

Committee Systems in Quebec and Ontario

*The year 1994 marked the 10th anniversary of the adoption of new Standing Orders by the Quebec National Assembly. A project to analyze the impact of this reform was undertaken to determine whether its initial objectives had been met, and whether those objectives reflected Members' current needs. The result, a report called **Parliamentary Reform Ten Years Later**, included a comparative analysis of the committee systems in Quebec and Ontario based on the information available in 1993-94. This analysis, like the rest of the report, was designed to provide the Members of the Quebec legislature with the means to analyze the reform and redefine their own needs. The first part of the analysis of the committee system has been translated and is reproduced here to make it available to Members of other legislatures. The second part, dealing with the functions and resources of committees in the two legislatures, will appear in a future issue.*

The numerous similarities existing between Quebec and Ontario, and between their parliamentary institutions, make Ontario's parliamentary committees a useful point of comparison in any study of the Quebec system. The comparison is aided by the fact that the two provinces have the same constitutional and parliamentary regime, identical constitutional responsibilities, common origins, and a similar number of constituencies, as well as being geographical neighbours, having related economies, and enjoying a comparable level of public resources. Although the two provincial legislatures have evolved differently over time, they have nevertheless done so in response to similar needs.

*The project **Parliamentary Reform Ten Years After** was directed by a committee of experts made up of four members with extensive knowledge of parliamentary committees: They included Professor Réjean Pelletier of Laval University, Mathieu Proulx, former director of research on parliamentary procedure for the National Assembly, Gaston Deschênes, of the Research Service of the National Assembly Library, and Valmond Bouliane, director of the Committees Secretariat of the National Assembly. This extract is reproduced by permission of the Secretary-General of the Quebec National Assembly.*

Comparative Results

The following table shows that Ontario parliamentary committees held a total of 339 sittings in 1993-94, for a total time of 980.71 hours, a number of sittings roughly comparable to the number held in Quebec in the same year.

This result must be interpreted with some caution, since the comparison deals with a single year during which, since it was an election year in Quebec, committee business was temporarily reduced. Despite this reduction, however, the profile of committee activities remained unchanged, providing a valid basis for comparison.

The table also shows that almost all the functions of the Quebec committees have their equivalent in Ontario, which tends to suggest that, overall, the committees play a similar role. The Ontario committees do not engage in interpellation [debate of an issue between a Minister and a Member] or examine financial commitments; on the other hand, they have greater scope to supervise government bodies, since they are able to examine the proposed appointments of directors to government agencies by order-in-council. As we shall see later though, many of the functions, which at first glance appear to be similar in nature, are carried out very differently in the two provinces.

A breakdown of the workload of the Ontario committees reveals a substantial difference between the

Ontario-Quebec Activities Compared for Fiscal 1993-1994

Activities	Ontario				Quebec			
	Duties	Sittings	Hours	%	Duties	Sittings	Hours	%
Public Bills	21	164	605.40	61.73	63	128	396.74	42.48
Private Bills	60	13	21.57	2.20	36	42	62.06	6.64
Estimates	7	19	48.08	4.90	9	48	191.37	20.49
Interpellation	n/a	n/a	n/a	n/a	8	8	15.83	1.69
Other Terms of Reference assigned by the Assembly	2	10	29.35	2.99	5	17	76.97	8.24
Delegated Legislation	1	12	31.03	3.16	0	0	0	0
Supervision of Government Agencies	3	16	43.23	4.41	4	10	32.01	3.43
Appointments	1	18	36.38	3.71	n/a	n/a	n/a	n/a
Financial commitments	n/a	n/a	n/a	n/a	21	28	101.70	10.89
Other terms of references under Standing Orders	1	8	32.80	3.34	25	29	44.67	4.78
Designated persons	2	29	80.37	8.20	1	1	2.77	0.30
Terms of Reference on own initiative	1	9	12.03	1.23	0	0	0	0
General Organization	-	41	40.47	4.13	-	14	9.90	1.06
Total	99	339	980.71	100.00	172	325	934.02	100.00

two systems; in Ontario, the examination of public bills represented 61.7% of committee work, compared to 42.4% in Quebec. However, it should be noted that the number of bills examined was lower (21 versus 63). The difference can probably be attributed to the divergent nature of the work done in the two systems: in Ontario, committees emphasize consultation with interested groups and individuals rather than the detailed clause-by-clause consideration practised in Quebec.

The Ontario committees devoted only a quarter of the time devoted by their Quebec counterparts to the examination of estimates (48.08 hours in Ontario as compared to 191.37 hours in Quebec). The procedure followed in Ontario in this respect, as we shall see later, differs greatly from that followed in Quebec.

In terms of functions relating to parliamentary control, the Ontario committees spent more time examining the Provincial Auditor's report, looking at budgetary policy, overseeing public bodies and examining draft regulations. The Quebec committees devoted more time to monitoring government expenditure through the examination of financial commitments.

Lastly, the Ontario committees exhibited a little more initiative than the Quebec committees in 1993-94, since one committee carried out a mandate on its own initiative for a total time of 12 hours 3 minutes, while no Quebec committee did so in the same year.

Another indication of autonomy lies in the fact that the Ontario committees devoted 41 sittings, for a total of 40.47 hours, to organizing their business, while the Quebec committees, with a similar workload, devoted only a quarter of that number of sittings to work organization. Nonetheless, while the degree of initiative and autonomy exhibited by the Ontario committees was higher than in Quebec, it still represented only a tiny fraction of committee business as a whole.

Committee Structure

In addition to the Standing Committee on the Legislative Assembly, which is the equivalent of the Committee on the National Assembly, there are 10 standing committees in Ontario. Four of these have sectoral policy fields and six others specialize in a single function. The vocation of the four sectoral committees is similar to that of the Quebec committees, in that they perform a number of functions in a circumscribed policy field.

However, the number of functions performed by the Ontario sectoral committees is smaller, and they consist primarily in examining public bills, holding public consultations on matters of general interest, and carrying out mandates they have assumed on their own initiative.

The policy fields of these four sectoral committees are defined on the basis of a list of ministries and government agencies which is attached to the Standing Orders and

may be amended as changes are made to the government structure. One of the four committees has a very narrow policy field, in comparison with the equivalent committee in Quebec, but the other three have broader policy fields, which sometimes cover the same area as three to five of Quebec's committees. If the activities of the Quebec committees were transposed into the Ontario structure, Ontario's Standing Committee on General Government and Standing Committee on Resources Development alone would take care of two thirds of all committee activities.

A disparity of workload between the various committees is more evident in Ontario than in Quebec. On the basis of the 1993-94 data, it is clear that some Ontario committees, such as the Ombudsman and Private Bills committees, actually sat very little during the year. The specialized committees sat somewhat less often, and their sittings were somewhat shorter, than the sectoral committees. In terms of the number of hours of work, the sectoral committees accomplished a volume of work similar to that of their Quebec counterparts. Both the Ontario and the Quebec systems seem, barring exceptions, to provide operational frameworks that produce sufficient amounts of work for committee members.

It should not be forgotten, however, that the activities of Ontario's four sectoral committees represented a significant portion (58.6%) of the total workload of the ten committees, with the bulk of their work (89.7%) consisting of examinations of public bills.

Ontario's six specialized committees generally carry out only one or two types of mandate, but with a scope taking in the whole of government activity. The examination of estimates, the examination of private bills and the supervision of government agencies are three examples of functions assigned to these distinct, specialized committees.

Two other committees also specialize in a single function; one is responsible for examining the Provincial Auditor's report, and the other monitors the activities and examines the report of the Ombudsman. The Standing Committee on Finance and Economic Affairs is something of a hybrid, since it is responsible for holding pre-budget consultations and examining all the documents associated with the government's fiscal and economic policy, including public bills relating to that policy. Lastly, the specialized Private Bills committee also has responsibility for examining regulations, based on the relatively elaborate evaluation guidelines and criteria set out in the Standing Orders.

The 1993-94 data indicate, however, that this committee did not examine any regulations during the

year, while another, sectoral committee examined a draft regulation to be adopted under an Act.

After this brief examination, then, it is clear that the structures of the Quebec and Ontario committee systems, and the terms of reference under which each committee operates, are highly divergent, but that the overall results obtained are comparable. At this very preliminary stage in the analysis, it could be concluded that the specific arrangement of structures and functions in the two committee models does not produce significantly different results.

Committee Membership

In order to gain a better understanding of the similarities and divergences between the two systems, we will now examine how the Ontario model functions in greater detail.

In Ontario, the composition and size of each committee are determined at the beginning of each session, whereas in Quebec they are fixed for a period of two years. The Ontario model has the undoubted advantage of better reflecting the government's legislative agenda, but it also results in greater dependency on the government's priorities and limits the committees' autonomy and ability to plan their activities over a long period of time. In theory, the Quebec model offers greater independence and security of tenure for committee members. However, experience has shown that numerous changes in committee membership are made by the parliamentary whips before the expiry of the term provided for in the Standing Orders. Despite this the data suggests that, in Quebec, the length of time for which a Member is assigned to a committee averages 24 months.

The Ontario Standing Orders stipulate that no committee may have more than 11 members, including the chair and vice-chair, although in 1990, exceptionally, the Legislature set the size of the committees at 12 members. In Quebec, the Standing Orders provide for committees of at least 10 members; in 1993-94, committee membership varied from 12 to 21 members. It might be argued that, overall, the two systems are equivalent once the number of committees has been taken into account, since the 132 committee positions in Ontario equate to the 128 positions existing in Quebec at the end of the last legislature. Only one Quebec committee, though, had fewer than 15 members.

In both Quebec and Ontario, committee membership must reflect the numerical importance of the parliamentary groups in the legislature. In Ontario, where there are three recognized parties, the seats on all the committees were divided identically among the parties in 1993-94: 6 seats for Government Members, 3 for

Ontario-Quebec Committees Duties, sittings, hours, members attending and replaced

Ontario

COMMITTEE ON	Orders of Reference	Sittings	%	Hours	%	Members Attending	%	Members Substituted	%
Administration of Justice	6	47	13.86	138.57	14.13	485	87.86	170	35.05
General Government	8	61	17.99	197.35	20.12	573	93.63	262	45.72
Resources Development	3	34	10.03	80.04	8.16	355	87.01	114	32.11
Social Development	5	44	12.98	158.84	16.20	479	90.72	149	31.11
Estimates	7	21	6.19	48.80	4.98	193	76.59	71	36.79
Finance & Economic Affairs	4	41	12.09	153.21	15.62	447	90.85	154	34.45
Government Agencies	4	38	11.21	88.08	8.98	n/a	-	n/a	-
Ombudsman	1	5	1.47	2.95	0.30	46	76.67	7	15.22
Public Accounts	1	34	10.03	89.63	9.14	367	89.95	119	32.43
Regulations & Private Bills	60	14	4.13	23.24	2.37	142	84.52	12	8.45
TOTAL	99	339	100.00	980.71	100.00	3,087	78.43	1,058	34.27
				Quebec					
COMMITTEE ON									
Planning & Infrastructure	45	76	23.38	209.11	22.39	688	60.40	151	21.95
Agriculture, Fisheries & Food	9	16	4.92	35.84	3.84	123	64.10	14	11.38
Social Affairs	16	26	8.00	60.39	6.47	207	53.10	33	15.94
Budget & Administration	30	50	15.38	126.76	13.57	372	54.90	102	27.42
Culture	12	35	10.77	107.10	11.47	339	64.60	90	26.55
Education	14	28	8.62	86.72	9.28	252	60.00	40	15.87
Labour & the Economy	22	42	12.92	141.43	15.14	474	59.70	135	28.48
Institutions	24	52	16.00	166.67	17.84	502	53.50	123	24.55
Total	172	325	100.00	934.02	100.00	2,956	58.50	688	23.27

Official Opposition Members and 2 for Members of the second opposition party. The fact that all the Ontario committees have an identical structure facilitates the organization and logistics of their proceedings, but tends to limit the chances of individual Members to sit on the committee of their choice. This constraint may nonetheless constitute an advantage in that the "scarcity" of available seats generates competition among the Members, thus ensuring that each committee is ultimately composed of the individuals having the greatest interest in its work.

Independent Members have no seats on Ontario committees, in contrast to Quebec. As in Quebec, though, any Member of the Ontario legislature may participate in committee proceedings, with the permission of the committee, but may not vote or make motions. On this point the Quebec model is more flexible with respect to Members of the legislature who are not committee members, and in particular independent Members,

especially during the examination of bills and estimates. On the other hand, the expansion of a committee to take in non-members does not promote the development of team spirit or generate synergy within the committee, and this may have an adverse effect on its autonomy.

In Ontario, unlike Quebec, there are no rules to limit the assignment of a Member to more than one committee. However, the smaller size of the Ontario committees is a significant factor in limiting the extent to which Members can take on multiple duties.

One major difference between the two systems should be emphasized. Ministers are not members of the Ontario parliamentary committees, although in a variety of circumstances they may be called on to take part in committee proceedings as witnesses. In Quebec, on the other hand, the minister responsible for a mandate assigned by the Assembly is automatically assigned to the committee concerned, especially in connection with the examination of a bill.

Having a minister on a committee undoubtedly confers greater status on the proceedings, since through the ministers the Government is associated with the proceedings and the submissions made at committee by Members of the legislature or witnesses have a greater chance of having a direct influence on the decision-making process. However, it is recognized that giving a minister the status of committee member, even if only for the duration of the mandate, invariably reduces the committee's independence and autonomy. The mere presence on the committee of a minister, who has status, powers and resources far beyond those of his or her parliamentary colleagues, creates an asymmetrical dynamic among the members that polarizes the debate and naturally makes it more political, if not partisan. In general, this has the effect not only of marginalizing the participation of the Government Members, but also of jeopardizing the chances of forming enough of a consensus among the committee members as a whole for them to be able to adopt a joint position and, eventually, draft a report containing comments, conclusions or recommendations.

In contrast, where ministers cannot sit on a committee, the role of the Government Members tends to become more meaningful and the status of committee reports as instruments with a potential for influencing government policy and action is enhanced.

One argument often put forward to justify having ministers on committees is that their presence is essential if the public and Members of the legislature are to take an interest in participating in committee proceedings. In other words, if the ministers were not there, the proceedings would have less impact and be of little use. However, as we shall see later, the fact that there are no ministers on Ontario committees definitely does not discourage the public from participating in hearings. The data on participation by Members of the legislature set out in the table demonstrates that the average attendance rate for Members on each of the Ontario committees is twenty points higher than the rate observed in Quebec (78.4% attendance versus 58.5% for 1993-94).

From another perspective, it should be noted that the substitution of committee members was more prevalent in Ontario than in Quebec, although not to the point of altering the nature of the membership of each committee. The phenomenon possibly results from the smaller size of the Ontario committees, which means that the Members who are interested in a specific topic must resort to this method in order to participate in the committee's proceedings. Perhaps it is rather, as in Quebec, a phenomenon that relates to maintaining a quorum, particularly since in Ontario quorum is a majority of committee members rather than a third, as is

the case in Quebec. Because of the smaller size of the Ontario committees, however, the latter hypothesis is less plausible, particularly since there is a section in the Standing Orders that allows committees to hold public consultations without having to observe the quorum rule, although no committee sitting can commence unless a representative from each party is present.

Committee Chairs

The chairs and vice-chairs of Ontario committees are elected by a simple majority vote of their peers, for the duration of a session. In comparison, the fact that the chairs and vice-chairs of Quebec committees are elected by a double majority and have two-year terms gives them greater legitimacy and more latitude in the long term, although in practice these advantages are more theoretical than actual.

The chairs of the Ontario committees are divided among the recognized parliamentary groups, using a procedure that differs from that in use in Quebec but that ultimately has the same effect: the two opposition parties chair a number of committees that reflects the number of seats they hold in the Assembly. The chair of certain committees is reserved for a particular parliamentary group by right: this is the case for the Public Accounts Committee, which is chaired by a Member of the Official Opposition, the Estimates Committee, which is chaired by a Member of the second opposition, and the Finance and Economic Affairs Committee, which is chaired by a Government Member. This allocation reflects a desire to allow the opposition more scope to organize and direct parliamentary supervision of financial matters. This approach has no equivalent in Quebec, where the chair of the Commission on the Budget and Administration, the Quebec committee with the broadest responsibility for financial supervision, has always been held by a Government Member.

The main functions and powers of the chairs of the Ontario committees are similar to those of a temporary chairman of a National Assembly committee [appointed in the absence of the committee chairman to chair a single sitting]. They ensure that the proceedings are properly conducted and maintain order; their procedural decisions may be appealed to the Speaker of the Assembly. They do not take part in votes unless there is a tie, but they may participate in debate.

The Ontario committee chairs, unlike their Quebec counterparts, are not responsible for organizing committee business, nor do they have any recognized leadership role in the discussions. However, some committee chairs are traditionally given broader powers, including the chair of the Public Accounts Committee.

The power of Ontario committee chairs to call meetings is more limited and less discretionary than in Quebec. The chair may convene the subcommittee on committee business, which actually organizes committee proceedings, or convene the committee itself when so directed by a prior decision of the subcommittee. In Quebec, except insofar as mandates assigned by the Assembly are concerned, the chair of a committee may exercise very real discretion over calling meetings to deal with mandates undertaken on the committee's initiative.

Thus the pivot of autonomy and initiative in Ontario is constituted by the standing subcommittees on committee business, rather than by the committee chairs.

Subcommittees on Committee Business

At its first meeting, each Ontario standing committee is required to strike a four-member subcommittee on committee business, composed of the chair of the committee and of a representative from each of the recognized parties.

The subcommittee meets to prepare the business of the committee by discussing the procedure to be followed in respect of each mandate, including those categorized in Quebec as orders of referral from the Assembly. The subcommittee submits its recommendations to the committee in a report which may be amended and which is adopted by the committee by a simple majority vote.

Because of its composition, and the fact that the chair does not vote, the Government group is in a minority on the subcommittee, so that the dominance it exercises on the committee itself is tempered to a certain extent. However, it retains the last word on how the committee's business is organized, since the committee may, by a majority vote, amend or even reject the subcommittee's proposals.

The subcommittees of the four sectoral committees have a power of initiative that the other committees do not have. Under Standing Order 125, any member of one of these four subcommittees may propose that the committee examine the mandate, management, organization or operation of a ministry or government agency that falls within its policy field. If the proposal is adopted by the subcommittee (on which the opposition has a majority of votes), its report is tabled before the committee and is deemed to have been adopted by it, and thus has full effect.

The report from the subcommittee must state the matter to be considered, a timetable and a list of

witnesses. No more than 12 hours may be devoted to the examination of each matter, including all the stages of the proceedings, from the public hearings phase to the writing of the report. Such examinations take precedence over all other business before the committee, with the exception of public bills, but may not be proposed in the last eight days of a session.

The Ontario model therefore provides a real opportunity for an opposition party to put an initiative on the committee's agenda without necessarily obtaining the agreement of the majority. Because there are three parties, *ad hoc* alliances are possible around an initiative, without the Government group seeing this as threatening its majority every time.

Of course, this kind of initiative is very narrow in scope and the potential influence of a dozen hours of work is not altogether obvious. Nonetheless, the procedure provides an opportunity for conducting examinations that do not necessarily fall within the Government's political agenda, and this undeniably contributes to the independence of the institution.

It is interesting to note that, in Quebec, seven of the fifteen mandates undertaken on the initiative of a committee over the last ten years were completed in less than twelve hours.

In Quebec, when the decisions are not made by the Assembly itself or by the Government House Leader, or by agreement between the House Leaders of the different parties, it is up to the committees themselves, at a working session, to decide by a majority vote or, as happens more frequently, by a double majority, that they will undertake a mandate, and to determine the terms and conditions on which it will be carried out. In these circumstances the Opposition, despite its not insignificant power to make proposals, has no more than a veto over the conduct of proceedings, as indeed has the Government group. The steering committee of each Quebec committee has the power only to specify the terms and conditions on which a mandate, which in all cases must have been approved by the committee members representing the Government majority, is carried out.

As a result the Quebec system, in terms of the power of committees to act autonomously and to undertake mandates on their own initiative, contains more stringent requirements regarding consent between the parties than does the Ontario system.