
Some Thoughts on the Future of Parliamentary Committees

by Robert Marleau

This article looks at the role of the committee clerk in Canadian legislative bodies and, in particular, how some reforms have changed and may continue to change the nature of the office at both the federal and provincial/territorial level. This is a revised version of a paper presented at the Special Conference on Parliamentary Committees held in Ottawa in September 1999.

Clerks, because of the nature of the profession, tend to develop an expertise in precedent and parliamentary history. Sometimes we are viewed from the outside, and perhaps even by some of our members, as being too rooted in practice and perhaps a little arcane, if not archaic. Therefore I welcome opportunities such as this to think about our role within the profession and what the future holds.

My experience with committees started in 1969 following the major reform of 1968. The rules were changed to provide that virtually all bills be referred to Standing Committees. The old Committee of Supply was abolished and all Estimates were also referred to standing committees. When you compare this new situation with what committees did previously you will see that it was a veritable "revolution". The new Standing Committees were smaller, more active and quickly became engaged in the amendment of legislation. The supply process became a means to get at issues in a timely fashion without an order of reference from the House. Some committees developed a great deal of autonomy.

In 1985 the McGrath Committee made a number of recommendations which enshrined into the Standing Orders the power for committees to initiate their own inquiries. This was another watershed and from 1985 to late 1990 through the two Conservative administrations

much changed in terms of how committees conducted their business. We are now living in a Parliament where there are five political parties and the government's majority is quite small. One day we may have another minority Parliament. Committee must conduct their business against whatever political backdrop the electorate dictates.

Regardless of the changing institutional context the role of committee clerks within the parliamentary system is extremely difficult, not because of procedural matters or because of the issues touched on by respective committees, but rather because of the inevitable dynamic interplay between the clerk, the department, members of Parliament, the committee staff and the committee chairman in particular.

Not only do committee clerks work independently, but often they find themselves working virtually on their own and often with only limited resources. It is then that they must rely on their knowledge of the workings of a parliamentary committee to make any headway. Unquestionably the biggest challenge is to serve the chair well, but equally, a clerk must serve all committee members. This task requires a sustained effort, especially if one is to avoid being caught up by the chair's personality and if one is to ensure that the committee runs smoothly, particularly when contentious issues arise during meetings.

As clerks we are constantly trying to build relationships. That is the biggest skill a committee clerk can hone, first with the chair and then with the staff of the various political parties. Building those relationships in a non-partisan way is not easy. In my office, the most jun-

Robert Marleau was Clerk of the House of Commons from 1987 - June 2000. He is presently Senior Advisor to the Speaker of the House of Commons.

ior person on the any house leader's staff may call wishing to see me. I will give them almost the same access as an MP. Part of my role in that situation is to educate this young whipper snapper who has just discovered reasoned amendments and thinks he has a great idea.

I want to underline the dynamic between clerk and chair because it is one that I have studied over the years. It is really the critical role that a committee clerk plays. We are all process people. It does not matter what the committee is considering. It does matter that we understand what it is considering. I think every committee clerk must know as much as the members about an issue that is being debated around the table in order to be effective. To understand where each individual member is coming from demands a different analysis and a different observation process than the members are making about the issue. It is the role we play in that dynamic that is critical.

How well do you know your chairman? Obviously, one cannot go into a committee and say, "I do not do windows and I do not carry baggage." I have lifted some baggage on committee trips from time to time. You must choose what boundaries you feel the profession requires you to retain. Those boundaries vary to some degree. They vary with the tolerance of the committee, the relationship you have with the opposition, and the relationship the chairman has with the opposition.

Try to preach that you remain first and foremost the clerk of the whole committee. It is the first thing I tell a new speaker and it is the first thing I say about my role as clerk of the House of Commons when I speak at the orientation session.

There is not much difference between being clerk of the House or clerk of a committee. We have a very short window during which to impress with our services and to get them to imprint properly. If we blow it, it is my experience that in most cases it is lost for the Parliament, with members in particular. In those early days, proving oneself is critical. We do not have six months to establish our credentials. Probably about six hours. Have a frank discussion. Tell the chairman, "Here is what I am here to do and here is what you can expect me to do. I can deliver beyond that if we have that kind of relationship." The complexity of each relationship must be taken into account.

More often than not, committee clerks find themselves with staff they did not hire, with outside consultants who

know little about the parliamentary process, and with staff that comes from the political arena and have their own views on how the committee should get from Point A to Point B. The Clerk must manage those relationships while maintaining a non-partisan, non-participatory role in the issues before the committee. The role of the clerk of the committee as the pivotal staffer responsible for the process, probably will not change all that much. I do not think it has changed all that much since 1968, although committees have changed significantly.

What will change is membership. There are about 80 million baby boomers on this continent about to retire. They have money and time. Many of them will enter the political process which will very much change the nature of the business we do in committee.

Baby boomers have dominated the political agenda outside the House by their sheer numbers. In the House of Commons right now, I think we have the first baby-boom dominated House in my experience. It is subtly changing, but I think after the next election it will be even more dominant. "Grey power" does not begin to define the situation. They will enter the arena and they will set the agenda.

With that, however, comes another dimension of the baby boom factor; that is, women in politics. As women leave their empty nest we will see many more of them join the political process. They will get a fairer shake in the electoral process and they will enter politics in unprecedented numbers.

That will change the nature of the role of the committee clerk because women seek, by and large, to find the compromise and to make a contribution rather than to seek confrontation. Therefore, the whole dynamic of committees as a forum could be affected by women entering politics. Hence, the Clerk's role in terms of assisting members achieve their goals will change and we must prepare for that. The rules will change in that kind of environment.

Technology is another area of change. When I joined the House of Commons, I shared a secretary. She was just a first-class individual, but when she got her first self-correcting Selectric II typewriter, her efficiency quadrupled. When we abandoned Gestetner stencils for photocopy machines, my productivity went up exponentially in terms of being able to provide service to my members. However, I never imagined that I would have to learn software like Access, Excel, PowerPoint, Outlook and everything else that is at our fingertips these days in order to serve committees.

Committee clerks must stay trained in these new technologies. However, at the same time, some of these technologies will put into question the very essence of committee work.

There is no doubt in my mind that politicians will always wish to press the flesh. They will always want to keep some contact. However, the reality is that citizens now have access to Parliament and to parliamentary committees in an absolutely unprecedented way. They can read the bills on line. They can read yesterday's transcript on line. They can e-mail the clerk and the chair instantly when they learn something about the committee work. They also expect an answer.

It was nice when we used to be able to sit around for a few days and count on Canada Post to take their time about delivery of letters. Now we all open our e-mail every morning to find there are 40 more messages there than you had cleaned out last night. When you get an e-mail from someone at 9 o'clock in the morning, they seem to expect an answer by 4 o'clock in the afternoon. That will put a tremendous pressure on the political process, on committees in particular, and on committee clerks.

I am not just referring to e-mail. The citizen wants input now. The citizen wants to have their say in a timely fashion. Not long ago we were still advertising in newspapers, asking for briefs. Then we would select the briefs, the committees would look at a few and print the odd one. When groups submit a brief now, they expect an answer. It is not satisfactory for them to have submitted a brief, and then they have to go through a committee report to find some reference to their submission. It is an interactive expectation on the part of the citizens and the witnesses.

Asking for more money for new technologies will become harder and harder as well. It is a double-edged sword. The citizen wants a response. We need to spend money in order to satisfy that want. Yet, if we raise the budgets of our legislatures, they are better equipped to pass judgement on the investment they have made. Hence, those investments must be extremely targeted and extremely transparent. That is a large political issue and one that clerks cannot do much about.

Let me conclude with a few words about how committees of the future might impact policy development? For some time now the influence of the ordinary backbencher has been increasing and so has the appetite for more influence. Successive governments have recognised this and tried some imaginative techniques to give more influence to their private members. For example

the Constitution states that no bill shall be passed by the House of Commons with an expenditure proposal without having a Royal Recommendation attached. For a long time that meant that such Private Members Bills were ruled out of order. As a result of rule changes in the House of Commons it is now possible to allow a member to initiate and potentially have a debate up to and including third reading, whereby the ministry would then bring in a Royal Recommendation to cover the expenditure. We have had one case so far. Now, one case does not make a trend, but the fact that it is there means it will be used.

Can the model of 15 members around the table with a clerk, a chairman and a witness survive in the next 20 to 25 years as a method of consultation? Is it the most efficient way to reach citizens or groups of people who are interested in the committee business? That is a question we must ask and it is an issue we must anticipate.

The same thing will happen at the committee level. We receive a lot of pressure because of the congressional system south of the border where committees initiate legislation. Our own members are expressing a desire to do more than just impact policy by interviewing government bureaucrats. They want to make political proposals — which become more and more binding upon the government of the day — through the committee system or through the private member's bill system.

The demand and the pressure from the membership is changing. I am not saying we will see a lot more committee reports debated on the floor of the House, but the fact that committees can demand an answer from the government creates an interactive relationship where the impact of the role of the committee will grow. We will also see, I believe, a return to some of the concepts that were experimented with in the early 1980s federally. Small mini-task forces will be charged to go out there on a specific subject matter, and then the government of the day will be affected by those initiatives.