
Testifying Before Parliamentary Committees

by David McInnes

Witnesses, whether from the private or public sector, can face a daunting task in getting their message across to parliamentarians and in ensuring that their appearance before a standing committee of the House of Commons or Senate is a meaningful one. This article highlights the unique nature of parliamentary committees and then presents one tool for assisting prospective witnesses to prepare for their hearing.

Thousands of Canadians have testified before House of Commons and Senate standing committees. During Jean Chrétien's tenure as prime minister, alone, well over 24,000 Canadians have pitched their views before various parliamentary committees.¹

These committees link Canadians to their parliamentarians. There is really no other comparable forum for Canadians to have input on the legislative and policy-making process on a regular, formal and public basis.

Whether it is to present a case on a fact-finding enquiry or to be embroiled in debate on the merits or costs of clauses in a bill, committees enable Canadians to intersect the policy and legislative process. Parliamentary committees are also the place where members truly roll-up their sleeves to delve into the issues.

Of course, all public policy advisors would agree on one key point: that to influence the policy-making process its best to get in at the earliest stages. This confirms the importance of the constant flurry of departmental consultations, caucus briefings and private one-on-one meetings between parliamentarians and groups. Still,

parliamentary committees are unmatched in channelling Canadians' views to government.

One researcher found that the House of Commons spends a surprisingly limited amount of time for debate on bills, an average of less than 8 hours per bill.² Standing committees, on the other hand, often devote dozens of hours to considering bills with individual Canadians, as witnesses, being at the focus of attention.

Witnesses must make the best of their testimony. They must get an edge over other groups which compete for the ear of the member. Expert witnesses are not necessarily expert communicators. While many preliminary steps are required to get ready, the following "last minute checklist", conducted just prior to appearing, might help you take your message to the Hill (see box).

When considering that most Members of Parliament are run off their feet by committee, constituency and House work, witnesses must ensure that members quickly grasp your key points. If messages do not resonate, groups can hardly expect members to carry their issues forward or propose amendments. Many witnesses have their work cut out for them. For instance, some four out of ten witnesses take too long to read their opening remarks (and members are always anxious to get to their questions). Nearly nine in ten written submissions rarely or occasionally contain executive summaries.³

There are other compelling reasons for witnesses to enhance their committee performance. A committee visit may involve managing media relations; testimony may

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Appearing Before a Parliamentary Committee: A Checklist

There are many factors to consider before deciding to appear before a parliamentary committee and in getting fully ready, such as agreeing to a hearing date, writing the submission & opening remarks and choosing spokes-people. The day or morning before appearing, conduct this last minute checklist.

Hearing Logistics

- ✓ Telephone the clerk (the day before) to confirm the meeting details (i.e., location, time).
- ✓ Confirm the time available to read your opening remarks and the length of the question/answer session to follow.
- ✓ Are there any substitutions on the committee?
- ✓ Are there any last minute new witnesses slotted to appear before or after you?
- ✓ Is the hearing going to be televised (on CPAC)?
- ✓ Review the committee room layout and seating arrangements of members for colleagues who have not previously testified.
- ✓ Plan to leave for the hearing early enough to clear security, find the room and get settled.

Key messages

- ✓ What are your objectives in appearing before the committee?
- ✓ Review your key messages that support these objectives.
- ✓ For public servants, this must be done by *explaining* the government's policy decisions, not *defending* them (as ministers are responsible for policy decisions).

Opening Remarks

- ✓ Do your opening remarks capture your key messages?
- ✓ Do the remarks clearly identify who you are and what you are responsible for?
- ✓ Read aloud your remarks to colleagues. How long does it take to read? Is your voice monotone? Do you look up? Do you show conviction?
- ✓ If you go over your allotted time and are cut off, how would you conclude?
- ✓ Delivering these remarks with sections of French and English makes a positive impression.
- ✓ Before saying a word at the committee table, pause, take a breath, relax and then begin.

Political Context

- ✓ Will committee members be generally receptive or critical of your position or recommendations?
- ✓ Is the government generally supportive of the committee's enquiry (if it is not a bill)?
- ✓ What are the prevailing political priorities of the government? Do any of your messages mesh with these?

Identify the Minefields

- ✓ Anticipate the two or three areas of discussion that could present the most difficulty for you. Script those answers now.
- ✓ Do members of your own association or group (or for the public service, other government departments) disagree with any major issue being presented by you that day?
- ✓ What are other key witnesses likely to say at committee, or have said, that could potentially undermine your position?
- ✓ Do you have the authority to commit your group; i.e., if a member asks you to conduct further research or to appear again before the committee?
- ✓ For public servants, could you be criticized for inadequately briefing members prior to the bill in question coming to committee or for rushing its consideration at committee stage?
- ✓ Also for public servants, what you say at committee could, for partisan reasons, be raised by a member in Question Period. Advise the minister's office of any relevant exchanges with committee members.

Questions & Answers

- ✓ Estimate the number of questions you could get within the time allotted to you.
- ✓ Consider the main concerns of each committee member.
- ✓ What is likely to be the lead question from the official opposition? They ask the first question.
- ✓ What issues have come up in previous testimony which could be also raised with you?
- ✓ Has an issue come up in Question Period, or in House Debates, recently that will prompt questions?
- ✓ Has the national media recently reported on a news story that could generate any critical questions? Check the day's newspapers.
- ✓ Have any local stories in member ridings come up recently that could be raised at the table?
- ✓ If you appear with others, agree beforehand which type of questions will be handled among your team?
- ✓ Be prepared for the chair to cut off your long-winded answers.
- ✓ Conduct a simulation. Get a colleague to ask tough questions. Even a twenty minute Q&A session will help to polish your answers. Suggest more appropriate answers.

Bailouts

- ✓ Handling particularly aggressive questioning requires a measured response. Speak directly to the chair. The chair is responsible for maintaining decorum in committee.
- ✓ Use the tag-team approach. A colleague at the table could offer a supplementary point if your response does not hit the mark.
- ✓ Expect members to pose any question they like. Politely defer to the chair to determine the relevance of questions which consistently go well beyond the enquiry's terms of reference or bill at hand.
- ✓ Offer to get back to the committee in writing on a question which requires a more thoughtful response.
- ✓ Suggest talking to a member "off-line" following the meeting to address a specific constituent complaint, although the member may prefer to address the principle of the matter at the table.
- ✓ For public servants, there may be issues best left to the department's deputy minister to handle and should not to be addressed by more junior officials appearing before committee.

Attitude

- ✓ Are you prepared to step into the committee room with a positive, constructive attitude? Help members understand your position, not confront them with it. A conscious decision here will affect your tone and manner in committee.

Media

- ✓ Who will conduct media interviews if you are scrummed before or following your testimony?
- ✓ One off-the-cuff or negative statement made during your testimony could become the headline. Assume the media are monitoring your testimony.
- ✓ What you say to the media should parallel what you say before the committee.

Handouts

- ✓ Are your slides, charts, etc, in order? Are they clear to read?
- ✓ Do you have enough copies of your materials, in English and French, for all members, the media and others sitting in the room?
- ✓ Referring to internal documents in your testimony may prompt members to request that you table them for the record. Are you sure that what you take to the table is what you want on the public record?
- ✓ For public servants (and national groups) do not table any document, such as circulating your opening remarks, unless they are translated.

Followup

- ✓ Following the hearing, there are subsequent steps to take, such as assessing your appearance, delivering additional information to the committee and communicating your messages to other parliamentarians.

be of interest to ministers or regulators; what is raised at committee could become an issue in Question Period (which is particularly significant for public servants). If CPAC is covering the hearing, a witness is also communicating to a national TV-audience. In short, a committee appearance can be a linchpin for broader communication efforts. (This explains why groups may use committees to table fresh research or announce new initiatives.)

Effective testimonies can also hinge on whether a relationship has been developed with members. Witnesses that just blow into town for one meeting, drop their testimony and leave risk being marginalized. Considering that MPs were exposed to over 2,000 hours of testimony last year, a sixty-minute pitch must stand out.¹ Capably presenting the case is important. But seasoned witnesses rarely air their solutions with members for the first time at the committee table. Working at the constituency level, for instance, helps familiarize members to the issues.

The rule of thumb for witnesses appearing before committees is *tailor your strategy*. Each committee is different; it depends on whether it is a bill (and at what stage) or policy enquiry; the mix of members vary; the political environment is ever-changing; the issues evolve; and, witness messages must adapt to all this.

Public servants face some additional challenges. Members become incensed when officials deliver information in only one official language. Senators often feel that officials present bills as a *fait accompli* and the ministers attempt to rush bills through committee stage. Friction also arises at committee when officials are seen to be less than

forthcoming. Still public servants must be wary of stepping over the line and go from explaining government policy decisions to defending them. When appearing before committee, officials must be sensitive to these and other concerns.

The bottom line for private and public sector witnesses: effectively appearing before committee requires good planning and preparation. This is a challenge, indeed, when committees give you short notice to appear.

Notes

1. This number includes standing, special, sub- and joint parliamentary committees. Source: Committees and Legislative Services Directorate of the House of Commons and the Senate Committees and Parliamentary Associations Directorate, 35th Parliament, 1994-1997; 36th Parliament, September 1997 to April 1998.
2. "Obstruction in Ontario and the House of Commons", Chris Charlton in *Canadian Parliamentary Review*, Autumn 1997, page 28. Bills took on average 7 hours and 45 minutes to become law from 1974 to 1993; standing committee consideration was not included in this time frame. (And, many House debates are delivered to a nearly-empty chamber.)
3. From the author's survey of Parliamentary Research Bureau researchers (those who staff parliamentary committees), May 1996.
4. "Activities and Expenditures", *Annual Report 1996/97*, Committees and Legislative Services Directorate, the House of Commons, September 1997, page 6.