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# *Dr. C.B. Koester: A Personal Memoir*

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by C.E.S. Franks

*The Clerk of a legislative assembly labours in the shadow of parliamentary government. The work, importance and achievements of clerks rarely get mentioned or are understood by the media and public. This article looks at the contribution of C.B. Koester who was Clerk of the House of Commons from 1979 to 1987.*

I first met Bev Koester in the mid-fifties when I was a lowly first-year cadet in the Canadian Navy's University Naval Training Division and Bev was a rather formal and forbidding term lieutenant, trying to instill some of the discipline of the Royal Navy into a collection of unruly young Canadians. I am afraid that nobody could have made the bunch of anarchic characters in the UNTD into anything that met Bev's standards; it took great faith and courage to try.

In 1960, I accepted a job as an administrative analyst in the Budget Bureau of the Government of Saskatchewan. At that time, under the leadership of Premier Tommy Douglas, Saskatchewan had the finest provincial civil service in Canada, and in overall quality it rivalled that of the federal government. This government pioneered many social reforms that we now take for granted in Canada. The Douglas Government firmly believed that government can and should improve the lot of the average citizen, an attitude that sounds strange in the present age.

As part of our orientation, the new recruits to the Budget Bureau met and had discussions with senior employees of the government and Legislative Assembly. I was astonished to find Bev Koester, whom I remembered well, now serving as Clerk of the Legislature.

I do not think that he remembered me. First-year cadets are very forgettable commodities. But a few years later the government found that it had to provide a researcher to work with a committee of Legislature on reforming the processes of financial accountability. They

gave me the job, and, in addition, assigned me to become Clerk Assistant under Bev Koester to help with the job of handling the work of the up-coming session. In these positions I worked very closely with Bev for several years, and during that time learned far more about parliament and government than I had ever realized there was to know. My work on parliamentary government still draws on those formative experiences.

There is something very different about doing a job in the real world as opposed to studying the same function from an academic point of view. The staff of a legislature must deal cordially with all members, regardless of their political persuasions and personal charm (or lack thereof). It is also a real time situation. Each day the legislature and everyone in it and concerned with it must have the Order Paper outlining the day's business; they must have a verbatim transcript of the previous day's proceedings; bills whether to be introduced, or having been amended or passed must be in proper printed form – not a mis-placed comma or a mis-spelled word can occur, because these errors might then become law of the land; the Speaker of the House must be assisted with advice on procedure and other points of parliamentary practice; so must private members who want to amend legislation, or introduce a point of procedure or privilege; committee meetings must be organized and staffed. With only Bev and me, an inexperienced neophyte, to do these and the many other tasks, I found it a challenging and sometimes overwhelming experience, but the work got done. This opportunity to work with Bev was one of the most important parts of my education.

The precision, orderliness and high standards that had marked Bev as a naval officer made him an outstanding Clerk and an exacting employer.

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The work of a good Clerk is hidden, and the clerks themselves are unobtrusive. But good staff at the table are as essential to making Parliament work and the Speaker an effective moderator of proceedings as is a good secretary to a board of directors, or a good director of research to a royal commission. At the same time, procedure is an important part of the constitution. It defines the terms on which the government's use of power is to be discussed, the government is to be held accountable, and legislation giving powers to government is examined and approved.

A Clerk of a legislature cannot allow his or her personal views to intrude into the business of the House. But that does not prevent them from having views. I remember vividly the day a bill dealing with medicare received third reading in the Saskatchewan Legislative Assembly. This legislation helped create the first comprehensive, universal medical care insurance system in Canada. It paved the way for the national medical care programme established by the Pearson Government some years later, and which Canadians now regard as a cornerstone to our social safety net and a key part of what defines us as Canadians. Bev had wanted to handle the clerical aspects of this bill, especially the formal statement that the bill had received third reading. It meant a great deal to him. His own family had suffered the hardships of excessive medical costs. But by an irony of fate Bev had to attend to a parent in hospital on that very day. He told me with some regret that I would have to do the task, and so I did.

I left Saskatchewan in the mid-sixties to study at Oxford. Bev came to England to serve for some months as Senior Clerk in the British House of Commons. We met several times while at Oxford and in London, and most of our discussions wound up considering aspects of parliamentary government, and in particular the differences between British and Canadian practice. A key difference at that time was in the staff of the parliaments. The staff of the British Parliament belonged to a career service recruited and trained at the highest standards. The clerical staff of the House was even more difficult to get into than was the foreign service or the upper levels of the British civil service. British parliamentary committees, with the help of this superb staff, made intelligent and useful reports. Accountability of the government to Parliament was real and effective in Britain in a way that Canada could only envy. The Speaker in Britain, and other Members of the House as well, benefitted from the advice of Clerks at the Table with thirty and more years of experience in procedural and other matters. With this help the British Speaker managed the House in a fair and impartial way, with an efficiency and orderliness, that had no counter part in Canada. Bev told me then that he would

like to see the Canadian Parliament develop the same sort of career system.

It was only after I returned to Canada and began studying the Canadian Parliament that I fully appreciated the context of Bev's concerns. The Canadian House of Commons in the mid-sixties had a handful of excellent senior employees. The rest were mediocre, at the best. There was no career service or career development. The retirement of one senior Clerk at the Table knowledgeable in procedure left a gap that could not be filled within the staff of the House. The government filled the senior posts of Clerk, Clerk Assistant and Law Clerk through order in council appointments, and at times party service appeared to take precedence over other qualifications for jobs. Below the senior level, personnel, administrative procedures, and methods of appointment were, if anything, worse. The staff of the House itself was broken up into small isolated units that operated as empires unto themselves.

I was delighted when Bev took the position of Clerk Assistant in the House of Commons in 1975. For the first time the Canadian Parliament had a senior employee who understood the need for an effective professional staff for the House. Bev put his entire energy and commitment into reform. By the time he was appointed Clerk of the House in 1979 the transformation was well under way. The process is now virtually complete. The present Clerk, Robert Marleau, came up through the ranks of the career service Bev created. The senior staff of both Houses of the Canadian Parliament, and many of the provincial assemblies as well, have benefitted from service in the now professional staff of Parliament. The rules of the House, the Speaker's rulings, House procedure, committee procedure, and many other crucial aspects of effective and orderly parliamentary government are now codified and coherent in Canada in a way that they never have been before.

The process of making the changes was not entirely smooth. And in making the changes Bev needed the unflinching support of the Speaker. Fortunately, and to Parliament's great benefit, Bev found this support in Speaker Jeanne Sauvé. While she was not comfortable in the chair itself because she was not really a "House of Commons person", and not sensitive to the nuances of moods and procedure in managing 280 unruly and highly individualistic members, she brought a wealth of experience and good sense to the administrative side of the Speaker's tasks.

Mme Sauvé more than supported Bev in his efforts at reform. She stimulated and demanded change as well. As she once remarked to me, in all her posts in the cabinet and elsewhere she had, upon appointment, been given an ample briefing book that described the job, the organi-

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zation, and the problems and challenges it faced. But on appointment as Speaker, the staff produced no such document. They simply did not have the resources, or for some aspects even the competence, to do the job properly. In turn this meant that she could not perform her job properly.

Mme Sauvé and Bev Koester asked the Auditor General to make a study of the staff of the House. This report found that both staff and procedures were well below acceptable standards. With the guidance and authority of this report to support them, the Speaker and Clerk began the arduous process of reforming long-established and deeply entrenched administrative problems. Members of Parliament themselves objected to some changes which imposed some order on their old-fashioned and sloppy way of operating and handling funds. It was not any easy time.

These efforts to reform Parliament had two main thrusts: one was to improve the quality of the professional staff and procedural advice; the second was to modernize and make more efficient the rest of the management of the House. The latter was no mean task. The House had well over 1,000 employees, and many were not well-suited to the demands of improved administration. That so much progress was made attests to the determination and abilities of Speaker Sauvé and her Clerk, Bev Koester.

A third aspect to reform is almost completely unknown to either public or the academic community. That was to reduce the government's control over appointments of senior staff and the consequent influence of government over far too many aspects of the staff of Parliament. Bev told me of one crucial instance of this problem that occurred soon after the notorious bell-ringing episode of 1982, when the division bells rang for over two weeks because the opposition refused to turn up for a vote. The post of Law Clerk to the House had become vacant. One day Bev received an off-the-record phone call from an official in the Privy Council Office telling him that the government was going to approve an order in council that very day appointing a new Law Clerk without consulting either Clerk or Speaker. Bev phoned up the Privy Council Office and told them (I believe he spoke directly with the Clerk of the PCO, the most senior employee of the government) that he would resign if the appointment were made. Bev also managed to find Mme Sauvé, who was visiting Prince Edward Island at the time, and she told the government that she too would resign if the appointment were made. That stopped the government in its tracks. This battle was won.

It was one small victory in efforts to create a professional staff for Parliament outside the control of the government. The introduction of the process of selection of

Speaker by secret ballot a few years later, and the election of John Fraser as Speaker – the most effective Speaker of recent years – helped make the position of Speaker in Canada more powerful and autonomous than ever before.

This crucial change has been made, but the imbalance of power between Parliament and government needs to be redressed further. The British House has far more control over its own affairs than does the Canadian. For example, the appointment of the Auditor General in Britain must be supported by the chairman of the Public Accounts Committee (always, as in Canada, a member of the opposition), as must the estimates for his office. There is no comparable procedure in Canada, and even now from time to time the government tries to have its own candidates appointed to senior positions in the staff of Parliament, the body which is supposed to control the government and hold it accountable. The Canadian Parliament and its committees still have a long way to go in developing a corporate sense of their own powers and interests, as separate from those of government and party.

The struggle for responsible and accountable government still goes on in Canada. The House of Commons can and should be made stronger and more effective. Parliament is far more than the excitement and occasional bad manner of question period, which unfortunately is all that most Canadian see on television. Bev Koester instigated and made reforms to Parliament, that most Canadians and even most members of Parliament, are not aware of. But these reforms allow the Canadian Parliament, at the end of the century, to become a more effective and central part of our governing structure. Without the professional staff he worked to create and without the autonomy from government that he staked his career on, our Parliament would be much weaker in its efforts to hold the government accountable, and to do the difficult tasks demanded of it and its committees. Often the most important successful reforms are invisible to the public. The best servants of Parliament also have this sort of invisibility. Bev Koester had it. But, despite his near invisibility to the public, in his own idiosyncratic and private way he did more, in my opinion, to reform and improve the Canadian House of Commons than any other person in this century. Bev was a man of courage, faith, and vision. No one cared more passionately about the well-being and effective operation of our parliamentary institutions. No one did more to make them better.

**Editor's Note:** C.B. Koester died in February 1998 in Kingston, Ontario.