

# PROPOSALS FOR A NEW COMMITTEE SYSTEM IN ONTARIO

By Mike Breagh

Committees are like the weather: everyone complains about them, but no one does anything about them. The Procedural Affairs Committee of the Ontario Legislature issued a report in June 1980 entitled, "Proposals for a New Committee System". This was an important attempt to improve the operation of legislative committees. In this article the author highlights a few of the report's central recommendations. Another view of the committee report appears in the publications section of the REVIEW.

One reason I think our report is important is that no one has stepped back and taken a serious look at our committee system since the Camp Commission was wound up in 1975. Since then we have had five years of minority government and, partly because of the minority situation, we have seen tremendous changes in the whole nature of committee work. These changes have been mostly unplanned and experimental, and we thought it was time for a thorough re-appraisal of the whole committee system.

We decided it was important to find out what the Members thought about committees, so we canvassed their opinions by questionnaires and discussion papers. We also asked Members to give us their comments on the committee system either in writing or in person. Although only a few Members participated in our work in this formal way, all Members of the Committee spent a good deal of time talking to their colleagues about committees.

We visited the United States Congress and the House of Commons in Ottawa to see their committees in operation and to talk to their Members and staff. Many of us also had the opportunity to discuss committees with legislators and with legislative staff from several Canadian provinces, from Britain and from other Commonwealth countries. We were particularly fortunate in that the Fifth Canadian Regional Seminar of the CPA was held at Queen's Park in October, 1979. Several Members of the Committee took part in this seminar, which was entirely devoted to parliamentary committees.

The Committee also reviewed reports on committees from other jurisdictions, most notably the position paper on the *Reform of Parliament* released late last year by the Conservative Government in Ottawa and the 1978 report of the British Select Committee on Procedure.

For all this advice and information, though, the bulk of our work (which took almost two years) consisted of discussing the strengths and weaknesses of our current committee system among ourselves.

Before talking about the actual report, I should describe the Committee briefly. With only 8 Members, this is a small committee; I think everyone agrees this is essential to the committee's success. Equally important, it is *non-substitutable*, that is, only the House can make changes in our membership. This is unusual for the Ontario Legislature, but it has helped us greatly since essentially the same group of people has been together for nearly two years. There's nothing more frustrating or inefficient than constantly retracing a Committee's steps for new Members. All the Committee Members are interested in the rules, but none of us are anything like 'experts' on parliamentary procedure. Our concern is not with procedural niceties, but with developing workable rules, and a workable committee system. The final point about the Committee is that although we have had our disagreements, we've been able to operate in an atmosphere relatively free from party wrangling. Partly this is because rule changes do not exactly rate as front-page political issues, and partly because we are all such reasonable, accommodating souls.

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## RESTRUCTURING THE COMMITTEE SYSTEM

Our report begins with the recognition that committees in the Ontario Legislature are already so busy that it is just not practical to think about further expanding their work. Instead, we concentrated on enabling committees to do their work more effectively.

We had little difficulty in identifying two central problems of the current committee system: first, with sixteen Members, our most important committees are simply too large; secondly, substitution of Members (which normally requires only a note to the Chairman) is far too widespread. Agreeing on how to deal with these problems was not so easy. In the end, we recommended reducing the maximum size of committees to 10, and eliminating substitution for many committee activities. Of course, smaller committees will require less substitution, and our other proposals for restructuring the committee system will also reduce the need for substitution.

Many of our proposals focus on the obvious shortcomings of the large "policy field" committees, the heart of the current committee system. These are sixteen-Member committees, which follow the same groupings as Government ministries and agencies: resources development, social development, administration of justice and general government. These committees deal with estimates, legislation and special studies within their fields. On paper it looks like a rational, efficient set-up. The only problem is that it does not work. No committee can deal knowledgeably with such diverse topics as environmental affairs, labour, and transportation policy, to name only a few of the topics which fall to the resources committee. Given this range of activity, every time you blink, several Members have been substituted onto the committee. To say the least, this plays havoc with continuity. In our research, we discovered that more than one Member in every four at a policy field committee meeting was substituting for someone else.

The reality is that the policy field committees are little more than empty vessels which are filled, by substitution, with the Members interested in each item of business. They might just as well be called "Committee A", "Committee B", and so on. To illustrate how meaningless the division into policy fields has become, we point out that last year the estimates of the Resources Development Secretariat were considered in the Social Development Committee rather than in the Resources Development Committee.

Our view was that since each task currently performed by the policy field committees — estimates,

legislation and special enquiries — calls for a different approach, each should be handled by a different type of committee. We thus recommended that the policy field committees be retained, but only for the review of policy, with legislation considered in special *ad hoc* committees, and estimates and financial matters dealt with by an altogether new Finance and Economic Affairs Committee.

In developing our proposal for how legislation should be handled in committee, we took our cue from the British, who strike a new committee for each bill and then dissolve the committee when it is finished with the bill. Since we already substitute the Members with interest or expertise in particular bills onto the policy field committees studying them, this would not represent much of a change. In that the bills committees would not have to worry about juggling several sets of estimates and special studies while they reviewed bills, this approach would reduce scheduling bottlenecks and permit more expeditious consideration of legislation. This would be a major improvement for the Government, which currently has severe problems piloting its legislation through the standing committees.

Our report recommended that the current four policy field committees be retained (but reduced in size) to conduct policy reviews and special studies. We proposed that all annual reports of Government ministries and agencies be permanently referred to the policy committees and serve as their terms of reference. By and large this would not represent much of a change from the current situation; by a rather roundabout method, the policy field committees have in effect enjoyed fairly open-ended terms of reference. Our proposal aims at doing this in a more sensible way, and at untangling policy reviews from estimates and legislation.

## A NEW FINANCE COMMITTEE

One of the most difficult areas we dealt with was how the Legislature, through its committees, can keep tabs on the billions of dollars that modern governments spend. Virtually everyone agreed that, as far as financial accountability is concerned, committee review of estimates is a total disaster. Sometimes we get worthwhile *policy* debates during the estimates, but no one in the Ontario Legislature is seriously examining the seventeen billion dollars of annual government spending *before it is spent*. (The Public Accounts Committee only looks at past spending). Part of the problem is that only a few Members are really interested in doing the tough slogging required in examining government finances; most

Members would prefer to talk about the underlying policy. This is understandable, but it means that we have virtually lost Parliament's traditional power of the purse.

The Auditor General of Canada, the Lambert Royal Commission on Financial Management and Accountability and the Business Council on National Issues are only some of the groups and individuals who have spoken out on the need for Parliament to take better care of the taxpayer's dollars. There is no agreement, however, on how to accomplish this; after much discussion, we came to agree with an Australian committee report which concluded:

There are two lessons to be learned from British and Canadian experience. The function of financial scrutiny should be entrusted to specialist committees, not added to the functions of other committees. Financial committees, if they are to effectively scrutinize public expenditure, should be required to avoid consideration of policy.

The solution we have proposed to this very difficult problem is the establishment of a Finance and Economic Affairs Committee. All estimates would be referred to this committee; in addition, the committee would have broad terms of reference to review Ontario's fiscal and economic policies and to study budget papers, financial documents, tax legislation and the like.

The Finance Committee would not, of course, be able to review all estimates in depth. Instead it would concentrate on a few sets each year, perhaps limiting its scrutiny to votes and items experiencing significant changes from one year to the next. The Committee would also review long term spending projections and economic forecasts, prepared by government and by independent institutes such as the Ontario Economic Council. As well, it would consider all aspects of provincial economic and fiscal policy; the economic implications of the size of the provincial deficit; the relationship of expenditure programs to the revenue side of the ledger (such as the taxes generated by subsidies to particular industries); options available to the province in matters of municipal finance and so on.

As this brief sampling of the Finance Committee's work suggests, its importance would lie not only in enhancing Parliamentary scrutiny over the disposition of public funds, but also in informing Members of the complexities and details of modern public finance.

## COMMITTEE STAFF

In dealing with the question of staff for committees, we began with two premises. In the first place, we agreed that effective committee work is heavily dependent on staff support. The issues are simply too complex, and the competing demands on Members' time too great for committees to function properly without the research, screening of witnesses, summarizing of testimony and related services that staff can provide.

On the other hand, our second premise is that no matter how hard-working or talented the staff may be, the onus will always be on the elected politicians to make the committees successful.

Our report is not aimed at creating vast hordes of committee staff; instead, we want to establish a small pool of experienced, able people to assist committees. To a certain extent this is already happening through the new Research Service of our Legislative Library; however, this is only a small unit, and is also responsible for providing research assistance to individual Members. For this reason we recommended that a Committee Branch be set up in the Clerk's Office to provide staff for committees. This might actually save money since it would mean that committees would not need to hire outside counsel or consultants at \$75 an hour, which is often the case now.

In essence our view is that committees should be served by a small, expert, in-house staff. We do not think it is a good idea to expand committee staff very much. However, it is essential that Members receive better research help as individual Members so that they can devote more time and attention to their committee work. We therefore resurrected a recommendation from a Select Committee Report of several years back that each MPP be entitled to a personal researcher.

## CONCLUSION

In conclusion, it is only fair to point out that although the report represents the Committee's thinking in a general way, probably every Member of the Committee has reservations about particular recommendations. We knew that unanimous agreement was impossible, but I think we did manage to achieve a reasonable consensus. We also felt that it was important to put forward to the Legislature a coherent set of concrete proposals for improving the committee system.

Improving the committee system is in everyone's interest. I think that our Committee has made reasonable, workable proposals for doing just that.