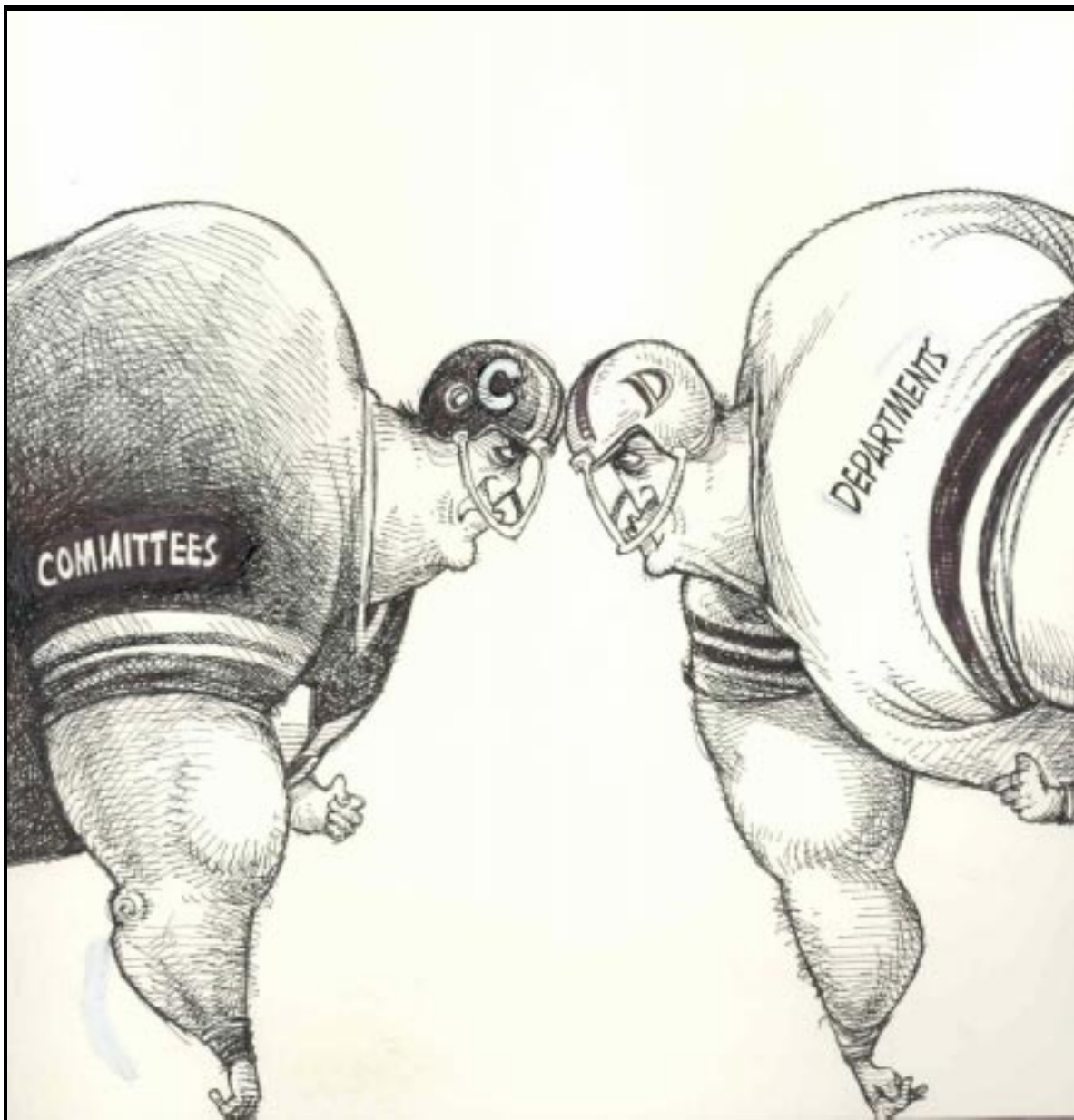


BUILDING BETTER
RELATIONS

OCCASIONAL PAPERS ON

PARLIAMENTARY GOVERNMENT

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Editor
Peter C. Dobell

Production
Kim Caldwell

Distribution
Kim Caldwell

Parliamentary Centre

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In This Issue...

Although Members of Parliament and public servants are each committed to working for the common good of Canadians, this shared interest does not assure positive relations at all times between the two communities. This is unfortunate since to serve Canadians effectively, the two communities need to work together constructively.

In collaboration with David Zussman of the Public Policy Forum, the Parliamentary Centre consulted with experienced committee members and senior public servants to identify actions that could be taken to improve relations and promote collaboration. It quickly became evident that the principal need was for improved understanding of the roles of each community by the other and a program designed to build trust. A number of specific steps are identified in this issue of *Occasional Papers* that could have such outcomes.

This paper is the product of a collaboration between Martin Ulrich and myself.

Peter C. Dobell
Editor

TABLE OF CONTENTS

Executive Summary	3
Context	4
Increasing Understanding	6
Consultation on priorities	6
Integrated guidance	7
Role of Parliamentary Secretaries	8
Building Trust	9
Sharing knowledge and increasing contact	9
Credibility of reports	10
Reporting burden	11
Closing Observations	12

Authors: Martin Ulrich is a Senior Associate at the Parliamentary Centre and led the recent improved reporting to Parliament project of Treasury Board Canada.

Peter C. Dobell is Founding Director of the Parliamentary Centre.

Cartoon by Anthony Jenkins

EXECUTIVE SUMMARY

In-depth consultations with members of the House of Commons and with senior departmental officials confirm that relations between the two communities are far from positive, particularly as they relate to committee hearings on departmental estimates and reporting. Both communities recognize that although they play different roles they are complementary and that to serve Canadians effectively they need to work together constructively.

During our discussions about improving relations, the actions mentioned most frequently emphasized increasing understanding. Consultation on priorities could encourage both committees and departments to think about how they can work together more effectively. Improved understanding of the role of committee hearings is considered equally important. The key action identified was the elaboration of integrated guidance for both committee members and officials participating in committee hearings. In addition, some members felt understanding could be improved through effective involvement of parliamentary secretaries as a liaison between the committees and the departments.

Building trust was also seen as important, but a longer-term endeavour. Although improved understanding likely would strengthen trust, both members and departmental officials noted the value of more direct and informal contact and information sharing. Two reporting issues of concern to departments are related to trust: the credibility of departmental reports in the eyes of

members; and the burden of such reporting on departments. Actions responding to both these issues are outlined.

None of the actions and approaches suggested implies a change in the Standing Orders of the

...members of both communities feel that it is desirable and important to improve relations.

House of Commons or a change in the accountability relations between Parliament and the public service. Building better relations can be pursued by committees, by departments, or where collective action is implied, through existing mechanisms. Strengthening the operations of committees and their consultation with citizens would help them play a more effective role.

Relations between committees and departmental officials, while often positive and constructive, can at times be frustrating for both sides. However, members of both communities feel that it is desirable and important to improve relations. For this reason the Public Policy Forum and the Parliamentary Centre, supported by Treasury Board Canada, undertook to consult with senior members of both communities to identify actions they are taking or that they believe should be taken to improve relations. This paper summarizes the findings.



BUILDING BETTER RELATIONS: PARLIAMENTARY COMMITTEES AND GOVERNMENT DEPARTMENTS

CONTEXT

This initiative emerged from a study undertaken by the Public Policy Forum (PPF) for Treasury Board Canada. It looked at ways to strengthen the value of enhanced government reporting and to identify any impediments. A key step was a roundtable with both parliamentary committee chairs and deputy ministers. The PPF report *Community Building: Comprehensive Reporting and the Parliamentary Committee/Department Relationship* described the various views that emerged.

A summary of these views, highlighting the range of differing perceptions, was prepared as part of the consultation package. It is important to emphasize that not all officials, nor all Members, feel the differences as strongly as illustrated. Yet most of those consulted felt it important to illustrate the range of views that surfaced.

1. Officials at times consider committees as “tolerable adjuncts”, a necessary but not “value-added” part

of the governing process. Committee members often see officials as giving them a “baked cake”, providing no opportunity for real input.

2. Committees see officials as more interested in “defending the Minister” than providing information. Officials see committee members acting as if officials “have a duty to report” to committees, rather than to their Minister.
3. Officials consider their presentation of plans and performance reports as valuable sources of information that are ignored by committees; committee members often see these reports as political “spin” emphasizing good news, not information.
4. Committee members see officials as often seeking to hide information, rather than responding openly. Officials see members of committees, particularly those in opposition parties, as searching for “gotchas” to be used in attacking the Minister or Government.

While there were differences among those consulted, and many felt the foregoing description exaggerates the differences, all agreed such views exist and that they are an impediment to good governance. They also recognized that the cultures of the two communities were different, but on the whole they did not see such differences as a significant impediment to constructive relations.

While both trust and understanding were identified as important, the greater portion of the consultations focused on ways to improve understanding – relating to both committee priorities and the roles of committees and witnesses. Nevertheless, there was substantial discussion on both matters, and the findings are provided in the next two sections.

INCREASING UNDERSTANDING

*Tell me and I'll forget
Show me and I'll remember
Involve me and I'll understand
- Chinese aphorism*

Actions to improve understanding were proposed in three areas: a) consultation on priorities; b) integrated guidance for officials and members relative to committee hearings; and c) strengthening the role of parliamentary secretaries as a liaison mechanism between departments and committees. There was substantial consensus on the first two areas. However, there was disagreement among Members regarding the role Parliamentary Secretaries might play in committees.

...consultation on priorities...would encourage both sides – committee members and departmental officials – to think carefully about how collaboration would serve their interests.

Consultation on priorities: Consultation on priorities for the work of a committee between committee members and a department or its Minister was seen as the most important step. All recognize that committee chairs (other than perhaps the chair of the Public Accounts Committee) and Ministers have many opportunities to consult. Such consultation, however, excludes other committee members, notably those of the opposition, and tends to focus on tactical matters rather than the longer-term agenda. The greatest benefit of consultation on priorities is that it would encourage both sides – committee members and departmental officials – to think carefully about how collaboration would serve their interests. And each side after consultation would better understand the perspectives and interests of the other, likely leading in some cases to a more co-operative relationship.

Among opposition members there was some concern that such consultation might encourage further ministerial direction of committees. However, they also recognized that partisanship on committees seems to be growing – not only on the part of the governing party. In cases where

committees function more as forums for inter-party competition than for addressing collegially matters of interests to citizens, such consultation would have little value. On the other hand, where there is a degree of collegiality on a committee, consultation with departmental officials on matters of concern to them might well re-enforce it. Involving all committee members in a formal way could reduce suspicions and encourage collaboration on setting their agenda.

Consultation on priorities can be seen as a balance between the situation prior to 1985 when committees could only meet when tasks were referred to them by the House – which assured government interest in the study – and the post-McGrath situation where committees have the power to study all matters related to departmental programs, expenditures and policy areas, with committees selecting and defining the issues they wish to address. Thus there now is no certainty that the issues addressed by a committee are of interest to the department and therefore would be considered seriously. Effective consultation between committees and the relevant departments could provide, in a sense, the best of both worlds.

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There are many ways to consult on departmental concerns. Views differ, likely based on the particular experiences of each individual and the committee or department represented. The following approaches were suggested by those consulted:

- a. Ministers meet with committees at the beginning of each session and then annually thereafter to discuss the range of departmental priorities; or

- b. Deputy ministers meet with committees on a similar schedule; or
- c. Ministers and deputy ministers undertake to provide open briefings in informal or departmental settings; and
- d. Departments use their Planning and Priorities reports to outline concerns that could be of interest to committees.

The downside associated with having Ministers – rather than deputy ministers – brief committees on concerns and priorities is that access to the Minister gives opposition critics increased scope to turn such a meeting into an extension of Question Period. In the current five-party Parliament, there are often four opposition critics as members of each committee. Some mitigating strategies were proposed, such as clearly representing the event as a meeting or an exchange of ideas – not a hearing – and having the committee meet in advance to develop subjects of interest to them to discuss with the Minister. If a Minister is unavailable or, for some reason inappropriate, the deputy minister rather than the parliamentary secretary would be the preferred substitute.

Informal briefings and meetings to discuss issues and priorities were seen as an excellent complement, rather than an alternative. A number of members recalled such informal contact as very helpful in building understanding of issues and priorities. They also mentioned the limitations of committee hearing practices as a device for exchanging information. As will be described in the next section, discussing initiatives to build trust and increasing the opportunities for informal contact is highly valued by both communities. Some departments already arrange general briefings for Members periodically. Using opportunities to brief committee members on departmental issues and priorities was considered useful by all those consulted.

Some of those consulted mentioned the Planning and Priorities reports, particularly the Minister's message, as a source for information on departmental priorities. However these reports do not have a high profile in Parliament and would

serve best as a complement to personal briefings of committees by Ministers or their deputies.

Integrated guidance: There is a strong conviction among both members and officials that misunderstanding both of the role of committees and of the responsibilities of officials at hearings is an important factor leading to the sometimes strained relations at committee hearings. This suggests better training and improved orientation for officials who serve as witnesses, as well as for members on committees. While some training is offered, it was seen as inadequate and there is no assurance that it is mutually consistent. There is considerable interest in having improved and consistent guidance.

The Privy Council Office has prepared guidance to officials who appear at parliamentary committee hearings¹. The guidance focuses on the accountability relationship between committees and officials, in particular that officials appear on behalf of their Minister. It does not describe the roles and objectives of committees and has limited guidance on how officials can be most effective without straying beyond their responsibilities. Moreover, in the view of some members, there is inadequate understanding on the part of officials as to the considerable powers of committees to call for persons and papers. The PCO guidance, though valuable, would need to be extended to meet the interests identified.

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Some departments, such as Foreign Affairs and International Trade, have a parliamentary affairs team that among other things provides guidance to officials preparing for hearings. Such information and expertise would be a useful resource for the integrated guidance proposed.

The House of Commons offers an orientation session to new members on their election. Although it covers many important matters, it does not appear to cover adequately relations with officials at committee

¹ Privy Council Office, Notes on the Responsibilities of Public Servants in Relation to Parliamentary Committees

hearings. The main source of information for new Members on such matters is caucus colleagues and experienced committee members. This is helpful, but not adequate.

While training in both communities could be improved, there was virtually unanimous support for developing integrated guidance that would be addressed to both members and officials, whether the officials were being called in the context of reviewing legislation, for scrutiny of departmental estimates and performance reports, or as experts. By integrating the guidance to both communities, there would be greater assurance regarding its consistency and, more importantly, each community would have information that would enable them to better understand the perspectives of the other.

Just how broad the guidance should be was not discussed in detail. However, since the question is one of increasing effectiveness it seems clear that the roles of committees within Parliament need to be addressed. Moreover, there was a recognition that much likely could be learned from documentation of similar practices in other parliaments. Accordingly, the prevailing view was that such guidance should be prepared in light of guidance used in other jurisdictions and in consultation with representatives of both communities.

One source suggested as particularly relevant is *A Strong Foundation: Report of the Task Force on Public Service Values and Ethics*². The report contains substantial material on the democratic context and its implications for accountability.

Getting formal approval for such integrated guidance is seen as important. Government has convenient mechanisms to do so, but the mechanisms are less clear in Parliament. Most discussions of this issue with members concluded that a working group including representatives from all parties would be needed to prepare an analysis for Parliament. Such a group might also provide direction for the parliamentary dimension of the research.

As noted, the government has extensive training and orientation mechanisms that could be used to ensure that the material is used to prepare officials as witnesses for parliamentary committee hearings. For committee

members, three suggestions were offered: a) at the formative meetings of all committees each year the chair, supported by the committee clerk would provide a briefing; b) such material would be part of the general orientation briefings and documentation provided for new MPs; and c) if a broader initiative to strengthen committees is initiated – as suggested in some conversations with members – it could incorporate additional training of this kind.

The role of the parliamentary secretary: The Parliamentary Secretary's role on a committee raised the greatest diversity of views among members. Some – not just opposition members – felt parliamentary secretaries should not be on committees. They were sometimes seen as not knowledgeable about their departments and more focused on control than on effective committee performance. At the same time, others (while recognizing the downsides) pointed out that the position, which is close to the department and Minister as well as the committee, is ideally suited to carry out sensitive liaison and facilitate information access. Some instances where this had occurred were identified. In addition, some cases were mentioned when a parliamentary secretary had persuaded the department to accept changes proposed by opposition Members. Some chairs noted that a competent parliamentary secretary left the committee chair free to play a consensus building role.

The Parliamentary Secretary's role on a committee raised the greatest diversity of views among members.

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As a minimum, this argues for a clarification of the role of parliamentary secretaries on House committees. However, to be effective in the role described, greater continuity of appointments – such as used to be the case in Parliament – would be required to ensure knowledge of their departments and confidence of their Minister and departmental officials. Whether such changes are feasible is, of course, a question that could not be answered by those consulted.

² Canadian Centre for Management Development, *A Strong Foundation: Report of the Task Force on Public Service Values and Ethics*, chaired by John Tait, 1996.

BUILDING TRUST

Building trust is more illusive than gaining understanding. There are no quick fixes. Although a better understanding of roles and priorities would help, trust seems to require a track record of successful relations and a deeper understanding of the personal values and aspirations of the interlocutors. This likely explains the consensus view of those we consulted from both communities on the need for much more personal contact between members and senior officials. This section, accordingly, focuses on the different ways that such direct interaction can be pursued.

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A related dimension of trust – the credibility of government reporting – is also examined in this section. Although the issue was of lesser interest to members than the other matters included in this report, it is a substantial concern of departmental officials. The obligations on departments to report to Parliament are extensive and growing. Preparing documentation for Parliament that is not read, or if read not believed, can be frustrating for those who, in good faith, prepare it. The considerable resources devoted to preparing such documentation could be used for more productive purposes. The “reporting burden” on departments becomes for Members of Parliament an “information overload.”

Sharing knowledge and increasing contact: Some departments and Ministers are active in creating events to strengthen understanding of departmental programs and interests. These range from regular briefings on Parliament Hill for Members of all parties and their staffs to arranging visits to departmental facilities and operations. Foreign Affairs and International Trade, National Defence and the Canadian International Development Agency, based on our consultations, are the most active in providing such opportunities. Four other mechanisms were identified.

Study visits are events where a group of members visit departmental facilities, or those of other jurisdictions

and the private sector, to learn about matters of interest. As events, rather than just words and paper, they engage members more actively in learning. Such visits were the most frequently mentioned as effective. Programs of this kind now exist, but are quite modest and probably should be extended. Departmental officials could benefit from playing a role in preparing for such visits and particularly from participating.

Interest networks: A number of members noted that they develop such networks on areas of interest and that the networks on occasion include officials. The involvement of officials to date seems quite limited – such as providing information on accessing emerging professional documentation. This was seen as an area that could be expanded, both at the initiative of members and departments. Both communities see the importance of maintaining a politically neutral public service, but also appreciated that sharing information with other professionals and interest groups is essential for effective policy analysis.

Government also is a source for considerable information that provides valuable context for public debate on policy. Moreover, there is growing interest among members and departments in indicators and measures of societal performance. For example, the Standing Committee on Human Resources received and discussed a presentation on just such an initiative by the Library of Parliament. It involved several

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roundtable discussions co-chaired by two members – one from the government party and the other from the official opposition. These were supported by the Office of the Auditor General, the Centre for Collaborative Government and by two departments – Treasury Board Canada and Statistics Canada. This initiative brought together members and officials on

several occasions to discuss how societal information can help in understanding public policy issues.

Committee Hearings as Roundtables: In recent years several committees have used a roundtable format. Such an approach brings together several experts and representatives of interest groups – preferably persons who hold differing views as well as officials to provide a wider perspective. This format is efficient in gathering diverse views and the interchange makes it easier for members to come to their own conclusions. There seem to be no constraints on the use of this mechanism although it can take time to arrange. Having officials participate actively helps demonstrate their competence and knowledge and can build confidence in public service expertise.

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Informal Roundtables: As informal gatherings, there is complete flexibility as to methods. Roundtables, however, tend to involve a specific subject, a diversity of perspectives among participants, and an animator. Reaction to such events where officials, external experts and Member all participate has been very positive. The series of roundtables that were part of the Crossing Boundaries initiative is an example.³

Credibility of reports: This is not a new issue, nor is it unique to the public sector. The long history of the auditing profession is largely a consequence of questions about the credibility of financial reports. The growing use of transparency legislation – access to public information – is a result of similar concerns. As interest has grown concerning the results of public expenditure, there has been a growth in reporting on results beyond financial performance and concerns about the credibility of that information.

There are three approaches to strengthening the credibility of results information reported to Parliament:

- a. Engaging committee members more actively in identifying the type of information that they feel

would be most useful to them. There is some evidence that when members and committees identify the information they want, they are less sceptical that the government has been selective in presenting only the good news or otherwise manipulating the information;

- b. Using third-party attestation, as is now done by the Auditor General in respect of the Public Accounts; and
- c. Developing standards for reporting non-financial information. These could roughly parallel the standards for government financial reporting that have been developing over several decades.

The government has used, or is exploring the use of, all these options. Most officials feel it is important to test all approaches. Members whom we consulted, although seeing the issue as less important, do not disagree with such experiments.

The Public Accounts Committee provides the best example of a committee reviewing an agency's performance report and recommending alternative performance information. It reviewed the performance report of the Auditor General (8th Report, 37th Parliament, 1st Session of the Public Accounts Committee) and recommended specific changes, which are now being put in place by the Office of the Auditor General. Other committees also have recommended adjusted information, but not as directly. Departments have indicated an interest in having committees undertake such activity. There are no constraints – other than time and priority – to prevent committees from doing so. Some members expressed interest in such a committee discussion.

In Canada, the CCAF-FCVI (the Canadian Comprehensive Auditing Foundation) is leading and tracking the development of standards for non-financial reporting. A position on such reporting has been prepared by a group of legislative auditors in Canada. The CCAF-FCVI has put together a federal-provincial group to develop a parallel managerial perspective and is also engaging legislators to obtain their perspectives. Some members indicated an interest in reviewing the products of that initiative.

3. See Crossing Boundaries website <http://www.crossingboundaries.ca>

Reporting burden: Most of the information in departmental reports to Parliament probably goes unread and unused in Parliament. The interested public that accesses such information appears to do so more frequently through departmental web sites, where information can be found more conveniently. From the perspective of departments, which are also aware of the substantial cost of preparing such documents, this provides a compelling case for eliminating the less useful reports.

Yet, departments are hesitant to seek reductions in parliamentary reporting requirements since such initiatives would be complex and time consuming – likely costing more than would be saved – and often are interpreted in Parliament as attempts by the government to hide information from the public. The result seems to be that there are more and more reports that are not read and therefore not satisfying to produce. And at the same time members feel that the government is seeking to bury them even deeper in perhaps irrelevant documentation.

There is, of course, another side to the story. The principal arguments for retaining parliamentary reporting even in cases where active reading of such reports by Members and their staff is low, include:

- ◆ Some information needs to be in the public domain – whether or not read – and tabling is both the most reliable way to ensure that this occurs and accords it an appropriate status;
- ◆ The process of preparing and clearing a report through a departmental hierarchy gets executive attention and leads – at least in some cases – to better management; and
- ◆ Collecting the information is the major cost and the information is needed by departments.

Although these arguments apply in some cases, they alone are inadequate to justify the current level of reporting. More focused reporting would strengthen

transparency, accountability and learning, as well as reduce administrative costs. The key impediment to reaching this objective seems to be lack of trust – the concern that reduced reporting would be seen by members as an effort to hide information. Accordingly, some process seen as credible by members is needed to address the matter. A group – possibly a sub-committee of Procedure and House Affairs – representing all parties supplemented by a reference to all committees to address this issue might be useful. Alternatively, the Liaison Committee might consider whether it should encourage all committees to look for administrative economies and report on the results.

The government does have an administrative instrument that enables it to eliminate required reports if it can demonstrate that all the information is available in other reports. This, by definition, does not reduce the information reported, but can reduce

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the number of reports. This procedure was effective when introduced in the early 1990's. It continues to be used, but not as actively. Departments could re-examine its applicability.

A suggestion from a member, reflecting on these problems, was for Ministers and deputy ministers to present their plans and priorities to parliamentary committees clearly and concisely – perhaps using a PowerPoint presentation. This would require summary and back-up documentation. More importantly it would encourage dialogue and engage Members actively in defining the specific information they need. If successful, it would provide for greater trust and encourage more focused reporting on what committees find most valuable.

CLOSING OBSERVATIONS

This paper outlines actions and proposals by Members of Parliament and senior departmental officials aimed at improving their relations. The array of initiatives suggested – none requiring a change in the Standing Orders of the House or in the accountability relationship between the public service and Parliament – seem sufficiently robust, if implemented, to strengthen understanding considerably, as well as to contribute positively to improved trust.

Virtually all participants, particularly among Members, saw effective committees as essential to “a parliament that works”.

While a mechanism to encourage and oversee implementation would be useful, most of the initiatives can be pursued directly by individuals. Certain proposals, such as for integrated guidance, require collective action. Within the government, the Office of the Government House Leader would seem the best place to initiate such action. Within Parliament, either the Procedure and House Affairs or the Liaison Committee, with opposition members added, could initiate these actions.

The consultations that were the source for the initiatives included in this paper frequently led to consideration of the need to strengthen committee effectiveness. Virtually all participants, particularly among Members, saw effective committees as essential to “a parliament that works.” There were two central themes among the suggestions as to how this might be done: improving certain committee practices; and strengthening the capacity of committees to engage citizens. The core ideas raised in both areas are outlined below.

Strengthening committee practices: A range of ideas emerged from our consultations, for example: adjusting time allocation to focus more on deliberation and consensus seeking; increasing the public visibility of committee products; getting more value for the time allocated to gathering information; better agenda management; and greater co-operation among committees.

The fact that opposition members can often gain greater visibility by producing minority committee reports appears to have reduced the motivation within committees to deliberate and find consensus. Although opposition members like the additional visibility, members from all parties felt that there can be value in committees working towards a consensus. While they offered no concrete proposals, there was discussion of how consensus reports might receive additional status on the floor of the House or in other ways. There also was speculation on whether a more open debate on committee priorities might encourage a more collegial approach and therefore greater effort at seeking a consensus. Finally, a number of opposition Members raised the issue of committee staff. They see staff as effectively assigned to the chairs. Without direct staff support, opposition members feel they are at a disadvantage in deliberating with the aim of achieving a consensus on policy issues.

Information gathering takes up the greatest share of committee time. Committee members are aware that hearing witnesses is more than just gathering information. Affording citizens and groups an opportunity to be heard in an important forum is directly valuable. Nonetheless, there are ways that effectiveness might be improved, including: re-interpretation of the requirements of a quorum when hearing evidence; greater planning for committee

...a more open debate on committee priorities might encourage a more collegial approach and therefore greater effort at seeking a consensus.

briefings by committee leadership and staff to ensure that the essential information is concisely and efficiently presented; amending procedures to start meetings on time; and adjusted questioning practices to get the most value from time allocated. It should be noted that committee procedure was not the focus of this study, but these ideas arose during the discussions.

Agenda management is partially addressed in the body of this report in the context of having the

committees discuss areas of policy concern with Ministers and officials. However, this focuses on only one committee objective – deciding on areas of study where their reports would receive serious attention from government. Committee members might also want to learn about emerging developments in certain policy areas and related government actions prior to developing a compromise position. A special case of agenda management is where committees seek to work together towards a broader and integrated package of recommendations; the greatest potential seems to relate to advising on budget priorities.

Members also raised the question of additional staff to help them understand the issues and support them in their work on committees. While members do not want to change committees from being “debaters of ideas” to become “managers of studies”, some felt that modest increases in staff resources, and in how those resources are organized, would be helpful.

Engaging citizens: Although members are quite active in engaging citizens through individual initiatives and as part of their committee responsibilities, many feel that they need new tools to do this important part of their job better. There has been discussion of setting up a committee of Members to address this issue, focusing particularly on electronic communications mechanisms.

Members also are aware of the growing departmental consultation with citizens. They feel that this can in some cases undermine their role, but also that departments are missing an important opportunity to engage members and parliamentary committees in these initiatives. They raised the following considerations:

- Parliamentary committees can be extremely effective instruments of consultation with citizens, since members perhaps better than any other group have a sense of the feelings and interests of Canadians, particularly in their individual constituencies. Committees, as balanced groups of the most representative institution we have in Canada, can be very useful as interpreters and synthesizers of raw findings.

Although members are quite active in engaging citizens...many feel that they need new tools to do this important part of their job better.

- Members are not simply conduits for the views of their constituents. They play an important role in interpreting issues in a way that is sensitive to their constituents' understanding of those issues and in articulating them in ways that can lead to greater consensus.
- It would be helpful if members, who are well known to represent specific issues and groups beyond their ridings, could be engaged in a practical way when departments undertake consultations with citizens on such issues.

Our central conclusion, based on the experience of preparing this paper, is that members are convinced that Parliament could be more effective in serving all Canadians. To achieve this goal, they feel they need better ways to work together to make Parliament – and its committees – more effective. And senior officials indicated that they would be ready to help because the outcome would be greater respect for and trust in government.