

Financing of opposition offices in Provincial legislatures

Presented to the Canadian Political Science Association
Ottawa, May 2009

By Scott Reid, PhD

Scottreid@yahoo.com

23 Kean Place
Mt. Pearl, Newfoundland
Canada A1N 1C5

Abstract

Seat imbalance in provincial elections and the resulting weaknesses of parliamentary oppositions have been explored in previous research (Siaroff, 2008). This research paper does a cross-province comparison of resource allocations to opposition offices in Canadian provincial legislatures. While drawing on examples from various provinces, a case study of the funding of oppositions in Newfoundland and Labrador is used to examine such budget allocation decisions. This research adds to our understanding of the role of oppositions in Westminster style parliamentary democracies.

Introduction

While spending limits and public financing of election campaigns are widely accepted principles of fairness within the political process, in many instances the idea of what constitutes fairness in the funding of opposition caucus operations in the legislature is not well established. Given the many provisions to protect the rights of opposition parties which are in place in Standing Orders of various Legislatures and entrenched in parliamentary practice this issue deserves further examination. This paper will first, examine current practices of funding the offices of opposition caucuses in provincial legislatures, and second, present a case study of the recent controversy surrounding the funding of opposition caucuses in Newfoundland and Labrador. Based on the information provided in the paper, some concluding comments will be made. Rather than look at things such as constituency offices, member's expenses or election financing this paper will focus on the resources available to opposition caucuses to assist them in their roles in the legislature.

Case study approach

There has been much academic debate surrounding what constitutes a case study and how case studies are different from other approaches to research (Ragin & Becker, 1992; Stake, 2005). Case studies have been used for a number of years in various fields of study. In fields such as medicine, law, and business case studies are commonly used as part of a teaching technique. In other fields, such as sociology, anthropology, history, and education, case studies are more commonly used as a research approach. In this research, the case study is used to examine a "bounded system" (Creswell, 1998, p. 61) and support the close examination of the event, instance, or experience in question (Mckee, 2004).

There has been much academic debate surrounding the strengths and weaknesses of the case study approach. Talking about the strengths of the case study, McKee said: [The case study] supports reflection and rethinking, enabling the reader to learn more about and from their own experiences. Case studies also take readers beyond their experiences. Generalizations also occur when the reader, understanding the uniqueness of the case, judges what 'findings' are applicable to their situation or needs and what are not. Authors of case studies often enhance generalization through their analysis and debate. (p. 7)

In support of the case study approach, Flyvbjerg (2006) outlined five misunderstandings about case-study research and challenged conventional wisdom. The misunderstandings he examined were that: (1) theoretical knowledge is more valuable than practical knowledge; (2) one cannot generalize from a single case; therefore, the single-case study

cannot contribute to scientific development; (3) the case study is most useful for generating hypotheses, whereas other methods are more suitable for hypotheses testing and theory building; (4) the case study contains a bias toward verification; and (5) it is often difficult to summarize specific case studies. In challenging these conventional beliefs, Flyvbjerg strongly asserted the value of case study research.

The emergence of generalizations from a single case has a long history. One form of generalization is the “naturalistic generalization”, which supports transfer of findings to other similar situations (Gomm, Hammersley, & Foster, 2000). Also, Morton (1967) forwarded the idea of middle range theories, or those that

lie between the minor but necessary working hypotheses ... and the all-inclusive systematic efforts to develop a unified theory that will explain all the observed uniformities of social behavior, social organizations and social change. (p. 39)

These middle range theories are seen by Morton as useful in the development of more general theory. Further research often benefits from and is guided by the assertions of middle range theories.

Flyvbjerg (2006) also commented on how case studies should be written: Good narratives typically approach the complexities and contradictions of real life. ... This tends to be seen by critics of the case study as a drawback. To the case study researcher, however, a particularly ‘thick’ and hard-to-summarize narrative is not a problem. Rather, it is often a sign that the study has uncovered a particularly rich problematic. The question, therefore, is whether the summarizing and generalization, which the critics see as an ideal, is always desirable. (p. 237)

He continued to emphasize the value of allowing complex stories to evolve when discussing the way the findings of case studies should be presented:

It is a ‘virtual reality,’ so to speak. For the reader willing to enter this reality and explore it inside and out, the payback is meant to be a sensitivity to the issues at hand that cannot be obtained from theory. (Flyvbjerg, p. 238)

Flyvbjerg also emphasized that “something essential” may be lost in summarizing or erasing details “in favor of conceptual closure” (p. 239).

Stake (2005) categorized case studies into three types based on methodological orientation: intrinsic, instrumental, and collective. The intrinsic case study is undertaken to get a better understanding of one particular case. The instrumental case study is examined to “provide insight into an issue or to redraw a generalization” (p. 445). The collective case study is an extension of the instrumental study involving several cases. It is often difficult to distinguish between these various methodological orientations as Stake explained in describing the difference between the intrinsic and instrumental case study:

The case still is looked at in depth, its contexts scrutinized and its ordinary activities detailed, but all because this helps us pursue the external interest.... We simultaneously have several interests, particular and general. There is no hard-and-fast line distinguishing intrinsic case study from instrumental, but rather a zone of combined purpose. (p. 445)

This case study is instrumental; as well as paying particular attention to the bounded case of the financing of oppositions in Newfoundland and Labrador it also provides insight that may be useful in a broader context of how opposition are treated in Westminster style parliamentary democracies.

Cross Province comparison of resources

The mechanisms used to determine the level of funding for opposition parties vary from Province to Province as do definitions of what constitutes a caucus or party in the Legislature. These differences in funding mechanisms make it difficult to make simple comparisons across provinces. The information presented here is intended to provide an indication of the approach being taken in funding and a rough indication of the resources available. The information is from the review of caucus resources prepared for the House of Assembly Management Commission in Newfoundland and Labrador (Metrics EFG, 2008). Some commonalities emerged from the analysis. Many provinces have a base amount which is allocated to Government Members Caucus, the Official Opposition and Third Parties. Such an approach recognized that there are certain functions within the parliamentary process which remain constant regardless of the number of members in each parliamentary group. Most provinces also have a system of per member grants which are added to this base amount in recognition that larger caucuses require additional support for some aspects of the job. The treatment of Third Parties also varies greatly, in some cases they are treated the same as the official opposition while in others they are given a much smaller amount. Another variable is the number of members needed to constitute a caucus or a parliamentary group in the House and the implications this has for funding.

Newfoundland and Labrador: Each Caucus Office receives a base amount of \$100,000 plus a variable allocation of \$18,000 per member. The leader of the Official Opposition is allocated \$253.6 for support staff and the leader of the Third Party receives \$126.600 for support staff to the Leader.

Nova Scotia: Each Caucus Office is provided a lump sum of \$400,000 plus \$43,500 for each member they have. The leader of the Official Opposition gets \$416,800 for support services and the leader of the Third Party receives \$250,000.

Prince Edward Island: Each party receives a block of funding for support of services staff plus a grant per member. The Official Opposition receives an additional amount which is reduced for a Third Party.

New Brunswick: A block amount is provided for the Government Caucus and a block amount for the Official Opposition which is approximately 50 percent more. There is also a per Member grant. The Third Parties are eligible only for the per Member amount.

Ontario: Base funding includes an amount for administration, research and office automation. The base amount is higher for the Official Opposition and for Third Parties than for the Government Caucus. There are also per member grants.

Manitoba: The government caucus receives a base amount of \$60,000 plus \$3,000 for each Member in excess of the 4 required for caucus status. The Official Opposition receives the same level of funding as the government caucus plus a budget for 3 staff

members and \$52,500 for operations. The Third Party if they have four elected members receives the base amount plus additional funds for office operation.

Saskatchewan: There is a base amount plus an amount for each private member. In addition to this caucus amount the Leader of the Opposition receives an additional \$155,087 per year for the operation of that office and the Leader of the Third Party receives half that amount.

Alberta: A base amount is available to the Government Caucus. One half of this amount is provided to the Official Opposition and one quarter of this amount to a Third Party. There is also a per member grant. Parties with less than 4 members get a portion of the base amount as well as the per member grant.

British Columbia: The Government Caucus receives an amount per Member for each Private Member plus a reduced amount for Cabinet Ministers and the Leader. The Official Opposition receives the same amount for each Member plus an amount equivalent to the average of the funding provided to the Ministerial Offices for the previous fiscal year. A Third Party with a minimum of four members would be entitled only to the per member amount.

Case study of caucus financing in Newfoundland and Labrador

While the issue of financing of opposition office has been an ongoing issue within the confines of the operations of the House of Assembly for a number of years this examination of the issue will begin with the Review Commission on Constituency Allowances and Related Allowances. This report which is commonly referred to as the Green Commission was conducted by Chief Justice Derek Green who was appointed to conduct this review on June 26, 2006. This Commission was appointed in the wake of one of the largest scandals to ever hit the legislature of Newfoundland and Labrador. During the two-week period between June 22 and July 4, 2006 the Auditor General for the province issued four reports in which he raised questions concerning the possible misuse of constituency allowances by three members and one former member of the House of Assembly. These reports and a subsequent police investigation eventually lead to criminal charges. Former Conservative Government House Leader and Minister of Natural Resources Ed Byrne is currently serving a two year sentence and the cases of the other three former Cabinet Ministers from the previous Liberal Administration are now before the courts.

In the context of one of his key cabinet ministers having to resign and confidence in the provisions in place to safeguard against abuse of public office, Premier Williams announced provisions to strengthening the rules governing the House of Assembly. Given the crisis of confidence that had been created the Commission was given a broad mandate of “undertaking an independent review and evaluation of the policies and procedures regarding compensation and constituency allowances for Members of the House of Assembly” (News Release, July 21, 2006).

In the comprehensive 500 page report released in May 2007, Justice Green also added some comments related to Caucus Funding for administrative assistance and research capability. He started his comments on this issue by saying;

There can be no doubt that for an opposition to do its job in the House and on House committees effectively, its MHAs have to have sufficient levels of support in the form of administrative assistance and research capability. (Green, p.12-11) After establishing this general principle he outlines the limitations of his report on this matter and suggested a course of action which might be taken to address these shortcomings;

...I believe it is time to review the funding arrangement for all opposition parties to ensure that adequate arrangements are in place for them. It is essential that they have sufficient resources to be able to carry out their vital democratic functions. I have not been able, as part of the work of this inquiry, to do a cost analysis of what would be required. The House of Assembly Management Commission should, I believe, undertake such a study directed at determining appropriate funding levels, taking into account submissions from the caucuses concerned and the practices in other Canadian jurisdictions. (Green, p.12-12)

In relation to the funding of a third party he said;

...it seems to me that a third party ought also not to be constrained by minimum-member rules with respect to being provided sufficient floor funding to enable it to perform its parliamentary functions. Even a party represented by only one member in the House should have access to basic resources, over and above those available to him or her qua member, to enable research and other administrative functions to be carried out. ... (Green, p.12-12)

These comments form the basis for the opposition party's arguments for higher levels of funding after the 2007 election.

The 2007 election in Newfoundland and Labrador saw the Progressive Conservative government returned to power with overwhelming support. The Liberals Party as the official opposition was reduced from 12 seats to 3 in the legislature and the NDP was reduced from 2 to 1 seat with the remaining 44 seats held by the government. The House of Assembly Management Commission met on November 28, 2007 after the October 2007 election to deal with outstanding issues and the contentious issue of caucus resources. The first matter dealt with in this regard was the allocations for office expenses. The old formula was developed on a per member rate of \$62.50. Given the results of the election this would have severely limited the funds available to opposition parties for things such as access to information requests, media transcripts, website registration, newspaper subscriptions and costs incurred for meetings outside the confederation building. The opposition parties requested a base amount set of \$500 per month that would be allowed to each caucus to provide for these expenditures. This motion was supported by government members of the committee and in his comments the Government House Leader seems to, in this case, recognize the principle of the need for base funding levels.

Obviously, when numbers fall below a certain amount or a certain number then based on a per deim, the expenses do not necessarily reflect that. So, a basic monthly amount – and I think the figure of \$500 is reasonable. I would be prepared to support that and, of course, we could deal with that in that context. (Hansard of the House Management Commission, Nov. 28, 2007. Page 17)

The Leader of the Official Opposition, Liberal Yvonne Jones and Leader of the NDP in the House had both submitted letters to the Commission outlining staffing requirements

for their offices. The Liberal Caucus requested 9 support staff and the NDP caucus requested 5 support staff (Jones, 2007; Michael, 2007). In making the case for their proposal Jones said;

We realize that going from eleven members to three members certainly did not decrease the amount of work that is required on behalf of the Official Opposition, but, in reality, has put more demands on us as the three remaining members. (Hansard of the House Management Commission, Nov. 28, 2007. p. 20-21)

The Government House Leader, Tom Rideout, drew on his long history in the House of Assembly to put the issue of caucus resources in a historical context.

When I came in here in 1975, I came in as a caucus of sixteen. There were no constituency assistants. There were no constituency assistants. There was no office space. There was no telephone. We were all crowded into what was the Opposition Common Room up on what used to be the ninth floor of this building. We had no secretarial assistants. The Leader of the Opposition had a secretary, which we all tried to rob from time to time. I mean, that was the basics of what you had to operate on when we came in here. ... Since then we have come a long way. (Hansard of the House Management Commission, Nov. 28, 2007. p.22)

While recognizing the important work which oppositions do in the legislature he concluded his comments by saying;

So I would think, from my experience here, that the request, as it is before us now, is pretty rich and I don't know how we could contemplate dealing with it as it exists. (Hansard of the House Management Commission, Nov. 28, 2007. p. 23)

The Leader of the NDP and lone member of that party in the House of Assembly in her comments indicated the nature of the role played by opposition parties.

Something else that is basic to the Opposition office is research and analysis. If the MHAs in Opposition are going to speak in the House of Assembly, then they have to have facts on which to base what they are saying. They have to have reasoned thought with regard to issues that they are speaking to, and that requires research: that requires assistance in doing that research. ... So, obviously, just by the nature of being government, any government member, Minister or not, non-minister, is going to have access to a lot of information. (Hansard of the House Management Commission, Nov. 28, 2007. p.24)

Government Member Jack Byrne also provided some historical background related to the treatment of opposition parties in the past.

After the 1996 election I was here, I happened to be here with nine people, nine people in Opposition and I do not remember getting extra staff to do the work at that point in time. ... And you know, I did my own research. I did my own critic portfolio. I did my own research on that, plus I did the work for my constituents. I think we did a pretty good job in Opposition at that point in time. (Hansard of the House Management Commission Nov. 28, 2007. p.25)

He also characterized the opposition party request as “really unrealistic.”

The Leader of the Official Opposition spoke about the role of an opposition and the expectations being placed on them by the public despite the poor results in the recent election.

The people of the Province, no doubt, voted and they elected a majority government of forty-four members, but I do not think they elected a majority

government at the expense of stifling all Opposition in the Province. It think the people in this Province today expect that the Opposition parties in the House of Assembly will be there to raise the profile of issues that are of concern to them. (Hansard of the House Management Commission, Nov. 28, 2007. p.26)

She went on to outline why they needed additional resources, noting that the three members of the Official Opposition are expected to “carry the ball when it comes to critic portfolios in eighteen government departments” (Hansard of the House Management Commission, Nov. 28, 2007. p.26). She also made a comparison to the resources which are available to government;

If you look at the resources that are available to government across eighteen government departments, the collective wisdom of thousands of government employees to draw upon in carrying out and conducting the work of the government and the business of the government, I do not think it is unfair or unrealistic that we would come to the Commission today asking for nine staff people for our office to conduct research, policy analysis and communications that is required of us as an Official Opposition. (Hansard of the House Management Commission, Nov. 28, 2007. p.27)

In responding to comments about the resources which had been available to opposition members in the past Opposition House Leader Kelvin Parsons agreed that opposition was “draconian back in those days” but noted that the Commission shouldn’t “be bound by the past” and limited to what they provide in order to do the job properly (Hansard of the House Management Commission, Nov. 28, 2007. p.29). He went on to talk about the need to have a consistent way of determining what resources would be available to opposition parties.

We need some formula, we need some assessment, so that when governments change you don’t have to go through this exercise every time. What is a basic, acceptable formula so that you can look at it anytime and say, this is what would constitute an appropriate funding mechanism for Opposition purposes? That is all we are suggesting here. (Hansard of the House Management Commission, Nov. 28, 2007. p.30)

He as well made some points about the expectations placed on opposition even in cases where an overwhelming majority had been elected.

That is one part of our democracy: that we pick a day and we have an election, and they decided to send back forty-four Conservative members to this government. That is their right to do, and we will respect it, but I don’t think anywhere in that election process was there any referendum held on the fact that the Opposition members, because you only have three, you only have one, should be limited and not do your job. I lose the logic there somewhere in that. There has to be a better, a different, rationale in deciding what your resources ought to be to do your job. (Hansard of the House Management Commission, Nov. 28, 2007. p. 31)

He also illustrated the increased demands placed on opposition members in a small caucus. Instead of being the critic for one department, as he was for Justice before the election he was now critic for six different departments. He pointed out that while he likes to read and does not mind doing work, it is impossible for him to keep informed

about what is going on in these six different departments without some assistance. After this discussion the Minister of Finance proposed what he considered a compromise;

So, in addition to the \$21,218 that each MHA would receive, or the caucus would receive, that there be a floor of \$100,000. So, the Liberal Party would receive \$100,000 plus the \$21,218 for each member. ...I would suggest for the New Democratic Party as well that there be the floor of \$100,000 plus the \$21,118 for its member. (Hansard of the House Management Commission, Nov. 28, 2007. p. 34-35)

The Leader of the NDP in the House of Assembly explained her case for additional resources.

I would ask the Management Commission to recognize that the leader of the third party is the leader of a party, and as leader of a party, has to do more than the work of an MHA. ...The leader of the third party, because the third party, the NDP, is established in this Province firmly as a party, gets the same requests as a leader that the other leaders get for attendance at various things around the Province. That the leader of the party is expected by the public, by the media as well, to be the spokesperson for the party and has extra work because of that. (Hansard of the House Management Commission, Nov. 28, 2007. p.37)

The Liberal Leader responds to the “compromise” proposal put forward by the Minister of finance.

To me, the solution being put forward here is just a fly-by-night solution. I don't think it is good enough. We put a lot of work and a lot of effort into coming up with the numbers that we proposed today and I don't think coming in here and listening to debate and in shooting off a number off the top of your head as a means of resolution or compromise is good enough. In fact, I find it disrespectful and I find that it is not based on any rationale or argumentation and therefore cannot be justified. (Hansard of the House Management Commission, Nov. 28, 2007. p. 42)

She suggested an independent review on the matter be established as Judge Green suggested in his report.

I would recommend to the Commission... that this Commission seriously needs to refer the matter to an independent individual to have a full review based upon the recommendation that was in Justice Green's report and have them report and make recommendations back to our Commission in terms of what is adequate and appropriate staffing for our office. (Hansard of the House Management Commission, Nov. 28, 2007. p.42)

In response to these comments the Minister of finance placed the discussion in the context of the recent scandal which had occurred with MHA expense claims.

I will tell you one thing, that the people of this province are not impressed with the Members of the House of Assembly when it comes to spending their money on ourselves ... this is the people's money and we have to spend the money wisely and we have to spend the money prudently. (Hansard of the House Management Commission, Nov. 28, 2007. p.43)

In responding to these comments Opposition House Leader Kelvin Parsons referred to the political support staff which work in the Premier Office and Minister Offices.

What about the ninety-plus persons that are currently employed in minister's offices to do their jobs? I would not suggest that that is robbing the Treasury. (Hansard of the House Management Commission, Nov. 28, 2007. p. 44)

He then went on to support the idea of an independent review.

I guess we all have hidden agendas here if you want to take it down that road, but that still, at the end of the day, leaves us with having to make a decision. That is why I think the suggestion by Chief Justice Green bears merit when he says maybe we need someone outside to give us some guidance, someone who is independent and do not have a vested interest. (Hansard of the House Management Commission, Nov. 28, 2007. Page 45)

He also noted that it is difficult for members in an adversarial system "who get up on the floor of this House day after day and rows back and forth" to put aside their differences aside when dealing with matter like caucus funding. The fact that opposition parties are in the media criticizing government policy or initiatives makes this difficult. The Chair between speakers, cautioned members of the Commission that some of the language being used was not fitting because this was "supposed to be a non-partisan committee that meets to look after the financial and administrative affairs of the House".

At the end of the discussion the Opposition House Leader amended the motion establishing financing levels made by the Minister of Finance. The effect of this amendment would be to keep funding levels for the opposition parties at the pre-election levels until after an independent study had been done. The vote on this amendment was divided along party lines with the government members voting against it and the opposition voting for it. The deciding vote rested with the speaker who voted to defeat the amendment. Next a government member on the committee Elizabeth Marshall moved another amendment, this time for an independent study but in the interim the funding levels would be set as the Minister of Finance had suggested. This amendment was unanimously accepted, but the vote on the main motion again had to be settled with the Chair voting with the government members of the Commission to accept.

It is interesting to note, that while the Green Report recommended examining funding for opposition parties, when the Independent Review of Caucus Resources was appointed by the House of Assembly Management Commission it included a review of the resources for the Government Members' Caucus as well based on a motion by the Government House Leader (Hansard of the House Management Commission, Jan. 23, 2008. Pages 27-28). The report provided; (1) an overview of the current arrangements, (2) did research into other jurisdictions both nationally and internationally as well as made some observations based on the research, and (3) proposed new funding arrangements for the province. The independent review echoed Greens view regarding the needs of opposition caucuses;

Non-government caucuses should be able to present themselves as a government-in-waiting. They should have the research and analysis capacity to assess and develop alternative policy approaches in order to ensure good governance. (Metrics EFG, p.4)

There was also recognition that opposition parties have special roles to play in a parliamentary democracy.

There are certain duties vested in the Official Opposition, and to a lesser extent in the Third Party, that must be discharged in order to have an effective

parliamentary democracy. These responsibilities are fixed in nature and do not depend upon the number of members. The existence of fewer elected members in a caucus may in fact increase pressure on research staff since more of the responsibilities for policy and legislative research and analysis must be done at the staff level. (Metrics EFG, p.21)

The independent review recommended a funding arrangement involving the general elements of; base allocations for each caucus, staff funding to support the leader of the Official Opposition and the Opposition House Leader, Inclusion of Parliamentary Secretaries/ Assistants and the Leader of the Official Opposition in the variable funding calculation, staff funding to support the leader of the Third Party, and inclusion of the Leader of the Third Party in the variable funding calculation. The report recommended allocations to Government Members Office, the Office of the Official Opposition and the Office of the Third Party. A new base allocation of \$100,000 was recommended for the Government Members Office plus a variable allocation based on the number of members of \$450,000 and \$43,000 for an Assistant to the Government House Leader. This was a recommended increase of \$125,600 over the previous allocation. A new base allocation of \$250,000 was recommended for the Office of the Official Opposition plus an allocation for support staff to the leader of \$253,600, a variable allocation of \$54,000 and \$49,000 for an Assistant to the Opposition House Leader. This was a recommended increase of \$161,600 over the previous allocation for the Office of the Official Opposition. The base allocation recommended for the Third Party was \$100,000 plus a new allocation of \$126,800 for support staff to the leader and a variable allocation of \$18,000. This was a total recommended increase for the Third Party of \$123,000.

The speaker starts off the discussion of the Independent Review of Caucus Resources by outlining the process of selecting the company to do the review and the subcommittee of the House Management Commission which was established to carry out the process. He also noted that the Management Commission was under “no obligation to accept the recommendations in whole or in part” (Hansard of the House Management Commission, Oct. 15, 2008. p.19). The floor was then opened for general comments on the report. Several members make general comments and then a Cabinet Minister suggested going through the recommendations individually rather than making general comments. Another government member supported this approach and suggests going through the recommendations one by one. The Commission quickly dealt with the first recommendation which is to give more funding to the Government Members Office. They then move on the talk about the recommendation for more funds for the Office of the Official Opposition. The discussion then again breaks down along partisan lines with Members of the opposition speaking in favor of a base amount of \$250,000 that was recommended in the review and the government members advocating for a base funding of \$100,000. Opposition House Leader Kelvin Parsons expressed the view that the partisan nature of the debate might on this issue might be damaging the intended operation of the newly established Management Commission.

I fear we find ourselves here again now maybe showing our biases, and I would suggest strongly that we have functioned pretty good since the Green Report and since we have revised and come into a new Management Commission and we ought not to go down that road. (Hansard of the House Management Commission, Oct. 15, 2008. p.30)

He suggested that all members of the committee should have an opportunity to question the consultants so they could have more insight into their rationale for making the recommendations they did. The Speaker recognizing that there were different views on the recommendation concerning base funding for the opposition office, asked did the committee want to “park” this recommendation and move on to others to see if they could find agreement on those. The Leader of the NDP attempted to make a suggestion that because all the recommendations were impacted by the issue of base funding that all resolutions be “parked” until the end of the discussion on this issue. The Speaker rejected this approach saying “we can’t go back and entertain things that we have already voted on; because, if we do, then we are not going to proceed at all.” The Leader of the NDP again registers her objection to the process being used to deal with each recommendation independently and noted that the consultants said in their report that the recommendations were made within the spirit and in some cases, the direction of the Green Report. She said;

We are not just looking at one page and one page; we are looking at this whole report and the whole rationale that has been spelled out, and that was why I made the comment because I knew it was here in the report. I knew the consultants had made very direct reference to the Green report... (Hansard of the House Management Commission, Oct. 15, 2008. p.32)

The Speaker simply thanked the Leader of the NDP for her comments and moved on to the next recommendation and the committee began to discuss and vote on other recommendations. When the committee returned to the discussion of the recommendation related to the base funding level for the Office of the Official Opposition further accusations were made by the Opposition House Leader, Kelvin Parsons, that the process of allocating resources was being done on a political basis.

The consultants did the report as a package. We cannot – I think we are being illogical to say we accept the fact that there should be a base but we do not accept their figure of what the base should be for the Official Opposition. If that is the case, then we are cherry picking and we are being political here. ... I know the circumstances under which the Official Opposition worked since the last election. I know that the funding there was not adequate. We waited and sure enough the independent consultants have verified that, that is not adequate. So if we are simply going to say, no, we accept the base but not the amount they recommended, I think we are being political and again, we have come nowhere in terms of having a proper, usable, functional formula for addressing the issue. (Hansard of the House Management Commission, Oct.15, 2008. p.55)

The vote in the Commission on the issue once again broke down along party lines with government members voting against the recommended increase in the base office budget for the Office of the Official Opposition and members of the opposition voting in favor. The resulting tie vote would normally be broken by the speaker but in this instance the Speaker decided not to vote that day, but rather to take some time to review the matter before making a final decision. After this decision some members of the Commission expressed their views on what had happened. The Leader of the NDP said;

I am really quite disturbed. I find it unfair. I don’t know why one recommendation has been picked out like that. It is logically explained in the whole of the report.... I am really shocked. I am really shocked by what has happened, I have to say it

and I want it on record, and I have not heard a logical explanation from the members who have voted against it – all of whom are members of the government. (Hansard of the House Management Commission, Oct. 15, 2008. p.57-58)

And the Opposition House Leader, Kelvin Parsons again expressed his disappointment that the new process recommended in the Green Report was not working.

I can only surmise that, once again, the Management Commission will not prove to be an effective body to legislate all parties in the House of Assembly, especially when it comes to fiscal balance and resources, as long as politics is going to play a part in that agenda. (Hansard of the House Management Commission, Oct. 15, 2008. p.58)

The Management Commission met again on November 18, 2008 to discuss these issues. During the intervening period the issue received considerable media attention and many editorial writers and political commentators pressured the Speaker to support the recommendation for increased funding (Simms, 2008; Telegram Editorial, Oct. 17, 2008; Telegram Editorial, Oct.22, 2008; Telegram Editorial, Nov. 14, 2008). The Leader of the Official Opposition Yvonne Jones moves a motion to bring the consultants who prepared the independent report before the commission so they could be asked questions related to the recommendations they had made before the final vote was taken on this issue. This motion again saw the members of the commission divided along party lines and the Speaker breaking the tie by voting against bring in the consultants. In explaining his decision he said;

I do not need to have the consultants appear publicly any more. I have made my mind up how I am going to vote. I am hoping that the vote will take place here today. Once the vote takes place then I see no need to further engage the consultants. (Hansard of the House Management Commission, Nov.18, 2008. p.11)

He then asked members would they like to make any remarks before he casted his vote to break the tie. Some members used this opportunity to restate points they had made earlier and the Speaker then voted against the recommendation from the report to provide the Office of the Official Opposition base funding of \$250,000. The Leader of the Official Opposition Yvonne Jones issues a news release condemning the actions of the Speaker in his role as Chair of the Commission:

This government does not want criticism and will do anything it can to silence its critics. It is unfortunate that the Chair was willing to participate in such an attack on the democratic principles of our democracy. This was the third time the Chair voted with the government to defeat a motion that would provide additional resources for the Official Opposition. (Liberal News Release, Nov. 18, 2008)

An editorial in the daily newspaper described the decision as “bully-boy” tactics and proclaimed; “Party Politics 1, democracy 0” (Telegram Editorial, Nov. 20, 2008). The Liberal Opposition considered taking legal action regarding the Management Commission decision pursuant to the *House of Assembly Accountability, Integrity and Administration Act* but has not pursued the matter at this point.

Concluding comments

While the findings of case studies are not always transferable to other contexts, by providing a description and analysis of one case we may identify some important points which might be significant in other contexts. There are intrinsic benefits of documenting a case like this to demonstrate the facts and circumstance around what happened as well as offering opportunities for comparison to other jurisdictions. This case is significant because it shows how, in the absence of established practices or safeguards, a governing party can limit the resources available to opposition parties. In doing this they limit criticism and further consolidate their grip on power. It shows how fragile democracies are in some aspects.

Also, these issues should not be examined in isolation but should be examined in the broader context of the established role of oppositions in legislatures. For example other supports for oppositions such as provisions within standing orders of legislatures, access to information and transparency in government and support services offered to legislators such as parliamentary library services and legislative council are also factors which should be considered. Standing Orders for example varies in relation to the information which government must provide when introducing a piece of legislation. In many provinces the avenues which oppositions can use to access information are clearly established. For example some provinces (Saskatchewan, Quebec, Ontario, Alberta and PEI) have provisions where governments are required to provide responses to written questions presented in the legislature, while in others provinces such as Newfoundland and Labrador no such provisions exist.

The case study emphasizes the importance of further research to explore possibilities which would address such weaknesses in the process. One option suggested has been having independent appointees participating in the Management commission. Another possibility might be the linking of expenditures on opposition caucuses somehow with those in the Premiers office or in Ministerial Offices. Some have pointed to problems in our electoral system which result in an under representation of opposition parties in legislatures. The ultimate safeguard for the protection of democracy is an involved electorate that keeps informed on issues such as this and express their views to their elected representatives.

References

- Creswell, J. (1998). *Qualitative inquiry and research design: Choosing among five traditions*. Thousand Oaks, CA: Sage.
- Flyvbjerg, B. (2006). Five misunderstandings about case-study research. *Qualitative Inquiry*, 12(2), 219-245.
- Gomm, R., Hammersley, M., & Foster, P. (2000). Case Study and Generalization. In R. Gomm, M. Hammersley & P. Foster (Eds), *Case Study Method: Key issues, Key Texts*. London: Sage.

- Green, Derek (2007). *Rebuilding Confidence: report of the Review Commission on Constituency Allowances and Related Matters*. Government of Newfoundland and Labrador, St. John's, NL.
- Hansard of the House Management Commission (November 18, 2008). Retrieved online May 6, 2009 at: <http://www.assembly.nl.ca/business/commission/08-11-18.htm>
- Hansard of the House Management Commission (October 15, 2008). Retrieved online May 6, 2009 at: <http://www.assembly.nl.ca/business/commission/08-10-15.htm>
- Hansard of the House Management Commission (January 23, 2008). Retrieved online May 6, 2009 at:
<http://www.assembly.nl.ca/mancomm/hansard/2008/jan/hanjan23.pdf>
- Hansard of the House Management Commission (November 28, 2007). Retrieved online May 6, 2009 at:
<http://www.assembly.nl.ca/mancomm/hansard/2007/nov/hannov28.pdf>
- Jones, Yvonne (2007). Letter to the Speaker requesting funding, Retrieved online May 6, 2009 at:
http://www.assembly.nl.ca/mancomm/bm/2007/nov/bmnov28_partyresources.pdf
- Mckee, A. (2004). Getting to know case study research: A brief introduction. *Work Based Learning in Primary Care*, 2, 6-8
- Metrics EFG (2008). *Review of Caucus Resources*, Prepared for House of Assembly Management Commission Newfoundland and Labrador. Retrieved online May 16, 2009 at:
http://www.assembly.nl.ca/mancomm/bm/2008/oct/bmoct15caucus_review_report.pdf
- Michel, Lorraine (2007). Letter to the Speaker requesting office funding. Retrieved online May 6, 2009 at:
http://www.assembly.nl.ca/mancomm/bm/2007/nov/bmnov28_partyresources.pdf
- Morton, R. K. (1967). *On theoretical sociology: Five essays, old and new*. New York: The Free Press.
- News Release, Government of Newfoundland and Labrador (July 21,2006). *Terms of Reference for MHA compensation package released*. Retrieved online May 6, 2009 at: <http://www.releases.gov.nl.ca/releases/2006/exec/0721n10.htm>
- Ragin, C., & Becker, H., (Eds), (1992). *What is a Case? Exploring the foundations of social inquiry*. Cambridge: Cambridge University Press.

Simms, Randy (November 15, 2008). The high road's this way, Mr. Speaker, Column in *The Telegram*, St. John's, NL. (p. A19).

Siaroff, A. (2008). *Seat imbalance in provincial elections since 1990: A quantitative explanation*. Paper present at the annual meeting of the Canadian Political Science Association, Vancouver.

Stake, R. (2005). Qualitative Case studies. In N. Denzin & Y. Lincoln (Eds.), *Handbook for qualitative research* (3rd ed., pp. 443-466). Thousand Oaks, CA: Sage.

Telegram Editorial (October 17, 2008). Still looking out for No.1, *The Telegram*. St.John's, NL. (p.6)

Telegram Editorial (October 22, 2008). Bully-boy tactics, *The Telegram*. St.John's, NL.(p.6)

Telegram Editorial (November 14, 2008). Political Limbo: How low can they go?, *The Telegram*. St.John's, NL. (p.6).

Telegram Editorial (November 20, 2008). A Swift Kick, *The Telegram*, St.John's, NL. (p.6).