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# Research Services for Parliamentary Committees

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by Hugh Finsten

*Responsibilities of parliamentary committees have developed considerably since the mid-1970s and the role of staff assisting them has mirrored these changes. In 1974, the Research Branch of the Library of Parliament provided staff to nine standing and special committees. In 1995, it assisted 32 standing committees (plus 12 subcommittees) of the two Houses, as well as several special committees. Only a few committees of the two Houses are not assisted by the Research Branch. Almost all of the Branch's 60 professionals are assigned to at least one committee on an ongoing basis. Officers serve committees either individually or in multidisciplinary teams of two or three and may also collaborate with consultants engaged by a committee. This paper reviews the role of Research Branch staff in the overall context of the parliamentary committee system.*

Originally House of Commons standing committees could only deal with matters specifically referred to them by the House. In 1968, they were given automatic authority to review departmental spending estimates and most bills were referred to them for clause-by-clause analysis after second reading in the House. During the 1980's, following several parliamentary committee reports on the reform of Parliament which focused on improving the role of backbench members, the powers of committees increased considerably. Committee membership was limited to 10 to 15 persons to permit more focus, more consistency in membership and the development of expertise. Committees were authorized to initiate enquiries related to the issues within their mandates and to require a formal government response to their reports. Budgets were provided and the hiring of staff was authorized.

Committees now have authority to study issues on their own initiative and to meet when they wish, rather

than at the will of the government. Subcommittees have become more common, allowing several topics to be reviewed at the same time. Recent reforms allow bills to be referred to committee prior to second reading, implying that committees could make substantive changes to government legislation. A related provision empowered committees to draft bills, although this has not been utilized much to date.

Other recent rule changes relate to committee review of departmental spending plans and the budget. Committees are now authorized to report on the expenditure plans and priorities of departments for future years. Departments will now routinely submit their plans in May of each year in documents entitled *Outlook on Program Priorities and Expenditures* which will "set out departmental strategies to adapt to the fiscal and policy environment and to deliver on specific service line targets." This is designed to enable committees to call for changes in the autumn before the spending estimates for the next year are finalized. The new documentation will provide information on the performance of existing programs. In addition, the Finance Committee is authorized to hold pre-budget consultation hearings for the purpose of making proposals to the Minister of Finance for the annual budget.

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In the Senate, committees review legislation, study policy issues and examine the government's estimates. A Senate committee may study a bill which has been introduced in the House of Commons but has not yet reached the Senate (known as a pre-study). Most committees require a reference from the Senate as a whole in order to commence work. Senate committees normally include 12 members plus the Leader of the Government (or a representative) and the Leader of the Opposition (or a representative).

### Research Branch Assistance To Committees

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Committee work has been a function of the Research Branch's role since its early days. The first Director was hired to assist the Procedure and Organization Committee of the House of Commons. Until 1985, House committees required authority to hire professional staff. In fact until several special Commons task forces were established in 1980 and, thereafter, when committee powers substantially increased, there was only occasional demand for ongoing expert assistance.

The Research Branch, with its immediately available subject matter specialists, was the main source of assistance when required. This situation established the role of the Branch, and its professionals gained experience in the requirements of committee work. Despite the new hiring authority, the Branch maintained its role as the major source of professional assistance, although several committees hired their own staff directly, in some cases in addition to Research Branch officers.

***In 1994-95, 57% of the time worked by our professional staff was related to assisting committees.***

Over the years, the type of work undertaken has varied according to individual requirements and expressed needs of each committee and chairperson. Some typical examples include:

- presenting oral and/or written overviews of the policy fields falling within a committee mandate, identifying major and emerging issues, and suggesting possible study topics;
- briefing individual Parliamentarians on committee-related issues;
- making recommendations concerning expert witnesses to be heard by the committee and liaising with them;
- preparing workplans, background papers, briefing notes, research studies, summaries of evidence, and analytical discussion papers;
- preparing, presenting and revising draft reports and, in some cases, suggesting compromise options;

- drafting and coordinating communications (letters, press releases);
- selecting (or participating in the selection of) consultants and coordinating their work.

Committees may require a specific kind of expertise not available at the Research Branch. The Branch can supplement its services by seeking out individuals with such expertise on a contract basis to work on the Research Branch team assisting the committee, charging back the salary costs to the committee. In this way, the committee is well served with the expertise required, and the outside staff who are brought in benefit from working with personnel who are familiar with the operations and requirements of Parliament and the committee process. At the same time, our officers benefit from the different perspectives and knowledge that these specialists contribute to the process.

### Corporate Memory

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Unlike the American and British systems where committee chairpersons and members have a reasonably long career, in Canada the majority of Members of the House of Commons serve less than five years. The average turnover of Members in an election is 40%.<sup>1</sup> As a result, elected Members cannot provide the continuity, the historical perspective, the knowledge of the committee and its previous work. Commentators who have studied the effectiveness of committees often cite this lack of continuity and experience. Even Members with long tenure in Parliament, rarely have lengthy experience on the same committee. Committee chairpersons do not necessarily retain their role for long. They may be appointed as a parliamentary secretary or promoted to the cabinet. Whether due to turnover at elections, retirement, or internal movement there is minimal corporate committee memory among elected officials. Therefore, the role of staff experienced in the work of the committee is particularly important.

Generally, Research Branch staff tend to remain for long periods of time with the same committee or subject matter, since it is their area of expertise. Normally only departure from the service or mutual arrangement between the Branch and the chairperson result in staff assignments being switched during a Parliament. Prior to a new Parliament, Branch staff prepare background documents for the new members of the committees which include historical information, issues the committee previously studied, and summaries of reports and recommendations. This serves to maintain committee corporate memory despite the turnover of Members.

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## Overview of Work

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The chairperson is elected by the committee and is responsible for directing the Research Branch staff assigned to the committee. Staff work for the committee as a whole through the chair. Research staff respond to individual information requests from all members of the committee. Anything more substantial would have to be approved by the chair, or could be handled by another Branch officer not attached to the particular committee. If any research request could lead to a conflict between staff's role in assisting the committee as a whole and their assistance to an individual member of the committee, the committee chair would have to authorize the research; or another officer in the Branch, not attached to the particular committee, could undertake it. A key responsibility of Research Branch staff is to develop a working relationship with the committee chair while retaining credibility with all committee members.

***Committee staff generally act as a countervailing source of information to that provided by those with vested interests, such as departmental officials, interest groups, lobbyists.***

Staff pull together the evidence and present it in an organized, objective manner. They endeavour to write in clear, concise language easily comprehended by the non-specialist. They must have no stake in the outcome, no agenda. They are professionals upon whom Members rely for substantive, objective information, analysis and policy advice. Whether the committee is involved in an enquiry, consideration of a bill, or review of departmental estimates, the role of staff is essential in providing the committee with the non-partisan, professional research and writing assistance to undertake its work.

Substantive enquiries including those involving policy areas can be the most challenging aspect of committee work for Members and staff alike. For staff, their years of academic training, experience and specialized knowledge are put to full use. These enquiries can last many months and involve the types of assistance listed previously. Staff work closely with Members during this period. When travel is involved there is considerable opportunity to discuss the issues and develop a good working relationship.

The role of staff during the review of government bills differs considerably from their role when an enquiry is involved. The government puts its full support behind the bill, while opposition Members usually marshal their

arguments to oppose. Once the bill reaches the committee, it has normally already been approved in principle and, therefore, substantial changes are not permitted. The role of staff is generally limited to providing background material on the bill and explaining and interpreting its provisions. Government officials called as witnesses usually respond to technical and policy questions. The Branch prepares Legislative Summaries on most government bills. These are distributed to all committee members. They provide a background history of the bill, clause-by-clause analysis of the important provisions, and commentary. By preparing these publications, staff become familiar with the bill which will be of use in assisting the committee once the bill is referred to it.

Departmental oversight is manifested mainly in the committee's annual consideration of departmental estimates. Although in theory there would seem to be plenty of scope for committee involvement, in practice committees are limited in what they can do and this area is not a priority for most committees. For example, they have the power to reduce a department's spending – and thus potentially have a major impact on the department and its programs. In practice, the government majority will not support such action. Staff provide briefing notes for all committee members concerning departmental structure, programs and expenditures and prepare possible questions that Members may wish to pose to witnesses.

In relation to both legislation and estimates, our officers must do thorough work, pinpointing issues and concerns of interest to both opposition and government members. This is a significant test of their ability to work in a non-partisan manner.

## The Hearings

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Prior to embarking on an enquiry, staff may arrange briefings from experts, such as departmental officials and academics. In some instances, Research Branch staff provide the briefings themselves or participate in them with outside experts. Issues and options papers may be part of the initial background material prepared for the committee study.

A witness list must be prepared. Department and private sector officials, academic experts, and interest groups are normally proposed. The suggested names may be individuals with technical opinions or political positions with which one or another party may not agree. Members of each party often submit their own list of witnesses. Staff may brief witnesses in advance of their testimony to advise them of the fields of study of the committee, the issues, and the evidence previously heard

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by the committee. This is intended to focus the testimony so that the committee's time is put to best use. Staff must exercise care not to be perceived as directing the testimony or influencing the witness. Advance discussion with witnesses also permits staff to include information in briefing notes concerning the position held by the witness and suggest possible lines of questioning.

It is incumbent on staff to exercise caution and realize the limitations in their role. Departmental officials have in-depth knowledge from many years of working on a particular issue. Committee staff cannot normally expect to duplicate this type of experience. Given the extensive information in the hands of government officials, questioning is most useful in eliciting relevant information by tapping into the knowledge of these officials. Questions that would foster confrontation could put a Member at a disadvantage considering the knowledge base of these witnesses.

Staff often summarise briefs and may, at some point during the hearings, collate the evidence. Another approach is the preparation of a more compressed and analytical review of issues and arguments, which members can use in discussions leading to the committee report. After days and weeks of testimony during which a wide variety of viewpoints and recommendations are represented, staff and members often find such documents extremely useful in organizing the information presented to the committee, and focusing the discussion leading to the preparation of a draft report.

### **The Draft Report**

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When a committee report is being drafted, Members promote the inclusion of their party's viewpoints in the report. Although government Members could outvote the opposition, they usually choose to present a unanimous report in order to give it credibility in the eyes of the government and the public. In such circumstances, staff play a role in helping members achieve consensus by discussing the issues and listening for common ground. It is always important for staff to maintain good communications with all Members and to understand their viewpoints so that the information can be reflected in the draft report, where possible. This helps ensure the smooth functioning of the committee, assists the chairperson in his/her role and may result in a unanimous report. An awareness of the different interests and the need to reconcile them, as well as a judicious use of drafting language can be crucial. By including points of disagreement, opposition Members may support the report, thereby avoiding the need for dissenting reports.

In minority parliaments and in the case of widely diverging views of opposition parties, reaching consensus is much more difficult, if not impossible. The 35th Parliament is an example of this. The political nature of the two opposition parties has resulted in minority reports being the more common practice. Opposition Members will attempt to have their opinions reflected in the majority report, but will often produce a dissenting report as well. However, even in these circumstances, there are examples of reports where consensus can be achieved, such as those involving the rules and procedures of the House, or when the issue is strictly non-partisan in nature, such as health issues or international fishing disputes. Needless to say, playing a non-partisan role in this very political process can be extremely challenging.

The report writing stage often means long hours of work, writing and rewriting drafts of the report. Staff skills are put to the test in terms of their writing ability, their substantive knowledge of the issues, their ability to effectively synthesize both the testimony and the policy interests of committee members from the many weeks of hearings and the pressure of meeting short deadlines. The report must be accurate and substantive since it will be carefully scrutinized by departmental officials, policy communities, academics and other interested parties, and technical criticisms may ultimately be directed at staff.

### **Evolving Staff Skills**

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In the early years of the Branch, committee work was restricted to responding to specific requests for research and preparing in-depth papers. The preceding discussion illustrates that requirements have evolved considerably. Research Branch staff now play a full and active role assisting committees. They participate at meetings of the steering committee, offering their suggestions concerning subjects to study, the process of the study, and witnesses to be heard. They arrange and participate in committee briefings, prepare draft reports, and draw up press releases. They are in frequent communication with departmental and private sector officials and interest groups, representing the committee in their discussions. Staff must demonstrate the skills and abilities required in consulting and senior policy advisory positions. They must maintain and apply the training and the substantive knowledge reflected in their academic credentials, and keep abreast of developments within assigned policy fields. They may be required to undertake research within the entire spectrum of their academic training or beyond. In written material, they

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must deal with complex issues in clear and accessible prose adapted to the needs of committee members.

As changes have occurred in committee powers over the years, staff have had to adapt to new requirements, acquiring new knowledge in order to carry on the additional functions. When departmental estimates were referred to committees, staff had to develop an understanding of the information provided and be able to critically analyze the figures. Briefing notes were developed which review the financial information and provide lines of questioning that Members can pose to the minister and departmental officials. With departmental oversight comes the need for staff to develop in-depth knowledge of departmental operations, programs and spending plans. The new departmental Outlook Documents require additional skills of staff to review, analyze and comment on.

***Work is frequently done under severe time constraints with simultaneous assignments from several different sources.***

The 1994 procedural reforms further increased the powers of committees specifically in relation to their review of legislation. Again the role of staff will broaden if these powers are used to any significant degree. Drafting legislation is handled by legislative counsel who are trained in this field, but with regard to the substantive and policy aspects of legislation, committees often look to the assistance of the Research Branch, particularly its lawyers. Legislative review by committees tends to focus on political considerations which limits the role staff play in the review. If this changes as a result of the new rules, the responsibilities of staff will increase.

As impartial advisors in a partisan environment, committee staff must combine substantive knowledge and analytical skills with sensitivity, sound judgment and personal credibility. While they may consult others concerning sensitive or complex situations that arise, these consultations rely on the capacity of the individual to recognize a problem, understand the context, and propose solutions based on their assessment. Often they

are responsible for making quick, common sense decisions to deal with situations that may arise quickly, precluding time for consultation.

### **The New Fiscal Reality**

The federal government, including Parliament, is implementing severe cutbacks in its spending resulting in staff reductions. As part of its expenditure reductions, the Library of Parliament is cutting \$1.1 million from its main estimates over a 3-year period which could see the elimination of up to 18 positions.

Not only is financial restraint affecting the Library directly through a reduction to its own budget, program reductions in other institutions to meet their new fiscal situation have also resulted in increased work. Although the Research Branch provides core staff to most parliamentary committees, parliamentary funding has been available in the past to complement these services and is frequently used when committees are engaged in major policy studies. Some committees regularly contracted for ongoing assistance with an outside organization. The House of Commons has reduced the global amount of money available to committees including the amount for contracts with outside consultants. The Senate has also been cutting back. As a result, committees have to be much more selective in using funds for outside assistance and are relying even more on the resources of the Library. Without additional staff, the Research Branch is forced to stretch its limited resources even further, which affects the overall assistance the Branch can provide committees. Moreover, the Branch which in the past has tried to accommodate every request will, in future, have to allocate its limited resources to reflect these increasing demands.



### **Notes**

1. See C.E.S. Franks, *The Parliament of Canada*, University of Toronto Press, 1987, p. 23-24, 73-74.