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The standing committee system and how Members of Parliament view its work

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Executive Summary

This paper is a discussion of the current state of the committee system. The findings are based on a survey conducted in April, 2010. The survey was sent to the members of six standing committees, a total of 73 Members of Parliament (MPs). 32 Members of Parliament responded, including 15 members of the government and 17 members from the opposition.

Based on the findings of this survey, we observe that there is a slight disconnect between the most important stated goals of MPs and the ability of the committee system to allow MPs to achieve those goals. MPs say that their most important goal is to look after the needs of their constituents, but they note that of all the purposes it might serve, the committee system is least well suited to allowing MPs to do this. While there are certainly other factors at play in the committee system (such as competing priorities, party discipline, and time limitations), this finding suggests that the committee system may be suffering at least in part because it is not seen by MPs as a means to a desirable end.

The results are not conclusive nor are they diagnostic due to the small sample size; nevertheless, it is clear from these initial results that there are further questions regarding the productivity of the committee system that merit closer attention. By learning where the sources of its weaknesses are, we can better propose solutions to some of the concerns that are raised in this paper.

Sommaire

Cet article est une discussion de l'état actuel du système des comités. Les conclusions sont basées sur un sondage mené en avril 2010. Le sondage a été envoyé aux membres de six comités permanents, soit un total de 73 député(e)s. 32 députés ont répondu, incluant 15 membres du gouvernement et 17 membres de l'opposition.

En nous basant sur les conclusions de ce sondage, nous observons qu'il y a un certain décalage entre les buts les plus importants selon les députés et la capacité du système des comités de permettre aux députés d'arriver à ces buts. Les députés affirment que leur but le plus important est de s'occuper des besoins de leurs électrices et électeurs. Cependant, ils notent que de tous les rôles qu'il peut jouer, le système des comités est le moins adapté à ce but. Il y a certainement d'autres facteurs qui influencent le système des comités (par exemple, d'autres priorités, la ligne de parti et les limitations dans le temps) mais cette conclusion suggère que le système des comités souffre en partie parce qu'il n'est pas vu par les députés comme un moyen d'arriver à ses fins.

Les conclusions ne sont pas concluantes, en raison de l'échantillon de petite taille. Néanmoins, il ressort de ces premiers résultats qu'il y a plus de questions concernant le productivité du système des comités qui méritent plus d'attention. En apprenant où les sources de ses faiblesses se trouvent, nous pouvons mieux proposer des solutions à certaines des préoccupations qui sont soulevées dans ce document.

Context

The Speaker of the House, the Honourable Peter Milliken, does not commonly intervene in the House of Commons committee system. In March 2008, however, he made an appeal to all parties regarding the health of the committee system, a key component in the overall productivity of Parliament. Speaker Milliken asked that the parties “address themselves to the crisis in the committee system that is teetering dangerously close to the precipice at the moment” (*The Toronto Star*, March 2008), and called the partisanship that was entering the proceedings of committees a “dangerous virus.”

While partisanship is a natural and necessary part of Canada’s parliamentary democracy, recent media headlines and Members of Parliament (MPs) themselves suggest that the Speaker was not exaggerating in his assessment of the partisanship. *The Globe and Mail* described a Public Safety and National Security meeting as a “farce” and a “dysfunctional grudge match” (*The Globe and Mail*, 2010); CBC suggested that the Government Operations and Estimates Committee descended to “chaos” when three Ministers arrived unannounced (CBC, 2010); and in *The Hill Times* an MP recounted “committees have just become an extension of the boxing ring that is the House now” (*Hill Times*, 2010). Standing committees appear to have lost their ability to remain at a distance from the at times paralyzing partisanship of the House.

Introduction

This paper is a discussion of the current state of the committee system. The findings are based on a survey conducted in April 2010. The survey was sent to the members of six standing committees, a total of 73 Members of Parliament. Thirty-two Members of Parliament responded, including 15 members of the government and 17 members from the opposition.

The paper will examine the Canadian committee system through the lens of how Members of Parliament view their committee work, based on the approach taken by Richard Fenno¹ examining the American Congress committee system. Between 1959-1965, Fenno conducted interviews with American Members of Congress to determine how they approach their committee work and what motivates them with regard to this work.

Fenno’s study concluded that American committees are so powerful at least in part because Members of Congress see their committee work as a means of achieving their stated goals of being re-elected, becoming more powerful, and making good public policy. Depending on which of those goals the particular Member of Congress prioritized would affect the way they approached their committee work; for example, if a Member of Congress was most concerned with re-election, she or he would seek membership on a committee that had a strong focus on local communities, such as Interior. And because that Member of Congress had specifically sought the committee with a particular goal in mind, she or he would take the work very seriously because it was seen as the best means of achieving re-election. Put simply, committee work has a clear and meaningful purpose.

¹ Fenno, Richard. (1978). *Congressmen in Committees*. Boston: Little, Brown.

There are important differences between the Canadian and American political systems, and when these differences are considered, the comparative weakness of the Canadian committee system is well accounted for. This is not, therefore, an institutional comparison of the Canadian and American committee systems; rather, it uses a methodology first tested in the American context. How elected representatives view their work is as relevant in a Canadian context and has not yet been tested in the literature on House of Commons standing committees. Based on this approach, the survey summarized here seeks to determine if Canadian MPs see the committee system as a good place to pursue their goals.

This paper will proceed in three parts, beginning with an introduction to the Canadian committee system. The next section will be a summary and analysis of the results from the survey that was conducted on Members of six House of Commons standing committees in May 2010. Finally, the paper will conclude with a consideration of where the findings from this work should take us in the future.

The Institute on Governance recognizes that these results are not conclusive due to the small sample (approximate 10 per cent of the House of Commons, or 12 per cent of members who sit on committees). Rather than drawing conclusions based on this paper, we use these findings as evidence that the committee system merits closer study.

The Canadian Committee System

The Canadian committee system is comparatively independent and institutionally strong. Australia is perhaps the most relevant point of comparison for Canada. The only other federation that is also a parliamentary democracy, Australia's political system is very similar to Canada's. The Australian Parliament recently conducted a review of its committee system called *Building a Modern Committee System*. In this report, the Canadian system is referenced several times for its role in the process of scrutinizing and initiating legislation² (103); its financial independence and flexibility³ (26); and for its structure, which generally reflects ministerial portfolios, making it easier for committees to monitor the government (81). These are referenced as lessons that Australia's committee system could learn from Canada's system. This context is important to any study of the committee system for it indicates that the foundation is solid, and also because it suggests that the Canadian committee system could be a model for other parliamentary democracies around the world.

Committees have, in one form or another, been a part of Canada's system of governance since before Confederation. There have been a number of reforms proposed, some but certainly not all of which have been enacted, and the following will be a summary of some of these changes.

In 1906 the Standing Orders⁴ for the House of Commons were amended to include a list of Standing (permanent) Committees. From 1906 until the 1960s, these committees were active

² The Australian system does not have the power to initiate legislation, nor does it have a significant role in the legislative process

³ Australia's budget is inflexible and often decided without input of committees; Canada's committee budgets are controlled by the Liaison Committee, which is comprised of all the chairs of committees

⁴ Patrick Malcolmson and Richard Myers define the Standing Orders as: "codified basic regulations concerning the organization of [the House of Commons'] business and the conduct of its debates (Malcolmson and Myers, 127)

only when they were instructed to investigate a particular subject by Parliament; therefore, it was not uncommon for committees to meet infrequently, sometimes only once every few years (O'Brien and Bosc, 2009).

In 1958 the Standing Orders were amended so that the chair of the Public Accounts Committee (PAC) would come from the opposition (Franks, 1987). This signaled a commitment to the improvement of accountability of the government, as an opposition chairperson would be more independent from the government. As John Williams, chair of the PAC for over ten years, noted in a speech in 2005, "government members can be and are sympathetic to the government's agenda, while we in opposition are less than sympathetic to the agenda" (Williams, 2005). Of course a chair must remain neutral in order to maintain the trust and confidence of the committee, but this independence from the government is considered important to the business of the committee.

Despite this important change in the rendering of the government to account, it was not until 1968 that the broader committee system was restructured and individual committees were given the power to review estimates and amend legislation (Thomas 1978; 684). An important reason behind these changes to the committee system was to better manage the increasing workload in the House of Commons. Committees today review all legislation after its second reading in the House. Following its examination of the legislation, the committee prepares a report to deliver during the "report stage," and the House will then vote on any amendments that may come from the committee stage.

In 1982, the Special Committee on the Reform of the House of Commons was created; this committee is commonly referred to as the McGrath committee, after its chairman James McGrath. The third report was specifically regarding the committee system. Committees were empowered to initiate studies on any matter relating to their mandate; this power is unusual for standing committees in other Parliamentary democracies, and this ability contributes to the comparative institutional strength of Canada's system⁵. The Liaison committee was also established based on a recommendation from this report; comprised of all chairs of committees, the Liaison committee is charged with the allocation of funds to other committees.

In the words of an MP describing the current situation in committees, "the cancer of rabid partisanship has not only eaten away the soul of Parliament and the House of Commons, but it is also extended to the committee rooms" (The Hill Times, June 2010). Party discipline is a reality of Canadian politics and it is natural for it to be a part of debates in Parliament; what is concerning is that many individuals have noted that in the past, the committee system has remained relatively untouched by the partisanship of House of Commons, whereas recently committees have at times become as partisan and dysfunctional as the House (Vongdouangchanh; 2010). Because of tight party discipline, MPs in Canada have relatively

⁵ With respect to policy studies that committees choose to undertake, the committee can issue a report to the House at the end of the study. The report may contain dissenting or supplementary opinions from any party with official status on the committee. If the committee requests a government response to a report, the response must be provided within 120 days. There is, however, no requirement that the government to take the suggestions from the committees into account, and there is no course of action if the government fails to respond to a committee report.

little capacity to work independently in the committee system, with members of the Whip's staff⁶ from both the government and official opposition attending committee meetings to keep track of their members. Even if MPs did want to act independently of their parties in committees, they are strongly discouraged from doing so.

Finally, a brief comparison with Senate committees informs our understanding of standing committees of the House. Jack Stilborn, former Head Librarian at the Library of Parliament, writes why Senate committees are comparatively strong:

[p]olicy studies are conducted by standing committees in both houses, but those of the Senate sometimes involve more extensive deliberations, enable members to acquire more specialized knowledge, and address broader issues. This effectiveness has been attributed to greater continuity in the membership of Senate committees, the relative freedom of Senate committee work from partisan political pressures, and the absence of time-consuming electoral duties, which enables some Senators to invest more time in this work (Stilborn, 2008)

Survey of Members of Parliament

This paper will now proceed to the second section regarding the survey of the members of six standing committees. Starting in 1959, scholar Richard Fenno asked American representatives about their motivations with respect to committee work to better understand the legislative decision-making process and legislator behavior. Fenno argues that the American committee system is an effective component of the legislative process in part because it is well suited to allowing members to pursue their stated goals of being re-elected, creating good public policy, and gaining influence within Congress. Asking representatives about their perceptions and motivations is an interesting way of analyzing one of the sources of the strength of the American committee system, and this is an approach that can inform our understanding of the Canadian committee system as well.

The questionnaire⁷ was sent to the members of six⁸ standing committees in April 2010 when the author was a Parliamentary Intern. Of the 73 MPs who were surveyed based on their membership on the above committees, 32 completed and returned their questionnaires –15 Conservative members and 17 members of opposition parties (nine Liberals, four New Democrats, and four Members of the Bloc Québécois). Members from each of the committees surveyed responded. There is a possible selection bias in terms of who responded to the questionnaire and who did not; for example, a member of the government may not have been comfortable criticizing the committee system for fear that it would be interpreted as a criticism of the leadership of his⁹ party. Additionally, some members who did respond may have self-censored in their responses;

⁶ Party whips have a variety of roles, such as allocating members' offices and selecting committee membership. The whip is also charged with ensuring attendance of MPs at votes and communicating the party's position on various issues. It is unclear when whips began their involvement in monitoring committee proceedings.

⁷ The Questionnaire appears in full at the end of the paper

⁸ Fisheries and Oceans, Agriculture, Foreign Affairs and International Development, International Trade, Finance, and Justice

⁹ There were no women who responded to the survey. Of the 73 MPs who received questionnaires, only five were women.

some may not have been comfortable stating their true views about the committee system in the questionnaire out of concern that their remarks would later be attributed back to them. Future research should therefore look to former MPs for their thoughts on the committee system, and future research should also include all backbench MPs so there will be a greater feeling of anonymity.

MPs were asked to consider various potential goals and to rate the importance of each, as well as to consider whether or not the committee system is a good place for them to pursue those same goals. Also included were a variety of questions regarding how MPs view the work that is done on committees and numerous questions regarding the perceptions of how the government treats the work of committees.

Committee rewards and incentives

MPs were asked: “if you do good work on a committee, is it rewarded?” Twenty-two respondents said that yes, good committee work is rewarded; two respondents said the work is “sometimes” rewarded; and eight said good committee work is not rewarded (Figure 1).

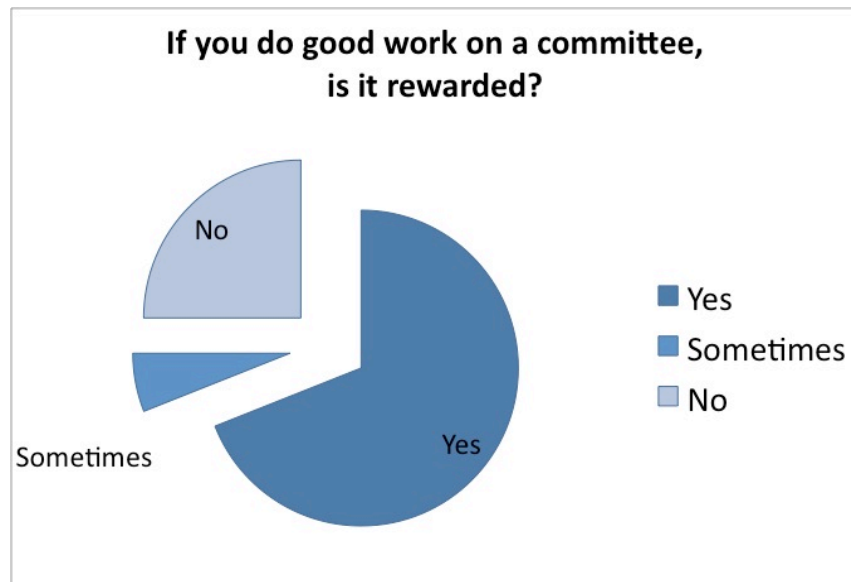


Figure 1. "If you do good work on a committee, is it rewarded?"

Of the 22 MPs who said committee work is rewarded, three did not elaborate on how it is rewarded, seven said the reward was gaining the respect of others (stakeholders, party leadership, or members from other parties), ten said the reward was personal satisfaction, and two said the reward was with influence at caucus meetings or being selected to ask a question during Question Period.

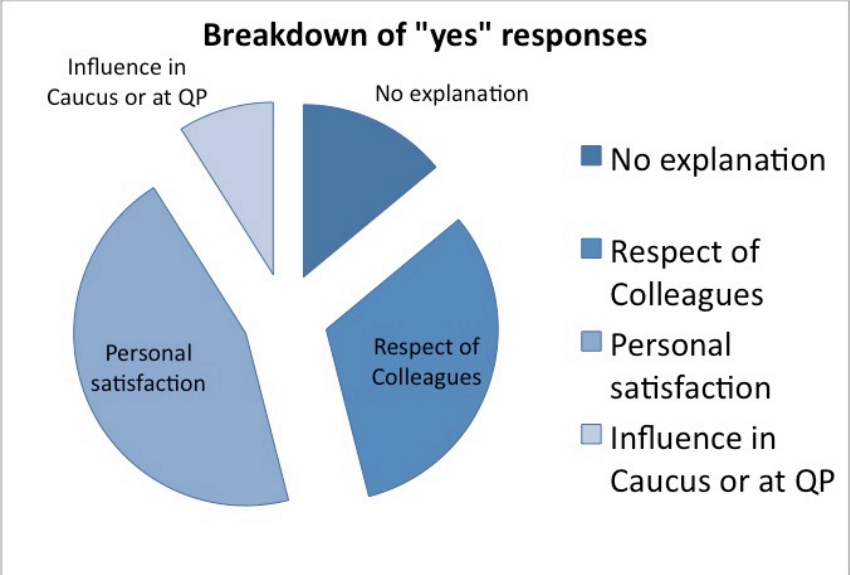


Figure 2: Breakdown of "yes" responses

Chair or Parliamentary Secretary?

MPs were asked if they would rather be a Chair or Parliamentary Secretary (PS) (for those in government) or vice-chair or critic (for those in opposition). Fifty per cent of respondents said they would rather be a PS or critic, 22 per cent said they would rather be a chair or vice-chair, and 28 per cent did not respond or said they had no preference. As the graphs below demonstrate, opposition MPs are much more likely to want to be critic than vice-chair, whereas government MPs are only slightly more likely to want to be PS than chair. This is an interesting difference, especially given the fact that vice-chairs of committees receive a slight remuneration for that role whereas critics do not¹⁰. Parliamentary Secretaries receive more resources in terms of funds and staff than chairs receive. The following graph is a break-down of these results into government responses and opposition responses.

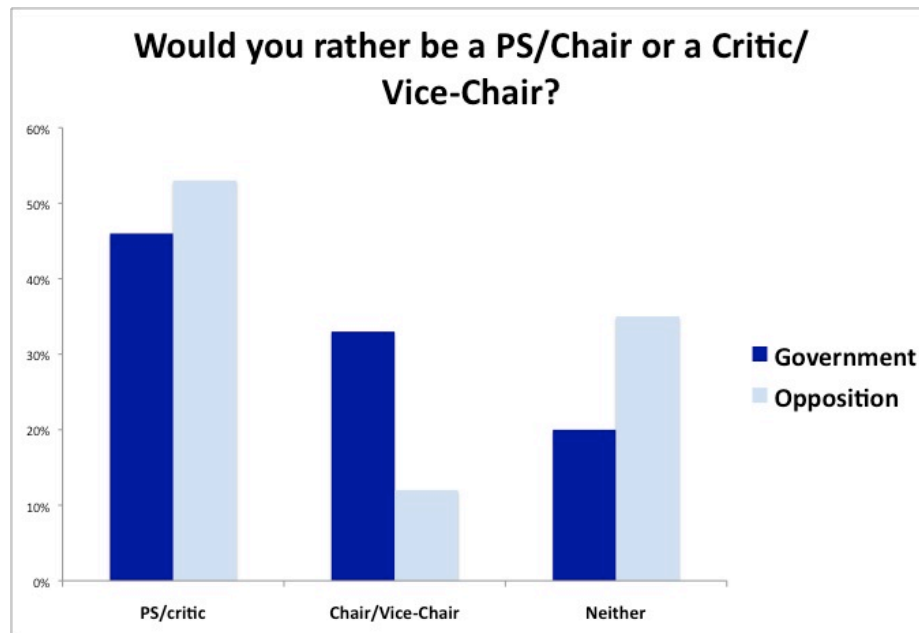


Figure 3: Would you rather be a PS/Chair or a Critic/Vice-Chair?

¹⁰ This is perhaps because the role of a vice-chair is more formal, but it could certainly be argued that the workload of a critic and a vice-chair is comparable

Committees and good public policy

Another interesting response was to the question “do committees contribute to the creation of good public policy?” Seventy-three per cent of government members said yes, committees contribute to the creation of good public policy. Thirteen per cent said committees do not contribute to the creation of good public policy, six per cent did not answer, and six per cent said sometimes. Fifty-nine per cent of opposition MPs said that committees do contribute to the creation of good public policy, 29 per cent said no, and 12 per cent said sometimes. Government members see an influential role for the committee system in the legislative process whereas opposition MPs disagree slightly. One senior government member did, however, elaborate on his answer to this by saying policy is created before it gets to the committee stage, and that it is influenced very little once it gets there. This was one of the most critical comments made about the place of committees in the legislative process, and it is interesting that it came from a member of the government.

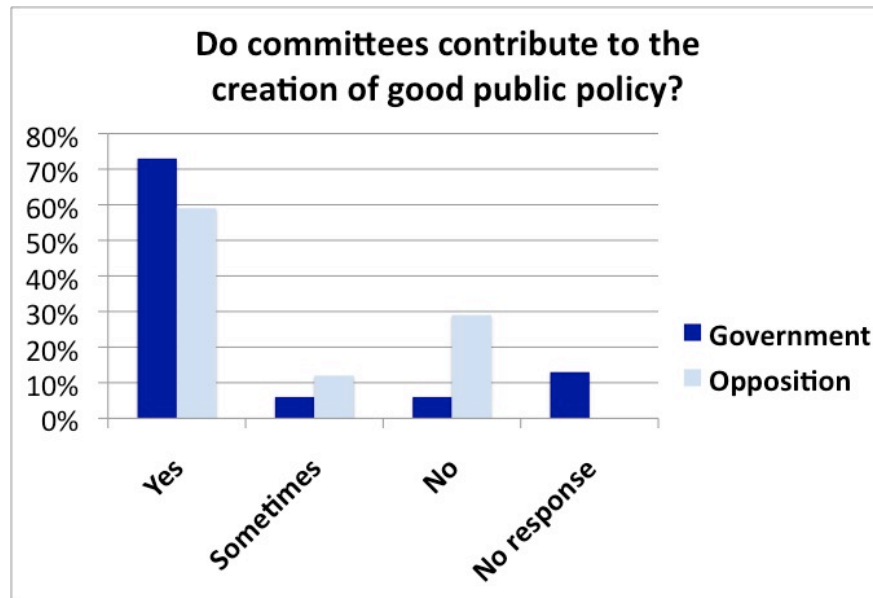


Figure 4: Do committees contribute to the creation of good public policy?

Government response to committee reports

Eighty per cent of government respondents said yes to the question “does the government respond to committee suggestions”, and twenty per cent said sometimes. Not a single member of the government said that the government does not respond to committee suggestions. For the opposition members, only twelve per cent said yes, and another twelve per cent said that the government responds sometimes. The remaining 76 per cent of members said “no” or “rarely.” These findings are perhaps not surprising, but interesting nonetheless. Future research should examine this question to see if a similar trend in responses is reported under a Liberal government; perhaps opposition parties are always more critical than the governing party on this issue.

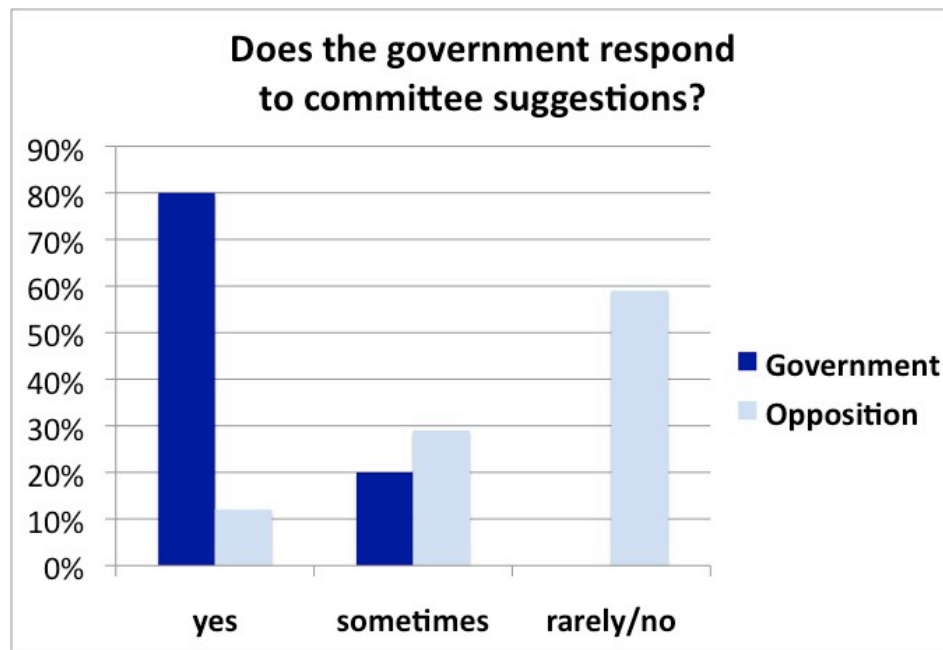


Figure 5: Does the government respond to committee suggestions?

There is a clear difference in perception between government and opposition committee members with respect to this question. This may be a simple interpretation of what is meant by “response.” The government does issue a response to the majority of committee reports that specifically request one, so those who responded yes to this question may have done so with this in mind. Those who responded no, however, may have been commenting more on the content and quality of that response¹¹. Committee suggestions and amendments are not always followed, which some MPs may use to justify their negative response to this question. Regardless of their interpretation of the question, perhaps if opposition MPs had more reason to believe that their suggestions would be taken seriously, they would be more motivated to prepare well for committee and to ensure their work is always done at a level of high quality.

¹¹ In a supplementary interview after the survey was completed, one member of the opposition noted that in the past, the government would respond to each suggestion that the committee put forward. This member says that today, the government gives the same response that they gave even before the committee began its study of the policy or legislation. There may be a response, therefore, but the quality of the response is insufficient.

MP goals

Finally, MPs were asked about their goals, and whether or not the committee system facilitates the pursuit and achievement of those goals. The scale that MPs used was 1-4, where 4 was a very important goal, 3 was an important goal, 2 was not a very important goal, and 1 was not an important goal at all. The differences in goals is not stark, but it is interesting, and perhaps comforting for voters and tax-payers, that MPs say their least important goal is to gain influence in caucus and most important goal is to meet the needs of their constituents. As noted above, however, there is of course a possible selection bias or self-censorship among respondents.

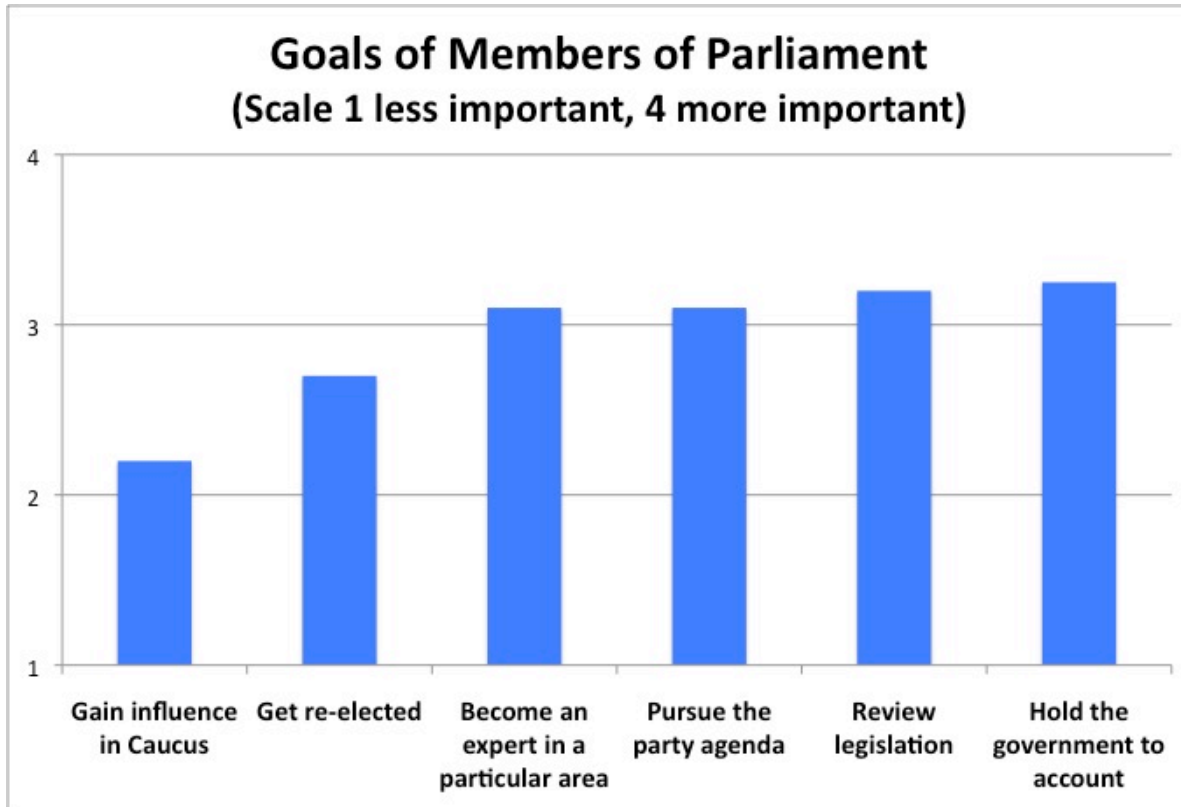


Figure 6: Goals of Members of Parliament

The differences between the importance of goals were not drastic, though there are interesting results when responses are broken down into government and opposition. Opposition MPs said that their most important goal is to hold the government to account, whereas government MPs said their most important goal is to meet constituency needs. Two of the most significant discrepancies between government and opposition responses are with respect to the goals of meeting constituency needs, getting re-elected, and holding the government to account. Interestingly, meeting constituency needs and holding the government to account are the preferences of the government and opposition MPs, respectively.

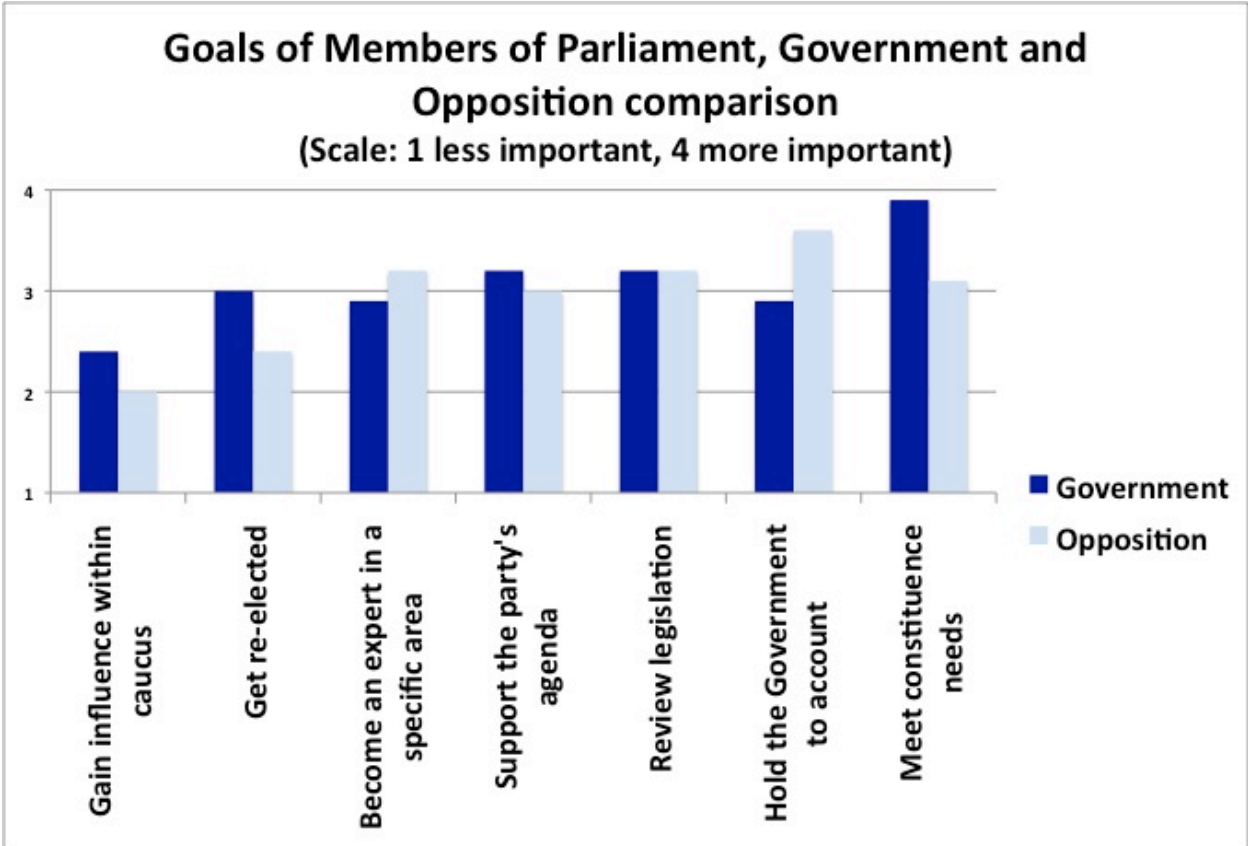


Figure 7: Goals of Members of Parliament, Government and opposition comparison

Do committees facilitate the pursuit of those goals?

MPs were then asked to consider whether the committee system is a good place to pursue those same goals. Again, there is not a drastic variation in responses, but interestingly the results indicate that the committee system is seen as least useful in gaining influence in caucus. They also indicate that committees are most useful in pursuing the goals of becoming an expert in a specific area, supporting the party agenda, holding the government to account and revising legislation.

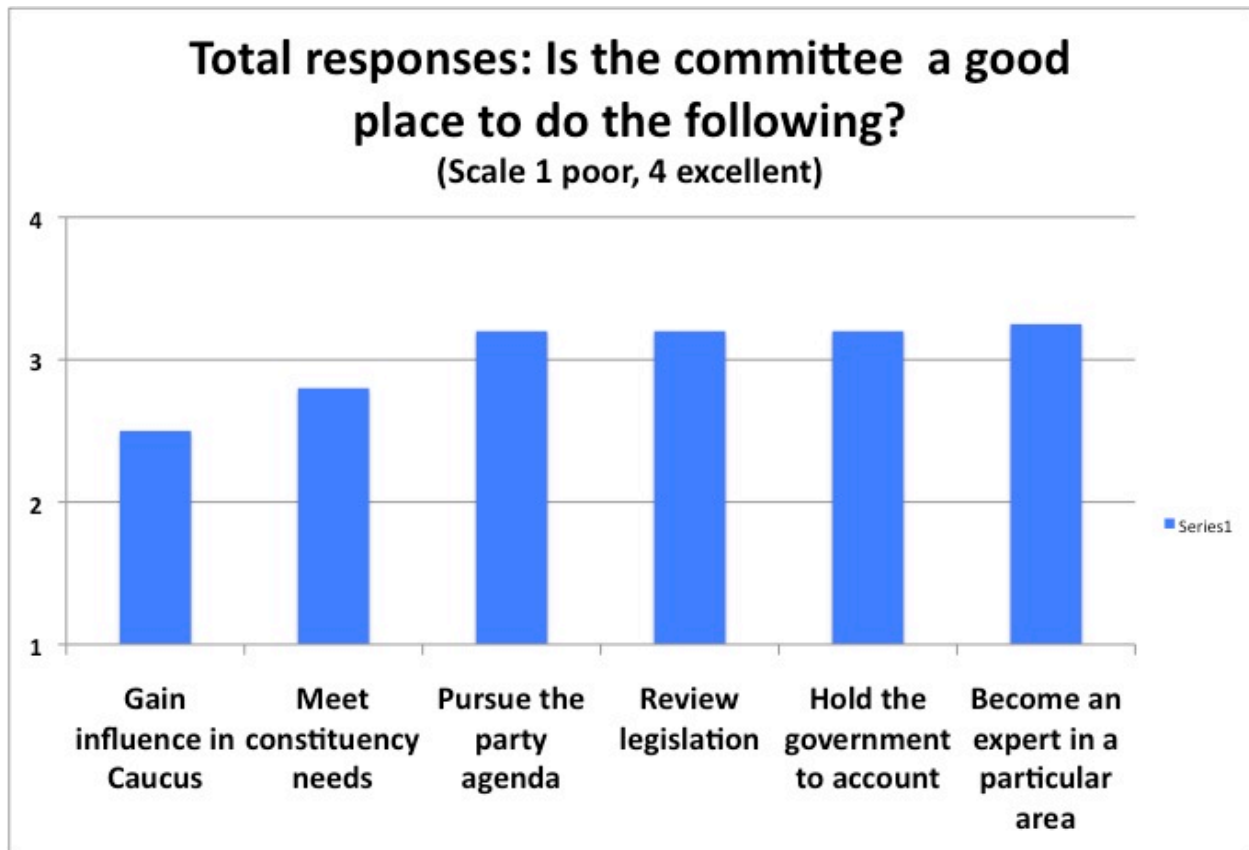


Figure 8: Total responses: Is the committee a good place to do the following?

A breakdown of these results into government and opposition responses again indicates a difference specifically with respect to meeting constituency needs. The government sees the committee system as better suited to meeting the needs of constituents than does the opposition. There are a few other differences in their perceptions, but this is the most noticeable. It is also interesting that government MPs see committees as more useful in all categories than opposition MPs.

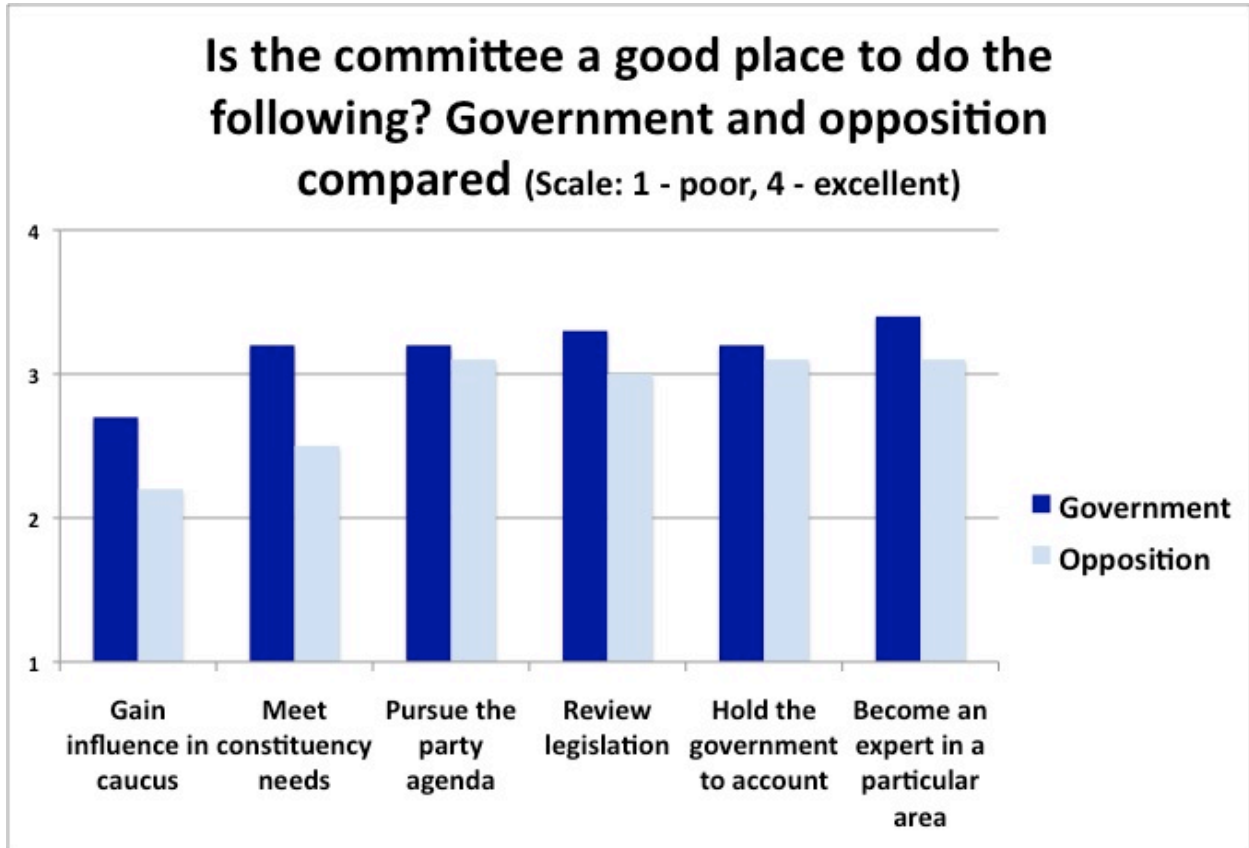


Figure 9: Is the committee a good place to do the following: Government and opposition compared

Goals and committees side-by-side comparison

The following is a side-by-side comparison of what all MPs say their goals are, and how well they say the committee system facilitates those goals. The most significant difference relates to meeting the needs of constituents; this is the most important goal of MPs, yet it is the second lowest ranking response to the question is the committee a good place to meet the needs of constituents.

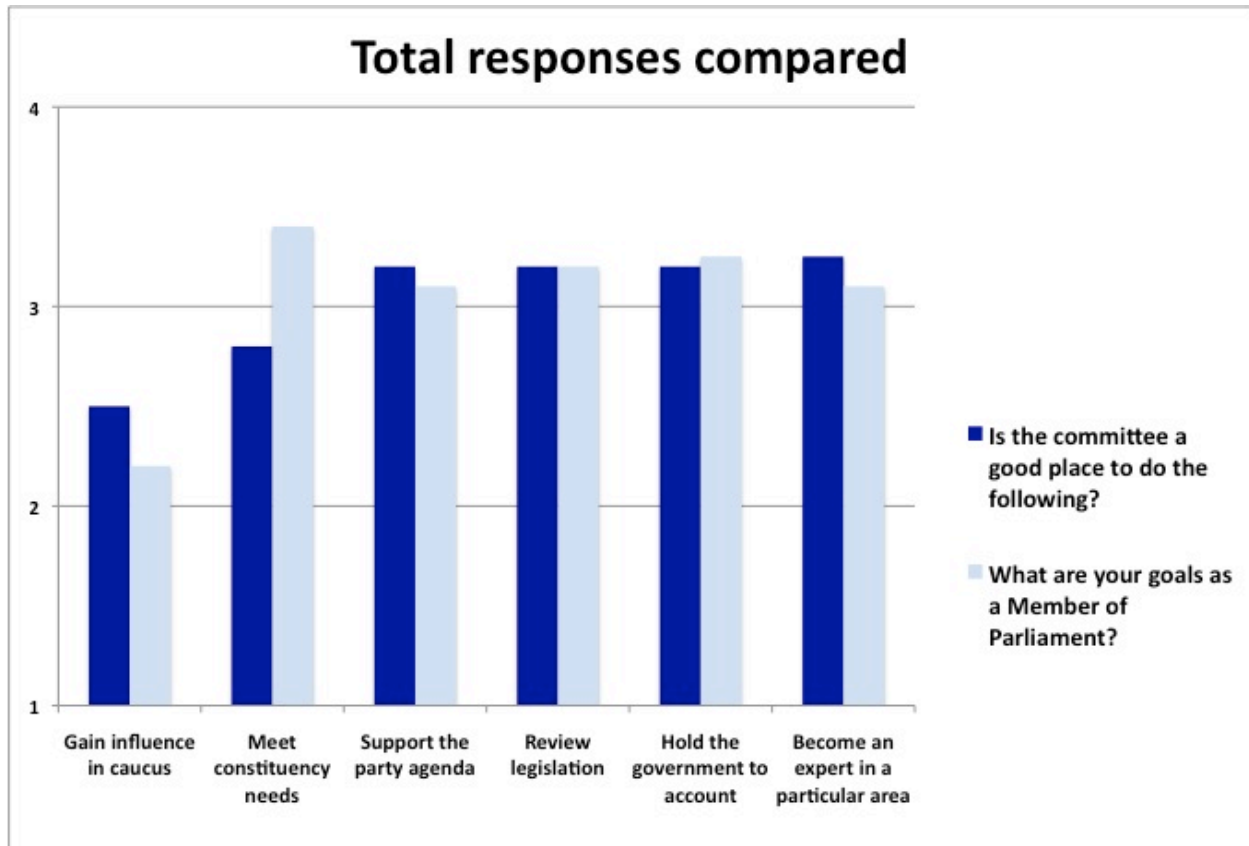


Figure 10: Total responses compared

The following is a breakdown of these results based on government and opposition. Again, we see a difference between how well the committee system facilitates the most important goal of meeting constituency needs for the government. There is a similar disconnect on this issue for the opposition, but it is not as pronounced as it is for the government.

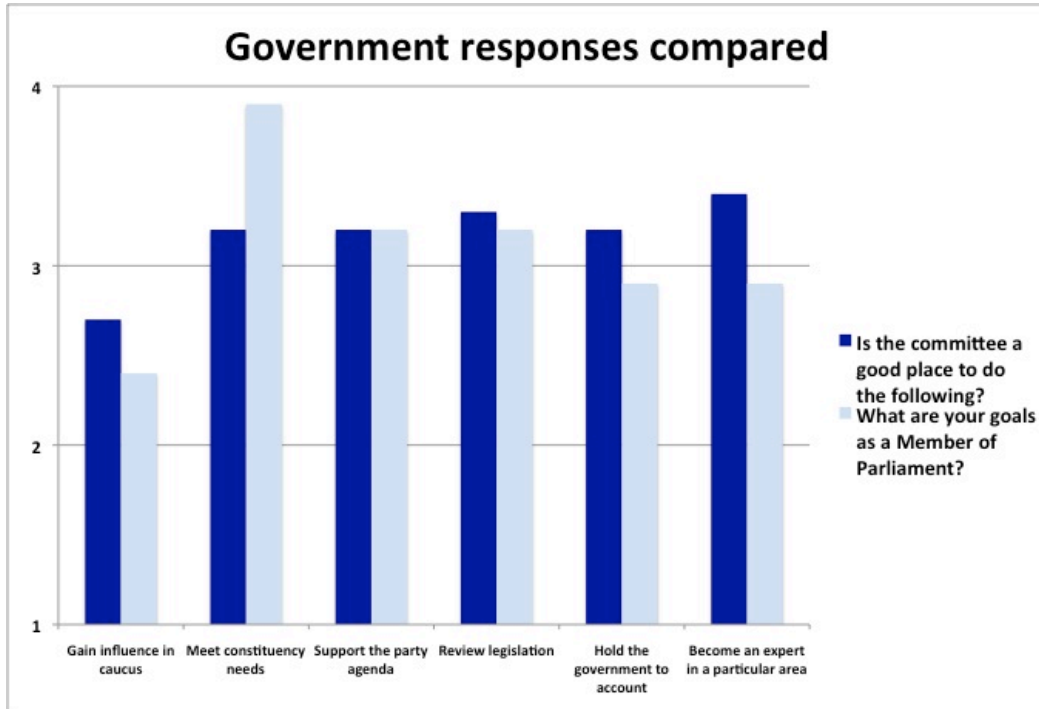


Figure 11: Government responses compared

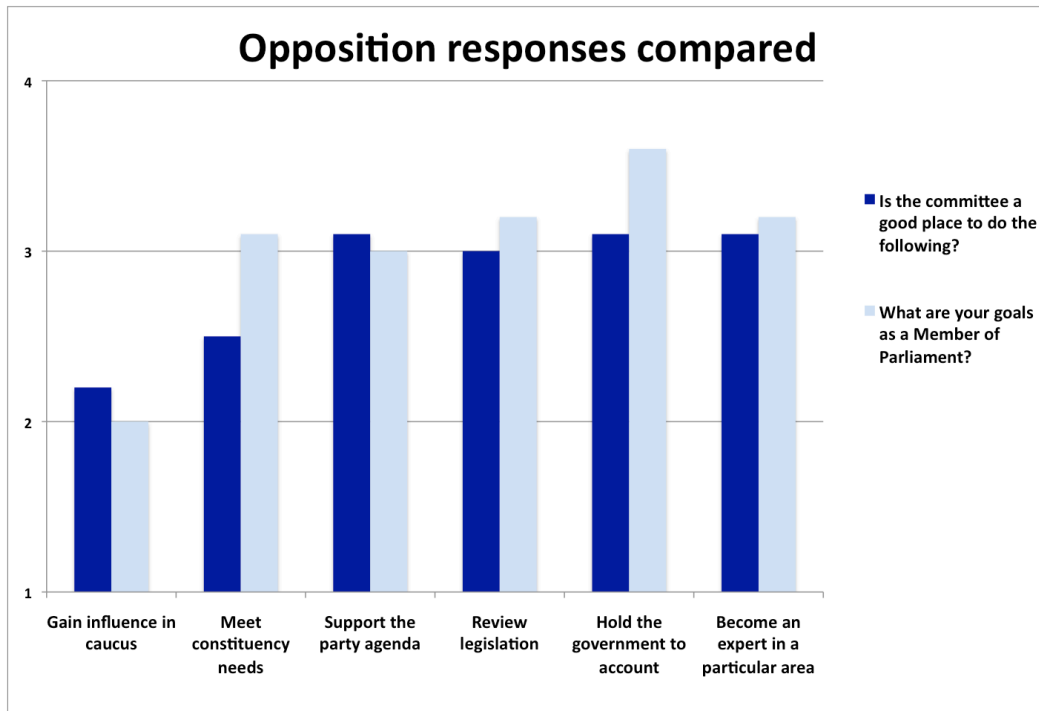


Figure 12: Opposition responses compared

Summary

Based on the findings of this survey, there is a slight disconnect between the most important goals of MPs and the ability of the committee system to allow MPs to achieve those goals. MPs say that their most important goal is to look after the needs of their constituents, but they note that of all the purposes it might serve, the committee system is not well suited to allowing MPs to meet this need. While there are certainly other factors at play in the committee system (such as competing priorities, party discipline, and time limitations), this finding suggests that the committee system may be suffering at least in part because it is not seen by MPs as a means to a desirable end.

While other committees would likely yield different results in terms of prioritizing the various goals and how committees are perceived, it is clear from this survey that committees do not always allow MPs to pursue the goals they identify as important. Some MPs who were interviewed do not see a problem with how the committee system operates and feel that the government takes seriously the recommendations of the committee. Those who indicated that they felt this way were overwhelmingly members of the government.

Future Research

This initial study of the committee system is an examination of how some MPs view their committee work. The results are not conclusive due to the small sample size; nevertheless, from these results, it is clear that there are further questions regarding the productivity of the committee system that are worth further exploring. By learning where the sources of its weaknesses are, we can better propose solutions to some of the concerns that are raised in this paper.

Future research will involve a survey of all committee members to learn more about how they approach their committee work, and how they prepare for their jobs as Members of Parliament. Future research will also look to former MPs to explore their reflections on committee work, and to determine what if anything has changed in how the committee system operates.

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