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# Reform of the Committee System in Quebec

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by Jean-Paul Bergeron, MNA

*In the early 1980s, Quebec's National Assembly went through a major reform. In 1982, the National Assembly Act was reworked to adapt to the new parliamentary reality and the demands of the time. The new Act affirmed the power of the Assembly to supervise all acts of the government, its departments and its agencies — this power had not previously been made explicit. Its preamble solemnly affirmed the independence of the Assembly and the necessity to protect it against any interference. In 1984, the determination to assert the Assembly's independence and its role as a counterweight to the executive branch led to a complete revision of the Standing Orders of the National Assembly. Apart from rationalization of the main procedures governing organization of proceedings in the Chamber, the core of the 1984 reforms dealt with modernization of parliamentary committees. This article asks whether Quebec's parliamentary committees have not achieved enough autonomy to exercise parliamentary initiative or oversight to the extent intended by the 1984 reform?*



The 1984 reforms had four major objectives: introducing a better balance in the democratic institutions, i.e., between the executive and legislative branches; modernizing the operations of the Assembly as well as of its committees; monitoring the executive and the civil service more adequately; and monitoring financing and public expenditure more adequately.

The attempt to achieve these objectives took the form of an in-depth overhaul of committee work, starting at the level of committee structure. Reduced in number, the committees were each given a sectoral and thematic area of jurisdiction within which they were to exercise the functions of legislation, consultation, oversight and parliamentary initiative with respect to the relevant ministries and public agencies. Permanent and independent, they were from that point on to be directed by a chair and a vice chair elected by their peers for a two-year term.

Prior to 1984, the government had for all practical purposes control over parliamentary committees. The members could only meet when asked to do so by the Government House Leader. But above all, each ministry had "its" committee. With the reform, the committee structure ceased to mirror that of the ministries; instead, they were to enjoy expanded areas of jurisdiction. Cabinet ministers were no longer members *ex officio*, except for the duration of a particular mandate, or when a motion adopted by the Assembly so ordered, or for the con-

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sideration of bills under their responsibility. Under the new Standing Orders, in all other circumstances when a minister was called to participate in committee proceedings, he did so as a witness. This important change in parliamentary practice was designed to keep the necessary distance between the legislative and executive branches.

In addition, the committees were given expanded powers of monitoring and oversight. They could review government regulations, and examine the direction, activities and management of independent agencies. Another major innovation of the time was that of giving parliamentary committees the ability to undertake on their own initiative a study of any topic covered by their area of jurisdiction. Since 1984 the committees have had the power to organize public hearings and to choose the witnesses who will appear. At the conclusion of their work, they may table a report in the Assembly containing their conclusions and recommendations. Those were the main innovations that made their way into the *Standing Orders of the National Assembly*, and that formed the core of the rules governing committees.

#### A First Re-evaluation

In 1995, 10 years after the reform took effect, the report of a review committee found that the reform had not had the hoped-for impact. It appeared that 80% of committee workload was made up of mandates given to them by the government, either to study a bill clause by clause or to hold hearings on government bills. The committees' margin for initiative was only 5% of all sitting time, leaving scarcely 15% for parliamentary oversight. In addition, the committees were failing to meet the obligations formally set out in the Act and the Standing Orders.

Cabinet ministers were as present as ever in committee proceedings, despite the rule limiting their participation. The Government House Leader was careful to have a motion to this effect passed in the Chamber on every occasion when the government's position was likely to be questioned, thereby marginalizing the role of government MNAs. Moreover, even if it had seemed that debates would be less partisan thanks to the changes, party lines were still very often only too obvious in the proceedings, and the achievement of consensus was difficult, frequently impossible. Finally, the committees were not exercising their powers: they had given up choosing witnesses themselves for public hearings, and only exceptionally made use of their power to recommend.

Certainly there had been successes during the first ten years of implementation of the reform, but these could be counted on the fingers of one hand. The authors of the 1995 study attributed the poor results to the absence of

real power in the hands of backbenchers, due to the grip in which they were held by their party and the executive. The result was a gradual erosion of the interest that MNAs might feel in their committee functions.

#### A Second Re-evaluation

In a second report published in 2000, entitled *De la nécessité du contrôle parlementaire*, it was recognized that progress has been made since the 1995 study: committees are taking more action on their own initiative and doing more monitoring, they are using their power to make recommendations a little more often, and they are making more use than ever of the Assembly Library's Research Service.

**Distribution of Speaking Time by Participant**

Mandate	Opposition Critic	Minister	Other
Detailed Study	4 h 05 m	5 h 30 m	0 h 24 m
Hearing	3 h 47 m	3 h 52 m	1 h 21 m
Members present	11%	11 %	78%
Total	7 h 53 m (41.5%)	9 h 23 m (49.4%)	1 h 45 m (9.7%)

Source: Committee Secretariat

However, according to this latest evaluation, while there may be some improvement quantitatively, we are still very far from what was anticipated in 1984 when it comes to institutional independence and intensification of parliamentary oversight of government activities. A number of the supervisory mandates provided for in the Standing Orders or the Act have not been exercised, or are being exercised in an episodic or superficial manner. Cabinet ministers are as present as ever. The committees do not truly control their agenda, since the House Leaders and the Whips interfere in even the most minor aspect of the organization of committee work. More serious still, 90% of speaking time in committee is still used by the minister present and the opposition critic who confronts him or her, leaving all the other committee members, who account for 78% of the people present around the table, with just a meagre 10% of the speaking time.

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## Summary of the Conclusions in the Most Recent Evaluation

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The report of June 2000 sets out the following six observations:

- Parliament is less and less the forum for great social debates: the government is making more and more use of summits, Estates General and commissions of inquiry, and ignoring the elected representatives of the people;
- Parliamentary committees could do more, and above all they could do better: lack of information, lack of preparation by MNAs and lack of follow-up on their work weakens any attempt at in-depth investigations;
- The work is organized in a way that does not leave adequate time for initiative and oversight: regulatory constraints on the number of committees able to sit simultaneously are the main problem here. In the same way, the conflict of priorities between the government and the committees limits possibilities for sitting. It should be noted that the new administrative reform, stressing "results-driven management" and "accountability" on the part of ministries and agencies appearing before parliamentary committees, will in the fairly short term have repercussions in terms of workload;
- The distribution of workload among the committees is not optimal: duties are not divided among members according to their interests and aptitudes, which leads a majority of MNAs to see initiative and oversight activities as a burden that does not necessarily "pay off" either politically or personally;
- The committees are poorly equipped to do their work: they do not have adequate tools, or personnel, or the budgets required to carry out their responsibilities effectively and productively;
- The work done by committees is not recognized at its true value: it lacks visibility in the media and among the general public, while MNAs do not receive fair remuneration for the extra work that a very active committee represents.

## Proposed Solutions

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The review committee formulated 13 proposals to make initiative and oversight more stimulating and more effective:

1. Set up an "umbrella" committee that every fall would combine all the parliamentary committees to organize and debate a major social issue in the National Assembly, without regard to party lines. The members of the executive would be invited to come and make their responses to the recommendations of the umbrella committee;
2. Reduce the presence of Cabinet ministers in committee when public hearings are being held;
3. Affirm the autonomy of the organizing committees by enabling them to take back the power to organize committee work and proceedings, a power that has been abandoned over the years to the House Leaders;
4. Make more use of subcommittees for functions of parliamentary oversight, in order to allow the more interested members to specialize in this area;
5. Free up time and space for initiative and oversight by making the rules limiting sitting possibilities more flexible;
6. Put more content into public hearings by systematically preparing summaries of briefs received and evidence heard;
7. Require a written response from the government to committee reports within 60 days after their tabling;
8. Table draft regulations for the implementation of acts at the time of clause-by-clause study of public bills;
9. Require each committee to review at least one existing regulation every year;
10. Strike a committee to formulate terms and conditions for the parliamentary aspect of the new administrative reform that is calling for "results-driven management" and "accountability" before parliamentary committees;
11. Provide a sufficient number of permanent research personnel, not only to respond to ad hoc requests from committees but also to provide them with proposals for study, documentation and analyses of topics of interest;
12. Provide training and an annual updating for members of committees regarding their functions of initiative and oversight, and increase their remuneration;
13. Set up a conference of chairs and vice chairs of committees once a year to discuss the difficulties met with in the exercise of their functions, make best practices observed in committee more widely known, and develop esprit de corps.

MNAs' reaction to this most recent re-evaluation and to the recommendations in the report has been very positive. While most recognize that there is quite a high hurdle to get over, they all agree that the problems and solutions identified in the report are worth discussing.