

BACKGROUND



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The New Member of Parliament and Committees

"You can be very isolated as an individual MP. There is not much camaraderie in the job. The committee is a good place to build relationships with MPs on all sides. It is also a great opportunity to expand knowledge of Canada and government and to be involved in decision-making. You cannot learn any of those things in the House. It is truly impossible to become a parliamentarian unless you become an active committee member."

A Former Member of Parliament

The New MP

This is a guide for the new Members of Parliament and their work in committees. It is about creating conditions that will enable MPs to perform their tasks more effectively. It is about focussing on the MP's individual performance. Individual members, appropriately equipped and supported, can make committees a forum where the effective representation of the public interest can occur. This opportunity is

more significant in a minority Parliament where committees become a critical component of legislative decision and policy-making.

It is in committee where the individual MP weaves three strands of an MP's function together: as **legislator**, reviewing, modifying, amending **legislation**; as **overseer**, reviewing government policies, programs and expenditures and as **representative**, hearing the various voices of the citizen, representing constituent concerns and reflecting the public interest in the deliberations of the committee. These three roles are not always evident to the ordinary citizen. One image more commonly associated with MPs is a caricature of two extremes: that of a rabid partisan in the heat of battle during question period and House debates and that of a rubberstamp to the dictates of party politics. This image has contributed to public cynicism about the political



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process and its perception of the irrelevance of Parliament. A second image is that of an MP as a constituent champion, a caseworker cum ombudsman assisting constituents with information and advice on their dealings with their government. Often missing is an image of the MP at work in committees. The fact is Members of Parliament have a stake in making committee work visible and effective. They need to see their work in committees as a means to re-connect with citizens and restore confidence in Parliament as a pillar in our governance system. With this perspective, a new MP can contribute practically to the cause of democratic renewal.

The Essential Role of Committees

Committees are essential to the work of Parliament. Committees are one of the most important mechanisms that legislatures have to directly call the government to account and ask questions about its policies and programs, to shape legislation, to scrutinize its budget and expenditures and to investigate special issues of public concern. The new MP should recognize that the Canadian experience with House Committees is mixed. The number of efforts in the last twenty-five years to reform committee structures and procedures, to streamline operations, improve effectiveness and enhance the role and influence of private members demonstrate this. The growing interest in democratic reform, including the reform of Parliament, has drawn attention, once again, to the effectiveness of House Committees. There is a widespread view that the performance and potential of House Committees are far from being realized and that their modest impact on the governance process is yet another manifestation of the so-called “democratic deficit”. The recent election in June 2004 of a minority Parliament has heightened the interest in the functioning of House Committees. The action in the House is going to revolve to a greater extent around Committees where there is no longer a majority party to control the course of events.

Committee members from the different parties are likely to seek and get equal hearing, paving the way for more consensual and collaborative decision-making, and by extension, resulting in a better expression and representation of the public interest.¹ This guide aims to facilitate this process.

Design of the Guide

This guide begins with a discussion on the role of committees in legislatures² and why they matter. This is followed by an overview of the current committee system in the House of Commons. A reality check on how committees work in practice is provided to set the context for the section on strategies and tips to improve the individual performance of committee members. Finally, as food for thought, there is an annex that outlines some interesting innovations and practices in committee systems from other jurisdictions.

Why Committees Matter

Committees are vital to the work of legislatures around the world. Without committees, legislative proceedings would grind to a halt from the sheer volume of activities that would have to be considered in full chambers. Committees allow the legislature to organize its work and perform numerous functions simultaneously. These include matters such as: a) reviewing legislation, b) reviewing and approving the budget and expenditures for the government’s policy agenda, c) scrutinizing the government’s activities, policies and programs and whether they meet the objectives of legislation as intended, d) conducting investigations on special issues and e) examining order-in-council appointments. Committees are an efficient way of running the business of the House. But committees matter for reasons beyond efficiency. Well-functioning committees are laboratories of democratic governance:

¹ See Backgrounder Number 1, “Making the Minority Parliament Work”, Parliamentary Centre, (September 2004).

² Legislature is used in this guide in a generic sense. It includes parliament, congress, and assembly in various government systems.

- **Committee mandates and memberships focus attention on specific issues and encourage meaningful deliberations in the public interest.** Committees have defined mandates and memberships. They study an issue or set of issues and then report back to the full House. This allows individual members to focus their attention on a subject matter, study it in detail and deepen their understanding of the issue(s). The rigor enhances the member's ability to be productively engaged in the process and to take ownership of its outcomes. Committees are designed to be of a size that permits better interaction among the members. Committees have rules and procedures, but, generally, the atmosphere of proceedings is less formal and less adversarial than the plenary sessions in the House. Members are able to discuss issues informally, are less constrained by party discipline and are able to develop relationships with committee colleagues who represent other parties. A non-partisan environment can emerge in committees, leading members from both sides to assess issues in the interest of the public rather than party advantage alone.
- **Committees are mechanisms for public engagement and validation of the democratic process.** Committees hold hearings and meetings that provide an opportunity for various interest groups, academics, experts and individual citizens to participate and present their views on a range of issues. These open processes help educate MPs and the public on policy issues, competing policy concerns, the constraints to certain courses of action and the democratic process. At the same time, these proceedings expose parliamentarians to various sources of information and different perspectives thus broadening and deepening their understanding of the complexity of policy making in Canada.

- **Committees are a means of establishing institutional leadership and visibility in the public arena.** Committee Members and Chairs, particularly those who have been assigned to a particular committee for a long period of time, develop expertise; are seen as key players in an area and are recognized as such by their peers, the public and the media. Committee Chairs, in particular, have the opportunity to develop a reputation for leadership by their ability to manage and coordinate the intricate plays and strategies on and off the committee stage among political parties, while keeping the committee on track, in focus and on time with the legislative agenda. Committee leadership is a pre-requisite for strong committees. These committees tend to get exposure and media attention, which help sustain public involvement in the political process.

How Committees Work

Committees are the work engines of legislatures. Their organization and structure are different in each legislature, and their duties and significance vary depending on history, convention, constitutional framework, significance of political parties and party discipline. For example, the power and influence of committees in a presidential system like the United States is far greater than that wielded by committees in Westminster systems like the UK and Canada. It is significant to note that there is a trend among legislatures, both in mature and developing democracies, to assert committee roles vis-à-vis the executive through the reform of Parliament and its processes. This is being driven by a number of factors including the primacy of accountability as a public concern – who better to hold the government to account than the very institution created for that purpose – and the desire to find new ways of re-invigorating citizen engagement in the political process.

In the Canadian system, there are four kinds of committees through which the House conducts its business:³ (For details, consult “Committees a Practical Guide, House of Commons, Sixth Edition 2001)

1. Standing Committees are permanent committees mandated by the House to oversee a government department or departments, or to exercise procedural and other responsibilities related to the House itself. These committees have extensive powers of inquiry to undertake the detailed consideration of legislation, estimates and other matters in their areas of jurisdiction. The standing committees are also empowered to create sub-committees.
2. Standing Joint Committees bring together Members of Parliament and Senators. There are three standing joint committees – Scrutiny of Regulations, Library of Parliament and Official Languages.
3. Legislative Committees can be formed to deal with a specific piece of legislation and cease to exist when the bill is returned to the House. This type of committee was provided for in the House of Commons Standing Orders in 1985. Within a few years the practice was dropped. Standing Committees were already familiar with the subject dealt by the legislation, so legislative review was deemed a natural extension of its work. Standing Committees now undertake the detailed consideration of legislation.
4. Special Committees are temporary committees formed to undertake a particular study at the request of the House and then disbanded. There can also be special joint committees.

The Procedure and House Affairs Committee propose membership in each committee after consultation with party House Leaders. Individual MPs are informally asked for their preferences in terms of membership in a committee, but may not necessarily get their choices for a host of reasons including the fact that, apparently, 70% of MPs have named the Foreign Affairs Committee as their first choice.⁴ The membership lists are prepared to reflect the party standings in the House.

After the adoption of the report on committee memberships, each committee proceeds to the election, by secret ballot since a decision in 2003, of a chair and two vice chairs. Of these three positions, two have been members of the governing party and the third, a member of an opposition party. In the new minority Parliament, this arrangement could change. Firstly, if there is a second ballot, an opposition MP might be elected. Secondly, it is possible that the government might offer the chairmanship of committees to opposition party Members. (In 1972, the Liberal minority government offered chairmanship of committees to the Conservative opposition party. The Conservatives declined, the offer since the chair may only vote to break a tie). Committees organize their work by adopting a series of routine motions. Most Committees create a Steering Committee, also called a Sub-Committee on Agenda and Procedure, which develops the committee’s work plans and recommends them for approval by the full committee.

The bulk of House business is handled through Standing Committees, which have extensive powers. Standing Committees are empowered to study and report on all matters relating to the mandate, management and operations of the department or departments of government assigned to them. An important vehicle for conducting this review is through the Estimates. The government’s expenditure plan

³ This section is drawn from the publication “Committees a Practical Guide”, House of Commons, Sixth Edition 2001 and the information on the House of Commons website “Towards the 38th Parliament: A Member’s Guide”.

⁴ Interview with MP, April 29, 2004.

for the forthcoming fiscal year, known as the Estimates and the Supplementary Estimates, are broken down by department and are referred automatically in late February to the relevant Standing Committee. In theory, this is where members can have a direct role in exercising its stewardship on the “public purse” by analysing budgets and scrutinizing allocation of resources. In practice, the general view is that much needs to be done to make this more than a perfunctory political exercise. For example, although committees have the power to reduce the estimates, they have only done so twice, both times in the minority Parliament of 1972-74. With the public’s preoccupation with fiscal prudence and accountability, committees in the current minority Parliament may take a closer look at the exercise of this power. (The election was called before the estimates had been approved and as a result the House granted interim supply only to December 31, 2004. In exchange for this concession, the opposition had insisted that after the election the parties would negotiate and agree on special procedures for approving supply).⁵

Other powers of Standing Committees include matters such as a) review of order-in-council appointments, b) review of legislation referred to them; c) initiate inquiries and prepare reports and recommendations on any public policy issue related to its mandate; d) send for persons, papers and records; e) publish papers and evidence. Committees can also retain professional and support staff in addition to the regular House staff assigned to support their work. This power is constrained, however, by the budgets allocated to committees.

Committees in Practice: A Reality Check and Consideration of Constraints

The committee system offers parliamentarians, including the new MP, an opportunity to address the concerns of Canadians, examine closely the business of government and hold government to account for its actions. Committee impact on government policy and legislation has ebbed and flowed through the years depending on the government’s agenda, the party politics, the personalities involved, and the public and media attention accorded to an issue before a committee. Despite the reforms on parliamentary procedure and practice introduced since the 1980s to enhance committees, committee impact on the government remains short of its potential. For example, in a poll of public servants on the relative importance of various influences on policy development, parliamentary committees and MPs were ranked almost at the bottom of 13 different sources of influence and, at times, were referred to as a *minor process obstacle*.⁶ Another illustration of the committees’ limited impact is in the perfunctory and highly partisan annual review of departmental spending estimates. This is examined in a case study on Parliament’s performance in the budget process.⁷ Many MPs have considered this inability to wrestle with the Estimates in a meaningful way a serious shortcoming of the House of Commons’ committee system.⁸

There are inherent constraints to the effective performance of committees. A brief description of these issues is essential to our understanding of the current realities of committee work:

1. **Committees operate within the framework of a parliamentary system.** This is different from committees operating in a presidential system. In a parliamentary system, there is no separation of powers, the executive is part of the legislative, and the relationships

⁵ “Making the Minority Parliament Work”, Ibid.

⁶ Peter Dobell, “Reforming Parliamentary Practice”, Policy Matters, (December 2000), p 11.

⁷ Peter Dobell and Martin Ulrich. “Parliament’s Performance in the Budget Process: A Case Study”, Policy Matters, (May 2002).

⁸ Interviews with MPs, April-May 2004. See also various comments from MPs in “MPs Views on Committee Organization”, Parliamentary Government, (March 2001).

between the executive and the legislative are strongly influenced by the party system. In a majority parliament, the government typically controls the committee agenda. The resulting dynamic has been well described by an MP.

“The dynamic that I see rapidly becoming the norm is total partisanship, where issues are not really addressed on the basis of merit, but on the basis of party lines. It is becoming the government majority against the opposition minority. I resent as a member of Parliament simply being window dressing in an exercise where the lines and the stage management all comes from somewhere else. I am not even sure from where, but it is definitely not from the members of the committee.”⁹

2. **Committees are creatures of the House and are therefore subject to the will of the House.** Committee powers, resources, timelines for reporting and debate and response to its reports are all subject to rules and procedures adopted by the House, as are proposed changes or modifications to them. The governing party, when it has a majority, has been able to control changes to House rules and procedures. In a minority parliament there is likely to be more input from the various opposition parties.
3. **Current committee structure and organization have their limitations.** Party machinery (and machinations) and party standings have influenced the selection process for membership in committees. The tenure of committee members is, in principle, fixed for one year. Appointments to committees are made each year in the autumn. For a variety of reasons, MPs may be appointed to different committees each year. In addition, party Whips may make substitutions if an MP is out of Ottawa and a vote is expected. The frequent replacements and substitutions inhibit continuity and development of committee expertise.
4. **Committee chairpersons are crucial to committee effectiveness.** The Chairs have been subject to rotation. This stems from the practice initiated by Prime Minister Trudeau in 1971 whereby the office of parliamentary secretary was rotated every two years. The rotation of parliamentary secretaries led unavoidably to the rotation of committee chairs who were the primary talent pool for appointment to these positions. The musical chairs during the life of a Parliament interrupts the momentum of committee work for three reasons: a) it takes time for a new chair to acquire knowledge of the subject matter for which a committee is responsible; b) chairing a committee is an acquired skill; c) it takes some time to gain the confidence of committee members, especially of opposition members.¹⁰
5. **Committee work is not seen as politically essential.**¹¹ From a member’s perspective, substantive, dedicated committee work often does not translate into a career ladder in the political system. Some members also note that constituents may consider committee work as time away from their concerns. Members are also frustrated by the inadequate attention given by ministers and public servants to committee reports and recommendations. In the vernacular, committees “don’t get enough respect”.
6. **Parliamentary committees also suffer from lack of media attention.** From 1993-95, a period of 156 weeks, major Canadian newspapers had only 54 articles of any sort about committee proceedings. Considering that in an average year there will be more than 500 committee hearings, this does not suggest adequate coverage or public discussion. Furthermore, 26 of the 54 articles dealt with the finance and industry committees, indicating extreme media selectivity and lack of interest in most committees.¹² This lack of

⁹ “MPs Views on Committee Organization”, Ibid. p7.

¹⁰ “Reforming Parliamentary Practice: The Views of MPs”, Ibid. Pp13-14.

¹¹ Interview with MP, April 29, 2004.

¹² C.E.S. Franks, “A Continuing Canadian Conundrum: The Role of Parliament in Questions of National Unity and the Processes of Amending the Constitution”, in *Canada: The State of the Federation 2002*, ed. J.Peter Meekison et al. (Montreal and Kingston: McGill-Queen’s University Press, 2004), p 43.

media attention is a contributing factor to the low level of public awareness of the MPs' committee work, and citizen engagement with the workings of Parliament.

7. **Committee work creates a heavy demand on a member's time.** Committee work requires commitment to preparation, readings, study and networking on the issues at hand. These demands compete with other equally important calls on the Member's time such as responsibilities to party, caucus, other committees (most MPs are on two committees), constituents, personal responsibilities, and the concomitant travelling associated with the life of an MP.
8. **Inexperience with the intricacies of parliamentary machinery** and the role of committees, as well as with the subtleties of legislative-executive relations in a parliamentary system limits the ability of MPs to fully exploit the powers of the committee system.

*"I would also spend some time on training members to ensure that rookie MPs genuinely understand what a committee is. Otherwise, it can take up to a year before the Member understands the committee role and its operation as well as his or her own role on the committee."*¹³

Raising the Bar: Making a Difference and Making the Committee System Work

An observation by Lord Norton on the British Parliament is germane to the Canadian situation. "The Member of Parliament is the key ingredient to an effective Parliament. There is no point in strengthening the House of Commons if MPs are unable or unwilling to exploit the opportunities afforded by such change."¹⁴ Every Member of Parliament approaches his or her task imbued with a sense of making

a contribution to the country's democratic governance, and committee work is a good place to contribute. In the words of a former parliamentarian:

*"You can be very isolated as an individual MP. There is not much camaraderie in the job. The committee is a good place to build relationships with MPs on all sides. It is also a great opportunity to expand knowledge of Canada and government and to be involved in decision-making. You cannot learn any of those things in the House. It is truly impossible to become a parliamentarian unless you become an active committee member."*¹⁵

So how does a new MP approach committee work and the craft of being a parliamentarian? Experienced practitioners, involved spectators and Monday morning quarterbacks of the political field give the following advice:

1. **Know thyself.** Establish goals and have a sense of how your committee can play to your strengths and interests. Be strategic at the outset; express your preferences. And if you do not get assigned to your committee of choice, just consider it a pathway to another learning experience. Determine whether you want to concentrate on a particular area or mandate of your committee or be a "generalist". Beware of spreading yourself too thin; overloading dilutes your impact. Practice time management principles.
2. **Know your committee.** Learn the rules and procedures. Find out about the committee's track record and reputation, be aware of previous committee reports and recommendations, and talk to former committee members. Talk to other committee members – compare, contrast, share and learn.

¹³ "MPs Views on Committee Organization", *Ibid.*, p11.

¹⁴ Philip Norton, "Strengthening Parliament" (London: Commission to Strengthen Parliament, 2002), p 21.

¹⁵ Keith B. Penner, MP 1968-88, from "Committee Leadership: Chairpersons Advise Chairpersons" (Parliamentary Centre, 1993), p 38.

3. **Get to know the committee staff.** You are not expected to be an expert but you are expected to be an active and involved committee member. Committee Clerks are there to help organize the work of the Committee and have institutional memory. They are only too happy to share with members. Take full advantage of the information and research support of the Library of Parliament. Get to know the research staff, explain your needs and how they can help you. Develop other networks and sources of information. You can build a reputation on the knowledge you bring to an issue and the balanced analysis that you apply to it.
4. **Be there and be prepared.** Poor attendance and last-minute substitutions are the bane of committee meetings that sometimes cannot be avoided, especially when the party calls. But this should not detract from the importance of setting your priorities and managing your time. Prepare for committee meetings. Keep track of the current agenda and previous discussions. Your committee colleagues will thank you. The witnesses your committee has invited will thank you. Nothing is more disruptive to the flow of committee work than going over old ground to keep members updated or engaging in procedural wrangles that have been settled at a previous meeting.
5. **Be respectful of others.** Don't bully witnesses. Witnesses come in different stripes – businesspeople, interest groups, professional associations, individual citizens. They provide information, they advocate, they express their opinions, all with the objective of helping you see different sides of an issue and decide on a course of action. Some of them may even feel awed or intimidated by the formal committee process. Public servants are another category of witnesses. Public servants are drawn into the adversarial culture of Parliament and committees because they are considered

part of the executive, representing their ministers and departments. While this makes the relationship between MPs and public servants sometimes uncomfortable, it does not mean that they cannot have a productive relationship. Committees that have worked well with public servants have taken the time to get to know the department, to get briefed on its organizational structure, its policies and programs and they have had informal meetings with its senior officials. Some departments will have a standing practice of briefing MPs on their areas of interests. It is important to note though, that some departments will insist that the minister's staff be present at these briefings or meetings with senior officials.

6. **Keep the ball rolling.** Help the chair and the committee move the process along. Share your ideas and suggestions on how to improve procedure and process in committees. Nothing is carved in stone. Some rules are flexible; the committee and the chair can decide on how to proceed. Here, the MP can help.
7. **Promote your committee and committee work.** Talk it up every opportunity you can – in news mailers to constituents, in your speaking engagements, in other House activities, in your encounters with the media. Your committee work is important. Validate it. Be proud of it.

The Role of the Chair

In interviews with MPs on improving committee effectiveness, a common theme that emerges time and again is the critical role of the chair. Leadership from the chair makes a difference in the performance of committees in achieving the committee's tasks and their integration in the flow of the larger parliamentary process. He or she is a key player but only one among many.

*“The role of a committee chair is probably analogous to that of a football quarterback. While the offensive team is at work, the quarterback is usually centre stage, the key actor in leading the intricate plays and strategies. However, like a committee chair, the quarterback is only one player among many, supported by administrative and technical staff and led by a group of coaches who select personnel, devise game plans and direct the overall action on and off the field. The success of the team depends heavily upon teamwork and coordination, a sound plan of action and practice, and finally, performance on the playing field. Moreover, a chair is not only a leader within his or her committee, but also a team member who at times may be required to relegate his or her committee priorities to legislative, party and leadership goals.”*¹⁶

Can one find in one person all the essential “quarterback skills”? How does one acquire these skills? Is one ever adequately prepared for chairmanship of a committee in a complex political environment like Parliament? There are no magic answers to these questions. What we know are certain attributes of effective chairmanship suggested by committee chairs and MPs themselves and by examining the practices in other jurisdictions. Effective chairmanship is equated with leadership in setting the direction for committee work, in managing committee operations, in working with other committee members, other committee chairs and with staff. Attention to the following dimensions of a chair’s job is considered crucial to committee performance:

1. **Planning and Organization:** Defining the mission of the committee, its objectives and its priorities; setting a timetable for its activities; securing and managing resources and providing direction to staff in managing the workflow of the committee.

2. **Conducting an Effective Meeting:** Planning the purpose of a meeting and its agenda; being open, being seen as fair; ensuring that meetings are run in a timely fashion; treating all members, staff and witnesses in a way that builds respect.
3. **Communication and Coordination:** Keeping the legislative leadership and, other committee chairs apprised of committee work; keeping the committee workflow in synchrony with the legislative agenda; giving a public profile, including creative use of the media, to draw interest to committee proceedings.

And Now the Work Begins

Committees can be powerful mechanisms to promote transparency and accountability in our parliamentary system of government. They can serve an important function by facilitating detailed scrutiny of government actions and directions in a forum where various voices of the citizenry can be heard and represented. Individual MPs hold the key to keeping this vital function alive. The new MP has a particular challenge – to be knowledgeable and skilful in using the tools and levers at hand in making committees, and Parliament, a strengthened, effective and relevant democratic institution for our times.

Annex: Committee System Innovations and Practices in Other Jurisdictions

Many legislatures have adopted various procedures and practices to streamline the operations of committees, improve its effectiveness and enhance the role and influence of private members. This annex provides examples that MPs may want to review as they consider approaches to enhance the committee system and improve their individual performance.

¹⁶ Strengthening the Committee Process: Suggestions for Leaders, Chairmen & Staff. (Denver, Colorado: National Conference of State Legislatures, March, 1982) p 10.

On Committee Tenures:

- Membership on committees is stable, usually for the life of the parliament or a specific tenure, e.g. two years. Examples: Quebec National Assembly, Great Britain, Australia

On Committee Chairpersons:

- Many legislatures allocate a proportion of committee chairmanships to opposition parties, roughly in proportion to their representation, to promote a more cooperative atmosphere in the legislature. Examples: Great Britain, Germany, France, Quebec National Assembly, Senate of Canada

On the Liaison Committee:

- The Liaison Committee of the UK Parliament is a principal instrument for assessing the impact of Committee work on the scrutiny of government policy and administration, analysing the evolving needs of Committees and for recommending ways to improve their performance. It is composed of the chair of the committee and the chairs of 34 select committees (equivalent to standing committees in Canada), approximately one third of whom are opposition members. Following the adoption of the Modernization Committee's recommendations on Select Committees, the Liaison Committee has
 - Established common objectives for select committees and identified core tasks as a means to achieve "a more methodical and less ad hoc approach to the business of scrutiny",

- Called upon committees to make annual reports,
- Highlighted concerns raised by Committees on areas of emerging or deficient policy; on the adequacy of government responses to committee reports and on the quality of cooperation received by committees from government departments,
- Increased the quota of debates on committee reports
- Received twice- yearly sessions of evidence from the Prime Minister on government policies
- Provided examples of innovative or best committee working practices such as on-line consultations,
- Gained approval for increased resources for committee secretariats, including the creation of the Committee Office Scrutiny unit to provide specialist support for Committees on expenditure matters and analysis of the Estimates and departmental Annual Reports and the examination of draft legislation,
- Implemented measures to improve awareness and enhance access to committee work such as modernizing the format of committee reports, extending webcasting to all public meetings of committees, engaging dedicated media expertise to provide strategic and tactical advice on media-related aspects of Committee work