



# Recent Publications and Documents

**PARLIAMENTARY PAY ISSUES: A FRAMEWORK FOR DISCUSSION**, by the Commission on Electoral Contributions and Expenses; Toronto, Ontario; **CANADIAN LEGISLATURES: THE 1981 COMPARATIVE STUDY**, by Robert J. Fleming and J. Thomas Mitchinson, Office of the Administrator, Ontario Legislative Assembly, Queen's Park.

At hand are two new studies from Ontario for the year 1981. The Commission on Election Contributions and Expenses has produced a modest analytical overview of the basic aspects of pay for members of the Ontario Legislature. The focus of this "framework for discussion" is Ontario but it does present comparable Canadian information although the style of analysis is descriptive not comparative. The study begins with an historical discussion of the 19th century "amateur" politician but quickly proceeds to the role of compensation for the modern "fulltime" legislator. The analysis presented in the first two sections of the paper is superficial. In the concluding overview of political recruitment much is made of the contention that Canadian legislators are an elite group "unrepresentative" of the Canadian population. This is not news, but the corollary argument that better pay and working conditions will attract "non-elite" citizens to enter the electoral arena deserves to be tested in light of the modern advances in both the pay and services provided to Canadian legislators.

The third section which examines "The Issues" of parliamentary pay is more

useful. It delineates the major questions for consideration, such as; the difficulty of comparing the pay of legislators to other groups or professions in society; indexing schemes which would protect legislators while seeming to give them a perverse interest in inflation; the expense allowance and accountability; the appropriateness of extra compensation for committee work; deductions for non-attendance and severance allowances, and other matters.

The paper by the Commission on Electoral Contributions and Expenses suffers from a variety of methodological problems. The 1979 data reproduced from the March 1980 edition of this journal is out of date. The circular graphs outlining the variations in occupational status and education are remarkably confusing. The employment case history of one cabinet minister is interesting but not typical and hardly rates a sophisticated graph. Interviews with retired Ontario legislators give the practitioner's point of view but are of limited utility. The study acknowledges that the perspectives presented reflect the concerns of twenty years ago. The lack of information concerning the number of legislators interviewed, the method of their selection and other pertinent facts renders the use of statistics from the interviews of dubious value. On the whole this work adds little to what is already known on the subject of parliamentary pay. Its redeeming feature is the consolidation of the major issues involved in developing a rationale for parliamentary remuneration.

The other study is by the Administrator of the Legislative Assembly of Ontario. Mr. Fleming first initiated a comparative study of the salaries, benefits and administrative structures of provincial and territorial legislatures in 1979; it was updated in 1980. The 1981 study is a revised and expanded version of the original project which, for the

first time, includes administrative arrangements of the House of Commons. This is a most welcome addition as the Commons provides a benchmark for comparison. Also, many of the innovative procedures such as constituency offices and legislative research services were first introduced into the Canadian scene by Parliament. The Canadian Senate is not included in this study but should be lest some readers jump to the erroneous conclusion that the administration of the House of Commons and the Senate is one and the same. There are many similarities but each House is master of its own administration.

The Fleming-Mitchinson study is more comprehensive than the one produced by the Ontario Commission on Election Contributions and Expenses. The framework has been expanded to include a vast array of "nuts and bolts" information about the operation of Canadian legislatures. There are no methodological gimmicks; the editors insist that their study is not "an academic or empirical evaluation" and they refrain from "any attempt to make value judgements". The data on indemnities, allowances, salaries, benefits and support services is presented in clear tables and charts. The profile of elected members is comprehensive although unfortunately its source, the *Parliamentary Guide* is not completely reliable. The most significant new developments in this apparently on-going project are the description of administrative features of Canadian legislatures and miscellaneous data which the editors describe as "House Statistics".

The study is coherently organized into five separate compartments, but it would help to include a table of contents. Each section begins with an assessment of the raw data, which allows for an overview of the facts as well as background informa-

tion. It is useful to know what administrative arrangements are in place, and how each jurisdiction evaluates and responds to the needs of its legislators. It would be even more enlightening to know how effective the various arrangements are; and what are their consequences, intended and otherwise. In this respect the "value-free" approach of the editors is restrictive. Each jurisdiction has a complex package of arrangements. The method of presentation in this study makes it difficult to achieve a wholistic view of each package and how it compares with the packages of other jurisdictions. For example in comparing the expense allowances in each jurisdiction on an across-the-board basis the remuneration of federal Members of Parliament looks especially generous. However, when one considers that some provinces give generous housing allowances and extra pay for committee work, which is not the case in Ottawa, then the federal scale assumes a different perspective.

The *1981 Comparative Study* is a most informative document. The editors should be encouraged to continue their annual efforts and to press further their examinations of the administrative aspects of Canadian legislatures. There appear to be fewer factual errors than in previous editions but too many unfortunate mistakes still exist. It is to be hoped that others will heed the editors' plea for more comparative research directed at legislatures. Cross-national comparisons with the British House of Commons and American State Legislatures would be of particular interest. Indeed their conclusion that "Canadian legislators at the provincial level are now, on the whole, more highly paid and have better facilities at their disposal than their U.S. counterparts" is a revelation that begs for further examination.

In concluding I should like to direct some general comments at the large number of salary studies that seem to be produced each year. At the federal level there was the Hales report in 1979, the McIssac-Balcer Report in 1980. The Pay Research Bureau does an annual study as does the Canadian Region of the Commonwealth Parliamentary Association. There are also a myriad of published and unpublished reports prepared by various provincial assemblies or committees. Many studies do little more than rework familiar ground.

One reason for the growing number of studies is the need to be up-to-date. Although the general administrative

arrangements are relatively constant, salaries and benefits are revised by most governments on an annual basis. For some, these changes are initiated in January and revised later as the annual "indexing" figures become available; in other jurisdictions the changes are made at the beginning or the end of the spring legislative session. Special events such as elections, may cause further revisions. The year 1981 was notable for the controversies surrounding the extensive changes of pay and benefits for Members of Parliament and the Ontario legislature. These arrangements were not completed until July 1981. July through September are probably the most suitable months to take a snapshot of pay arrangements as the data and analysis can be made available by December before the next round of major changes. The Pay Research Bureau's policy of waiting till the end of December before compiling that year's data means that their work is out of date before it is published.

More serious than timing is the fact that numerous researchers are tripping over each other in their efforts to independently collect basic salary and benefit data. The telephone, as the primary instrument of collection, is the source of several difficulties. Both the above studies offer data which appears to have simply been transcribed incorrectly. Other difficulties involve finding the most appropriate questions to ask. Another problem relates to format. For example, in the Fleming study the basic indemnity for a Saskatchewan legislator is given as \$16,804; combining the indemnity of \$10,980 with the unique Saskatchewan sessional allowance of \$5,896. The Ontario Commission gives the correct indemnity figure but ignores the sessional allowance altogether. These differences in format may be justified by each author, unfortunately the reader is left with contradictory information.

In an effort to improve the reliability of salary information, I suggest that it be collected on a continuing basis by a repository that would in turn make it available to any interested researcher. This would require convincing some institution, for example: the Pay Research Bureau, the Canadian Region of the Commonwealth Parliamentary Association or a provincial Director of Administration to act as the collection agent. The Administrative Officers of each province would be asked to put together, on an annual basis, the major salary and benefit changes for that year in

addition to sending notification to the collector of any minor changes as they occur. I see no hope for making a significant cut in the number of researchers interested in pay matters, but some centralization of information would provide researchers with better information with less aggravation for the administrators.

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## WITNESSES BEFORE LEGISLATIVE COMMITTEES. Report of the Ontario Law Reform Commission, Toronto, 1981, 129 p.

Ontario Law Reform Commission Reports are gold mines for those looking for well-researched distillations of the law. This report is no exception and directs light into many dusty corners of parliamentary law and practice. It also serves to bring together the recommendations of overseas studies on Committee practice. Every Committee Clerk, Chairman and adviser would profit from reading it, not least in being forced to face issues and problems so commonly glossed over in the hurly-burly of meetings and report preparation.

It is passing strange that Committees, whose lifeblood in so many cases is the "evidence" of witnesses, should pay so little attention to the application of principles to the gathering of evidence from witnesses. The Law Reform Commission is right to emphasize that a legislative committee is not a court of law, for certainly the manner of proceeding would raise many a judicial eyebrow. The Commission evidently feels that the rights of individual witnesses are not directly put in jeopardy in a committee setting. If, however, they are civil servants their careers may be. The easy informality of some committee questioning can be quite distressing in light of the seriousness of the subject being considered. But, perhaps the word "evidence" is inappropriate to the presentations of very many who appear before committees to put the points of view of particular interests which will be weighed in some fashion by the committee in the public interest. While many so-called witnesses really appear as advocates before committees, the Law Reform Commis-