HOUSE OF COMMONS COMMITTEE STUDIES: REFORM EXPECTATIONS AND ACTUAL PERFORMANCE

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House of Commons Committee Studies: Reform Expectations and Actual Performance

Do the House of Commons committee studies that have proliferated since the mid-eighties make a difference to what governments do and, if so, what kind of difference and how significant a difference? This paper explores how these questions might be answered, suggests some answers, and explores their implications.

The attempt to examine Parliament's performance poses intimidating methodological problems.[1] While some of the activities of Parliament are quantifiable, their effectiveness (like that of comparable public service functions) is often dependent on qualitative dimensions of performance that resist capture in conventional performance indicators. The fact that Parliament does not deliver governmental outputs, but rather attempts to influence their delivery by the executive, adds further complexity.

However, the value of attempting to ascertain (ideally, to quantify) the performance of Parliament remains difficult to deny. An understanding of the actual performance of Parliament, and how reforms of the past have contributed, is an essential basis both for understanding Parliament and for reforming it effectively.

The starting point for this study, provided in Section I, is a discussion of the cycle of House of Commons reform that dates from the late 1960's, for the purpose of identifying key expectations. These expectations provide the basis for proposing some performance indicators for committees.

Part II of this paper assembles and analyzes information relating to the indicators, including the results of a questionnaire distributed to two cohorts of cabinet ministers, and data on committee reports and the formal responses of governments during three parliamentary sessions.

Part III assesses the implications of the findings with respect to the central question considered in this paper. Under the heading "Concluding Remarks," the relevance of these conclusions to broader issues, including ongoing efforts to reform the House of Commons, is considered.

I. REFORM EXPECTATIONS AND PERFORMANCE INDICATORS

The New Expectations

In the 1960's, parliamentary reform in Canada underwent a fundamental shift of assumptions and direction. The preoccupation with the efficiency of Parliament, seen as processor of legislation and other government initiatives, that had propelled reform gave way, by the end of the decade, to concerns that Parliament had become a mere "rubber stamp," in which parliamentary majorities predictably supported government initiatives, and individual members of all parties

[1] But useful attempts have been made. See (concerning legislation) Paul G. Thomas, "The Influence of Committees of the House of Commons on Government Legislation," *Legislative Studies Quarterly*, III, No. 4, November 1978, pp. 683-704. See also (concerning scrutiny of budget and estimates): Peter Dobell and Martin Ulrich, *Parliament's Performance in the Budget Process: A Case Study,* Policy Matters, IRPP, Vol. 3, No. 5, May 2002.

functioned increasingly as ciphers for party positions.[2]

These concerns, and beliefs that strengthened committees could play a central role in restoring Parliament's capacity to act independently, were apparent in the reforms of 1965 and 1968. They established the modern standing committee structure and gave committees two central jobs: the clause-by-clause review of bills and the scrutiny of spending estimates.[3] The work of the next major committee on parliamentary reform, which reported in 1982, continued the new direction of reform. Its proposals resulted in changes to the Standing Orders that enabled committees to launch investigative studies without a reference from the House.[4] They also gave committees the authority to request the Government to "table a comprehensive response" to a committee report within 120 days of its being presented to Parliament, so that governments could not ignore committee studies. Other changes such as reductions to the size of committees carried forward the 1968 objective of creating bodies with the specialized knowledge and collaborative working culture needed for technically competent and credible work.

The expectations underlying previous reforms were made much more explicit in the work of the Special Committee on the Reform of the House of Commons (McGrath Committee) of 1984-1985, which declared in its Third Report:

> *The purpose of reform of the House of Commons in 1985 is to restore to private members an effective legislative function, to give them a meaningful role in the formation of public policy and, in so doing, to restore the House of Commons to its rightful place in the Canadian political process*.[5]

Key recommendations, subsequently embodied in the Standing Orders, included the creation of legislative committees, in theory focusing the standing committees more clearly on policy studies and scrutiny roles. The investigative/policy development role of committees was further bolstered by enhancements to committee powers to obtain information from departments, committee budgets for travel and enhanced research support, and related changes to foster the continuity and specialized knowledge of members.[6]

In combination, these changes were expected to further contribute to the emergence of more independent and less partisan committees whose work would have the substantive merit to achieve greater influence upon governments. The extent to which overall expectations had expanded over the years was apparent in the concluding chapter of the report, which looked forward to the restoration of a "modest balance to the tension between independent judgment and

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[2] See James Robertson, *House of Commons Procedure: Its Reform,* Research Branch, Library of Parliament, CIR 82-15, 14 April 2004, p. 2.

[3] The intentions behind the reforms are explored in John B. Stewart, *The Canadian House of Commons – Procedure and Reform,* McGill-Queen's University Press, Montreal and London, 1977, p. 157 ff. It is noteworthy that the Rt. Hon. John Diefenbaker was among the sceptics, arguing that committees could not be divorced from the feelings of individuals and their political parties.

[4] House of Commons, Special Committee on Standing Orders and Procedure, Third Report, November 5, 1982, p. 7 ff.

[5] Special Committee on Reform of the House of Commons, *Third Report,* 1985, p. 1.

[6] *Ibid.,* pp. 61-65 (list of recommendations concerning committees). For resulting changes to the Standing Orders, see Robertson, p, 3-4.

party discipline," and the emergence of "…a Parliament that follows neither the traditional model of Westminster nor the congressional system, but one that is uniquely Canadian."[7]

EXPECTATIONS AND INDICATORS

The basic committee structure, including the powers and implicit purposes that had taken shape by the end of the 1980's, persists to this day. Two central expectations for the investigative/policy study role that emerged during this period are thus of enduring relevance, and provide a basis for establishing performance indicators.

Expectation #1: Committees foster independent judgment and consensus-building, and thus strengthen the independence of Parliament from Governments.

The frequent references, in reform proposals, to the need for a balance between partisanship and independence reflect the recognition that intense partisanship, within the Westminster model of government, has the effect of making Parliament a tool of the government (at least under majority conditions) as a result of the disciplined behavior of government-side members. Conversely, reduced partisanship was seen to open the door to more collaborative work among parliamentarians in committees (and elsewhere) reflecting the salience of their common identity as Members of Parliament.

Indicator: Committee reports provide unanimous recommendations.

Rationale: Much of the language of the McGrath Report, and proposals over the preceding 20 years, associates the independence of Parliament (from government) with the independence of individual backbenchers, and portrays the independent voting behavior of individuals as the basis for the institutional independence of Parliament.

The incidence of cross-party voting may thus appear to be an appropriate indicator of independence. However, this indicator disregards the practical reality that many committee members "independently" choose to avoid public expressions of dissensus, both within their own party ranks and among committee members more inclusively, because it can be politically embarrassing and because, especially among government-side members, it is generally seen as prospectively reducing the credibility of a committee report even before it is presented in the House. For this reason, at least in the early years of the system, significant efforts were often directed to the achievement of "consensus," which normally involved the achievement of agreement among the political parties represented on a committee as the necessary, if not always sufficient, basis for agreement among committee members.

The achievement of all-party (or more-than-one-party) consensus, in turn, involves varying degrees of "independent" input from members (both of the committee and otherwise) to discussions within the political parties, making the conclusive identification of "independent" individual behavior in committees an enormously difficult, if not metaphysical, task.[8] While the

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[7] *Ibid.,* p. 59.

[8] Detailed case studies provide a prospectively useful approach, but by definition can not yield generalizations

all-party agreement indicator does not, therefore, establish whether the aspirations of reformers for committee work by independent and non-partisan members has been achieved, it provides at least a basis for assessing progress towards the underlying objective: parliamentary committees (and a Parliament) that do not merely replicate positions of governments. To the extent that efforts are made, even within the constraints of strict party discipline, to achieve recommendations based on all-party agreement, the attention of participants is correspondingly focused on all members of Parliament, rather than merely the government side or the development of a party position, giving parliamentarians collectively an importance in decision-making that disappears when behavior in committees is merely an attempt to express party positions in ways that will draw approving attention from voters.

Standing Order 108(1)(a) dates from April 1991, and provides that committees may include supplementary or dissenting opinions as an appendix to their reports and, although on rare occasions committees have declined to accept such opinions, this has become a general practice.[9] Supplementary opinions often endorse the recommendations in the committee report (although sometimes with praise of conspicuous faintness) and go on to state additional recommendations that the authors believe should have been included, but have failed to persuade the majority on the committee to include. Dissenting opinions explicitly reject some or all of the recommendations in a report, and typically provide alternatives. The incidence of either type of statement, since 1991, is thus an indicator of the failure of the political parties represented on the committee to achieve consensus.

Expectation #2: Committee studies are taken seriously by governments, and make a difference to what governments do.

As has been seen, the expectation that strengthened committees could contribute to enhancing the role of backbench members of Parliament, and thus strengthen the influence of Parliament on governments, is central to the thrust of reform dating from the mid-1960'. As it applies to the investigative and policy studies of committees, it suggests three performance indicators.

Indicator A: Government responses specifically address committee recommendations, by either clearly accepting or clearly rejecting them.

Rationale: As has been seen, the importance of clear evidence, from government, concerning the impact of committee reports and recommendations was recognized through the addition of a "comprehensive" response procedure to the Standing Orders in 1982. Reflecting the role of Parliament within the Westminster model, however, this indicator does not equate "making a difference" solely with the acceptance of a committee's recommendations by a government, or policy outputs that would not have occurred otherwise. Rather, it takes clear rejection as well as clear acceptance to be reflections of the serious consideration of recommendations by a

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applicable to all committees.

[9] For historical background, see Robert Marleau and // Montpetit, *House of Commons Procedure and Practice*, 2000 Edition, Committees, Reports to the House, esp. Note 566: http://www2.parl.gc.ca/MarleauMontpetit/DocumentViewer.aspx?DocId=1001&Sec=Ch20&Seq=13&Lang=E. Note 569 indicates that committees are not obliged to accept a dissenting opinion, and provides a 1997example.

government, indicating that the work of the committee contributed to executive decision-making.

Indicator B: Former cabinet ministers affirm that committee reports were significant influences.

Rationale: Government responses to committee reports include commitments that are in principle subject to future scrutiny and review, and are therefore likely to approximate government intentions. However, they must also be recognized as government communications products reflecting strategic objectives rather than less calculated and more introspective disclosures. For this reason, statements by former cabinet ministers provide a useful complementary indicator of the extent to which committee studies and reports contributed to executive decision-making.

This indicator reflects the recollections of participants, rather than "objective" performance, and may well be more informative about the prevailing political culture, or the working culture of individual cabinets, than about the actual influence of committees. At the same time, "influence" as defined in this paper is an inherently subjective concept, denoting impacts on the deliberative processes of decision-makers as well as changes of intention or decisional outputs. For this reason, ministers' impressions are a useful indicator of the influence of committees.

Indicator C: Former cabinet ministers affirm that all-party agreement was an important consideration in their policy decisions about committee recommendations.

Committee reports may have influenced governments because they possessed the characteristics sought by reformers, or for other reasons. It is therefore important to explore specifically whether any impacts that can be ascribed to committee reports can be attributed to the central characteristics of committees and their recommendations that the reforms sought to foster.

It is thus useful to explore specifically the attitudes of former ministers towards all-party agreement, and the role of committees in achieving it. Did former ministers ascribe importance to all-party agreement concerning committee recommendations when they were making decisions about them, and do they believe that committees played a significant role in achieving all party agreement on the occasions when it occurred? Broadly positive responses to these questions are necessary in order to accord the most recent cycle of committee reforms an entirely positive performance rating, in relation to the expectations of reformers of the 1980's and earlier.

2. RESULTS

Three surveys were conducted in order to obtain the performance data presented and discussed below.

First, a survey was undertaken of the substantive reports of House of Commons committees during three parliamentary sessions: the Third Session of the Thirty-Fourth Parliament (1991-3), the Second Session of the Thirty-Seventh Parliament (2002-3), and the Second Session of the Thirty-Ninth Parliament (2007-8). The number of reports tabled during each session was established, as well as the numbers of supplementary opinions and dissents in each.

Second, a survey undertaken of the written government responses to these reports, tabled within the same sessions. This survey classified the government responses to each recommendation separately as either substantive or ambiguous**,** using a revised form of a methodology originally developed for the House of Commons Standing Committee on Public Accounts (See Appendix).[10]

Third, a survey was undertaken of former cabinet ministers who had held positions in the Mulroney cabinet of 1990 or the Chretien cabinet of 2002. This involved the circulation of a questionnaire during late 2008, to a combined total of 58 former ministers.[11] It should be noted that low response rates to this survey (20 returned, or 34.5% of the 58 sent) provide a reason for caution in interpreting results. One may hope that this response rate is not, itself, an indicator of the overall importance of committees.[12]

The results of these surveys appear to yield some conclusions about the performance of House of Commons committees in relation to the expectations of the reformers who established the modern committee structure.

DO COMMITTEES FOSTER "INDEPENDENT JUDGEMENT" AND CONSENSUS-BUILDING?

Indicator: *Committee reports provide unanimous recommendations*.

Table 1 provides a comparison of House of Commons substantive committee reports in three Parliaments, beginning with the first complete parliamentary session in which the Standing Order providing for supplementary opinions and dissents was operative, and ending with the most recent session in which significant numbers of reports have been produced.[13]

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[10] See House of Commons, Standing Committee on Public Accounts, Sixth Report, *Departmental Answers to Questions About Government Responses (39th Parliament)*, Tabled February 25, 2008 (esp. Appendix I: Study Methodology).

[11] The questionnaire was sent by mail during November and December 2008. The assistance of the Association of Former Parliamentarians is gratefully acknowledged for a follow-up mailing, to hard-to-find addressees early in 2009. Response rates were: 11 received from Mulroney ministers (out of 29 sent), and 9 received from Chretien ministers (also out of 29 sent), for a combined response rate of 20 out of 58, or 34.5%.

[12] It should also be noted, concerning the survey of ministers, that ministers during the 2007-8 period would have made this examination more symmetrical with the other surveys conducted for this paper, but this was not done because of the high probability of low response rates from time-challenged people, and possible distorting effects of public statements made by the Prime Minister concerning Parliament and its committees during the 2007-8 session.

[13] As this is written, Session 2 of the Fortieth Parliament remains incomplete, and Session 1 was too brief to permit the production of substantive reports.

Table 1: Dissensus in Committee Studies in Three Parliaments

	1991-3 (34-3)		2002-3 (37-2)		2007-8 (39-2)	
Reports	72	Rate*	60	Rate*	87	Rate*
Unanimous	67	93.0	43	71.6	60	70
Supplementary Opinions	0	0	11	18.3	29	33
Dissents	8	11.1	21	35	18	20.7

*per 100 reports (column does not add to 100 because reports that are not unanimous may have more than one supplementary opinion or dissent).

Table 1 indicates that the modern committee system has achieved substantial levels of consensus in the reports it provides to Parliament, when it is remembered that votes on legislation and other matters on the floor of the House typically mirror the presence of two sides, a government and an opposition.

It is noteworthy, however, that distinctively high levels of all-party agreement were achieved in 1991-3, when many of the participants on committees would have been the same individuals who had participated in, or endorsed, the committee reform initiatives of the previous decade. Distinctively high rates of all-party agreement during this period may therefore reflect the persisting conviction that this was important for the credibility of committee work, and a potential way of maximizing the influence of committee reports on the government. By the 2002-3 Session, levels of consensus had declined appreciably.

A further noteworthy suggestion based on Table 1 is that levels of dissensus do not appear to have increased during the recent minority Parliament of 2006-8. In this Parliament, the opposition parties held majorities on committees, and so the incidence of supplementary or dissenting opinions indicates one or both of two possible circumstances: (a) disagreement among the opposition parties, reflected in opposition opinions added to reports reflecting the views of Liberal/Conservative majorities, or (b) Conservative opinions appended to reports reflecting opposition consensus views. In any case, the tendency for committees to proceed on a consensus basis appears to have persisted under minority government conditions, notwithstanding the highly publicized disfunctionality of several committees during this period.

Table 1 also indicates that the balance between supplementary opinions and dissents shifted in favour of supplementary opinions in the 2007-8 Parliament, with the combined incidence of both remaining about the same. Table 1 thus may suggest that disagreements reflected, if anything, lower levels of polarization over issues in 2007-8 than in 2002-3.

The opinions and dissents recorded on Table 1 are, with only a few exceptions, explicitly presented either as representing positions of the political party to which the members who provided it belong, or the shared opinions of the members of one political party represented on the committee. Individual, i.e. cross party, opinions in committee reports appear to have roughly the same status as cross-party voting on the floor of the House: they are extremely rare

exceptions. This suggests that neither the consensus reports of the 1980's nor the more frequently expressed disagreements of more recent times can be ascribed to an increased exercise of "independent judgment" by individual committee members. Instead, committee members and others participate in the development of party positions, which are in turn expressed in either all-party agreement or the available forms of disagreement.

2. DO COMMITTEE STUDIES MAKE A DIFFERENCE TO WHAT GOVERNMENTS DO?

Indicator A: ***Government responses clearly accept or reject committee recommendations***.

In order to generate data relevant to Indicator A, the written government responses to the recommendations contained in all investigative committee reports during three sessions of Parliament were classified as being either substantive or ambiguous.[14] Substantive responses address the substance of a recommendation, either by expressing agreement with it and providing some indication of actions that will be taken by the government as a result, or by expressing clear disagreement. Ambiguous responses avoid commitments, either positive or negative. Many are devoted to enthusiastic descriptions of what the government is already doing.

Table 2: Government Responses to Committee Studies in Three Parliaments

	1991-93 (34-3)		2002-3 (37-2)		2007-8 (39-2)	
Recommendations	911	Rate*	732	Rate*	563	Rate*
Accepted	149	27.1	145	24.3	55	21.5
Rejected	100	18.9	116	19.4	25	9.8
Substantive response (sub-total)	249	46.0	261	43.7	80	31.3
Ambiguous response	301	54.7	336	56.3	176	68.7

*per 100 recommendations that received a response. This figure permits comparisons among the three parliamentary sessions, which differ in the proportion of recommendations that received a government response due to various factors, including the frequency of recommendations developed with a view to debate on the floor of the House.

The figures in Table 1 suggest that the overall impact of committees and their recommendations is likely more limited than may be suggested by the immediate "outputs" of the reforms of the 1980's: more committees, more reports containing more recommendations, and more government responses in writing. If it is assumed that the sample years included on Table 1 are representative, then it must be concluded that approximately 50% of the government responses to committee recommendations during the almost 25 years in which the modern committee system has been fully operational have not been substantive. This leaves it open to conjecture whether they contributed materially to the deliberations and actions of government, or not.

[14] For details on the methodology, see Appendix.

The picture suggested by Table 1 over the almost 20-year period spanned by its sample years is largely unchanging, aside from the marked decrease in the proportion of clear rejections and a corresponding increase in the proportion of ambiguous or evasive responses in 2007-8. This may reflect strategic behavior on the part of the government in response to recommendations generated by committees dominated by opposition majorities, and may therefore be a reflection primarily of dynamics imposed by the existence of a minority government. Alternatively, it may reflect a more durable erosion of the efficacy of the mandatory government response procedure established in 1982. Time will tell.

It is noteworthy, as well, that significant proportions of the committee recommendations did not receive a government response within the sessions examined, especially in 2007-8. In any session, reports tabled relatively late will not receive a response until the next session, and the prorogation or dissolution of Parliament removes the obligation to respond unless a reports is re-adopted and re-tabled by the reconstituted committee in the next Parliament. The other major reason for the absence of a response is the decision of a committee not to request one. In minority government circumstances, the prospect of sudden dissolution of the House often inclines committees to refrain from requesting a written response to a report, so that it can be debated immediately in the House. This likely explains the higher proportion of no responses in the 2007-8 Session.

Indicator B: ***Cabinet ministers affirm that committee reports were significant influences.***

The questionnaire completed by former cabinet ministers included a general question asking respondents to assign ratings to 11 possible influences on their decision-making about policy issues during their ministerial terms (and providing an opportunity for them to suggest additional influences). The results are summarized on Table 3.

Table 3: Former Ministers' Ranking of Influences

Question 1. *Reflecting on all of the sources of policy advice that were available to you, how would you rate the importance (degree of influence) of the following sources?* [Rating scale: 1 (not important) – 5 (extremely important)]

	1989 Ministers Rating/Rank			2003 Ministers Rating/Rank			Both Groups Rating/Rank	
PLAYERS								
Departmental policy advisors.	4.20	2		4.44	1		4.31	1
Party caucus.	4.30	1		4.0	3		4.16	2
PMO officials.	3.90	3		4.16	2		4.02	3
OTHERS								
Caucus committees / task forces.	3.30	5		3.22	7		3.47	4
Non-governmental organizations / stakeholder groups.	3.80	4		3.17	8		3.45	5
Citizens.	3.30	6		3.33	5		3.31	6
House of Commons committees.	**2.80**	**8**		**3.66**	**4**		**3.21**	**7**
Policy research institutes / think tanks.	2.80	9		3.28	6		3.03	8

University experts.	3.00	7		3.0	9		3.00	9
Senate committees.	2.30	11		2.72	10		2.50	10
Journalists / media.	2.70	10		2.28	11		2.50	11

*Ratings and rankings for the two groups of ministers combined were obtained by multiplying the 1989 average ratings by 11, and the 2003 average ratings by 9, and then dividing by 20, so as to reflect the greater number of 1989 ministers in the sample. Tied ratings by the 1989 ministers were ranked according to the order provided by combined ratings.

Table 3 is structured to reflect the most clearly apparent pattern in the ratings: the existence of two general classes of possible influences, labeled in the Table as "Players," and "Others." Players are those remembered by respondents as significant influences, and the others, including House of Commons committees, are relegated to a distinctly secondary role. This is reflected in the clear demarcation between ratings assigned by both groups of ministers to the influential trio – departmental policy advisors, party caucus and PMO officials – and other potential influences. Both groups of ministers expressed this distinction, although the 1989 ministers also rated stakeholder groups as having had relatively high importance.

In addition to differing over the importance of stakeholders, the 1989 and 2003 ministers assigned somewhat different ratings to House of Commons committees. For the 2003 ministers, House committees occupy a distinctive tier mid-way between that of the Players and the Others, while for the 1989 ministers they are not distinguished from a range of other secondary influences. The ratings may suggest that the Mulroney ministers did not feel any distinctive sense of proprietorship concerning the committees, and may even have viewed them as potential competitors. Alternatively, the ratings may suggest that the 1989 ministers held higher expectations, reflecting their participation in the final stages of reform, and accordingly provided ratings that reflect a stronger sense of disillusionment.

The challenge of interpreting Table 3 ratings, beyond the broad "Players" and "Others" distinction, is further reflected in results obtained in follow-up telephone interviews with four former ministers who generously volunteered their time.[15] Several of the interviewees noted that their experiences had varied significantly depending on the committee, chairperson and membership with whom they were dealing, and also stressed the importance for overall committee effectiveness of assigning knowledgeable committee members and supporting them with strong staff resources. While the interviewees were confident in the overall impressions they had provided on the questionnaires, the impressions reflected in Table 3 need to be seen as generalizations about a heterogenous group of subjects within which exceptions are amply present.[16]

Secondly, the comments of former ministers (both in the interviews and in response to an open-ended question on the questionnaires) indicated that many have a strong identification with roles as parliamentarians, reinforced by service as backbenchers and committee chairpersons that in

[15] During the first week of February 2009, unstructured interviews of approximately 45 minutes were held with four former ministers. The author would like to thank the Hon. Don Boudria, the Hon. Benoit Bouchard, the Hon. Paul Dick, and the Hon. Anne McLellan for participating in this phase of the study.

[16] This may suggest that findings of the kind developed in this paper need to be examined in conjunction with case-studies of individual committees (see Note 19, below).

some cases was substantially lengthier than their experience as ministers. This raises the possibility that the ratings may, if anything, overstate the influence experienced by the respondents narrowly in their experience as ministers, especially since distinctions between ministerial and other parliamentary experience may have become less salient as time has passed. It is thus entirely possible that the ratings for House committees on Table 3 reflect an optimistic halo effect produced by the participation of former ministers in, and their commitment to, committee work when they were backbenchers.

CAN THE INFLUENCE OF COMMITTEES BE ATTRIBUTED TO THE CHARACTERISTICS ANTICIPATED BY REFORMERS?

Indicator: Former ministers affirm that all-party agreement was an important consideration in their policy decisions about committee recommendations.

The questionnaire completed by former ministers contained several questions developed to establish the importance, if any, of consensus in committees as a basis for their influence. One question asked respondents to identify the strengths of those committee reports that they recalled as being significantly influential, in order to determine if all-party agreement was among these strengths.

Table 4: Why Some Reports Were Influential (Former Ministers' Views)

Question: *If there were committee studies that influenced/changed your thinking, what were the characteristics that made these studies influential?* [Rating scale: 1 (not important) – 5 (very important)]

	1989 Ministers	2003 Ministers	Both Groups
Substantive strength (facts, analysis).	**3.60**	**3.83**	**3.71**
Reflected strong feelings within your own caucus.	**3.80**	**3.33**	**3.58**
Reflected stakeholder opinion not provided by departmental officials.	**3.50**	**3.61**	**3.55**
Reflected all-party agreement.	3.70	2.83	3.29
Innovative recommendations.	3.20	3.33	3.26
Media attention / public pressure.	3.60	2.55	3.10

Table 4 suggests that the 2003 ministers view themselves as having been most influenced by substantive information: facts (including information about stakeholder opinion), analysis, and innovative recommendations. Although the ratings of the 1989 ministers also accord importance to substantive strengths, they more clearly associate the influence of studies with those that provided political information: caucus opinion, all party consensus, media attention and public opinion.

All-party agreement was seen as a significant enhancement to the persuasiveness of reports by the 1989 cohort of ministers, but substantially less so for those of 2003. As was argued above concerning parliamentary committee members in 1991-3, this may reflect the closeness of the 1989 ministers to the objectives that had guided the reforms of 1986. It may thus merely reflect

the prevailing parliamentary culture of the time. Or it may reflect an authentic factor in committee influence during that period. In any case, by 2003, all-party agreement had apparently ceased to be a significant consideration, ranking behind 4 of the 6 possible explanations for influence offered for respondents to assess.

The questionnaire also included a related question, directing the attention of respondents to the overall accomplishments of committees (implying strengths), rather than specifically to characteristics of studies that might have enhanced their persuasiveness.

Table 5: What Committee Studies Accomplished (Former Ministers' Views).

Question: *What is your assessment of what committee studies accomplished?* [Rating scale: 1 (not accomplished) – 5 (consistently important)]

	1989 Ministers	2003 Ministers	Both Groups
Increased stakeholder expectations or demands.	**3.30**	**3.55**	**3.42**
Strengthened your hand in dealing with cabinet colleagues.	**3.30**	**3.44**	**3.37**
Focused media attention on issues.	**3.0**	**3.77**	**3.36**
Mobilized public interest in issues.	2.80	3.50	3.13
Provided new ideas about how to address problems (known or unknown).	2.80	3.21	2.99
Built consensus between government and opposition parties.	2.80	3.0	2.89
Identified previously unknown problems or issues.	2.40	3.22	2.79
Provided stakeholder input NOT already known to the government.	2.50	2.77	2.63

The central significance of the Table 5 ratings is that they emphasize the importance of broadly political functions over technical policy development or advisory functions. The importance of the political functions -- centrally the pulse-taking of stakeholders, other political parties, the media and the public, as well as the usefulness of this information at the cabinet table -- were also singled out for comment in response to the open-ended question provided on questionnaires. One respondent declared: "Committees were important for political insights, political interpretations, a vehicle for conveying political messaging. It was rare that I was provided with quality policy insights."

Curiously, building consensus between the political parties is the only political function on Table 5 that is not seen as a noteworthy accomplishment of committees. This is true both for the 2003 ministers and for those of 1989, despite the fact that (as seen on Table 4), this latter group rated the existence of all-party agreement about recommendations as a significant influence upon their thinking. While these ratings may reflect an inconsistency, they could also indicate that the 1989 ministers did not see committees as significant contributors to the achievement of all-party consensus, implying that its creation was occurring primarily outside the committee room.

In the case of the 2003 ministers, Table 4 and Table 5 provide a more obviously uniform message: the achievement of all-party agreement in committees was not especially important. In all probability, this is because it was achieved less frequently than in the 1980's, and may well also have been less frequently sought.

CONCLUSIONS AND IMPLICATIONS

The key findings developed in this paper may be summarized as follows:

1. Committees achieved extremely high levels of consensus in the years immediately following the completion of the modern committee structure. Starting in the early 1990's, levels of consensus declined significantly, although roughly 70% of committee reports have continued to provide consensus recommendations, even during the minority government session of 2007-8.

2. The fact that most supplementary opinions and dissents, in all periods, are represented as party positions, rather than merely the positions of one or more individual committee members, suggests that neither the consensus reports of the 1980's nor the more frequently expressed disagreements of more recent times can be ascribed to an increased exercise of "independent judgment" by individual committee members.

3. To the extent that the substantive quality of government responses to committee reports reflects the influence of parliamentary committees on governments, it appears to have remained roughly constant during the successive majority government periods of the 1980's and 1990's, and then declined during the more recent minority government period.

4. The recollections of former ministers suggest that House of Commons committees do not generally belong within the group of major influences on ministerial decision-making. Individual committees and studies may be exceptions, but the committees generally are seen as being among a range of secondary influences.

5. The views of former ministers suggest that committee recommendations reflecting all-party agreement were especially valued during the 1980's, but accorded more limited importance by 2003. At the same time, committees were not seen as being especially important in actually achieving all-party agreement.

In order to assess the implications of these findings for conclusions about the performance of parliamentary committees, it is useful to consider them in relation to the *status quo ante*. The experimental precursor of the modern committee structure established in 1965 provides an especially useful basis for comparison, because it contained standing committees that enable direct comparisons. During Session 1 of the Twenty-Seventh Parliament (lasting for 16 months during 1966-67) there were 17 subject area standing committees whose terms of reference created the potential for policy or investigative studies.[17] Eleven of these issued 29 substantive reports (the Justice and Legal Affairs Committee and the Public Accounts Committee contributed

[17] The figures in this paragraph were compiled by the author from *Journals of the House of Commons, Index,* First Session, Twenty-Seventh Parliament, January 18, 1966 – May 8, 1967, Queen's Printer, Ottawa, 1967.

disproportionately, at 6 and 11 reports respectively).[18] Most reports were two or three pages in length, and contained single recommendations or, at most, two or three. Although ministers occasionally commented on reports in the House, their impact cannot be ascertained in any systematic way.

In comparison to the committee system of the mid-sixties, the committee structure, activities and outputs established between 1968 and 1985 represents a vast increase of scope, scale and (at least formally) powers. While the number of committees has varied with changes in the structure of government, and several alterations of the size of committees, between 20 and 25 standing committees with subject area mandates and the capacity to initiate studies have been producing, as Table 1 indicates, in the range of 60 to 90 reports per session of Parliament, addressing between 500 and 1,000 recommendations to government, and receiving formal written responses to a significant portion of them.

The committees have emerged as a significant piece of parliamentary machinery, absorbing substantial portions of the time of members of the House of Commons when the House is in session, and requiring a significant investment of time on the part of stakeholders, representatives and experts who provide grist for committee deliberations. During this period, research and analysis staff support from the Library of Parliament has grown from 0 in the mid-sixties (the Library's Research Service was established in 1972) to approximately 45 researchers in the early eighties, and close to 100 today. Although the committees of the pre-reform era required the services of clerks, a correspondingly more sizeable establishment of permanent committee clerks has been created since that time to support the newly permanent committees, and the personal staffs of parliamentarians now devote a portion of their time to coordinating the work of MPs on the committees. Finally, there is a significant (although never quantified) public service establishment devoted to the committees, consisting of parliamentary affairs specialists who monitor their activity for departments and coordinate support for the minister, as well as working groups involved in the preparation of the government responses to committee reports, all of which receive cabinet consideration before public release.

Clearly, a great deal of parliamentary (and governmental) activity that was not occurring in the mid-sixties, is occurring today as a result of the committee reforms. As noted at the outset of this paper, however, the mere occurrence of activity tells us little about performance, about what impacts the activity may have been having on government decisions and outputs, or outcomes that affect citizens.

Committee Performance: Two Conclusions

Viewed against the modest beginnings of the contemporary committee system that existed in the mid-sixties, the findings developed in this paper suggest two central conclusions about the performance of the reforms begun in 1968:[19]

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[18] In addition to these 17, there were 6 standing committees that had a procedural, electoral, legislative or administrative focus and did not submit substantive reports (with the exception of the Standing Committee on the Library of Parliament, which submitted one report on an administrative matter).

[19] These conclusions are similar to those emerging from several case studies of individual committees. See especially: Jonathan Malloy, "Reconciling expectations and reality in the House of Commons committees: The case

1. The modern committee system has created significant new opportunities for parliamentarians to influence the government, and appears to have actually increased the influence of Parliament upon government. However, the influence of committee studies is likely much lower than might be suggested by the dramatically increased volume of reports, recommendations and responses being generated since the mid-eighties, and also has likely declined in recent years.

2. The influence of committees upon ministers and governments does not appear to be attributable to success in fostering nonpartisan collaboration based on independent judgment among committee members, or technical expertise. Rather, their influence emerges from a much more complex and highly political relationship with governments, in which both politics and policy considerations affect the positioning of parties in committees, the positioning of committees in relation to governments, and the positioning of governments in their responses to committees. Committees are influential, and achieve a measure of parliamentary influence on governments, because of their political sensitivity rather than any detachment from politics.

Performance Trends

By 2002-3, the emphasis upon all-party agreement within committees had diminished substantially, as had its achievement. Furthermore, ministers had apparently ceased to attach great importance to all-party agreement on recommendations. There are two obvious explanations for this change.

First, during the 1980's, parliamentarians had little empirical evidence concerning the way in which the newly established committee system would function, and had little choice but to act on the basis of prevailing assumptions. However, as this period proceeded, direct evidence concerning the impact of committee reports became steadily more apparent. The high levels of consensus initially achieved in committees did not translate into correspondingly high levels of government agreement with committee recommendations, or even high levels of substantive engagement with these recommendations in government responses. Reflecting this, perhaps, a degree of disillusionment was becoming apparent by the end of the 1980's.[20] To the extent that parliamentarians came to believe that efforts to achieve agreement in committee rooms and party caucus negotiations had modest, if not entirely negligible, impacts on the decisions of ministers and government, they not surprisingly would have begun to direct their energies elsewhere.

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of the 1989 GST inquiry," *Canadian Public Administration,* 39:314-35, Fall 1996. Another very informative case study is: Gerald J. Schmitz, "Parliamentary Reform and the Review of Canadian Foreign Policy – Where to Now?", Paper presented to the annual meeting of the Canadian Political Science Association, Hamilton, Ontario, June 1987.

[20] In December 1990, after considering the Government's response to an earlier report, "A Consensus for Action," the Standing Committee on Human Rights and the Status of Disabled Persons tabled a report entitled "Unanswered Questions" in the House of Commons. The report stated: "The people who take the trouble to make a contribution by appearing before a Standing Committee of their Parliament deserve, in our view, substantive feedback from their Government. We do not think that the response to "A Consensus for Action" gives them enough." See Bill Young, "Unanswered Questions," in *Abilities,* June 1991 http://www.abilities.ca/human_rights/1991/06/01/unanswered_questions/). See also Charlotte Gray, "Sitting Bull – Expectations were high when parliamentary committees were given new powers in 1986, but their antics ever since have brought mostly despair," *Saturday Night,* April, 1988, pp 11-13.

Second, watershed events both inside and outside parliament in the early 1990's had a lasting impact on the political complexion and culture of the House. The 1993 election, which followed the public rejection of a laboriously crafted all-party (and subsequently intergovernmental) constitutional consensus the previous year, resulted in a parliamentary opposition dominated by two new political parties whose *raison d'etre* was the rejection of the political status quo. While they were prepared to participate in consensus recommendations consistent with their priorities, they had no compelling incentives to participate in compromises that might be needed to create consensus where it was not essentially spontaneous.

Nor could members of the Liberal party -- now the government -- ignore the messages voters appeared to have sent to political elites in both the referendum and the 1993 election. All-party or other forms of elite agreement had no particular credibility with voters; if anything they seemed to provoke suspicion. There was therefore little reason for governments to exert themselves to achieve agreement among the parties in Parliament, or accord it importance when expressed in committee reports. Indeed, agreement among the parties may have seemed to be important primarily as the political equivalent of an illuminated buoy, warning of dangers beneath the waves.

Viewed against the historical background, the widespread persistence of attempts to base committee recommendations on all-party agreement, even in the recent and distinctive circumstances of minority government, invites attention. Indeed, this persistence rather than the initial decline of consensus reports in the 1990's may be what really needs to be explained. The persistence of efforts at all-party agreement may reflect the more congenial dynamics of smaller less formal groups noted by Stewart when committee reform was still in its early stages.[21] Or, it may be the result of a general interest on the part of the governing parties in minimizing the incidence of negative public relations events created by the opposition in committees. If so, this suggests the persistence of a role for committees in contributing to a form of the independence of Parliament from governments, through the strengthening of incentives for multi-partisan collaboration.

On the other hand, the rising incidence of ambiguous government responses to committee reports indicated on Table 2 may suggest that all-party consensus is becoming increasingly tactical. It avoids confrontational exchanges and potentially negative publicity at the time a report is released by a committee, in the confidence that the substance of its recommendations can be evaded in subsequent government written responses and actions. Or, more troubling still, it is possible that, in the delicate circumstances of minority government, all parties may simply be paying less attention to work in committees, and taking the line of least resistance (except in the small number of committees whose daily work attracts attention from the media and public). Either of these explanations would be consistent with what is otherwise a paradox in the two central conclusions of this paper: lower levels of polarization over committee recommendations (implying, according to reform logic, higher credibility) coinciding with higher levels of ambiguity in government responses.

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[21] Ibid., p. 168.

Concluding Remarks

In combination, the findings and conclusions developed in this paper may suggest a basis for explaining a central paradox of the contemporary House of Commons, strongly reflected in ongoing pressures for reform. Frustrations among parliamentarians over powerlessness, and negative public perceptions of Parliament, appear to have steadily increased over the past 30 years, even as the reforms that were designed to remedy these problems have been put in place, and the modern committee system created a significant new form of parliamentary participation.

The findings in this paper suggest that, contrary to the expectations of some reformers, the modern committee system has not contributed to any discernible shifting of traditional Westminster-model politics in Canada towards reduced partisanship, lower salience of party affiliation and discipline, or greater individual independence. Perhaps for this reason, it has failed to mitigate the chronic sources of backbencher frustration. Nor has it altered the fact that the Parliament most frequently seen by the public remains a place of feigned indignation and partisan competition rather than democratic representation or work that the public can easily associate with concern about the public interest. The reformed committee system has incorporated the political culture of the Westminster Parliament; it has not changed it.

The performance of the committees also has implications for further parliamentary reform. Reform proposals, in Canada and other Westminster systems, continue to be guided by a vision not unlike that of the reformers whose proposals led to the present committee system. The major difference, perhaps, is a greater emphasis on help for Parliament, in the form of professional and other support including the expanding universe of the Officers of Parliament, and a somewhat more subdued conception of what parliamentarians might actually be able to do themselves.[22]

While the findings discussed in this paper do not dispute this approach fundamentally, they do point to the need for a reconsideration of expectations. As many authorities pointed out, during the successive phases of reform, it was never very convincing to suppose that the creation of stronger standing committees within the Westminster Parliament could bring about a transformation of its culture, or significantly change the incentives reflected in parliamentary behavior. The results examined in this paper support this caution. Like the committee reforms of the sixties and eighties, continuing incremental change to procedures and resources may help Canada' Westminster Parliament more fully realize its possibilities, but are unlikely to enable it to
transcend its limitations.

[22] For a recent and unusually comprehensive illustration, see: Thomas Axworthy, *Everything Old is New Again: Observations on Parliamentary Reform*, The Centre for the Study of Democracy, School of Policy Studies, Queen's University, April 2008.

APPENDIX

HOW GOVERNMENT RESPONSES WERE CLASSIFIED

The table below provides the classification criteria employed in the review of government responses, which involved identifying the separate action items in each recommendation (where recommendations were composite), and reviewing against the criteria.

CLASSIFICATION	CRITERIA
Substantive: Accepted	Explicitly agrees with/accepts. Key test: Makes all or most of the commitments called for in the recommendation (principles, action commitments), but may alter recommended action time-frames or other non-central elements.
Substantive: Rejected	Explicitly rejects the recommendation Key test: Expresses disagreement with all or most of the major elements of the recommendation.
Ambiguous	Does not explicitly accept or reject the recommendation. Key test: Does not commit government to new actions called for in the recommendation. - often provides extensive detail about what a department is already doing, in lieu of action commitments.