

Committee Systems in Quebec and Ontario

*Part I of this article, published in the Spring issue of the Review, compared the structure and organization of the committee system in Ontario and Quebec. Information was taken from a study called **Parliamentary Reform Ten Years Later** published by the Quebec National Assembly. It was based on information available in 1993-1994. Part II taken from the same study, looks at the functions of committees in Ontario and Quebec as well as their resources. This project was directed by a committee of experts made up of four individuals with extensive knowledge of parliamentary committees. They included: Professor Réjean Pelletier of Laval University, Mathieu Proulx, former Director of Research on parliamentary procedure for the National Assembly, Gaston Deschênes, of the Research Service of the National Assembly Library, and Valmond Bouliane, Director of the Committee Secretariat of the National Assembly. This extract is reproduced by permission of the Secretary-General of the Quebec National Assembly.*

Although the nature and extent of functions performed by parliamentary committees in Ontario and Quebec are similar, a number of differences can be observed in the manner in which tasks are performed.

Public consultation

The main function of Ontario committees is clearly to hear persons, groups and organizations: Table 1 shows that in 1993-94, the ten Ontario committees heard 1,173 witnesses and received 2,103 briefs during 846.91 hours of hearings, 86.3% of the overall committee workload for the reference year.

Most public consultations take place during examination of public bills by one of the four sectoral committees. Public consultation in fact constitutes the main and, in some cases, the exclusive mode of operation of these four committees, which devote between 91.3% and 100% of their time to such activities.

Public consultations also constitute the main mode of operation of the specialized committees, except those responsible for examining budget estimates and private bills. Ministers, who in Ontario cannot be committee members, are seldom present during public consultations.

The contrast with the mode of operation of the Quebec committees is striking, even though 1993-94 was

somewhat atypical. In Quebec, public consultations normally represent between one-quarter and one-third of a committee's workload, well below the Ontario level.

The organization of public hearings in Ontario is directed by a subcommittee, although the committee as a whole makes all final decisions. According to information received from the Ontario legislature, the house leaders of the recognized parties never apparently intervene directly in the organization of committee business, although the possibility for doing so exists.

Examination of bills

In Ontario, committee examination of public bills essentially involves hearing interested persons and groups. Detailed clause-by-clause examination receives less emphasis than in Quebec, and the procedure is simpler. The Minister concerned, who is not a committee member, nevertheless participates in the detailed examination as a witness and provides the documents and clarifications required by the Members.

Most public bills are referred for examination to the four sectoral committees, and thus come to the attention of only half as many Members as in Quebec.

All private bills are referred to the Standing Committee on Regulations and Private Bills, which conducts its proceedings along the same lines as the Quebec committees.

Table 1
Hours of Public Hearings, by Sector of Activity and Committee

Committees	Number of mandates	Witnesses	Briefs	Public Bills (hours of hearings)	Ontario					Total hours
					Other Assembly, mandates (hours)	Delegated Legislation (hours)	Supervision of Public Bodies (hours)	Other mandates under S.O. (hours)	Mandates undertaken by Committee (hours)	
Administration of Justice	6	191	324	124.87	1.62	-	-	-	12.03	138.52
General Government	8	298	588	190.85	-	-	-	-	-	190.85
Resources Development	3	106	187	42.08	-	31.3	-	-	-	73.11
Social Development	5	348	643	158.07	-	-	-	-	-	158.07
Estimates	-	-	-	-	-	-	-	-	-	0
Finance and Economic Affairs	3	125	197	68.53	27.73	-	-	32.80	-	129.06
Government Agencies	4	87	83	-	-	-	79.61	-	-	79.61
Ombudsman	1	-	1	-	-	-	-	0.57	-	0.57
Public Accounts	1	18	80	-	-	-	-	77.12	-	77.12
Regulations & Private Bills	-	-	-	-	-	-	-	-	-	0
Total	31	1,173	2,103	584.40	29.35	31.03	79.61	110.49	12.03	846.91
Quebec										
Planning & Infrastructure	1	7	0	3.85	-	-	-	2.98	-	6.83
Agriculture, Fisheries & Food	1	1	0	-	-	-	4.72	-	-	4.72
Social Affairs	0	0	0	-	-	-	-	-	-	4.72
Budget & Administration	3	17	17	-	12.67	-	11.07	6.70	-	30.44
Culture	2	32	34	34.02	-	-	-	2.02	-	36.04
Education	3	31	25	19.93	-	-	4.10	11.46	-	35.49
Labour & the Economy	7	35	13	22.4	7.92	-	11.13	15.63	-	57.02
Institutions	2	59	60	11.57	47.14	-	-	2.77	-	61.48
Total	19	182	149	91.71	67.73	-	31.02	41.56	-	232.02

Examination of estimates

The Ontario Standing Committee on Estimates specializes in the annual examination of estimates. In contrast to Quebec, where all budget estimates are referred in early Spring to the appropriate committee according to policy field and following a strict timetable established by the house leaders, the Ontario committee must select the estimates it wishes to examine from among those submitted by the Government. It must examine the estimates of between six and twelve Government departments or agencies.

The selection is made according to a procedure based on alternation between the parliamentary groups. The Official Opposition Members have first choice, followed by the Members of the second Opposition party and then

the Government Members. At each turn, each group may select one or two departments or bodies until the maximum number is attained.

The estimates not selected are deemed to have been examined and adopted by the committee; similarly, the committee's report is deemed to have been tabled before the Assembly.

The committee proceeds to examine the estimates in the order of their selection. No more than fifteen hours of examination may be devoted to the estimates of any one department or agency, meaning that the process as a whole may not exceed 180 hours in a given year.

The examination process begins as soon as the estimates are tabled before the Assembly, at which point they are deemed to have been referred to the committee,

and ends not later than the third Thursday of November, when the committee is required to table its report.

Compared to the procedure followed in Quebec, the Ontario system takes more time but is more easily managed, since it involves far fewer Members, Ministers, and senior officials. In addition, since it is not bound to follow a strict timetable or schedule, the committee has more scope to plan its work and exercise a measure of independence.

However, it is by no means clear that the objective of parliamentary supervision is better served by a committee specializing in the examination of estimates since, each year, a considerable number of government departments and bodies are released from their duty of accountability towards Parliament. Furthermore, a majority of Members will have no opportunity to familiarize themselves with the programmes and activities of the government departments and to defend the interests and express the concerns of their constituents.

Supervision of public bodies

The Standing Committee on General Government, in Ontario, has sole responsibility for examining the operations of all agencies, boards and commissions whose members are appointed by government order, and of corporations in which the Ontario government is a majority shareholder. The committee also has the power to examine the intended appointment of persons to act as members or directors of all such bodies, in accordance with a procedure that allows the committee to instigate its review within 30 days of the tabling of a statement of intention before the Assembly, and to end its enquiry 30 days later.

The procedure to be followed in reviewing the appointment of a director or board member is set out explicitly in the Standing Orders, but the manner of selecting the bodies to be examined is defined somewhat less explicitly, although the Standing Orders do provide criteria to guide committee members in their task.

The unique and specialized function of the Government Agencies Committee, and its independence, tend to indicate that a large number of agencies will in fact be examined each year since that is the principal task of the Members who sit on the committee. The 1993-94 data given in Table 1 bears out this impression.

The review of intended appointments increases the intensity of the committee's supervision substantially, and no doubt has an important influence on the committee's status and on its visibility within the upper levels of the provincial public service. Although the

committee has no power to make decisions and cannot veto a director's appointment, the tabling of an unfavourable report and the attendant publicity can have a considerable impact on a person's career. Once party discipline is taken into consideration, however, it is clear that the committee will generally avoid calling into question the judgment of the Minister who proposed the candidate. The requirement of having to justify the choice of a candidate in public may nevertheless influence the decision-making process.

Another feature of the Ontario model is the fact that it allows parliamentarians to compare the roles, management, operation, activities and resources of a large number of different agencies, which obviously prepares them for assessing the relevance of the mission and the effectiveness of a given agency. On the other hand, it tends to turn certain Members into specialists in the management and organization of State agencies, possibly to the detriment of their other parliamentary tasks.

Mandates undertaken on the initiative of a committee

As in Quebec, the four Ontario sectoral committees are empowered to initiate consideration of any matter relating to the operation of a government department or agency falling within their policy fields.

A committee may undertake such a mandate in one of two ways: (a) under the standing orders, the committee may decide by a majority vote to initiate consideration of a matter; the consideration may be of almost unlimited scope and duration but does not have priority; or (b), under Standing Order 125, the subcommittee on committee business may propose consideration of a matter that takes priority over all other committee business, except the examination of bills, provided that no more than 12 hours are devoted to consideration of the matter concerned. The specialized committees habitually undertake consideration of matters on their own initiative.

The Ontario model offers greater flexibility than its Quebec counterpart, since the consent of each parliamentary group is not required before a committee can initiate consideration of a matter, and each party has a real opportunity of bringing a matter of concern before the committee. This countervailing power given to each party may result in a given mandate becoming associated with the party that initiated consideration, thereby leading to the division of Members into two or more camps, and hinder the formulation of joint recommendations.

Examination of delegated legislation

In contrast to Quebec, where each committee has the power to examine regulations and draft regulations within its policy field on its own initiative, the examination of delegated legislation is assigned, in Ontario, to a specialized committee.

Under the *Ontario Regulations Act*, the Standing Committee on Regulations and Private Bills examines regulations to determine the extent of the legislative powers delegated and the manner in which they are exercised. The examination must not, however, question the merit of the policy or objectives underlying the regulation or the enabling statute. Standing Order 106(k) sets out nine criteria to guide the committee in assessing a regulation. Before tabling its report, the committee must allow the ministry or agency concerned to furnish explanations orally or in writing.

At first glance, the Ontario model seems to provide a more effective solution, since the specialization of the committee, its clearly-defined objectives and its powers oblige members, to a certain extent, to produce results. In Quebec, the standing orders contain no precise guidance, and the examination of delegated legislation is only one in a list of items that may be addressed by a committee on its own initiative.

In Quebec the regulations office, an administrative unit within the department of justice, has responsibility for verifying the conformity of new regulations, and its trained legal experts carry out the same tasks as the Ontario committee members. The creation of a specialized parliamentary committee with the power to examine regulations, but not to question their relevance, would probably arouse little interest in Members. It is by no means certain that a parliamentary committee would exercise stricter control over regulatory legality than the experienced lawyers working at the regulations office, especially in view of the limited scope of action available to its members.

In practice, however, it would seem that the examination of delegated legislation is not the sole preserve of Ontario's Regulations and Private Bills Committee. The 1993-94 data shows that the committee examined no regulations during the year. One draft regulation was examined by one of the four sectoral committees in 12 sittings; this took 31 hours, in other words almost as much time as was devoted to the examination of regulations by all eight of Quebec's committees over a period of ten years. The Ontario model thus seems to be just as flexible as the Quebec system, although productivity could be higher.

Examination of budgetary policy

Another specialized committee in Ontario, the Standing Committee on Finance and Economic Affairs, is responsible for examining the Province's fiscal and economic policy as evidenced in the reports and documents tabled by the Government. The committee holds pre-budget consultations annually to sound out public opinion on the Government's budgetary policy. Compared to its sister committee in Quebec, the Finance and Economic Affairs Committee goes beyond the strict framework of an *a posteriori* control over the Government's fiscal policy by adding the dimension of public hearings.

The 1993-94 data show that the Committee on Finance and Economic Affairs devoted over half its time to the examination of bills, but that it nevertheless held almost 33 hours of pre-budget hearings at eight sittings during which 55 submissions were presented. This is eight times more than the annual average for similar hearings in Quebec. The Finance and Economic Affairs Committee was assisted in its work by a large number of researchers.

Although the terms of reference of the two provincial committees are not identical, it is clear that the Ontario committee interprets its mandate in a broader fashion than its Quebec counterpart. The committee makes an original contribution to the process leading up to the budget by providing the general public with an opportunity to take part, which no doubt has an influence on the Government's decisions. This area of its work clearly heightens the profile both of the committee and of the report it tables before the Assembly.

Supervision of public spending

With regard to the supervision of public spending, the Ontario system is less stringent than the quarterly verification of financial commitments practised in Quebec.

The Standing Committee on Public Accounts specializes in examining the annual report of Ontario's Provincial Auditor by conducting in-depth investigations and calling civil servants as witnesses. The 1993-94 data shows that the committee sat 23 times, for a total of 67 hours, to examine the Provincial Auditor's report, which means that in one year it devoted more time to the auditor's report than Quebec's Committee on the Budget and Administration managed in seven years.

The Public Accounts Committee's work involves carrying out a more far-ranging examination than is the case in Quebec, and in greater depth, since it is based on the Provincial Auditor's own analysis. In comparison, the Quebec committee's verification of financial

commitments is more specific and relies on lists of figures and on the explanations given at the hearing by the Ministers concerned.

The Ontario approach also has the advantage of allowing government spending to be placed in context, since the committee methodically checks that spending does not exceed appropriations and that optimal use is made of resources. The committee also hears public servants to present the ministry's case and respond to the observations made by the auditor.

Once again, the advantages of a specialized committee have to be set off against a number of drawbacks: only a small number of Members are involved in the examination of government spending, whereas all parliamentarians are meant to exercise a supervisory function. The committee members run the risk of developing a merely technical expertise concerning government spending, and of adopting the same perspective as the Provincial Auditor, instead of exercising a sectoral form of supervision based on policy fields and regional concerns as in their other parliamentary duties.

Hearing other designated public figures

One Ontario committee, the Standing Committee on the Ombudsman, specializes in examining the Ombudsman's report, in rather the same way as the Public Accounts Committee. The committee is empowered to formulate general rules for the guidance of the Ombudsman. The data shows that the committee sat infrequently in 1993-94, and examined the Ombudsman's report only briefly, in the latter's presence, in a manner similar to that of Quebec's Committee on Institutions.

No Ontario committee is charged with hearing the bodies responsible for the administration of the Election Act, as is the case in Quebec. With the exception of the Provincial Auditor, the hearing of public figures designated by the Assembly does not seem to be any more developed in Ontario than in Quebec.

Key Players

The formal and informal roles of the key players and the influence they wield, vary greatly from one province to the other. In addition to being excluded from committee membership in Ontario, Ministers, according to the information received, are not directly involved in the organization of committee work. The same extends to the Premier, the Leaders of the opposition parties, parliamentary house leaders, whips, and the party caucuses, none of which play a role in committee organization.

The organization of committee work seems, in Ontario, to be firmly centred in each committee, and in particular in the subcommittees on committee business who lead the planning and organization of almost all committee mandates. Since the committee chair does not vote, there is an equilibrium within the subcommittee that gives added influence to the opposition members and encourages government members to negotiate. Parliamentary assistants and opposition critics are often consulted by the subcommittees. Although, ultimately, decisions are made by the committee as whole and the committee members from the government party have the final word on whether or not to approve the working plans proposed by the subcommittee, the structure and practice of the Ontario system give each committee member a certain amount of input.

This system is more flexible and more efficient than the Quebec model in which sittings are not planned in advance, although to the house leaders of each party it must seem more random in effect. The Ontario system seems to place more importance on the formal independence of the institution and on the principle of parliamentary autonomy. The steering committees of the Quebec committees could, in fact, play an equivalent role to the Ontario subcommittees if the involvement of party authorities in the organization of committee work had not gained such widespread acceptance.

The role of the Ontario committee chairs bears examination. At first glance, they seem to have no real influence over the course of the committee's work, but they are responsible for initiating and implementing agreements between the parties. The fact that they do not vote perhaps gives them more moral authority and freedom of action, and clearly obliges them to act as mediators between the parties and to seek consensus. The committee chairs also have more administrative responsibilities than do their Quebec counterparts, especially as regards the management of resources.

The vice-chairs of the Ontario committees have no specific duties except replacing the committees chairs during some sittings.

Other Features and Limits of the Ontario Committee System

In concluding this comparative study, several other distinctive features of the Ontario system should be mentioned.

- Ontario committee reports have a higher profile and more impact than is the case in Quebec. A committee (or twelve Members by way of a motion) can request that a report be taken under consideration by the Assembly, and also require the Government to make a comprehensive response to the report within 120 days

of its presentation. A committee chair may propose that the report be adopted by the Assembly.

- Any mandate undertaken by an Ontario committee may lead to the production of a substantial report containing conclusions and recommendations.
- The Ontario committees are not empowered to summon and compel the attendance of witnesses. Faced with an unwilling witness they must report to the Assembly and request that the Speaker be authorized to issue a warrant.
- There is no limit on how many committees can sit at the same time.
- The timetable for regular sittings is similar to that in force in Quebec, although a committee cannot sit in the evenings without consent. During and outside parliamentary sessions, sittings are fixed by order of the Assembly, and so a committee that intends to sit outside the session must establish a working plan beforehand.

Committee Resources

The committees of the Ontario legislature, like their counterparts in Quebec, are each assigned a full-time clerk (in Quebec known as the secretary). In addition, the Ontario committees benefit from the services of a researcher from the Legislature's research staff, who supplies analyses, overviews, working plans and other documents in preparation for, or following, committee work. The committees can also hire outside experts, consultants after obtaining authorization from the Board of Internal Economy.

The legislative draftsmen from the Attorney General's department, although not considered to be permanent committee employees, attend sittings when public bills are being examined in detail and, in the absence of the Minister, provide legislative advice to members from all parties and assist them in drafting amendments. In Quebec, on the other hand, the draftsmen who attend committee sittings with the Minister generally advise the Minister alone, and only assist other committee members with the Minister's permission.

The work of the researchers, advisors and experts who assisted the Ontario committees in 1993-94 amounted to 349 person-days, three times the number of hours recorded in Quebec, on average, for each of the last ten years. The data shows clearly that all the Ontario committees have frequent recourse to outside help for their research, for almost all types of mandate including the examination of bills and estimates, in stark contrast to the situation in Quebec where the parliamentary committees only call on outside help for a limited number of unusually large-scale mandates undertaken

on their own initiative, or connected with the supervision of public bodies.

Possibly the specialization of many committees, and the absence of Ministers on the committees, are factors that increase the committee's reliance on information, documentation and analysis. The 1993-94 data for Ontario do not show as clear a link as in Quebec between the input of researchers and experts and the tabling of a final report containing conclusions and recommendations. Much of the research-related support in Ontario seems to be connected to routine committee work, especially the analysis of briefs submitted during public consultations.

With regard to financial resources, the overall annual budget of \$933,550 allocated to the Ontario committees seems to indicate that they are better-funded than their Quebec counterparts. However, since a large portion of the Ontario budget is spent on operating expenses which, in Quebec, are paid for out of allocations made to programmes under the responsibility of other administrative units, this is not necessarily the case, and in fact the level of operating expenses is comparable in both provinces.

The real differences are to be found in the allocations made for travel around the province. A sum of \$322,260 in the 1993-94 Ontario committee budget is allocated for various allowances and travel and accommodation expenses, including rental on meeting rooms and symposium and conference registration fees, in other words the equivalent of the entire Quebec committee budget. In addition, the Ontario budget allocated \$30,000 to the reimbursement of witnesses heard by the committees, and \$12,000 for simultaneous interpretation.

The budget also included a reserve fund of \$109,450 to complete, where necessary, the budget of each committee, 80% more than the equivalent fund of Quebec's Committee on the National Assembly.

In 1993-94 the basic budget of each Ontario committee was \$9,950 which was used to pay for everyday office expenses in connection with photocopying, mail, messenger, and telephone services. In Quebec, these expenses are borne by various administrative departments and are not charged to the committees. The basic budget of each Ontario committee is considerably lower than the \$25,000 budget granted to each Quebec committee, and tends to show that the Quebec committees have more financial leeway.

The total operating expenses of the Ontario committees, except for the cost of regular staff, amounted to \$1,033,050 in 1993-94. A large part of this was spent on operating and travel costs which, in Quebec, are not part of the committee budget. The Ontario budget makes no provision for the hiring of contractual staff. A

committee that needs extra staff or that wishes to carry out a fact-finding mission outside Ontario must submit a special budget for approval by the Board of Internal Economy, which has the power to adjust the committee's basic budget where appropriate.

A comparative analysis of the human and financial resources allocated to parliamentary committees in Quebec and Ontario leads to the following conclusions:

- the Ontario committees can rely on a well-established tradition of non-partisan research and documentary services which contrasts to the situation in Quebec;
- But the hiring of outside experts and consultants is made more difficult because of the need to obtain prior authorization;
- the level and nature of funding made available to the Ontario committees underlines the fact that an important part of their mission is to travel around the province to consult the local population, rather than to bring in outside researchers and specialists, as is the case in Quebec.
- The committee funding procedure seems to be more transparent in Ontario, and the degree of supervision greater.

More differences than similarities emerge from an examination of the resource allocation procedure. It would seem, at least on paper, that the Quebec system gives committees more independence and flexibility to adapt to unexpected needs for specialized assistance as regards the *substance* of their work, whereas the Ontario system provides more resources for physical *organization*. This situation is mitigated, however, by the significant contribution made in Ontario by the permanent research staff assigned to each committee, a contribution that also results, at least in theory, in a more thorough preparation of the Members for their committee activities.

Conclusions

This comparative analysis leads us to conclude that although the functions of committees in each province

are similar, the way in which they are exercised differs greatly. The same holds true for the roles of the key players, and the financial resources available and actually used.

Ontario committees tend to show more initiative and table more reports containing conclusions and recommendations. However, a clear difference between the two systems is reflected their actual mandate. According to the results obtained, it seems fair to say that the principal vocation of the Ontario committees is to consult the general public on public bills and budget policy, and then to carry out various specialized functions in connection with parliamentary supervision. In contrast, the vocation of the Quebec committees seems to be to engage in debate with the Ministers concerned during clause-by-clause examinations of bills and the examination of estimates and financial commitments and, accessorially, to consult the general public when asked to do so by the Government.

In several respects parliamentary committees in Quebec have more powers and resources than their Ontario counterparts, which tend to make fuller use of those they do have. The permanent orders of referral contained in the Ontario Standing Orders make the committees less dependent on instructions from the Assembly and from the parliamentary house leaders, and give them greater scope for action. The system also includes useful safety-valves to avoid the deadlock caused by the application of party discipline.

Lastly, the main difference between the two systems can be seen to reside in the distance maintained between the Ontario committees, on the one hand, and the Government and party authorities, on the other, and in the leadership demonstrated by committee members. The Ontario system is clearly designed to allow the parliamentary committees, and their members, more independence and autonomy.