administrative and support staff.

PIRS research analysts divided their time between assisting individual MPs with research requests and providing knowledge resources for parliamentary committees. Committee duties represent approximately 40 percent of the time worked by its professional staff. PIRS provides support to most standing committees and several sub-committees of both the House of Commons and the Senate. Depending on the research demands of a particular committee, PIRS analysts serve committees individually or in certain cases in multidisciplinary groups of two or three depending on the subject matter the committee is investigating and the according expertise of the researchers. The research analysts can also work with private consultants and experts under direction of the committee chair.<sup>217</sup>

The research analysts are only temporarily assigned as researchers to committees, largely on an informal basis and will often be required to undertake other duties, such as dealing with requests from individual members separately of committee work. The researchers work with members of all parties equally and are a “source of unbiased information unlike departmental officials, interest groups and lobbyists,” and in turn, “committee members have high expectations concerning the role and skills of staff.”<sup>218</sup>

A problem that PIRS faces is that “members sometimes expect their small staff to match departmental expertise.” While this is not always possible because of the immense resources in terms of staffing and funding available to departments, the “committee staff is knowledgeable and has expertise in many areas, but has to deal with an extensive range of issues and responsibilities.”<sup>219</sup>

---

<sup>212</sup> Library of Parliament, [http://www.parl.gc.ca/common/library\\_prb.asp?Language=E](http://www.parl.gc.ca/common/library_prb.asp?Language=E).

<sup>213</sup> Philip Laundry, “Comment on Professor Franks”, ‘The Dilemma of the Standing Committees of the Canadian House of Commons.’ *Canadian Journal of Political Science* 3 (September 1972).

<sup>214</sup> Hugh Finston, “Assisting Committees in the Canadian Parliament.” Paper presented at the 61st International Federation of Library Associations and Institutions (IFLA) General Conference, August 20-25, 1995.

<sup>215</sup> Hugh Finston, “Working with committees: why do it and how to start.” Paper presented at the 68th International Federation of Library Associations and Institutions (IFLA) General Conference, August 18-24, 2002.

<sup>216</sup> World Directory of Parliamentary Libraries, Canada.

<sup>217</sup> Finston, 2002.

<sup>218</sup> Finston, 1995.

<sup>219</sup> Finston, 1995.

In short, then, because of their temporary status on committees and the expectation to the provision of concurrent assistance to individual MPs, it is difficult for individual researchers to be equipped with sufficient knowledge resources or have the deep institutional knowledge of the specific research demands of a particular committee. If the committees were supplied with dedicated research analysts, an institutional knowledge would accumulate thereby maximizing the effectiveness of researchers and increasing the effectiveness of members of parliament and their committees.

### *United States*

Part of the Library of Congress, the Congressional Research Service (CRS) is the only Library department tasked with providing research assistance and policy analysis to Congress. The CRS was established in 1970, although research services had been established in the US in 1914. Today, the CRS has a staff of approximately seven-hundred-and-thirty and a core of research analysts of over four-hundred-and-forty. Its budget for fiscal year 2004 was \$91.2 million USD<sup>220</sup>, and its budget for fiscal year 2005 was estimated at \$101 million USD<sup>221</sup>, or \$115-120 million CAD.

The mission of the CRS is to “support the Congress in its legislative, oversight, and representational functions by providing balanced, unbiased analytical research and information pertaining to public policy issues on the congressional agenda at all stages of the legislative process.”<sup>222</sup> The CRS supports congressional committees with a permanent research staff for each committee, and the service also responds to individual requests from members and their staff. In addition, the CRS runs extensive workshops, seminars and training programs. The CRS has similar divisions as other libraries mentioned above between research and reference services, with approximately sixty percent of staff allocated to research services.<sup>223</sup>

After World War II, due to its increasingly concern with the powers of the executive, Congress sought to establish its legislative authority by enhancing the research services provided to Congress. In 1970, steps were taken to dramatically increase the importance of research assistance and the former Legislative Reference Service was changed to the Congressional Research Service to emphasize its new research and policy analysis role. These reforms urged the CRS to, “engage in ‘massive policy analysis’ for Congress,” and to provide “‘continuous liaison’ with congressional committees,”<sup>224</sup> thus providing staff to both member and committee offices.

Between 1971 and 1977, CRS staff increased by almost one-hundred-and-fifty percent and the number has remained relatively constant since, in the range of seven hundred to as many as eight-hundred-and-sixty-five. The increase in staff (which led to an increase in research capacity) also increased research specialization, thus contributing to better-informed and better-functioning

---

<sup>220</sup> Congressional Research Service, “The Congressional Research Service FY2004 Annual Report.” Washington: 2006.

<sup>221</sup> Stephen Young, “CRS Reports.” *Law Library Resource Exchange* (September 2006). Young is the reference librarian for the Catholic University of America.

<sup>222</sup> Congressional Research Service. “FY2004 Annual Report.”

<sup>223</sup> William H. Robinson, “The Congressional Research Service: Policy Consultant, Think Tank, and Information Factory.” In *Organizations for Policy Analysis*, edited by Carol H. Weiss. Sage Publications, 1992.

<sup>224</sup> *Ibid.*

committees. Likewise, CRS budgets grew from \$4.7 million USD in 1970, to \$45.8 million USD in 1990<sup>225</sup>, to over \$100 million in 2005. Approximately sixty percent of research staff time is spent providing individual assistance to members. About thirty-five percent is spent on committee requests and the remaining 5% is spent on preparing anticipatory materials and reports.<sup>226</sup>

Interestingly, unlike research services in Canada, the UK, and Australia, the CRS does not publish its work or make it available to the public. The CRS is prohibited from publishing any of its research without approval from either the Senate Rules Committee or the House Administration Committee, a constraint intended to ensure that the CRS continues to work solely for Congress rather than for outside groups.<sup>227</sup> However, internet-based groups from Universities and NGOs have been publishing those reports that they attain from internal government sources in an effort to disseminate the analysis provided by the CRS to the public. These groups are also calling on Congress to allow the CRS to openly publish their reports so that the public can access them freely.<sup>228</sup>

The CRS serves every member of Congress and every congressional committee and there is one research analyst for approximately every 1.2 members of Congress. Because of its vast resources and expertise, the CRS is able to quickly respond to and provide significant support to committees. For example, when the congressional leadership identified the 9/11 Commission Report as its top priority in 2002-03, the CRS dispatched over seventy research analysts and information professionals to provide support to members in under a week's time.<sup>229</sup> Subsequently, the report became a nationwide best seller. One can imagine how such services provided to committees could work well in the Canadian context in similar high-priority situations.

## ***United Kingdom***

### ***The House of Commons Library***

The House of Commons Library dates from 1818 when a librarian was appointed to take charge of the large collection of papers and books that had been accumulated by Parliament. Following the destruction of the Houses of Parliament by fire in 1834, the library was rebuilt and restocked and reopened in 1852.

The House of Commons Library provides an impartial and confidential information and research service for individual Members and their staff. In 1945-6, a Select Committee recommended a large increase in purchasing grants as well as the addition of research staff that would provide specialist assistance to MPs.<sup>230</sup> A Research Division was created to provide briefings for members and to answer their individual queries on a neutral basis.

---

<sup>225</sup> Ibid.

<sup>226</sup> Ibid.

<sup>227</sup> Ibid.

<sup>228</sup> See the Open CRS Network, <http://www.opencrs.com/>.

<sup>229</sup> Congressional Research Service, "FY2004 Annual Report."

<sup>230</sup> Jennifer Tanfield, Ed. "Parliamentary Library, Research and Information Services of Western Europe." International Federation of Library Associations and Institutions, London (September 2000), 114. Tanfield is the former Librarian of the House of Commons, in Westminster.

The Library is also responsible for the House of Commons' public information service and an education service (on behalf of both Houses).<sup>231</sup> Most work is done for individual MPs, with some also being done for Select Committees: "replies to individual research requests form the greater part of the Library's research output and, in addition, the research service seeks to anticipate and meet the needs of members by producing over 100 Research Papers each year on subjects of Parliamentary concern".<sup>232</sup>

The Speaker of the House appoints the Librarian, while the Board of Management (responsible for coordinating and developing services) is comprised of heads of autonomous departments. Additionally, there is an Information Select Committee (comprised of nine MPs), which is consulted on changes to services.<sup>233</sup> The House of Commons Library is much larger than the House of Lords Library and they operate independently of each other. It has a budget of approximately \$18-20 million CAD<sup>234</sup> and a staff of approximately one-hundred-and-ninety. The Librarian is assisted by five directors, each of whom is responsible for one of the following areas:

***i. Research Services:***

Specialists brief Members by either answering enquiries or writing research papers on new legislation or topics of interest. Research services are divided into seven subsections (with roughly five research analysts in each): Business & Transport, Economic Policy & Statistics, Home Affairs, International Affairs & Defense, Science & Environment, Social & General Statistics, Social Policy.

***ii. Parliamentary and Reference Services:***

This area is further broken down into four main areas:

1. Information services for MPs (for example, responding to enquiries, providing a large variety of material, like newspapers, journals, Hansard, official publications and parliamentary papers, book loan, video/audio tape services)
2. The House of Commons Information Office
3. The Parliamentary Education Unit
4. The Parliament and Constitution Centre (which is a central resource for the above mentioned subjects, as well as providing a source of information for MPs)

***iii. Information Systems:***

The Information Systems Section is responsible for developing, managing, training, and supporting the use of the information and technology systems by Library staff.

***iv. Library Resources:***

This section manages all finance, planning, accommodation, and the stock of the Library.

***v. Human Resources:***

---

<sup>231</sup> Ibid, p. 114.

<sup>232</sup> Ibid, p. 116.

<sup>233</sup> Ibid, p. 114.

<sup>234</sup> Information for Energy Group, House of Commons Library Open Day, February 2004.



Finally, this area manages the Library's personnel, training, and health and safety. The bulk of Library staff are graduates (often with "post-graduate or professional qualifications") who are employed by the House of Commons.<sup>235</sup>

The House of Commons Library also has a number of public functions, including a public information branch, which among other things disseminates Library publications (the Library can also be accessed online or via CDROM), and a public education branch that provides resources to teachers and students about parliament and the policy process.

### ***The House of Lords Library***

The House of Lords Library was established in 1826 as a law library which would support the judicial work of the House. The Library provides "research, information and bibliographic services which support the parliamentary and judicial functions of the House of Lords".<sup>236</sup> The Library is staffed by 21 people, including the Librarian (who is appointed by the Clerk of the Parliaments) and the Deputy Librarian; four Library Clerks and the Research Services and Legal Information Librarian (who are responsible for research); the Reader and Technical Services Librarian who works with eight Assistant Librarians and two Library Assistants and is responsible for informational and technical services; and three secretaries.<sup>237</sup>

The Research service for the House of Lords began in 1977 and is staffed by seven workers. Four Library Clerks prepare written briefs for Members in response to approximately 2,000 research requests annually. As well, the Clerks prepare around ten Lords Library Notes. The Parliamentary Office of Science and Technology provides scientific research for Members of both Houses.<sup>238</sup>

### ***A Think-Tank Function***

The House of Commons Library in the UK operates along the lines of a think-tank, publishing major studies provided to Parliament simultaneously in print and on Parliament's website to encourage public debate and discussion. This function of the library is becoming increasingly popular as over one million readers accessed their online reports in 2005-06, compared to just over four hundred thousand in 2001-02.<sup>239</sup> Although they have fewer research analysts than Canada and Australia, the UK's Library seeks to advance public knowledge through political research at the same time as increasing the knowledge base of MPs. The Library's mission statement is, "contributing to a well-informed democracy".<sup>240</sup>

The think-tank model could be an interesting lesson for Canada's PIRS to serve a public knowledge and democratic function. While PIRS publishes its studies and reports online, they are somewhat haphazardly organized, and minor, rather uninteresting, reports are published alongside more detailed and critical ones. Consequently, the site requires a good deal of sifting through.

---

<sup>235</sup> Tanfield, pp. 115-116.

<sup>236</sup> Ibid, p. 112.

<sup>237</sup> Ibid, pp. 112-113.

<sup>238</sup> Ibid, p. 113.

<sup>239</sup> House of Commons Commission, 2005-06.

<sup>240</sup> House of Commons Information Office, 2005.

Moreover, the reports are not on a central site and are difficult to access. Perhaps the think-tank model is one that could enhance the Library's influence by making it a valuable source for the latest policy research, both within Parliament and among the public.

### ***Australia***

Australia's research service was established in 1966. Previously, researchers at academic institutions such as the Australian National University supported committees and members of parliament.<sup>241</sup> Australia is probably one of Canada's closest political relatives, and its legislative research services are comparable to Canada's. The United Kingdom does not have a strong history with committees in Parliament, and therefore its legislative research services are proportionately less than Canada or Australia. Conversely, the United States has a very strong and important committee system in Congress, and therefore it devotes significant resources to provide research support to its members and committees.

Similarly to Canada, Australia's Library of Parliament is divided into two branches: the Research Branch which "provides a range of information and document delivery services, and analysis, interpretation and explanation through personal consultation and the preparation of research papers"; and an Information Access Branch, which "builds and maintains the information resource required by clients and staff and provides publishing services." The Library provides services to both the House of Representatives and the Senate.<sup>242</sup>

The budget of the library is approximately \$14-15 million CAD and has a total staff of approximately one-hundred-and-forty. Australia's Library has a relatively large and dedicated research group which accounts for just below sixty percent of its overall staff.<sup>243</sup> For two-hundred-and-twenty-six members of parliament, it employs approximately forty-five research analysts for a ratio of 5:1 (slightly higher than Canada whose ratio is approximately 5.2:1).

### **Conclusions and Recommendations: Legislative/Library Research Services**

***Canada's parliamentary research service meets or exceeds comparable services offered by its peer states. These services should continue to be enhanced to meet the evolving needs of parliamentarians.***

Against the US, UK and Australia, Canada's Library of Parliament stands up well. Per parliamentary member, Canada offers its MPs slightly more support than is available in either the UK or Australia. Comparisons with the US are more problematic because of the many differences between the Congressional and Parliamentary systems. The USA has a population of over 300 million people, generated tax dollars to support 535 Representatives and Senators of the US Congress. In Canada the collective resources of thirty-six million people are at the disposal of four-hundred-twelve MPs and Senators. Any variations in either staffing or funding can be largely explained as a function of these ratios.

---

<sup>241</sup> June R. Verrier, "How to establish a parliamentary research service: does one size fit all?" Paper presented at the 66th International Federation of Library Associations and Institutions (IFLA) General Conference, Jerusalem, Israel, August 13-18, 2000. Verrier works with the Australian Parliamentary Information and Research Service.

<sup>242</sup> Parliament of Australia, "Parliamentary Library; Organizational Structure," <http://www.aph.gov.au/Library/about/organisation.htm>.

<sup>243</sup> Parliament of Australia, Parliamentary Library. Annual Report. 2005-06.

Since 1997, funding for the Library of Parliament has more than doubled. Today, nearly three hundred people staff the library, and an increasing number are part of the Parliamentary Information and Research Service. These researchers have been the beneficiaries of the bulk of new funding as the library has tried to keep pace with new demand for increasingly sophisticated research services. As one librarian explained: “We used to receive requests for factual information where little analysis was required; today that’s changed and we’re more likely to receive requests that require us to present and synthesize divergent points of view.”

Operations of the library are divided into two main branches: the Information and Documentation Branch (IDB) and the Parliamentary Information Research Service (PIRS). The IDB serves as parliament’s reference desk, able to quickly provide MPs with legislation, government reports and compile detailed bibliographies. By contrast, PIRS employs technical specialists who are able to draft issue-specific policy reports at the behest of individual MPs and parliamentary committees.

Formerly known as the Parliamentary Research Branch (PRB), dedicated research services first became available to MPs in 1965. The five-person unit quickly grew. By 1972, the research services branch employed thirty analysts. By 1995, there were sixty analysts and in 2002 there were seventy. Today, eighty research analysts along with various administrative and support staff makes up the Parliamentary Information and Research Service.

### ***Committee work***

PIRS analysts spend sixty percent of their time assisting individual MPs and the other forty percent supporting parliamentary committees. While not officially assigned to any one committee, most researchers end up serving one or more related committees over a period of several years. This helps to provide continuity and institutional memory for committee members.

Where the research needs of a committee exceed the capacity of PIRS analysts, the committee may petition the Clerk’s Office for supplementary funds to hire additional researchers and consultants. These external staff members typically operate under the direction of the committee chair and are overseen by the clerk of the committee and PIRS staff.

Recently, several proposals have surfaced urging the Commons to adopt the US model and create dedicated research bureaus for each committee. In the US, these bureaus are well resourced with two distinct teams of majority and minority analysts serving their respective committee members. Together, they offer the committee considerably greater capacity for program evaluation and policy development. Most committees in Congress employ more than thirty researchers and several employ more than one-hundred.

While these numbers might seem staggering, it’s important to put them in their proper context. Canada has only slightly more than one tenth the population of the US. Accordingly, it still spends nearly \$32m a year on parliamentary library and research services. As a ratio this is roughly on par with the combined budget for all congressional research services. But in order to replicate even a fraction of the American committee research model, Canada would have to spend substantially more — possibly doubling its overall research budget — in order for the additional

researchers to have a noticeable impact on the operations of either the twenty-five Commons or seventeen Senate committees.

For this reason, several current and former librarians agreed that the Canadian compromise — a research pool able to serve both individual members and committees — likely offers much better value for money.

### ***Brokering and filtering***

Many respondents spoke of a recent awakening: that MPs are becoming more familiar with the research services the library can provide and are relying on the library to assist with policy analysis. Similarly, librarians and researchers described their work as ‘brokering’ information and ‘filtering’ the quality of information that MPs use. Researchers have become valuable simply for their ability to help manage the flow of information with which MPs must contend. They are able to translate academic research into accessible policy advice, while also evaluating the validity of data available on the internet. As one researcher said, “More and more, our job is to help navigate the sources of information and ensure that there’s some degree of quality control.”

### ***Conclusions and recommendations***

Canada’s Library of Parliament is an exemplary organization that continues to adapt to meet the changing needs of our parliamentarians. It has benefited from the budgetary increases it has received and its public value is clear.

In the near term, the Library should continue to expand both the range and depth of its services. We can anticipate that the nature of its work will continue to change, as the Library is called on to provide greater ‘context’ to supplement ‘content’, and to validate and filter the wide and growing array of data directly available to MPs and their staffs.

In the long term, PIRS may wish to emulate the British Parliamentary Library Service and develop a program of thematic studies while engaging in more speculative, blue-sky research that could help animate new debates. It would be very helpful, for instance, if the Library Service in collaboration with other Parliamentary libraries, initiated a newsletter for parliamentarians that tracked policy trends in various jurisdictions.

Lastly, the Library should remember that in serving Canada’s parliamentarians, it serves all Canadians. Accessing parliamentary data through the internet – from proposed legislation, to committee minutes to voting records – remains an uneven and largely unsatisfactory experience. The Library is well positioned to make improvements that would help to make the business of parliament more accessible and transparent. New interfaces and online reporting tools should be developed with both MPs and citizens in mind.

### ***Parliamentary advisors on broad issues could provide a useful service to parliamentarians.***

Amidst the list of recommendations contained in the 2003 all-party report, *The Parliament We Want*, was the suggestion to create a new category of parliamentary officer who could advise parliamentarians on broad crosscutting themes. These Parliamentary Advisors (PAs) would operate with small research teams in concert with the Library of Parliament to prepare original research and provide non-partisan advice to all parliamentarians. In effect, they would mimic the

capacity for high-level policy review currently provided to the government by the Privy Council Office.

Enjoying full independence from the government of the day, PAs would be responsible for briefing parliamentarians and responding to their requests for more detailed information. They would also have the right to initiate their own limited research programs that would produce regular reports to Parliament. In practice, the PAs would operate as semi-autonomous thematic think tanks prompting debate and highlighting the interconnections between policy options.

The creation of Parliamentary Advisors would be a bold initiative that would significantly rebalance the availability and weight of expertise for opposition parties. The Minister for Democratic Renewal should undertake a study, with opposition support, to examine a potential role for PAs.

## **B) Committee Support**

### *Canada*

Since Confederation, Parliament has had in place a system of specialist standing committees, more or less mirroring the departmental structure of ministries. Over the years, committees have played an important role in scrutinizing government legislation and in developing policy.<sup>244</sup> Since the 1960s, committees have become increasingly important to the legislative and policy agendas of parliament and research assistance to committees has increased at the same time. For example, the first director of the PRB was hired in 1965 to assist the Procedures and Organization Committee.<sup>245</sup>

Parliamentarians typically spend a great deal of time doing committee work, as C.E.S. Franks noted in 1971, “most members of parliament spend as much time in committee sittings... as they do in the House itself,”<sup>246</sup> a fact which is still true today.

As the issue of the democratic deficit in parliament has become more prominent, particularly after being raised during Paul Martin’s leadership campaign in 2002, changing the traditional role of committees became increasingly important on the parliamentary reform agenda. Specifically, Martin argued that committees should be given a greater role in parliament with “increased independence and expanded authority” to overcome traditional adherence to party lines, thus encouraging a greater role for individual members and resulting in greater importance of committee debates and reports.<sup>247</sup>

Today, there is a broad consensus among Canada’s political parties in favour of an enhanced role for committees. The election platforms of both the Conservative Party and the Liberal Party

---

<sup>244</sup> C.E.S. Franks, “The Dilemma of Standing Committees of the Canadian House of Commons.” *Canadian Journal of Political Science* 4 (December 1971).

<sup>245</sup> Finston, 2002.

<sup>246</sup> C.E.S. Franks, “The Dilemma of Standing Committees of the Canadian House of Commons.”

<sup>247</sup> Paul Martin, “The Democratic Deficit.” *Policy Options* (December 2002 – January 2003).

specifically called for an enhanced role for committees in parliament. The Government has outlined an enhanced role for committees and parliament in its accountability agenda.<sup>248</sup>

A report published in 2003 from MPs Deborah Grey and Carolyn Bennett and Senator Yves Morin states that, among other consensus reform options, there should be “more autonomy for parliamentary committees to conduct policy research and public consultations.”<sup>249</sup> They argue that Parliament should be given a greater role to debate policy from a variety of perspectives, rather than only along party lines, thus allowing more substantive policy debates, in addition to providing greater scrutiny over the Government policy.

While it is not the purpose of this paper to advocate specifically for a greater role for parliamentary committees, it is clear that consensus exists among all parties to increase the importance of individual members and committees in parliament. Since this is the case, it is necessary to also increase the capacity of research and knowledge resources available to Parliament.

Committees typically experience a high turnover rate since individual MPs get shuffled from portfolio to portfolio and may not develop a deep understanding of a particular policy issue. The research analysts assigned to committees can serve as their institutional memories; however, this could be improved by making those researchers permanent fixtures serving particular committees.

Providing increased support to committees by enhancing legislative research services has been investigated before in Canada. In fact, two major reports have advocated that Canada implement a permanent research staff for committees. An influential 1985 report of a special House committee on parliamentary reform recommended budgets for committees to purchase research services<sup>250</sup>; and a 1993 report of the House of Commons Liaison Committee (consisting of all House chairpersons) recommended dedicated committee research staff funded by the House.<sup>251</sup> More recently, a 2003 report from a group of MPs on parliamentary reform advocates for increased legislative assistance.<sup>252</sup> However, at this time, the issue has not been addressed by Parliament.

The 2003 report from parliamentarians states, “If Parliamentarians are to become knowledge brokers, they will require significantly more resources for independent policy analysis.”<sup>253</sup> Specifically, the report recommends:

*Increasing the budget of the Parliamentary Research Branch to ensure every committee has its own research capacity; either as independent offices, or through the Library of Parliament, creating “parliamentary advisor” positions on broad, cross-cutting issues that would be independent from those who advise government*

---

<sup>248</sup> Conservative Party of Canada, *Election Platform*, 2006.

<sup>249</sup> Library of Parliament, “The Parliament We Want.”

<sup>250</sup> The Special Committee on Reform of the House of Commons (McGrath Committee), Canada, 1985.

<sup>251</sup> House Liaison Committee, Sessional Paper No. 343-8/11, Canada, April 1993.

<sup>252</sup> “The Parliament We Want: Parliamentarians’ Views on Parliamentary Reform.”

<sup>253</sup> *Ibid.*

*(e.g., the office of a parliamentary science advisor); and increasing office budgets specifically for legislative/research assistants.*<sup>254</sup>

Furthermore, reports from the Parliamentary Centre recommend increasing resources available to committees. One report calls on the House of Commons to consider increasing staff resources for committees as a whole, and particularly for opposition members, stating that, “most observers see the need for committees to have access to additional resources in view of the important tasks committees perform.”<sup>255</sup> The report notes that while the research branch has been provided with increased support, more is needed and resources could be applied more effectively.

Another report notes that “several deputy ministers” feel that committees could function more effectively if the research branch better staffed them. In evaluating the role of the research branch support for committees, the report argues, “Its resources are limited and, no matter how competent the individuals assigned to a committee, a couple of professional advisers is no match for the thousands of officials working for government departments.” The report argues further, that, “competent and knowledgeable committee staff, providing they have the time, can improve the performance of committees by working with departmental staff to assure that departmental testimony effectively addresses matters of concern to Members.”<sup>256</sup>

Both reports refer to a successful experience for committees that occurred between 1980 and 1984, in which a few committees (referred to as parliamentary task forces), “used their substantial financial resources” to fund research advisors chosen by each opposition party. Further, the combined staff “invariably worked cooperatively and was frequently able to elaborate compromise proposals that satisfied the interests of all Members of the committee.”<sup>257</sup> The researchers, “worked closely with the committees’ central staff, testing the acceptability to all parties of various formulae, ultimately making it possible to achieve unanimous reports.”<sup>258</sup>

### ***The Role of Consultants in Committee Research***

Providing increasing knowledge resources to committees does not have to mean increasing the budget or role of PIRS. Another option could be to increase the role of private researchers, experts, and consultants to meet the demand. Senator Yves Morin, Joint Chair of the Standing Committee on Library of Parliament put it this way:

*The committees will be receiving bills earlier, parliamentary committees will be conducting specific studies, not unlike royal commissions and so forth, and there will be more consultation by electronic means. So there are two avenues for committees: the committees might hire more consultants or have the Library of Parliament play a greater role... With... democratic reform, parliamentarians will be given specific responsibilities. They will tend to specialize in certain areas. In this new role, of*

---

<sup>254</sup> Ibid.

<sup>255</sup> Forum on Parliamentary Reform, Parliamentary Centre, Date unspecified.

<sup>256</sup> “Occasional Papers in Parliamentary Government.” *Parliamentary Centre* 21 (September 2005).

<sup>257</sup> “Occasional Papers in Parliamentary Government.”

<sup>258</sup> Forum on Parliamentary Reform.

*course, they will require more information, which would be individualized, specialized, and continuous.*<sup>259</sup>

In our view, the Library of Parliament and PIRS objective to remain neutral in their research and reports is important when providing assistance to Parliamentary committees. Furthermore, providing legislative assistance to committees and MPs requires a particular skill, as MPs tend to have specific requirements demanding a quick research turnaround, which is not always possible when contracted out to academic groups or other consultants.<sup>260</sup> While it would not be desirable to remove the ability of committees to hire private experts as needed, it would be a mistake to increasingly rely on the contracting-out of knowledge services and their influence on the parliamentary process should be limited.

On consultants' involvement in Parliamentary committees, Carolyn Bennett stated, "If a committee hires a consultant, you can pretty well determine what the [committee's] report is going to say just by whom they hired."<sup>261</sup> While it is not a guarantee that private experts will be biased towards a certain political or policy outcome, enhancing an existing and well-functioning institution founded on ensuring non-partisan research and advice is surely a better option than becoming increasingly reliant on outside sources for knowledge resources for Canada's parliamentary committees.

### ***United States***

U.S. Committees tend to be where the bulk of the work of a legislature takes place. Somewhat removed from the glare of public and media scrutiny, congressional committees review, report, and control legislation in their jurisdiction, conduct investigations, hear expert witnesses, and prepare reports. These functions could not easily be accomplished in the full chamber, which is limited both by size and time. Committees are smaller and more specialized, and their members will often have worked together on their key issues for years. This, depending on the committee, can limit their partisanship, at least compared to the full chamber.

Central to the work of congressional committees is the role played by their staff. Committee staffers are generally older; more experienced, and better paid than personal staff members, except at the highest levels of responsibility, where salaries and experience tend to be comparable.<sup>262</sup> To understand the key role played by committee staff, it is essential to appreciate the centrality of committees within Congress.<sup>263</sup>

Committees are fundamental to the activities of Congress. A former Representative, William C. Cramer, referred to this when he noted that:

---

<sup>259</sup> Senator Yves Morin, Joint Chair, Standing Joint Committee on Library of Parliament, 24 March 2004.

<sup>260</sup> Verrier, 2000.

<sup>261</sup> Carolyn Bennett, Joint Chair, Standing Joint Committee on Library of Parliament, 15 May 2003.

<sup>262</sup> Joint Committee on the Organization of Congress, "Congressional Staff and Management – Historical Overview." (December 1993), <http://www.rules.house.gov/archives/jcoc2s.htm>.

<sup>263</sup> For the purposes of this study, we will look only at standing committees, which are the permanent committees which have the power to receive and report measures. Other committees, such as select, ad hoc and joint committees do exist, but their power and resources are far less than those enjoyed by standing committees. A full study of Congressional Committees is necessary to be able to treat the differences between committees. To read further, see, for example, Deering and Smith.



*The most important work of the Congress is done in committee and subcommittees. Committees hold life and death power over bills assigned to them...most of the policy making and agenda setting on legislation is under committee control, in that nearly all bills must go through the committee incubation and gestation process before they are ready to reach the full chamber for consideration and vote...*<sup>264</sup>

This is also true on an individual level. Not only are committees central to the life of Congress, but they also become central to the careers of individual legislators. The choice of which committee assignments to pursue is one of the most important decisions made by new members of Congress.<sup>265</sup> Every member of Congress is assigned to at least one committee, by their party's leadership, which then becomes the focus of his or her legislative activity<sup>266</sup> and "in many ways they determine the character of a member's career."<sup>267</sup> The struggle between individual legislators and party leaders for prized committee positions is an important dynamic within Congress, and is one in which party leaders have substantial influence.<sup>268</sup>

Nearly all members of the House seek a position on one of the four "influence and prestige" committees: Rules, Appropriations, Ways and Means, and Budget. These committees have an impact on every House member, as they either control the legislative agenda of the House or guard its purse strings. Since not all members can sit on such a committee, other choices depend on the goals of the individual members. These can generally be categorized as either policy- or constituency-oriented, and depending on the interests and background of the member, such differences can take many forms.

An example of a policy committee would be the Education and the Workforce Committee, while a constituency committee (also referred to as a reelection committee), would be the Resources Committee. As there are fewer Senators, almost all have the opportunity to serve on one of the top committees, such as Appropriations, Armed Services, Commerce, and Finance, and the more individualistic nature of the Senate means that there are opportunities for influence outside of their narrow committee assignment. There are twenty House committees and sixteen in the Senate, which cover the range of government activity in Congress, each generally possessing a number of further subcommittees. Each Representative, on average, is assigned six committees and subcommittees, while Senators are assigned to eleven.

---

<sup>264</sup> William C. Cramer, "How Political Parties Shape the Policy Decisions of Congress." In *Inside the House: Former Members Reveal How Congress Really Works*, edited by Lou Frey, Jr. and Michael T. Hayes, 118-122. Lanham, MD: University Press of America, 2001, p. 119.

<sup>265</sup> Christopher J. Deering and Steven S. Smith, *Committees in Congress*, 3d ed. Washington DC: Congressional Quarterly Press, 1997, p. 61.

<sup>266</sup> Joe Bartlett, "Never Quite Over the Hill: Working as a Congressional Staffer." In *Inside the House: Former Members Reveal How Congress Really Works*, edited by Lou Frey, Jr. and Michael T. Hayes, 100-107. Lanham, MD: University Press of America, 2001, p. 104.

<sup>267</sup> *Committees in Congress*, p. 59. Discussions about how even unexpected assignments can guide a Congressional career can be seen in, for example, Richard F. Frenno Jr., *Congress at the Grassroots*. Chapel Hill, NC: University of North Carolina Press, 2000, pp. 47-49; Elizabeth Holtzman, "The Youngest Woman Elected to Congress" In *Inside the House: Former Members Reveal How Congress Really Works*, edited by Lou Frey, Jr. and Michael T. Hayes, 13-18. Lanham, MD: University Press of America, 2001, p. 16; John N. Erlenborn, "A Ranking Member of Committee of the U.S. Congress" In *Inside the House: Former Members Reveal How Congress Really Works*, edited by Lou Frey, Jr. and Michael T. Hayes, 167-176. Lanham, MD: University Press of America, 2001, p. 168; Barber Conable, "Congress and Ways & Means" In *Inside the House: Former Members Reveal How Congress Really Works*, edited by Lou Frey, Jr. and Michael T. Hayes, 153-156. Lanham, MD: University Press of America, 2001, p. 153.

<sup>268</sup> Deering and Smith, p. 60.

Congressional committees wield a wide range of powers. Three of these are core: the ability to collect information through hearings and investigations, the authority to draft bills and regulations, as well as the power to report legislation to their parent chambers.<sup>269</sup> Beyond these core powers, congressional committees also have a significant role in policy development and influence through their supervisory role over the political executive, including the appointments process. One only needs to consider the role of the Senate Judiciary committee in Supreme Court nominations to see an example of this influence.<sup>270</sup>

The strength of American committees can be explained in part by the separation of powers. Unlike Westminster Parliaments, the legislative branch represents an independent power structure, without executive dominance and the lure of cabinet appointments to circumscribe its influence. There are two competing organizational structures within Congress, each with its own power dynamic: the party system and the committee system. The committee structure predates cohesive parties, and its centrality gives its chair's extensive influence over matters in their jurisdiction.

Some commentators describe the relationship between the party and committee systems as a pendulum, swinging back and forth as each, in turn, becomes more dominant. Most of these observers agree that it is the party system that is currently the stronger. Even just a few decades ago, committee chairmen were the political barons, dominating their political territory. Since then, the party system has regained the dominance it lost a century ago. The party leadership, as the parallel source of congressional influence, is increasingly pivotal, which could be seen most vividly in the wake of the 1994 Republican takeover of Congress. However, committee chairs and the ranking member of the minority are still highly influential, and any position on one of the more powerful committees, such as appropriations, gives a member considerable political capital.<sup>271</sup>

When this systemic influence is combined with the legislative influence committees have over the political agenda, and in the absence of centralized executive dominance, it is clear that committees possess the capacity to exert significant influence if they choose to.<sup>272</sup> All this allows committees to develop extensive policy expertise, enabling them to compete with, rather than serve, the executive.<sup>273</sup> Whether they are able to do this depends in large part on the availability and quality of the resources at their disposal, especially in terms of staff.

Generally, committee resources and staff reinforce the institutional strength of committees. Committee staffers are often the top specialists in their fields, and their experience can significantly influence the activities of their committee. Beyond administrative and research work, committee staff are able to:

---

<sup>269</sup> Deering and Smith, pp. 11-12.

<sup>270</sup> Ibid.

<sup>271</sup> Ibid.

<sup>272</sup> Ibid.

<sup>273</sup> Ibid.

*Influence the agenda-setting decisions of chairs, advocate or even champion legislative proposals, conduct investigations, negotiate on behalf of the committees and their chairs, and work to build coalitions in the committee, on the floor, and in conference.*<sup>274</sup>

Deering and Smith suggest that house committee staff tend to be more assertive in advocating ideas and proposals, while Senate committee staff is more aggressive in shaping the legislative agenda.

The last fifty years have seen a dramatic increase in committee staff numbers. The 1980s, when the smallest committee staffs had thirty or forty members, represented a significant change from 1946 when the Legislative Reorganization Act was first introduced, giving committees permanent staff. By the early 90s, six committees had over 100. When the Republicans won the 1994 congressional elections, they fulfilled a campaign promise by cutting staff levels by one-third, though these have since resumed their increase. The Republican cuts were partly due to financial concerns, but also due to the fear that committee staff was becoming too powerful.<sup>275</sup> Since that time, the House employed one-thousand-ninety committee and subcommittee staffers, while the Senate employed seven-hundred-seventy-seven. Thirty-eight and 26 percent of those staffers, respectively, are assigned to subcommittees, which are important institutions in their own right.<sup>276</sup>

Associate staff members, who are crosses between committee staff and personal office staff, supplement committee staffs. These staffers work out of the members' office, but work exclusively on committee business and the positions were created to provide junior committee members with an increased ability to contribute.<sup>277</sup> The Senate has authorized each Senator to hire three such individuals, while the House authorizes additional associate staffers for members of the four most significant committees: Appropriations, Budget, Rules and Ways and Means (though Ways and Means is a supplement and does not cover the full salary), with members of the Appropriation Committees receiving two, and the other three committees, one. The Republicans in the 104th Congress also reduced these allocations, with Appropriations members being reduced to one staffer; new committee members have not received an associate staff member on the other three committees.<sup>278</sup>

Each House committee is guaranteed a core of thirty "professional staff," and may hire more if necessary. The minority may select one-third of the staff, though this remains subject to majority approval, meaning that certain minority staff candidates can be rejected. The actual number of staff hired varies widely among committees. Prior to 1994, only one House committee had fewer than 40 employees, while six exceeded 100 and Appropriations had over 200. Senate committees also have very large staffs. Except for staff selected by the minority and controlled by the ranking minority member, committee staff are controlled by the Chair, and junior committee members

---

<sup>274</sup> Deering and Smith, p. 162.

<sup>275</sup> Ibid, p. 164.

<sup>276</sup> Ibid, p. 167.

<sup>277</sup> Ibid, pp. 160-161.

<sup>278</sup> Ibid, pp. 164-166.

have comparatively little access to the staff.<sup>279</sup> There is no job security for staffers, as they serve solely at the discretion of either the Chair or the ranking minority member. Loyalty and attachment to that member's political fortunes become essential elements of staff life. New chairmen often bring new staff with them, while if a chair or his party loses an election; the associated staff members are likely to lose their jobs as well. As such, committee staff members have two competing interests to protect: those of the committee and those of their boss.<sup>280</sup> Chairs are required to ensure that subcommittees have sufficient staffing for their needs, but changes enacted by the Republicans in 1994 allowed full committee chairs to retain control over subcommittee staff, though different committees have different arrangements for how this is implemented in practice.

It should be noted that this expertise comes with an expensive price tag — in 1997, the House authorized US\$178,321,878 for committee staff.

It is not enough to simply say that, because there are large numbers of highly educated staff, they will automatically engage in research and policy development. Instead, we must ask whether staff actually provide analysis, and on this question, there are two rival views. One suggests that pure analysis is avoided, and any research is merely used to support pre-existing ideological positions. Proponents of this view point to a number of factors to support this position. First, members pay more attention to constituency concerns than to objective policy, which gets sacrificed in efforts to assist future reelection. Second, experienced legislators develop “gut instincts” on issues that they have worked on for many years, and trust instinct over any independent analysis. Third, a constant shortage of time is simply not conducive to analysis — Senators average over ten committee assignments and House members average five and one half (both full and subcommittees). One report found that Representatives spend an average of eleven minutes a day reading and that their staff are caught up in the same pace of activity. Other responsibilities make analysis “look like a dispensable luxury.” Staff members also suggest that there is a strong oral tradition in Congress that relies on the need to hear options and quickly make judgments rather than reading about the options and then weighing in. This limits the amount of analysis that can occur. Overall, this argument takes the view that all analysis is inherently political and biased. No matter how neutral or non-partisan, research has an agenda behind it, and so analysis should not be given any greater weight than, for example, the views of political activists. All these factors militate against the use of analysis, and push both committee and personal staff members towards a more political focus.

The other viewpoint suggests that Congress has been moving in the direction of more analysis. An increasing proportion of congressional staffers possess Ph.D.s. In 1976, 8% of committee staff possessed doctorates, and this number has increased. Such trained scientists and social scientists have generally replaced legally trained staff, and this academic focus has started to make a difference.<sup>281</sup> Inherent in their presence is a respect for the academic process, and their interest encourages others to engage in order to not be left behind.

---

<sup>279</sup> Weiss, p. 415.

<sup>280</sup> Weiss, p. 414.

<sup>281</sup> Weiss, p. 417.

Additionally, it is in their professional best interest to demand a level of analysis to ensure that their legislator is never blind-sided by an issue. Being aware of research developments is necessary to ensure that they are fully informed about issues, especially as studies are increasingly reported in mass media. As the volume of external analysis has increased, staff is required to be more aware of such sources. Committee staffs rely extensively on support agencies, such as the General Accounting Office and the Congressional Research Service, and this forces them to think in similar analytical terms, to ensure that they are asking the right questions and to be aware of the holes in their positions. Having to balance competing information is a basic analytical skill, which inevitably comes into play as part of the work of the staff member.<sup>282</sup>

Having laid out this dichotomy between pressures forcing staff both towards and away from analysis, Carol Weiss goes on to suggest that these pressures create a balance for staff members, on which the need for accurate and comprehensive information is set against time constraints. However, Weiss concludes that the trend is moving towards greater use of analysis, especially as staffers are becoming increasingly educated.<sup>283</sup>

Committee staff is highly educated, very influential, and increasingly engaging in research and analysis. While the nearly two-thousand committee staff members are heavily outnumbered by personal staff (who number approximately seven-thousand in the House and four-thousand in the Senate<sup>284</sup>), the sheer research, knowledge, and procedural capacity that these professionals bring to committees is invaluable in ensuring that their work is effective and that they are able to exercise the full range of their powers. Committees are an integral part of Congress, and it is their staff that allows them to effectively fulfill this role.

### ***United Kingdom***

In the UK parliamentary system, both the House of Commons and the House of Lords have non-partisan Select Committees, with Joint Committees occasionally formed by members from both houses. Joint Committees include those on Human Rights, Statutory Instruments and Tax Law Rewrite Bills. As a result of the European Communities Act of 1972, and under Statutory Instruments, both the Commons and the Lords have Select Committees to review documents from the greater European community.

In the Commons, Select Committees are divided into departmental, national, topical, internal and domestic tiers, while the Lords oversee only topical, internal and domestic areas. Most Select Committees, however, are made up of members from the Commons and are responsible for overseeing departments and agencies, including the Communities and Local Government Committee, the Northern Ireland (as well as Scottish and Welsh) Affairs Committee, the Environmental Audit Select Committee, the Administration Committee and the Select Committee on Modernisation of the House of Commons.<sup>285</sup>

---

<sup>282</sup> Weiss, pp. 417-422.

<sup>283</sup> Weiss, pp. 422-423.

<sup>284</sup> Deering and Smith, p. 165.

<sup>285</sup> [http://www.parliament.uk/parliamentary\\_committees/parliamentary\\_committees11.cfm](http://www.parliament.uk/parliamentary_committees/parliamentary_committees11.cfm).

One of the recent innovations to assist committees was the creation of the Scrutiny Unit. In 1998-1999 the Procedure Committee recommended that select committees needed additional help and the Modernization Committee returned to this idea in 2002. The Scrutiny Unit was subsequently setup in that year. The unit of staff of eighteen includes lawyers, accountants, economists, and a statistician. The Scrutiny Unit provides a wide range of financial expertise to departmental select committees. It undertakes systematic reviews of estimates, departmental reports, resource accounts, and spending review settlements. Following discussions with the relevant select committees, these reviews result in the production of written questions for departments and sometimes briefing for oral sessions.

The Select Committees of the House of Lords oversee more general areas, such as the economy and constitutional matters, and some examples include the Communications Select Committee, the House Committee and Administration and Works Committee.<sup>286</sup> Standing Committees, renamed General Committees in the 2006-2007 parliamentary session, include the Public Bill Committees (formerly the Standing Committees on Bills), which considers a new Bill that has already reached the Second Reading. Bills that have reached the Second Reading stage in the House of Commons are then passed on to committees for consideration.<sup>287</sup> At this stage, because committees themselves are made up of approximately the same amount of members as the House, the Bill is examined on a clause-by-clause basis but is not changed considerably before being passed on to the Third Reading.

The United Kingdom is especially unique because of its relationship to the greater EU community, none of whose institutions is answerable to any one national Parliament. In addition to its own domestic and foreign agenda, the Government must also act within the greater framework of the EU constitution.

Currently, each legal and/or political directive from the EU is reviewed by the European Scrutiny Committee, and under Standing Order No. 143 is required to examine proposals for Community Treaties, for legislation by the Council of Ministers acting jointly with the European Parliament; documents to be submitted to the European Council, the Council or European Central Bank; proposals for common strategy and position with the EU and any other document relating to EU matters.<sup>288</sup>

According to the most recent report by the Committee on the European Union Intergovernmental Conference, where the provisions of the Reform Treaty were discussed, Secretary of State for Foreign and Commonwealth Affairs, the Right Honourable David Miliband MP, outlined four “red lines” that must be met, which represent the role the Committee plays in negotiating between the UK’s parliamentary sovereignty and the inclusiveness of the greater EU community. According to Miliband, while the “red lines safeguard the UK in four key areas of national sovereignty: our common law system and police and judicial process, our independent foreign

---

<sup>286</sup> [http://www.parliament.uk/parliamentary\\_committees/parliamentary\\_committees26.cfm](http://www.parliament.uk/parliamentary_committees/parliamentary_committees26.cfm).

<sup>287</sup> [http://www.parliament.uk/parliamentary\\_committees/parliamentary\\_committees46.cfm](http://www.parliament.uk/parliamentary_committees/parliamentary_committees46.cfm).

<sup>288</sup> House of Commons European Scrutiny Committee, “European Union Intergovernmental Conference: Government Responses to the Committee’s Thirty-fifth Report of Session 2006-07 and The Committee’s Third Report of Session 2007-08.” (17 December 2007), p. ii.

policy, our tax and social security system, and UK social and labour legislation,” he also acknowledges that “the Reform Treaty will allow the EU to move on from institutional navel-gazing and enhance its ability to deliver on the issues that matter to people: the challenges and opportunities of globalisation, climate change, global peace and security.”<sup>289</sup> The sixteen-member committee essentially ensures that the Commons, and its associated organizations and individuals, has continued influence over Ministers in the Council on EU developments and proposals.

The Select Committee on Modernisation of the House of Commons was appointed on July 13<sup>th</sup>, 2005 in order to review and propose reforms to the practices and procedures of the Commons. The Right Honourable Harriet Harman QC MP was appointed Chairman of the committee on Oct 10, 2007. Under the provisions of the Secretary of State for Justice’s July 3<sup>rd</sup> report, “The Governance of Britain”, the Modernisation Committee will focus on four key areas: 1) the next publication of the draft legislation programme; 2) the role of the House in recall, recess or dissolve parliament; 3) annual debate and reports on departmental objectives; and 4) regional accountability.

### ***Australia***

Parliamentary committees in Australia are divided amongst the Senate and the House of Representatives, with joint committees being formed between the two. The House of Representatives oversees either House Standing Committees or House Select Committees (of which there are currently none in action). House Standing Committees include the Aboriginal and Torres Strait Islander Affairs Committee, the Employment, Workplace Relations and Workforce Participation Committee, and Legal and Constitutional Affairs Committee. Senate Committees include the Appropriations and Staffing Committee, the Economics Committee, the Foreign Affairs and Trade Committee, and the Senators’ Interests Committee.<sup>290</sup>

The Standing Committee on Procedure, established in 1985 under standing order 221, was formed to oversee and report on the practices and procedures of the House of Representatives. According to the committee’s main website, significant reforms included:

*...major changes in the procedures for the consideration of legislation, including the establishment of the Main Committee, also followed recommendations of the Procedure Committee. Most recently the committee initiated a complete rewrite and organization of the standing orders to make them easier to understand for Members and the public.*<sup>291</sup>

### ***Mixed Research Teams to Assist Committees***

Australia’s research service often uses combined teams of librarians and research analysts to assist members and committees, thus increasing operational efficiency by having sources of both reference and policy expertise available to committees. Canada’s reference library largely

---

<sup>289</sup> Ibid, pp. 1-2.

<sup>290</sup> [http://www.aph.gov.au/committee/committees\\_type.htm#house](http://www.aph.gov.au/committee/committees_type.htm#house).

<sup>291</sup> <http://www.aph.gov.au/house/committee/proc/role.htm>.

functions separately from its research branch.<sup>292</sup> The Australian model of combined teams could improve the efficiency of researchers in Canadian committees.

## **Conclusions and recommendations: Committee Support**

*Government should form a centre of excellence on civic engagement with responsibility for advising departments, pioneering new practices and collating major public opinion research.*

Though it might seem odd, MPs themselves recognize the difficulties of civic engagement. After all, they were elected precisely because of their ability to reach out to voters. But virtually all MPs will concede that engaging their constituents between elections is no easy or automatic task. In their 2005 report, "Strategies for Effective Members in an Effective Parliament," an all-party committee of MPs recommended the creation of a Centre for Civic Engagement. They envisioned a centre that would provide MPs with the tools and expertise they need to engage the public. They made this recommendation mindful that the expectation that government consult with the public is growing and that polling, focus groups and town hall meetings are each often inadequate methods for engaging the public in meaningful policy discussions.

We endorse this recommendation, but would go a step further, recommending the creation of a centre that would serve both MPs as well as government departments. Such a centre would be a world-first initiative designed to support the government's efforts to engage Canadians in public affairs and offer much-needed assistance to parliamentarians keen to develop lively and informed local discussions on pending legislation and public priorities.

It would house a research centre on civic engagement that would develop new methodologies and help champion better engagement practices across government. It would also work with the Library of Parliament to support the consultation and engagement capacity of federal constituency offices, developing public programming and curriculum on legislation before the House and on long-range policy issues of interest to Canadians.

## **C) Budget Research**

### *Canada*

The new Parliamentary Budget Office is a much anticipated and welcome addition that will assist MPs to analyse estimates and accounts. In 2008, it is expected that the Prime Minister will announce the appointment of the first Parliamentary Budget Officer. This appointment will be the culmination of a set of recommendations that began in 1994 when the first of two reports was issued urging the Department of Finance to improve the accuracy of its budget forecasts.

As part of the package of measures introduced by the government to improve accountability, the Parliamentary Budget Office will provide analysis to both the Senate and the Commons concerning the nation's finances and underlying economic trends. It will also undertake specific research at the behest of the Standing Committee on Finance, the Standing Committee on Public Accounts and the Senate Standing Committee on National Finance. Finally, the Parliamentary Budget Office will undertake the costing of proposals currently or prospectively under

---

<sup>292</sup> Verrier, 2000.



consideration in either House when requested to do so by a Member, a committee of the Senate or the House of Commons, or a committee of both Houses.

This last mandate will, for the first time, give MPs and Senators the ability to put a price tag to new and proposed legislation, as well as to any cuts they propose. It's anticipated that this measure will lend greater credibility to the proposals of individual members, committees and parties by providing a more objective picture of a proposal's estimated financial impact. As a report reviewing the enabling legislation by the Library of Parliament suggests, when an independent set of estimates are available, then "all parliamentarians will be on more of an equal footing when discussing policy options with the Minister of Finance, whether in Cabinet, in caucus, or in Parliament."

### ***United States***

In the United States, budget research is conducted primarily by the Congressional Budget Office, whose mandate is to provide "objective, non-partisan and timely analyses to aid in economic and budgetary decisions on the wide array of programs covered by the federal budget and the information and estimates required for the Congressional budget process."<sup>293</sup> This includes responsibility for projecting the budgetary effects of proposed legislation. The CBO, which was formed under the Congressional Budget and Impoundment Control Act of 1974, plays an impartial yet analytical role in aiding Congress, the House and Senate Budget Committees in passing budget resolutions that outline the total levels of spending and revenues.

The CBO does not make policy recommendations, the resolutions, although approved by the House and Senate, do not become law, and no funds or revenue are actively sought after. Rather, the CBO recommendations act "as an enforceable blueprint for Congressional action on spending and revenue legislation."<sup>294</sup> The budget and economic outlook provided by the CBO are conducted in late January of each year and forecasts the next decade of spending and revenue in light of current legislation. The forecast is known as the budget baseline, and the CBO updates the forecast every summer to reflect new economic predictions and the consequences of any new legislation. In 2007, the CBO issued forty-six studies, twelve monthly budget reviews, testified twenty-nine times before Congress and completed seven-hundred-fifty federal cost estimates. The CBO has a two-hundred-thirty-member staff and its budget for fiscal year 2008 is US\$37.3 million. Of its professional staff members, about 70% hold advanced degrees in economics or public policy.<sup>295</sup> It should be noted that the CBO budget surpasses that of the entire Canadian Library of Parliament, of which the Parliamentary Budget Office, which is based on the CBO, is only one part. Given this resource disparity, the PBO will have its work cut out for it if it is to approach the level of activity of the CBO.

---

<sup>293</sup> <http://www.cbo.gov/aboutCBO/budgetprocess.shtml>.

<sup>294</sup> <http://www.cbo.gov/aboutcbo/factsheet.shtml>.

<sup>295</sup> See Congressional Budget Office Website, <http://www.cbo.gov/aboutcbo/>.

## *United Kingdom*

Each year, Her Majesty's Treasury issues the Pre-Budget Report and Comprehensive Spending Review, which outlines key goals for the year's budget and future projections of the UK's economy. The 2007 PBR "presents updated assessments and forecasts of the economy and public finances, describes reforms that the Government is making and sets out the Government's priorities and spending plans for the years 2008-09, 2009-10 and 2010-11," and focuses on maintaining macroeconomic stability, investing in the future through increased public spending by 2.1%, continuing the sustained investment in the National Health Service, further sustained increase in resources, building on the SR04 efficiency programme, simplifying and reforming the tax system (particularly inheritance and capital gains tax), and taking economic steps to protect the environment.<sup>296</sup> In addition to its forecasts, the PBR includes a review of progress made since the previous Budget announcement, takes into account current state of the national economy, and outlines new tax measures. Although usually presented in November or December, this year's PBR was presented by the Right Honourable Alistair Darling MP, Chancellor of the Exchequer on October 9, 2007.

## *Australia*

The agenda and priorities for the annual Australian Federal Budget are initially set in November through the Senior Minister's Review, which incorporates the latest estimates from the Accrual Information Management System (AIMS), wherein the Prime Minister, the Federal Treasurer and the Minister for Finance and Administration meet to determine budget strategy.<sup>297</sup> These findings are incorporated into the Budget Strategy and Outlook report (also known as Budget Paper No. 1), which outlines the fiscal outlook based on major budget aggregates and changes from the previous year, and forecasts domestic and international economies, and takes into account any economic or legislative changes since the previous budget that would affect current projections.<sup>298</sup>

## **Conclusions and recommendations: Budget Research**

The launch of the Parliamentary Budget Office is a significant event that will require close study in the years ahead. Its first test will be to see whether its budget forecasts vary substantially from those put forward by the Department of Finance. If they do, a new and very heated debate about their respective forecasting methodologies can be expected to ensue. If they don't, MPs may question the utility of the PBO. It's in this charged political atmosphere that the PBO will need to navigate. But regardless of its forecasts, the fact that MPs will now be able to cost and refine their proposals should ensure that the PBO will become an indispensable new parliamentary institution.

---

<sup>296</sup> Her Majesty's Treasury, "2007 Pre-Budget Report and Comprehensive Spending Review."

<sup>297</sup> [http://www.finance.gov.au/budgetgroup/Commonwealth\\_Budget\\_-\\_Overview/commonwealth\\_budget\\_-\\_overview.html](http://www.finance.gov.au/budgetgroup/Commonwealth_Budget_-_Overview/commonwealth_budget_-_overview.html).

<sup>298</sup> <http://www.budget.gov.au/2007-08/bp1/html/index.htm>.

## **D) Constituency Services/Office Staff**

### *Canada*

In Canada, constituency support is invaluable, but misdirected. Better coordination with Service Canada would allow constituency offices to focus less on service provision and more on civic engagement. Constituency staffs all say the same thing: over the course of the past fifteen years, constituency offices have become the government's unofficial front door and back door. Every day, thousands of Canadians call their MP's office looking to obtain basic information regarding government services. Thousands more phone — frustrated with the assistance they've received from a government department. What they are seeking is redress and the MP's intervention on their behalf.

While many local offices report spending upwards of 90% of their time on basic service provision — an invaluable and convenient service — most will acknowledge that the routine handling of passports and benefit claims robs them of the time they could otherwise dedicate to more meaningful work, including more proactive forms of civic engagement.

Certainly the advent of Service Canada has begun to reduce the caseload in constituency offices — but not by nearly enough. The possibility of seamless access to government services and speedy resolution of disputes remains an unfulfilled promise that is paid for by constituency assistants who operate almost wholly beyond departmental radars. And yet the possibility of a vastly improved Service Canada which functions as an effective one-stop shop does open the possibility for redirecting the time saved in constituency offices.

Many of the MPs we spoke with want two things: first to be able to spend more time with their constituents, and second to be able to play a purposeful consultative role in their communities. Yet MPs have learned from experience how difficult it is to engage their constituents. While it is one thing to meet over a pancake breakfast, it is an entirely different affair to call a meeting to discuss a contentious issue. Famously, one respondent said that her office had stopped holding town hall meetings altogether. “After all, it's only the mad, the bad and the sad who make it out.” Though harsh, it's a caricature familiar to many more constituency assistants who winced when asked about their efforts to stage local discussions and debates.

Most constituency assistants felt frustrated and attributed their lack of success to public apathy or disinterest. Only a few proved to be more determined. In a handful of cases, constituency assistants described a trial and error approach that led slowly towards better attendance and more civil discussions. They were the first to acknowledge how much planning and effort was required to conduct a successful public consultation.

Improving and expanding the capacity of Service Canada to fulfill its mission should be a government priority. Better service provision builds trust and improves the relationship between citizens and their state. MPs should be funded one additional FTE staff position to serve as a local civic engagement assistant. That person's role would be to prepare and execute a regular program of community discussions that the MP could attend and lead. Training should be offered to ensure that engagement assistants are able to create public value and effectively promote constructive public conversation.

## *United States*

Both Senators and Representatives are provided with extensive resources to hire personal staff, to serve in a variety of capacities either in their Washington office or in a local constituency office. Members of the House of Representatives are permitted a personnel allowance of US\$748,312<sup>299</sup> from which they can hire no more than eighteen full-time staff for their personal office. In addition, each Representative may appoint four additional employees who must be either: i) part-time, ii) drawing compensation from more than one employing authority of the House, iii) interns receiving pay, iv) on leave without pay or v) temporary employees. The average Representative's personal office consists of fourteen full-time staff.

The maximum salary for a staff member in a Representative's office is US\$151,974 (as of 2004), though this is reserved for more senior positions such as Chief of Staff or Legislative Director. In addition to their Personnel allowance, Representatives are also entitled to official office expense and official mail allowances. Certain members in leadership positions are allowed additional staff to support their activities.

Senators' personal staffs range in size from thirteen to seventy-one, with the average being about thirty-four full-time staffers. The Senate does not impose a limit on the number of staff that may be hired, as does the House. It provides a single budgetary allocation rather than breaking the funding into discrete streams. This allows the Senator to use the funds as he or she wishes, and provides the ability to prioritize staff hiring over other administrative expenses. The amount provided varies based on factors such as the state's population and its distance from Washington, apportioning to each Senator with different research capacity depending on their circumstances. For FY2004, the total allocation for Senate Offices ranged from US\$2,264,345 to US\$3,751,995. The maximum salary allowed for a staff member in a Senate office was US\$150,159 in 2003.

Senate staff tends to be comparatively higher paid, attracting more qualified staff. Senior senatorial staff members, such as press secretaries and legislative directors, earn on average 40% more, while salaries for administrative assistants tend to be about 10% higher than their House counterparts. Other positions tend to be comparable in terms of salary. These differences are largely attributable to higher levels of responsibility for senior Senatorial staff positions due to the challenge of coordinating the large size range of legislative responsibilities of the average Senate office.<sup>300</sup>

Personal office staff are generally young and well educated, and earn far less than do comparably educated workers elsewhere. As well, both Senatorial and Representative offices rely heavily on the assistance of interns, with the average Congressional office using nine interns every year. Both paid and intern staff tends not to be as policy or analysis-oriented (or at least the office roles they take are not) compared to committee staff. Despite the large size of personal congressional offices, they perform less policy-oriented work than comparable-sized offices elsewhere.

---

<sup>299</sup> It should be noted that any dollar figures for office budgets and salaries are as of 2004, and may have increased with inflation in the intervening years. The most recent legislated increases to employee salaries were enacted in both Chambers of Congress on January 1, 2003, and there do not seem have been any since.

<sup>300</sup> Joint Committee on the Organization of Congress, "Congressional Staff and Management – Historical Overview," December 1993. House of Representatives Website: <http://www.rules.house.gov/archives/jcoc2s.htm>.

Personal office staff are more likely to be administrative assistants, local constituency caseworkers or press aides, responsible for scheduling, speech writing, negotiating, or a variety of other political duties that touch less on policy expertise than on the day-to-day political responsibilities facing their boss. The specific office balance will depend entirely on the goals and objectives of the legislator. In addition to this, personal office staff are increasingly being posted to their local districts, though this is less of an impediment to analytical cooperation as information and communications technologies advance.

In 1993, the Joint Committee on the Organization of Congress estimated that nearly half of personal staff in Representatives offices was located in the local districts, with some Representatives locating closer to three-quarters. By comparison, close to one-third of Senatorial staff was posted to local offices. The reliance on local office staff has occurred due to lower local labour costs away from the capital and modified Congressional rules, and represents a new and dramatic shift in congressional hiring practices.<sup>301</sup> It is unclear whether this trend has continued since the report, but even these numbers point to a move towards constituency casework as opposed to centralized policy research.

Despite the emphasis on constituency work, it is clear that Members have access to a sizeable staff budget, which is capable of either supporting a number of expert staff, or of hiring a specialized staff that possesses policy expertise. Consequently, individual Members of Congress do enjoy a limited capacity to tackle research and analysis that their legislative counterparts in other countries — lacking sufficient resources — are unable to match. Such resources allow them to function independently of other sources of policy advice. The increase in personal staff over the last decades has also allowed rank-and-file members to increase their analytical capacity relative to other actors in the American political system, such as committee chairs and the executive, and the relative increase compared to committee chairs, for example, has enabled regular members “to participate in committee decision-making in a meaningful and timely way.”<sup>302</sup> It is still the committee chairs, with their control of committee staffs, that possess the bulk of congressional expertise, but personal staffs have increasingly made a difference.

### ***United Kingdom***

British Members of Parliament received a record £86.8 million in expenses and allowances in 2005 – more than twice their total wage and pension bill of £39.4 million. They claimed an average of around £134,000, taking their total cost to around £200,000 per constituency.

From 2001, figures on MPs’ expenses have been publicly released under the Freedom of Information Act; the latest Parliamentary report shows that MPs claimed £48.8 million for staffing offices. The allowance for a second home in London or in their constituencies accounted for another £10.7 million. MPs can claim for the costs of their accommodation, including rent, utility bills and even furniture and TV licenses.

---

<sup>301</sup> Ibid.

<sup>302</sup> Deering and Smith, p. 136.

### British Members' Pay: Summary Of Current Rates With Effect From April 1, 2007<sup>303</sup>

Members' Parliamentary Salary	£60,675 from April 1, 2007
ALLOWANCES	
Staffing Allowance	Maximum of £90,505
Incidental Expenses Allowance	Maximum of £21,339
IT Equipment (centrally provided)	[worth circa £3,000]
Pension Provision for Members' Staff	10% of employee's gross salary
London Supplement	£2,812
Additional Costs Allowance	Maximum of £23,083
Winding up Allowance	Maximum of £37,281
Communications Allowance	Maximum of £10,000
Car Mileage (per mile)	40p (for first 10,000 miles) 25p (after 10,000 miles)
Bicycle allowance (per mile)	20p
Motorcycle allowance	24p

By contrast, members of the House of Lords are extremely economical. Except for a small number, who receive a salary by virtue of the office they hold, peers are not paid. They are reimbursed for travel, subsistence and secretarial costs incurred in connection with attending a sitting of the House or one of its committees. The daily maxima are £154.50 for overnight accommodation, £77.00 for day expenses and £67.00 for office costs.

MPs are given an allowance from the public purse to pay for office costs incurred in the course of performing their parliamentary duties. The huge disparities in the amounts spent on postage by individual MPs fuelled suspicions that those in marginal constituencies send out mass mailings at the public expense in an attempt to influence their constituents. There has been a subtle change in the role of MPs over a long periods vis-à-vis their relationship with their constituencies.

Historically, a Member of Parliament was an unpaid patrician figure whose service was regarded as a duty bestowed by his social position. They regarded themselves in the main as representatives rather than delegates. The attitude was well expressed by the Tory minister, Duncan Sandys. When he was reproached by the Chairman of his Conservative Association for neglecting his constituency, he replied: 'It is my job, sir, to represent Streatham in Parliament: not Parliament in Streatham.' Accounts of MPs receiving payment go as far back as the 13<sup>th</sup> century, when shires and boroughs paid their representatives wages for attending Parliament: "knights received four shillings a day, and citizens and burgesses two shillings a day for the duration of the Parliament".<sup>304</sup> These rates were set in 1322 and were maintained throughout the Middle Ages, though there were variations between regions, either above or below the set amount. For example,

<sup>303</sup> Table taken from House of Commons Information Office, "Members' Pay, Pensions and Allowances", Factsheet M5, Members Series (FS No. M6 Ed 3.7; ISSN , 0144-4689), revised April 2007, p. 4.

<sup>304</sup> Ibid, p. 4.

the two Aldermen for the city of London each earned ten shillings a day; in 1463, the Borough of Weymouth paid its burgesses a wage of five hundred mackerel. Members were also paid traveling expenses. The poet Andrew Marvell is thought to be the last person to receive a parliamentary salary, which was paid by the Borough of Kingston upon Hull until he died in 1678. Electors directly paying Members had generally ceased by the end of the 17th century.<sup>305</sup>

The duties of the modern MP, in contrast to Sandys' view, can frequently resemble those of a detached social worker, taking up constituents' problems with the appropriate authorities. This does involve more frequent travel to constituencies than most MPs would have undertaken in the past. The average backbencher is a person with a minor career on the public payroll, is quite well-paid, generously pensioned, and allowed quite a number of perks.

Many backbenchers are esteemed for the hard work they do for their constituents, irrespective of political allegiance. A survey of members in the 2005 intake by the Hansard Society, conducted in 2005 and 2006, underlines this. It revealed that the new MPs were spending a significant amount of time on constituency work. A year after their election, the members reported that they were spending virtually half (49%) of their time on constituency work. One MP claimed to be spending as much as 97% of his time on this. On average, MPs were spending 14% of their time in the Chamber, 14% on committee work and 22% on other work.

A survey of new members conducted by the Hansard Society after the 2005 election asked them to assess their priorities, rating the importance of representing the nation as a whole, their constituents, or their political party. Over four out of five (81%) put representing their constituents in first place, as against 71% of those elected in 1997 and surveyed shortly after their election. By May 2006, this figure had risen to 90%. When asked which aspects of the job they rated the most important, new members elected in 2005 chose 'Protecting/promoting the interests of the constituency' and 'dealing with constituents' problems' over 'holding the Government to account' and 'scrutinizing legislation'.

The Hansard Society found that the desire for re-election was a strong motive in this constituency-based approach. Many members may be described as fighting a permanent election campaign. 'Most MPs will do what they think helps them get re-elected', one MP told the Hansard Society. 'Is going to open a new school going to help you get elected more or less than standing up and arguing a clause on the Climate Change Bill?'

Members of Parliament are now much more available to their constituents and generally their working practices have adapted to this change. They receive a considerable flow of e-mails, with the expectation of a rapid response. This necessity in itself may have contributed to the burgeoning requirements for ancillary staff.

Some realize that it is possible to be effective by stepping outside the constraints of the political system. Some of these may be described as 'mavericks'. These are prepared to ignore the party whips on issues about which they have strong views. The frequency of their rebellions and the knowledge that they have little or no ministerial ambition makes them extremely difficult to

---

<sup>305</sup> Ibid, p. 4.

discipline. Generally speaking, such members have a good power-base in their constituencies, which makes them even less vulnerable to party pressure.

In January 2006, the Parliamentary Information and Communications Technology Department (PICT) was established to better serve MPs by unifying Information and Communications Technology (ICT) staff and resources from both Houses of Parliament into a single organization. ICT services are of critical and increasing importance to MPs in their work in Parliament and in serving their constituencies (even the few MPs who do not personally use computers rely on staff members who do use them).<sup>306</sup> The PICT was developed as a strategic response to the “fragmented planning” and implementation of ICT across Parliament, which had consisted of “numerous separately managed teams working on overlapping and often inter-dependent systems, without an overview of resources”.<sup>307</sup>

### *Australia*

The Parliament of Australia is regulated in its employment process by the Members of Parliament Staff Act (MoPS Act) of 1984 (see sections III and IV), in which it states that the Prime Minister ultimately decides upon all parliamentary staff arrangements. Staff positions are determined by a set number of personnel, and not by salary budgets. Compensation of the parliamentary staff is determined by the Department of Finance and Deregulation (DOFD), and employment conditions are generally outlined in a collective agreement that expires in 2009.<sup>308</sup>

With the recent election of Prime Minister Kevin Rudd’s Labour Government, it is expected that there will be an overhaul of the parliamentary staff, but beyond indications of a 30% reduction in ministerial and shadow ministerial personnel, it is currently uncertain how Prime Minister Rudd will determine staffing requirements under the MoPS Act.<sup>309</sup> Presently, however, MPs are permitted four full-time electorate office MoPS staff, three of whom are required to work at the electorate office in the Member’s constituency, and one of which may work either at the electorate office or at the parliamentary capital in Canberra. If the constituency in question is proportionally larger than most (as is often the case with Australia’s vast and varying geography), then that MP may have a second electorate office, in which an additional officer may be employed.<sup>310</sup> In addition, MPs are permitted by the PM under the MoPS act to employ personal staff to perform various advisory or administrative roles.

As a rule, internships and volunteer positions are not regulated by the MoPS act, and subsequently are not subject to the discretion of the PM. Also, parliamentary and electorate office staff cannot be employed because of any partisan affiliation or other party-political purposes.

---

<sup>306</sup> House of Commons, Administration Committee, “Information and Communication Technology Services for Members” (Second Report of Session 2006-07). London: The Stationary Office Limited, May 8, 2007.

<sup>307</sup> According to the May 2007 report “Information and Communication Technology Services for Members” by the House of Commons Administration Committee, there is a significant amount of dissatisfaction with these services. For more information on the PICT and proposed recommendations for improving the service, see the above-mentioned report.

<sup>308</sup> Nicholas Horne, “Resources available to Australian Commonwealth MPs.” Client Memorandum. *Politics and Public Administration* (11 December 2007), pp. 1-2.

<sup>309</sup> *Ibid.*

<sup>310</sup> Office of Legislative Drafting, “Members of Parliament (Staff) Act 1984”, Parts III-IV, Attorney-General’s Department, Canberra, Australia, pp. 9-13.



## **Conclusions and recommendations:      Constituency Services/Office Staff**

***Parliamentarians need new ways of managing and analyzing the volume of information that comes across their desks. Powerful tools and standards should be developed for cross-referencing reports and managing government information.***

Managing a word document between three colleagues in an office can be a headache. Managing a major report in two official languages as it makes its way across different departments can be a nightmare. Like many Canadians, MPs have begun to report that they are feeling overwhelmed by the volume of data with which they must contend. E-mails, post and phone traffic in MPs offices continues to rise. The exponential expansion of the NGO sector, the internet and the rise of 24/7 media all conspire to push a relentless stream of headlines through a widening array of channels. Says one MP, “There’s never enough time. I only get to read a tenth of what I intend to.”

This data ‘blizzard’ can make it difficult to set priorities, or simply to establish the facts. We heard several MPs say that they need more collaborative and secure ways of working and sharing digital information and they need better ways of contextualizing current data. We think data management in parliament can be an area for real improvement with the capacity to drive major innovation across government and make not only government legislation, but also the entire policy development process more accessible and transparent to Canadians.

Better search technologies are good, but they still cannot tell you what is not there. Instead, the government should examine how it could create digital dossiers that would allow researchers to navigate, annotate and add documents. New metadata protocols should be developed to help track and order these documents and new graphic protocols could give MPs a much more expressive and standardized way to view data.

Both Statistics Canada and the Library of Parliament in particular could learn and be inspired by the work of the Swedish Gapminder Foundation which is working to create better interfaces that allow users to view and manipulate the information stored in public databanks. Canada should examine how it could support or emulate this initiative.

***Orientation sessions for MPs and staff should continue to be enhanced; ongoing training should be made available.***

On average, Canadian MPs have one of the shortest tenures among our peer states. This means that there is less experience and institutional memory on which to draw. Institutionalizing more robust training programs can help address this shortcoming.

The Parliamentary Centre, the Canada School of Management, and the Speakers Office have made good and welcome efforts to orient new MPs and staff. For too long, new arrivals to Parliament had to ‘learn the ropes’ on their own. Perhaps this made sense when the parliamentary schedule was more leisurely, but today when constituency offices need to be opened, staff need to be hired and parliamentary and caucus business must be dealt with in the space of four days before the return trip home, an established program of ongoing training opportunities is essential.

For this reason, this paper advocates that there is good cause to recommend the creation of a permanent Parliamentary Learning Secretariat, housed in the Library of Parliament and responsible for offering a range of practical courses to MPs and the staffs.

This program would extend well beyond the period following an election and offer distance learning opportunities for constituency staff as well. A Learning Secretariat could offer a range of workshops similar to the professional development courses offered to public servants. Subjects for these courses could include office management, research skills, legislative practice and public consultation.

***Hansard was once a radical innovation resisted by the British Parliament. Now a new supplementary Hansard that catalogs government business and parliamentary debate in a popular format should be developed and made available to Canadians.***

From the second half of the 16<sup>th</sup> century, the British Parliament prohibited all reporting and publishing of its proceedings, believing that it should deliberate in private and regarding any attempt to publicize its proceedings as a serious punishable offence. It wasn't until the late 18th century that growing dissension from progressives and an increasingly ambitious press persuaded the Parliament to relax its stance.

In 1803 the House of Commons passed a resolution giving the press the right to enter the public gallery. That same year William Cobbett, the famed publisher of Cobbett's Weekly Political Register, decided to add a supplement entitled 'Parliamentary debates', which compiled journalists' reports of speeches extracted from other newspapers.

In 1812 that publication was taken over by Cobbett's assistant, T. C. Hansard, who, in 1829, changed the title of the reports to Hansard's Parliamentary Debates. By the late 1870s dissatisfaction with the accuracy of the report was being expressed and as a result Parliament took an unusual decision and voted Hansard the sum of 300 pounds a year for shorthand assistance. Today, Hansard seems like such an indispensable parliamentary institution that it's easy to forget that its introduction was gradual and once a fiercely debated and radical reform.

Since its inception, the Canadian Parliament has maintained a "Hansard" of its debates — a record that scholars have called one of the best in the world. But while Hansard continues to provide an invaluable transcript for reviewing parliamentary affairs, it remains too obscure for most Canadians as well as many MPs interested in an unbiased account of parliamentary debate and government action. And yet, as in the 1870s, parliamentarians and the public alike are frustrated with the uneven accounts of government debate and action published by or broadcast in the media.

We would like to put forward the idea of a new, supplementary biannual Hansard digest that would be published in cooperation with the Library of Parliament, the Office of the Auditor-General and Statistics Canada. It would be produced as a parliamentary publication and mailed to every Canadian household as a record of the last six months of government business.

Each government department would appoint a Supplementary Hansard liaison officer responsible for filing reports with Hansard editors, who then would select the items they believed were most clearly in the public interest. Their overarching purpose would be to create a fair, balanced and

representative portrayal of government business that would help Canadians make sense of politics and the activities of the federal government. Its contents would be organized along broad themes and would include details regarding recent or pending government action and parliamentary debate.

Since there is consensus among parliamentarians that committees should be enhanced, committee resources must likewise be enhanced. To augment the effectiveness of parliamentary committees and members of parliament, the Parliamentary Information and Research Service (PIRS) should be expanded so that committees have a permanent research staff. Enhanced research capacities would increase the institutional memory of parliamentary committees, and would improve the productivity of members, committees, and of parliament in general. When committees are not in session, the research staff assigned to committees could continue to provide assistance to individual members in their areas of expertise or could work on anticipatory research papers.

As in Australia, parliament should consider supporting its committees with mixed-member teams from the Library of Parliament, in which reference staff and research staff would be assigned permanently to committees. This way, labour could be organized so that researchers would have more time to dedicate to their research work and expert librarians could assist members to meet their reference needs.

Parliament should consider expanding the role of PIRS to encompass more of a think-tank function, in which Parliament would make available key research papers from the Library of Parliament to the public to provide a balanced source of research knowledge to interested readers. As seen in the United Kingdom, this approach has been successful in terms of increased readership and could serve an important democratic and educative function.

Parliamentary libraries and research branches are essential to the effective workings of a representative democracy. Many newly developing democracies are creating libraries and research branches to assist their parliamentarians. Since Canada has a wealth of knowledge and experience in this regard, Parliament should allocate a budget to the Library to provide assistance and expertise to developing democracies whose libraries are newly founded.

There is a desire among members of parliament to have committee work and reports reflect a degree of consensus. The current minority parliament would be well served by repeating the committee experience that took place between 1980 and 1984, and perhaps as a trial, assign research staff to the opposition parties. It is likely that it would assist committees to reach constructive accommodations.<sup>311</sup>

---

<sup>311</sup> Occasional Papers in Parliamentary Government.

## A COMPARISON OF LEGISLATIVE RESEARCH SERVICES

**TABLE 1: *The Relationship Between Research Analysts And Members Of Parliament***

Country	Organization	Number of Members of Parliament/ Congress	Legislative Research Analysts <sup>312</sup>	Ratio, Member: Analyst
Australia	Parliamentary Library, Legislative Research Service	226 (House of Representatives/ Senate)	45	5 : 1
United Kingdom	House of Commons, Department of the Library Research Service	646 (House of Commons)	35	18.5 : 1
United States	Library of Congress, Congressional Research Service	535 (House of Representatives/ Senate)	440	1.2 : 1
Canada	Library of Parliament, Parliamentary Research Branch	413 (House of Commons/ Senate)	80	5.2 : 1

**TABLE 2: *Comparative Budgets Of Legislative Research Services***

Country	Total Library Staff, approx	Research Staff (including support), approx	Total Library Budget (approx, millions CAD)	Legislative Research Services Budget (approx, millions CAD)
Australia	140	80	\$14 – 15	\$8 – 9
UK	190	75	\$18 – 20	\$7 – 8
USA	n/a	730	n/a	\$115 – 120
Canada	375	120	\$32 – 33	\$11 – 12

<sup>312</sup> World Directory of Parliamentary Libraries.

## E) Partisan Research

Beyond the research capacity available to members through non-partisan parliamentary research institutes such as the Libraries of Parliament and Congress, legislators also receive funding to hire partisan staff<sup>313</sup> to support their activities. This can include personal, committee, and party staff, all of whom play a substantially different role in the policy process than staff members from non-partisan research organizations. Where non-partisan staff are primarily researchers, providing analytical expertise on a wide range of policy topics, the role of partisan staff, regardless of their source, is much more varied, and depends primarily on the goals, objectives and instructions of the political representative that they work for, as well as on the specific job that they are hired to perform.

Constituency assistants are more likely to function as local caseworkers and contribute little to the analytical capacity of the representative, while party staffers are more likely to divide their time between analysis and more political functions. Different views on the usefulness of research, and objective analysis, will determine how such services are used. Those who view all research as inherently biased will tend toward an increased focus on “political” functions, whereas those who believe that research and analysis can forge better policy will expend resources to that end.

This section will look at the availability and function of the various types of staff in both the United States and Canada, and will provide an overview of the research capacity available to individual legislators, if that member chooses to take advantage of the resources available. This will require an examination of the roles that individual members, committees and partisan research bureaus play in their respective jurisdictions, to provide context for understanding the level and use to which their staff are put.

### *Canada*

Since the 1970s, each of the official parties in Parliament has been allocated funding in order to set up a research centre for their caucus. For this purpose, parliament provides \$2.3 million per party per year (approximately \$20,000 per Member of Parliament). This is a recent increase. Caucus research bureaus received \$1.8 million in 2004. The bureaus, as well as their funding, are under the control of the chair of the parliamentary caucuses; though in practice they tend to be strongly associated with the leader’s office. The bureau's services are available to any member of the caucus who requests assistance, and each bureau is capable of performing a wide variety of tasks, including communication, opposition research, political analysis, and policy development, among other responsibilities. As noted by the director of the Liberal Caucus Research Bureau, “the Library of Parliament does great work, but there are certain things it cannot do.” The caucus research organizations fill these gaps, providing research, expertise and analysis that are outside the mandate of the neutral Library of Parliament.

---

<sup>313</sup> The label of “partisan” staff members can also be potentially misleading. For the purposes of this section, we use the term to indicate that a staff member is directly responsible to an individual legislator or committee of legislators instead of implying that they work in a “political” or overtly partisan capacity. Many do, but this is not the determinative factor. We seek to distinguish partisan staff from those who work for organizations that are formally independent, such as the Congressional Budget Office. As such, the actual level of “partisanship” of partisan staff varies widely, depending primarily on the intentions, objectives and instructions of whomever they ultimately report to.

The Liberal party organization is called the Liberal Caucus Research Bureau (LCRB). The LCRB is capable of assisting Liberal MPs on a wide variety of subjects. In practice, nearly half of its work focuses on communications. They develop sample communications templates, handle all press releases (including all the press releases for the Liberal leader, Stéphane Dion), as well as preparing everything available on the Liberal Party of Canada website. Any press release that is issued by a member on behalf of the caucus, generally as critics, is written by LCRB, which also assists members with any communications directed at their riding. Beyond communications, the LCRB is staffed by policy experts in a range of fields, and responds to specific requests for assistance with any policy questions. It is particularly noteworthy that of the various sources of policy expertise available to members, the only source of opposition research is the caucus research groups. Even Ministers' Offices will use this service when their party is in government. The LCRB employs specialists, such as a demographer, who are able to provide a range of expertise to members of parliament.

Nearly the entire LCRB budget is allocated to salaries. This supports forty full-time staff, which includes five translators, twelve analysts and a full communications team. The House of Commons provides 95% of their budget, while the other 5% comes from the Party. The Liberal party supplements the funding of the LCRB because the House budget may not be spent on explicitly partisan activities. For example, caucus research groups will send teams to both their own conventions and those of the other parties as observers, and this is seen to be something that is too partisan to be funded by the House of Commons. The party allocation also funds overtly partisan staff, such as a videographer.

The LCRB does not engage in any polling, fundraising, or electioneering activities, as these are barred by commons rules. These rules are fairly lax and loosely enforced, and all that encourages compliance is the risk of negative media exposure and potential embarrassment to the party. While the LCRB actively self-polices its activities, it is unclear whether other party organizations do the same. The House of Commons retains ultimate responsibility through their Board of Internal Economy, which will act in certain cases of abuse.

Staff employed by the LCRB are, on average, quite young (mid-20's to early 30's), and usually just having completed a Masters' degree. The average analyst is paid between \$50,000 and \$60,000. The LCRB is often seen as a stepping-stone to more senior positions, and many staff is lost to various ministerial offices when the party is in government. In turn it recruits many of its staff from MP's offices. This results in high turnover, with few employees staying longer than three years.

The caucus research organizations are extremely important for a party when it is in opposition. When in government, policy experience and analysis is also available from ministerial offices and their staffs, and members of parliament will often turn to them with questions and requests. While in opposition, the research bureaus become key sources of partisan policy experience and analytical capacity, and are used by most members of caucus. The LCRB, for example, provides answers that are consistent with the "liberal line," while other institutions such as the Library of Parliament produce responses that are not necessarily what legislators are looking for. This has

the interesting consequence that the LCRB is generally not used by Senators, who see themselves as much less partisan and who are more likely to turn to the Library.<sup>314</sup>

Very loosely organized, the LCRB has little hierarchy. Every analyst is assigned certain areas of concentration, and members who have a question related to that area of expertise go straight to that particular analyst for assistance. Such a decentralized system means that the LCRB can look more like a shared extension of the personal offices of members, and less like a discrete group. Analysts assist with preparations for Question Period, provide support to Liberal members on committees, and assist with any other questions as necessary. As a result, the bureaus are busiest while the House is in session. At election-time, staff are stripped out (they are not permitted to electioneer), and assigned elsewhere. As the caucus still exists during an election, a small number of staff members are retained if any assistance is requested for non-election purposes.

Formal research on these organizations is scant, so it is difficult to draw conclusions either on the role that they play, or how effectively they fill it. However, at least the LCRB seems to be busy, well utilized, and could do even more with additional funding. This would suggest that these partisan research organizations play a useful role within parliament, in providing additional expertise to Members of Parliament, and filling some of the gaps left due to under-funded personal office and committee staffs. However, there is much more research that could be conducted in this area to determine exactly the nature of the work done by these groups and their role in the broader parliamentary context.

### *United States*

The United States Congress provides its members far greater opportunities to wield individual political influence than most other legislative institutions.

This can be largely attributed to two main features of Congress: the availability of significant staff resources and the central role of congressional committees. The resources available far outstrip what are provided by other legislatures and the bulk of these resources pay for staff salaries. All told, Congress employs some twenty-three thousand staff members who provide the one-hundred Senators and four-hundred-thirty-five Representatives with the ability to influence and effectively participate in the broader American political debate.

This level of staff availability maximizes the effectiveness of Congress' committee system, which, at least for observers of parliamentary systems, is perhaps the most unique aspect of Congress. Together they provide the basis for allowing members of Congress to be as influential as they are. Committees exist as independent loci of power within the American political system. They buffer their members from the full pressure of party discipline, and enable specialization in specific policy areas, and exert a significant level of control over legislation that falls within their policy jurisdictions. Supported by large staffs and provided with institutional opportunities to develop individual and independent political bases, members of Congress have the capacity to

---

<sup>314</sup> A further consequence of this that was mentioned in passing during the interview was the possibility that part of why the Library of Parliament does not receive more funding was the perception that the Library is used more by the Senate, and that any funding allocated by the House is essentially being wasted on the upper house, and that other recipients are seen to be more relevant to the House and more deserving of their funding.

become policy experts and to challenge the policy dominance of the bureaucracy and executive both as individuals and as an institution.

### ***United Kingdom***

In the United Kingdom, some provisions are made to support the work of various Opposition parties in the form of “Short Money”. Named after Edward Short, the Leader of the House who introduced it in 1975, Short Money is governed by a resolution of the House and is given out to assist Opposition parties in their Parliamentary business.<sup>315</sup> It is paid in arrears each month and the amount of Short Money given out is allocated based on the number of seats and votes won by separate parties in the previous election. To qualify to receive Short Money, Opposition Parties must have either: “a) at least two Members of Parliament who were elected at the previous general election as members of that party; or b) one Member elected with at least 150,000 votes)”<sup>316</sup> The majority of Short Money goes to the Official Opposition. The purpose of this fund is threefold: “to fund the costs of the Leader of the Opposition’s Office, to provide research staff and other backing for opposition parties in carrying out their parliamentary responsibilities, and to assist with travel and other related expenses”.<sup>317</sup>

### ***Australia***

Each of the Labour and Liberal parties received a non-discretionary grant of \$1,000,000 from the Australian government in the 2006-2007 fiscal year for the purpose of supporting democratic activities overseas. Specifically, this grant aims to “strengthen democracy internationally (both within Australia’s region and in the rest of the world), by providing support to the international activities of Australia’s major political parties”.<sup>318</sup> To receive funding from this grant, activities must be consistent with the objectives of the programme, including “the provision of training, education and advice, supporting democratic activities and programmes in overseas countries, providing assistance in the conduct of elections overseas, and supporting the involvement of Australia’s political parties in other international activities and visit programmes that achieve the programme’s objectives”.<sup>319</sup>

Additionally, the Labour and Liberal parties each receive \$179,375 for think-tank groups, the Chifley Research Centre Limited and the Menzies Research Centre Limited, respectively. The grant enables the Chifley Research Centre Limited “to undertake research into social, economic, and political policies and to encourage the development of high quality public policy”, while the Menzies Research Centre Limited endeavours to conduct “research, a public lecture series, seminars on social and political issues, publication of articles on educational, environmental and indigenous policy issues, and website development”.<sup>320</sup>

---

<sup>315</sup> House of Commons, Department of Finance and Administration, “The Green Book: Parliamentary Salaries, Allowances and Pensions.” London: July 2006, p. 29.

<sup>316</sup> Ibid.

<sup>317</sup> Rush, pp. 131-132.

<sup>318</sup> Parliament of Australia, Annual Report. (2006-2007), <http://www.finance.gov.au/publications/annualreport06-07/appendices/>.

<sup>319</sup> Ibid.

<sup>320</sup> Ibid.



## **Conclusions and recommendations: Partisan Research**

Compared to the United States, there is less research capacity available to the average Canadian legislator. The personal office staff of backbench Members of Parliament is much smaller than in Congress where the average Representative has an office staff of fourteen and the average Senatorial office staff complement is closer to forty. Compared to their US counterparts, Canadian legislators seldom seem to be well briefed, primarily due to much lower levels of funding for staff.<sup>321</sup> Further, parliamentary committees do not enjoy anywhere near the same level of prestige or centrality as congressional committees, nor do they have anywhere near the same level of staff support. Much of this difference can be attributed to the fusion of the executive and legislative branches of government in the single institution of Parliament, an arrangement that leads to higher levels of discipline, and a reduced emphasis on Parliament as a legislative body. Members of Parliament are much more reliant on their parties and, if they are in government, on executive ministries for expertise and analysis. This central role for parties has meant that they have been provided funds for partisan research institutions within the institution.

### **Summary of conclusion and recommendations: Appendix 1**

1. Canada's parliamentary research service meets or exceeds comparable services offered by its peer states. These services should continue to be enhanced to meet the evolving needs of parliamentarians.
2. Parliamentary advisors on broad issues could provide a useful service to parliamentarians.
3. Government should form a centre of excellence on civic engagement with responsibility for advising departments, pioneering new practices and collating major public opinion research.
4. Parliamentarians need new ways of managing and analyzing the volume of information that comes across their desks. Powerful tools and standards should be developed for cross-referencing reports and managing government information.
5. Orientation sessions for MPs and staff should continue to be enhanced; ongoing training should be made available.
6. Hansard was once a radical innovation resisted by the British Parliament. Now a new supplementary Hansard that catalogues government business and parliamentary debate in a popular format should be developed and made available to Canadians.

---

<sup>321</sup> Interview with Kevin Bosche, Director, Liberal Caucus Research Bureau.

## APPENDIX 2: HISTORY OF RECENT PARLIAMENTARY REFORM STUDIES IN CANADA<sup>322</sup>

### *Lefebvre Committee (December 1982)*

- A regular Parliamentary calendar
- Reduction in length of speeches
- Reducing the size of committees
- Restricting substitutions on committees
- Automatic referral of departmental and Crown corporation annual reports to the appropriate committee
- Government response to committee reports tabled within 120 days

Other recommendations:

- Creation of three new scrutiny committees in addition to Public Accounts committee
- More professional staff for committees
- Greater use of sub-committees

### *The McGrath Committee (appointed December 5, 1984)*

The Third Report was the most significant:

- Changes to make the committee structure more closely parallel the departmental structure of government;
- The enhancement of committee powers for obtaining information from departments;
- The transfer of the detailed scrutiny of legislation to legislative committees, which would allow standing committees to focus on policy matters and the review of departmental estimates;
- Reduction of the size of committees;
- Members should have increased control over the selection of substitutes;
- Committees should be furnished with independent budgets and the authority to hire specialized staff;
- Committees should be authorized to review non-judicial Order in Council appointments (or, in some cases, nominations for appointment); and
- Powers of regulatory review should be strengthened.
- Loosening of party discipline
- Changes to private members business

### *Reviving Parliamentary Democracy: The Liberal Plan for House of Commons & Electoral Reform (January 1993)*

- Legislation and estimates reviewed by parliamentarians in earlier stages
- Decreased party discipline (including on Supply Days)
- Pre-budget consultations
- Modernize rules for Question Period and rules on petitions and Members' Statements

---

<sup>322</sup> Found in the Liberal Party of Canada Renewal Commission's report "A Democratic Society: The Role of Parliament" by Hon. Tony Valeri, P.C., Chairman, Appendix A.

- More emergency debates
- More broadcasting of committee meetings
- Increased access to Members of Parliament by constituents
- Opposition Members as presiding officers
- Greater scope for committees
- A number of electoral reforms, including financing reform

***Committee on House Management 81<sup>st</sup> Report (April 1993)***

- Loosen the confidence convention (including Supply days)
- More opportunity to make Members statements
- Several recommended changes to Question Period to make it more meaningful
- Introduction of special subject debates and special question periods
- Government Bills introduced earlier and referred to committee after first reading
- Closure and time allocation only if Speaker says there has been enough debate
- Minister's attendance in the House during debate on Bills
- Changes to private members business
- More formalized rules on pairing
- Opposition Members as presiding officers
- Changes to scrutiny of regulations committee and Library of Parliament committee and the establishment (with the Senate) of a Joint Committee on Parliament Housekeeping changes, including adjournment debates, royal recommendations, Royal Assent, and the parliamentary channel

***Report of the Liaison Committee on Committee Effectiveness (June 1993)***

- Reduce number of Standing committees; Eliminate legislative committees; use more subcommittees
- More effective use of committee time; better planning
- Referral after first reading
- Ministers before committee to discuss expenditures
- Chairs elected by secret ballot; subcommittee chairs selected by committees from a list
- Professional committee staff; consistency in research costs; constant room allocations
- Committee travel approved by liaison committee; no need for House Order for living expenses for conferences
- Government replies to committee reports debated and then referred back to committees
- Information provided to committee witnesses and public servants

***1994 package of Reforms***

- Referral of Bills before Second Reading
- Committee may be requested to prepare a bill
- Expanding oversight role to include future spending priorities
- Annual public consultations on the Budget by the Finance Committee

***Sixty-Fourth Report Of The Standing Committee On Procedure And House Affairs (Catterall-Williams Report) April 1997***

- Creation of a Standing Committee on Estimates
- Limiting substitution on committees
- Standing committees studying estimates be allowed to propose a reallocation of funds (up to 5%)
- Committees make full use of departmental plans and priorities information
- Departments informing committees of alternate directions and committees make recommendations to departments on same
- Inclusion of evaluation frameworks for all new programmes be provided to committees in Estimates or during review of legislation
- Committee review of long-term existing programs
- Inclusion of committee reports on plans and priorities in pre-budget consultations
- Televising and include public in some review of the estimates
- Establishment of a schedule for the review (over next ten years) of underlying statutes that affect the size of statutory expenditures
- Department of Finance tabling of a report on tax expenditures each fiscal year, to be reviewed by committees
- Inclusion of outstanding loan guarantees in Estimates
- Detailed recommendations on review of Estimates
- Guidelines for senior public servants appearing before committees
- Reduction of the use of confidence on Business of Supply

***Report of the Liaison Committee on Committee Effectiveness (Graham Report) (September 1997)***

- Witnesses to provide brief, prepared opening statements
- Committees to invite a panel of experts on major studies
- Intensive hearings for urgent matters
- Fewer extensive reports where a resolution will suffice, or testimony is self-evident
- Reduced quorum for hearing witnesses
- Greater use of subcommittees and video-conferencing
- Greater use of travel for fact-finding missions
- Simplify rules on joint committee hearings
- More Ministerial cooperation with committees
- Referral after first reading
- Less turnover of committee chairs
- Increased office budgets of chairs
- Training for chairs
- Clarify rules on publication of dissenting opinions and on examination of Order-in-Council appointments
- More television coverage of committees

***Report of the National Liberal Caucus- Social Policy Committee on Improving Committee Effectiveness (June 2001)***

- Ministers to appear before committees at the beginning of a mandate to review anticipated legislation, and then periodically thereafter.
- Increased referral of Bills after First Reading, draft Bills, Green papers, etc.

- Committees consider expenditure planning and priorities each Fall and compare them with the estimates.
- Secret ballot election of committee Chairs and Vice-Chairs
- Committee membership for the duration of a Session.

***First Modernization committee (June 2001)***

- The ratification of appointments of Parliamentary officers by the House
- A new format for Emergency Debates (to take place in Committee of the Whole)
- More Take-Note Debates (also in Committee of the Whole)
- Allowing votes to be deferred to 3:00pm, after Question Period
- Permitting the Leader of the Opposition to refer two sets of Estimates to the Committee of the Whole for debate of up to five hours each before the May break
- A 30-minute debate with the responsible Minister on motions of Time Allocation and Closure
- Tightening the sanctions for questions on the Order Paper not answered on time
- Increasing advance notice of the text of Opposition Day motions
- A second room permanently equipped for televised committee hearings
- Programming of government bills when referred to a Standing Committee
- Increasing the use of ministerial statements

***Paul Martin's Osgoode Hall Speech (October 2002)***

- A Three-Line Whip;
- “Referral after First Reading”
- A renewed system for private members' bills
- More independent parliamentary committees
- A process for committees to review government appointments before they are made
- An independent Ethics Commissioner who reports to Parliament.

***Second Modernization Committee (June 2003)***

- Greater use of modern technology: motions, questions, and petitions to be filed electronically using electronic signatures; Members to have access to the Internet from laptops in the House, and web broadcasting of House and Committee proceedings.
- Adjusting the rules for the two sets of Main Estimates considered in Committee of the Whole.
- Reduced speech times for lead-off speakers on government bills at second and third reading allowing for more Members to participate in the debates.
- Enforcing the requirement for the government to respond to petitions within 45 days and relaxing the rules of admissibility to allow for greater participation in the democratic process between Canadians and their Parliamentarians.

***The Parliament We Want: Parliamentarians' Views on Parliamentary Reform (December 2003)***

- Meaningful tenures for parliamentary secretaries, committee chairs and committee members
- Loosened party discipline and independent committees must lead to tangible results such as adoption of committee recommendations
- Parliamentary reform should look forward not backward to some “golden era”
- Enhance role of Parliament in world affairs – i.e.: ratification of treaties
- Reasonable expectations of parliament's capacity to hold government accountable

- Link spending to performance; cross-reference documents (i.e.: estimates, budgets, AG reports, etc.)
- Parliament must have real power to scrutinize public spending and amend estimates
- Parliamentarians need more meaningful access to Ministers
- Parliament's views to be sought early in decision-making process
- Increase capacity of Parliament to speak for constituents – a new policy-related role for Parliament in consultation
- Use of web by Parliamentarians and committees
- Committees restructured to separate scrutiny of legislation from policy deliberation
- More permanent training; resources to navigate machinery of government; more resources for public policy analysis
- New bargain between Parliament and public service; better communication

#### ***Democratic Reform Action Plan (February 2004)***

- Independent Ethics Commissioner and Senate Ethics Officer
- Implement three-line voting system
- Refer Bills to committee before second reading
- Increase resources to Committees
- More static membership on committees
- Greater budget allocation authority to committees
- Ministers to consult with committees at an earlier stage in the Policy process
- More substantive Ministerial response to committee reports
- Action plan on e-consultation
- Increased resources to legislative counsel services
- Create a National Security Committee of Parliamentarians sworn into Privy Council
- Improve reporting and scrutiny of Departmental Estimates and Departmental Performance reports
- Departments to publish management accountability reports on web sites
- More training to Parliamentarians on the Estimates
- Election of committee chairs by secret ballot
- Request recommendations from House Committees of which Governor-in-Council appointments could be subject to prior review
- Request recommendations from parliamentary committees on how to implement prior review of Supreme Court Judges
- Enhanced responsibilities of parliamentary secretaries, lengthened terms
- Dialogue with Canadians on democratic reform
- Annual report to Parliament

#### ***Federal Accountability Act and Action Plan*<sup>323</sup> (April 2006)**

- April 11, 2006: the Government of Canada introduced *Federal Accountability Act* and Action Plan to make government more accountable
- The Government of Canada passed the *Federal Accountability Act*, which was granted Royal Assent on December 12, 2006
- Through the *Federal Accountability Act* and Action Plan, the Government of Canada has brought forward specific measures to help strengthen accountability and increase transparency and oversight in government operations

---

<sup>323</sup> Highlights from the Federal Accountability Act were found at <http://www.faa-lfi.gc.ca/docs/ap-pa/ap-pa00-eng.asp>.

- Through this Action Plan, the Government will:
  - **reform the financing of political parties** by reducing the opportunity to exert political influence through large donations to political parties and candidates;
  - **ban secret donations to political candidates** by prohibiting electoral district associations and parties from transferring money to their candidates from trust funds;
  - **strengthen the role of the Ethics Commissioner** by introducing a new *Conflict of Interest Act* and granting powers to the new Conflict of Interest and Ethics Commissioner to enforce it;
  - **toughen the Lobbyists Registration Act** by introducing stricter rules for lobbyist activity and giving a new Commissioner of Lobbying enhanced powers to investigate and enforce them;
  - **ensure truth in budgeting with a Parliamentary Budget Authority** by creating the position of Parliamentary Budget Officer to provide objective analysis to Members of Parliament and parliamentary committees concerning the state of the nation's finances, trends in the national economy, and the financial cost of proposals under consideration by either House;
  - **make qualified government appointments** by introducing a uniform process for appointing Agents and Officers of Parliament and ensuring that public appointments are based on merit;
  - **clean up the procurement of government contracts** by enshrining in law a commitment to fairness, transparency, and openness in the procurement process, and by appointing an independent Procurement Auditor to provide additional oversight of the procurement process;
  - **clean up government polling and advertising** by preventing public opinion research and advertising contracts from being used for partisan or personal benefit, and by appointing an Independent Advisor to conduct a full review of public opinion research practices discussed in Chapter 5 of the Auditor General's November 2003 report that the previous government explicitly exempted from Justice Gomery's consideration;
  - **provide real protection to whistleblowers** who disclose government wrongdoing by introducing specific penalties for offences, granting powers to the new Public Sector Integrity Commissioner, creating a Public Servants Disclosure Protection Tribunal to consider cases of reprisal, providing public-sector employees with access to legal counsel and continuing to ensure they have adequate access to the courts, and providing a \$1,000 reward to public-service employees who have the courage to expose wrongdoing in the workplace;
  - **strengthen access to information legislation** by extending its reach and scope, and by tabling for consideration by parliamentary committee a draft bill to further amend the *Access to Information Act* and a discussion paper to ensure the full consideration of views and possible approaches;
  - **strengthen the power of the Auditor General** by expanding the reach and scope of the Auditor General's investigative powers to help Parliament hold the government to account;
  - **strengthen auditing and accountability within departments** by clarifying the managerial responsibilities of deputy heads within the framework of ministerial responsibility, and by bolstering the internal audit function within departments and Crown corporations; and

- *create a Director of Public Prosecutions*, outside the Department of Justice, with the authority to conduct criminal prosecutions under federal law.
- This Action Plan strikes an appropriate balance between oversight and flexibility. The Government of Canada will strengthen and streamline its management policies and consult with stakeholders on reducing barriers that inhibit access to government. It will:
  - *establish an independent blue-ribbon panel* to identify barriers to access for recipients of government grants and contributions, and to recommend changes to Government policies and practices to ensure a fair, economical, and efficient delivery of grants and contributions programs;
  - *review its procurement and financial management policies* to identify where they could be streamlined, and where the Government could replace transaction-level requirements and rules with basic principles of management accountability and transparency; and
  - *repeal policies and regulations* where they inhibit the effectiveness of public-service employees, rather than promote accountability and good management.



## ENDNOTES

<sup>4</sup> See Appendix 2 for a summary of the numerous Parliamentary reports and initiatives on reform since 1982. “The Parliament We Want: Parliamentarians’ Views on Parliamentary Reform.” *Library of Parliament* (December 2003), <http://www.parl.gc.ca/information/library/views/parliamentviews-e.htm>, was prepared under the direction of parliamentarians drawn from all parties (Carolyn Bennett, MP; Deborah Grey, MP; and the Honourable Yves Morin, Senator), and is an especially impressive effort and serves as one of the centrepieces of this report. The Library of Parliament has also produced numerous other studies on parliamentary reform. Two of the most useful such studies are Jack Stilborn, “The Roles of the Member of Parliament in Canada: Are they changing?” *Library of Parliament* (31 May 2002), <http://www.parl.gc.ca/information/library/PRBpubs/prb0204-e.htm> and Gerald Schmitz, “The Opposition in a Parliamentary System.” *Library of Parliament* (December 1988), <http://www.parl.gc.ca/information/library/PRBpubs/bp47-e.htm>.

Peter Dobell launched the Parliamentary Centre in 1968, Canada’s leading think-tank on improving parliamentary practice, both at home and abroad. The Centre has recently published a series on their website (<http://www.parlcent.ca/>) on issues facing new Members of Parliament, “Managing Staff and Offices for Better Results and Fewer Headaches; Peter Dobell’s, “Parliamentary Secretaries: The consequences of constant rotation” in *Policy Matters* (September 2001), raises many issues about the wisdom of the Chrétien Government’s automatic two-year rotation of Parliamentary Secretaries. In 2004, the Martin Government announced that it was abandoning the practice. With a long-standing interest in parliamentary reform, The Institute for Research on Public Policy (IRPP) (<http://www.irpp.org/>) has published Dobell’s work and many others.

The Institute on Governance (IOG) (<http://www.iog.ca/>) publishes pieces both by well-known scholars (see, for example, Sharon Sutherland’s outstanding article “Does Westminster Government have a Future?” *IOG* (1996), [http://www.iog.ca/publications/1996\\_westminster\\_gov.pdf](http://www.iog.ca/publications/1996_westminster_gov.pdf)), and by the annual intake of parliamentary interns chosen by the Canadian Political Science Association (see, for example, Jackie F. Steele, “An Effective Player in the Parliamentary Process: The Liberal woman’s caucus 1993-2001.” *IOG* (October 2001), <http://www.iog.ca/publications/alfhaes2001.pdf>). The Canadian Association of Former Parliamentarians (<http://www.exparl.ca>) joins forces with many of the above groups (see, for example, “Making the most of Parliament” a May 2006 roundtable jointly organized by the Library of Parliament and the Association) and also publishes its own magazine, *Beyond the Hill*. A particularly useful article for this report Eric Spicer, “The Library of Parliament: Fighting for Improved Services 1960-64.” *Beyond the Hill* (Autumn 2006)). The Canadian Study of Parliament Group (<http://www.studyparliament.ca>) has also organized a series of interesting conferences on different aspects of Parliament (see, for example, the conference papers on the topic “Whom do you Trust? The Growing Relationship Between Legislative Assembly Officers And Citizens.” Paper presented in Winnipeg, Manitoba, 9 December 2006).

The works by four scholars on Parliament have particularly influenced this report. C.E.S. Franks’ *The Parliament of Canada* is a standard in the field. David E. Smith has written a trilogy on the basic building blocks of Canadian government, namely the Crown, the Senate, and the House of Commons. See *The Invisible Crown: The First Principle of Canadian Government*. Toronto: University of Toronto Press, 1995; *The Canadian Senate in Bicameral Perspective*. Toronto: University of Toronto Press, 2003; and *The People’s House of Commons: Theories of Democracy in Contention*. Toronto: University of Toronto Press, 2007. David C. Docherty has been surveying MPs in differing waves since the late 1980s. See his *Mr. Smith Goes to Ottawa: Life in the House of Commons*. Vancouver: University of British Columbia Press, 1997; and *Legislatures*. Vancouver: University of British Columbia Press, 2005. Professor Docherty is also a contributor to the Canadian Democratic Audit series, which has commissioned a number of works on how well Canadian democracy is performing at the onset of the twenty-first century. Paul Thomas, among his many contributions to the literature on Parliament, rightly emphasizes the role of parties in determining parliamentary agendas in “Parliamentary Reform through Political Parties.” In *The Canadian House of Commons: Essays in Honour of Norman Ward*, edited by John C. Courtney, 43-68. Calgary: University of Calgary Press, 1985. The Canadian Parliamentary Review has published articles by all the authors above and many others, and is the leading Canadian journal on parliamentary practice.

Unhappily, Canada does not have the British tradition of well-written, witty memoirs by leading political figures, but some parliamentarians have written engaging memoirs. Four books by Private Members that give a taste of parliamentary life are: Gordon Aitken, *The Backbencher: Trials and Tribulations of a Member of Parliament*. Toronto: McClelland & Stewart, 1974; John Ross Matheson, *Canada’s Flag: A Search for a Country*. Boston: GK Hall & Company, 1980; Sean O’Sullivan, *Both my Houses: From Politics to the Priesthood*. Toronto: Key Porter Books, 1986; and Deborah Grey, *Never Retreat, Never Explain, Never Apologize: My Life, My Politics*. Toronto: Key Porter Books, 2004. J. Patrick Boyer is a former Member of Parliament who has written extensively on accountability. See *Just Trust Us: The Erosion of Accountability in Canada*. Toronto: Dundurn Press, 2003. A book about a much-admired MP who died too young is Susan Delacourt, *Shaughnessy: The Passionate Politics of Shaughnessy Cohen*. Toronto: Macfarlane Walter & Ross, 2000. The Senate has not been forgotten. Senator Serge Joyal has edited a very useful collection of articles on the institution he loves, in *Protecting Canadian Democracy: The Senate You Never Knew*. Montreal: McGill-Queen’s University Press, 2003. A memoir by a distinguished Senator that does meet British standards in wit and articulation is Eugene Forsey, *A Life on the Fringe: The Memoirs of Eugene Forsey*. Toronto: Oxford University Press, 1990. Two recent memoirs by Prime Ministers contain many insights about Parliament. See Brian Mulroney, *Memoirs 1939-1993*. Toronto: McClelland & Stewart, 2007; and Jean Chrétien, *My Years as Prime Minister*. Toronto: Knopf Canada, 2007.

<sup>2</sup> One such debate, which brought tears to the eyes of some MPs in our Liberal caucus, occurred in the fall of 1983. Language always has the potential to divide Canadians, and another episode in this sad aspect of our history was underway in my home province of Manitoba. The NDP government of Howard Pawley had proposed a constitutional amendment to section 23 of the Manitoba Act to reinstate partially the status of the French language in Manitoba and to provide provincial government services in French. Sterling Lyon, the leader of the Conservative party in Manitoba, was bitterly opposed. The three federal parties agreed to develop a combined strategy to help the provincial government pass the amendment. Prime Minister Trudeau, Brian Mulroney and Ed Broadbent agreed that an all-party resolution would be presented to the House of Commons on October 6, 1983. The resolution invited “the government and legislative assembly of Manitoba to take action as expeditiously as possible, in order to fulfill their constitutional obligations, and protect effectively the rights of the French-speaking minority in the province.” As the debate began, the House of Commons was full and the public galleries were packed. Trudeau opened the debate by stating “not without emotion, this is perhaps the most important day of my life as a parliamentarian” because Parliament had gathered to right a wrong. Trudeau quoted Sir. John A. MacDonald that “I have no accord with the desire expressed in some quarters that by any mode whatever there should be an attempt made to oppress the one language nor to render it inferior to the other. I believe that it would be impossible if it were tried and it would be

---

foolish and wicked if it were possible.” Mulroney and Broadbent were equally passionate. Mulroney, under the most political pressure because it was his provincial party that was opposed, showed considerable political courage by supporting the amendment. He told the House that the purpose of the resolution “is one which has touched the soul of Canada for decades.” Broadbent declared “never again should any Canadian say I am a stranger in my own country.” As a speechwriter, I was moved by the eloquence and urgency of the debate, and as a Manitoban, I felt that we had finally turned the page of history. These excerpts are drawn from the full account of the debate over section 23 found in Frances Russell, *The Canadian Crucible – Manitoba’s Role in Canada’s Great Divide*. Winnipeg: Heartland Associates, 2003, pp. 383-388. My satisfaction with this debate, however, was not shared by the man it was intended to help. Howard Pawley, the Premier of Manitoba at the time, has written recently that the federal resolutions “created negative rather than positive reaction throughout the province.” See Hon. Howard Pawley, “The Lessons for a Very Political Life.” *Canadian Parliamentary Review* 30:2 (2007).

<sup>2</sup>The literature on Britain’s Parliament is voluminous: books that I have found particularly useful include Jerald Kaufman, *How to be a Minister*. London: Sidgwick & Jackson, 1980. Julian Critchley was first elected in 1959 and served as an MP until the mid-1990s. See his *Westminster Blues*. London: Hamish Hamilton, 1985; *The Palace of Varieties*. London: Faber & Faber, 1989; and *A Bag of Boiled Sweets: An Autobiography*. During the interview phase of our project in the United Kingdom, I had the opportunity to meet Peter Riddell, a Member of the Executive of the Hansard Society and the author of two stimulating books on British politics. See Peter Riddell, *Honest Opportunism*. London: Hamish Hamilton, 1993; and Peter Riddell, *Parliament Under Blair*. London: Politico’s Publishing, 2000. The latter has an extensive reform plan for the British Parliament. *Honest Opportunism* and Jeremy Paxman, *The Political Animal*. London: Penguin Books, 2002, describe the evolution of the English political class. Valuable books on Parliament are by Michael Rush, *Parliament Today*. Manchester: Manchester University Press, 2005; and Philip Giddings, ed., *The Future of Parliament*. New York: Palgrave MacMillan, 2005. A much underrated book by a former Prime Minister is Harold Wilson, *The Governance of Britain*. London: Sphere Books Ltd., 1976. The Hansard Society for Parliamentary Government released a report on “Parliamentary Scrutiny: The Challenge for Parliament” in 2001. This followed a report by the House of Commons Liaison Committee: “Shifting the Balance” in 2000.