

## FIFTH CANADIAN REGIONAL SEMINAR, CPA

by

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### **Legislative Assembly of Saskatchewan**

October 15-19, 1979 a seminar was held at Queen's Park, Toronto, Ontario, dealing with a general overview of committee structures in the Parliamentary process. Delegates representing Great Britain, United States, West Germany, Trinidad & Tobago, Ghana, Jamaica, St. Kitts-Nevis-Anguilla, Belize, as well as each of the jurisdictions of Canada, were in attendance. Below is a summary of some of the principles advanced by the various participants.

The seminar opened with an address by **George Cunningham, M.P.**, British House of Commons. He cautioned participants against trying to superimpose the methods of one parliament or legislature on that of another, since the differences of size, customs, constitution, among other factors simply prevent that from being done. Yet, similar problems do exist that by and large are common to all. Democratically elected governments have all experienced a power shift away from the Legislative to the Executive branch of Government. The question then arises as to how elected representatives, "...who are necessarily amateurs and not experts" can control the complexities of modern government and the expertise of the civil service. As a result, parliamentary legislatures have sought help through the vehicle of the Parliamentary Committee.

**Cunningham** strongly advanced the argument as to the general approach that elected members must take on committees in order for real change to take place.

"...I don't believe that any parliament can work unless the member, however he was elected, however much party affiliation played in his election, behaves very independently of his party.....you can say that parliamentary democracy always lies in trust with the backbenchers on the government side of the House....and unless they are prepared to give Ministers hell, to disagree with them, to vote against them, you might as well lock the doors, pack the place up and all go home.... There are parliaments where I understand it is unheard of for a member of Party X to vote against the accepted line of Party X. I think that is dereliction of duty....."

He went on to criticize the argument often advanced that the government Member should rather "fight his case in caucus." He did not wish to go into the merits of that

argument other than to say that it didn't have any merits whatsoever. The net effect is that by silencing a minority within the government party, you have effectively turned a minority position into a majority position. He challenged the participants to find a workable system:

"I don't want a parliament of independent members, but a parliament of party members who are independent-minded, robust, unbullyable and unbuyable. Somewhere in that grey area is the right formula, the right means of behaviour for having a properly responsive parliament. Only then are you giving the public, the individuals and the organizations a real voice."

Applying these principles to committee work he suggested:

"(1) The committee should be there to elucidate for the whole House, rather than simply state a party's positions, c.f. the other party;

(2) Inefficiency and waste must be attacked when it exists in the government of one's own party just as vigorously as when it exists in the other party;

(3) The members must be prepared to carry their criticism to a vote --for when a member is prepared to use the ultimate deterrent he will probably find out that he doesn't actually need to use it;

(4) That committee members to be effective must do their homework, regardless of the amount of staff at their disposal."

**Premier Richard Hatfield** stimulated debate with his comments on "Parliamentary Committees and the Executive -- The Other Side of the Coin." He cautioned legislators not to get caught up in the rush to be full time legislators and thereby lose the most important contact with the people. He suggested that there is a danger in that parliamentary committees can become full time exercises, with full time staffs --resulting in an unfortunate encouragement to become subservient to the Parliamentary milieu, and that they can turn into "narrow-minded, self-conscious and self-serving institutions."

This position drew almost immediate response from **Mark MacGuigan, M.P.**, who suggested that perhaps the Executive was the one that was most threatened by full-time parliamentarians and not the public. This view was endorsed by Mr. Baah from Ghana.

"The Executive is full time. You can't have one person doing a long distance marathon and another person going 100 yards if the two parties are going to keep up with each other. I think the real problem is "how" in the modern parliament system. How do we make it possible for the legislature to keep up to the executive so that the executive simply doesn't go off on its own without any checks? This is the real problem."

**Mr. Cherniak, M.L.A.** (Manitoba) agreed with Premier Hatfield that the legislatures should not sit all year around because it is important that elected representatives have contact with the people, but that there should be more committee work in effect making the elected representatives a full time occupation. He went on to advocate that these intersessional committees be special committees to investigate special concerns and problems.

**Peter Dobell** suggested that the reason committees have become increasingly more important is that it provides a vehicle by which members can become more informed. Further, he said:

"...it seems to me what distinguishes the professional bureaucrat from the professional politician is the bureaucrat does not have the connection with the country, and does not have the same political judgment. Therefore, the advice these two groups give is different."

He further suggested that it is important that a government not simply seek advice from caucus committees, but rather should encourage parliamentary committees to be the source of some of their advice. He went on to say that the committee system must provide a vehicle not only to allow the gathering of the advice but also a follow up procedure to ensure that it is not simply falling on deaf ears.

**Kenneth Baker**, Conservative M.P. from Great Britain, explained the recent moves toward more effective committee work in the U.K. brought about as a result of a new administration. He compared the various groups that advocated differing changes. First of all, he suggested that in other parliamentary systems, the party managers (Executive branch) wanted changes that would speed up the process of the Bills and other proceedings in the House. The young, perhaps romantic members, somehow wanted a vehicle so that a more effective way could be found to scrutinize government and parliamentary expenditures and to attack the imbalance between the executive and legislative branches.

**Baker** advised that the U.K. has moved to adopt subject committees or department committees, wherein the 15 or 18 important areas are identified and the committees structured to shadow those departments, primarily in estimates and subject matters,

but not Bills. That part of the parliamentary process is to be handled by a special bills committee. Primarily he echoed the views expressed by many legislators at this conference that estimates must be approached in a far different manner if we are to do the job of controlling the purse strings of government. Estimates committees must rather than being a forum for political rhetoric be a place where the question is put -- what are the objectives of the program? Is this the most effective way to handle that problem and the most efficient way to expend public money for that purpose? **Baker** further joined the voice of many who called for extra pay for committee chairmen in order to encourage more in depth work by the committees.

**Dr. Walter Kravitz**, a recognized specialist in the American committee system, addressed the meeting and attempted to explain the complexities of the American committee work and to perhaps put to rest some of the misconceptions held in Canada about that system.

First of all, he made it very clear that to appreciate the American system, you must first appreciate how and why it developed, the kind of population it serves, and the customs of the country as they relate to government. The President is independent of the Legislature and isolated from that institution. The checks and balances of the American system are very distinct and therefore their committees reflect that marked difference. Under a parliamentary system "Government" has come to mean the Cabinet, a "Leader's Committee of Parliament." In the U.S.A., Government still means the whole process. Political parties do not mean the same thing. In Canada, he said, you people think that the political party must be ideologically cohesive, that it must be centralized, disciplined and always follow its leadership. In the U.S.A., they believe no such thing.

In the United States it is the committee with rather vast resources of people and money that has kept the Legislative Branch at least on a par with the Executive Branch supplying the expertise, if you like. Committee members that rise to the top have long tenure. It is not a question in the United States as to whether or not they need staffs for their committees, rather it is how much do they need?

The seminar next heard from **Mr. J.J. Macdonell**, Auditor General of Canada. The topic dealt with the Public Accounts Committee and the relationship of that committee with the Auditor General's Office. **Mr. Macdonell** somewhat stunned the public of Canada a few years ago with his famous statement:

"...I am deeply concerned that Parliament and indeed the Government has lost, or is close to losing, effective control of the public purse."

He then expanded upon his views as to what was necessary to bring about change necessary to stop that trend. Much of that, of course, was beyond the scope of committee, per se, and obviously a study in itself. He did however encourage Public Accounts Committees and recognized the need for research and co-operation with the Auditor General.

**Mr. Benno Friesen, M.P.** addressed the seminar with proposals advanced by a recent Canadian Parliamentary committee study of committees. He advocated the abolition of unlimited substitution so as to avoid problems with poor attendance and to not allow the Whip a vehicle by which to get a member off of the committee that was obstructing the orderly passage of the business. As well, he advised against a system that is in practise in Ottawa of the Estimates being automatically passed after the lapse of a certain period of time.

**Mr. Donald MacDonald**, (MPP, (NDP), of the Ontario Legislature and Chairman of the Committee on Ontario Hydro explained to the seminar the workings of that committee and

how it had tackled a very involved problem area of nuclear development. In particular, he spoke on the use of expert staff to help perform the rather complex investigative undertaking. This committee, perhaps more than any other committee on the Canadian political scene, has developed a quasi-judicial style, an attraction for the media and a vehicle by which the public can become involved. In short, many associated it with the American style of committee.

**Peter Dobell's** comments followed outlining again where he thought the systems should be moving towards. He felt that the chairman was, in fact, more important than the staff. That in many committees, the chairman acts like a Speaker, but he said, "...the chairman should be leading the inquiry. He may be assisted by staff but the leadership must come from the elected chairman of the committee." **Dobell** further disagreed with the practice of Ontario Hydro Committee of allowing the staff to question witnesses.

The seminar closed on a rather humorous address by **Dr. James Boren**, author of When in Doubt, Mumble, who made reference to the week's seminar on committees as follows:

But I thought that I was going to become a part of a movement to put creative non-responsiveness into its proper place, to help implement the spirit of bold irresolution. But when I arrived, I found that you were discussing committee process as a means of making government more effective, as a means of making it more responsive, as a means of giving participation to the public, of looking at opportunities for redress of various types of grievances. I found that you were moving in the wrong direction. I urge you to recant and to recognize that the creative status quo should be the goal that we all should seek. You should learn to apply the principles of dynamic inaction, and that is doing nothing but doing it with a certain style.

The recent Federal Election and its resulting polarization between East and West creates a further challenge to the development of our parliamentary system. We hear many now advocating various forms of proportional representation. I am concerned that this will further erode the already weak legislative branch of government. The new legislators under this system will be nothing more than "Super hacks", indebted to the party leaders for their position, with an inside track for cabinet should their party form the government or be part of a coalition. That will not

satisfy regional differences but will drive them further apart. I believe we must seek a closer balance between the Legislative and Executive branches of government if we are to have true representation at our national level. Legislative committees with a higher profile, more staff and research is undoubtedly one important mode by which we can move in that direction. However Canadian legislators must have the independence and the determination to effect that change, because the Executive Branch clearly will not voluntarily reduce its influence. I wonder if legislators have the will?

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<p>A complete transcript of the discussions will be made available to all delegates who participated in the Seminar, as well as to all Branch Secretaries and Canadian Parliamentary Libraries.</p>
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