

tion. It is useful to know what administrative arrangements are in place, and how each jurisdiction evaluates and responds to the needs of its legislators. It would be even more enlightening to know how effective the various arrangements are; and what are their consequences, intended and otherwise. In this respect the "value-free" approach of the editors is restrictive. Each jurisdiction has a complex package of arrangements. The method of presentation in this study makes it difficult to achieve a wholistic view of each package and how it compares with the packages of other jurisdictions. For example in comparing the expense allowances in each jurisdiction on an across-the-board basis the remuneration of federal Members of Parliament looks especially generous. However, when one considers that some provinces give generous housing allowances and extra pay for committee work, which is not the case in Ottawa, then the federal scale assumes a different perspective.

The *1981 Comparative Study* is a most informative document. The editors should be encouraged to continue their annual efforts and to press further their examinations of the administrative aspects of Canadian legislatures. There appear to be fewer factual errors than in previous editions but too many unfortunate mistakes still exist. It is to be hoped that others will heed the editors' plea for more comparative research directed at legislatures. Cross-national comparisons with the British House of Commons and American State Legislatures would be of particular interest. Indeed their conclusion that "Canadian legislators at the provincial level are now, on the whole, more highly paid and have better facilities at their disposal than their U.S. counterparts" is a revelation that begs for further examination.

In concluding I should like to direct some general comments at the large number of salary studies that seem to be produced each year. At the federal level there was the Hales report in 1979, the McIssac-Balcer Report in 1980. The Pay Research Bureau does an annual study as does the Canadian Region of the Commonwealth Parliamentary Association. There are also a myriad of published and unpublished reports prepared by various provincial assemblies or committees. Many studies do little more than rework familiar ground.

One reason for the growing number of studies is the need to be up-to-date. Although the general administrative

arrangements are relatively constant, salaries and benefits are revised by most governments on an annual basis. For some, these changes are initiated in January and revised later as the annual "indexing" figures become available; in other jurisdictions the changes are made at the beginning or the end of the spring legislative session. Special events such as elections, may cause further revisions. The year 1981 was notable for the controversies surrounding the extensive changes of pay and benefits for Members of Parliament and the Ontario legislature. These arrangements were not completed until July 1981. July through September are probably the most suitable months to take a snapshot of pay arrangements as the data and analysis can be made available by December before the next round of major changes. The Pay Research Bureau's policy of waiting till the end of December before compiling that year's data means that their work is out of date before it is published.

More serious than timing is the fact that numerous researchers are tripping over each other in their efforts to independently collect basic salary and benefit data. The telephone, as the primary instrument of collection, is the source of several difficulties. Both the above studies offer data which appears to have simply been transcribed incorrectly. Other difficulties involve finding the most appropriate questions to ask. Another problem relates to format. For example, in the Fleming study the basic indemnity for a Saskatchewan legislator is given as \$16,804; combining the indemnity of \$10,980 with the unique Saskatchewan sessional allowance of \$5,896. The Ontario Commission gives the correct indemnity figure but ignores the sessional allowance altogether. These differences in format may be justified by each author, unfortunately the reader is left with contradictory information.

In an effort to improve the reliability of salary information, I suggest that it be collected on a continuing basis by a repository that would in turn make it available to any interested researcher. This would require convincing some institution, for example: the Pay Research Bureau, the Canadian Region of the Commonwealth Parliamentary Association or a provincial Director of Administration to act as the collection agent. The Administrative Officers of each province would be asked to put together, on an annual basis, the major salary and benefit changes for that year in

addition to sending notification to the collector of any minor changes as they occur. I see no hope for making a significant cut in the number of researchers interested in pay matters, but some centralization of information would provide researchers with better information with less aggravation for the administrators.

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## WITNESSES BEFORE LEGISLATIVE COMMITTEES. Report of the Ontario Law Reform Commission, Toronto, 1981, 129 p.

Ontario Law Reform Commission Reports are gold mines for those looking for well-researched distillations of the law. This report is no exception and directs light into many dusty corners of parliamentary law and practice. It also serves to bring together the recommendations of overseas studies on Committee practice. Every Committee Clerk, Chairman and adviser would profit from reading it, not least in being forced to face issues and problems so commonly glossed over in the hurly-burly of meetings and report preparation.

It is passing strange that Committees, whose lifeblood in so many cases is the "evidence" of witnesses, should pay so little attention to the application of principles to the gathering of evidence from witnesses. The Law Reform Commission is right to emphasize that a legislative committee is not a court of law, for certainly the manner of proceeding would raise many a judicial eyebrow. The Commission evidently feels that the rights of individual witnesses are not directly put in jeopardy in a committee setting. If, however, they are civil servants their careers may be. The easy informality of some committee questioning can be quite distressing in light of the seriousness of the subject being considered. But, perhaps the word "evidence" is inappropriate to the presentations of very many who appear before committees to put the points of view of particular interests which will be weighed in some fashion by the committee in the public interest. While many so-called witnesses really appear as advocates before committees, the Law Reform Commis-

sion tends to see witnesses in something of an old-fashioned light as persons "called in and examined" on a concrete issue of fact. So often they appear as spokesmen, even if only for a bureaucratic practice or policy.

Those who are troubled by the supposed inability of Committees to compel evidence or the production of papers, or by the claims of civil servants and ministers to crown privilege, or of ministers to a special status as witnesses, will take heart from this report and the ringing declaration by the Commission of the subjection of all to the existing provisions of the *Ontario Legislative Assembly Act*. On the other hand those who hanker after American-type committee proceedings will find little comfort in this Report. Indeed, the recommendations on the right of witnesses' counsel to intervene and to participate in proceedings by examining and cross-examining witnesses are mercifully restrained. In the operation of any committee, the chairman and the members cannot escape their responsibilities for ensuring fairness, however probing the questioning, and of themselves developing and pursuing methodical and searching questioning. Is it hoping for too much that the actual operation of a legislative committee when hearing witnesses and presentations should be fair, methodical and searching rather than simply reproducing partisan positions taken in the Legislature itself? If so, all the law and wisdom now gathered in this Report will be of use only in the odd case and will make little contribution to the operation of committees. After reading this Report, one really does feel impatient for an equally sober and deliberate study of the ways in which committees can so conduct themselves as to make the best use of the presentations and evidence of witnesses.

The Commission is right to place so much emphasis on the protection and the rights of witnesses, as the counterpart to its firm attachment to their compellability. Several intensely practical suggestions are made, including the very attractive idea that a committee should inform a witness of the duties, privileges and penalties he enjoys or faces. This idea is really so basic one wonders that it is neglected. Why is it that the simplest things are often and usually overlooked? But there it is: the way to make committees work better does not lie through grand restructuring of the committee system, or revolutions in staffing or large doses of parliamentary reform, but by the steady accretion of sensible practices and of changes dictated by the common-

place quality of common sense. This Report is an admirable source for any Committee Chairman or member who wishes to be the unsung initiator of reform by stealth, by the introduction of changes in themselves so small and so eminently sensible governments may not take fright.

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**L'ASSEMBLEE NATIONALE  
EN DEVENIR: pour un meilleur  
equilibre de nos institutions.**  
by Denis Vaugeois,  
Quebec National Assembly,  
1982, 202 p.

Shortly after the April 1981 elections, Premier René Levesque asked the MLA for Trois-Rivières, Denis Vaugeois, to study the operations of the National Assembly and to recommend approaches for reform. The project followed the lines of previous work done by the Robert Lamontagne committee (1975), by former MLA Claude Forget (1977), by the Minister of State for Parliamentary Reform, Robert Burns (1978) and by the Gilles Michaud committee (1979).

Other assemblies have shown a concern for streamlining parliamentary operations; for instance the book by a French member of parliament, André Chandernagor, *Un Parlement, pour quoi faire*, and British MP Anthony King, *How to Strengthen Legislatures Assuming That We Want To*.

In this context, Mr. Vaugeois considers the future of the Quebec National Assembly. From the outset, he makes a fairly blunt diagnostic; "Not having found the proper cures", he writes in the introduction, "let us at least try to better identify this anemia which is plaguing our Parliament and threatening our democratic life" (p. 7). However, as the patient does not seem incurable, the author suggests a series of ways to improve the workings of the National Assembly. The recommendations center around two main avenues of reform: greater independence for individual members and true legislative responsibilities for the House as a whole. Mr. Vaugeois recommends that Parliament establish its own budget and organize operations along its

own specific lines. He believes the present internal economy commission should be replaced by a board that would include the Speaker and seven other members designated by caucus including four from the government side. The board would exercise control over the general management of the Assembly, and approve the yearly estimates, without need for approval from the Minister of Finance.

The report also suggests that parliamentary business should be submitted to a board which would include the Speaker, committee chairmen, parliamentary group chairmen and leaders of the recognized parties. Priority would, of course, be given to government business, but the government leader would also have to provide some time for private members' business.

Along with this concern for the independence of Parliament, there is also a need for more parliamentary responsibility. The second objective of the proposed reform would therefore be to give the Assembly responsibility for control of management and public corporations (Crown corporations). After review of the reports from the Auditor General, the Ombudsman, and the Human Rights Commissioner, the Assembly could establish sub-committees to question government and formulate reform proposals. A committee of the National Assembly would also review the public corporations' reports and hear their directors.

The report contains another proposal that would enable the Assembly to examine more closely the budget and to have greater control over public expenditures. To this end, a finance committee chaired by a government member would review the government's budget proposals and appraise, on an on-going basis, the situation with respect to public finances. To act as a counter-weight, the report recommends the establishment of a financial commitments committee, chaired in this case by an Opposition member. It would, twice a year, review each department's financial commitments.

In the legislative area, Mr. Vaugeois recommends setting up a parliamentary committee to study proposed legislation and ensure cohesion between acts of Parliaments and regulations prepared by government. The Quebec Bar Association has already formulated recommendations to this effect. In an interview following his report, Mr. Vaugeois stressed the need to streamline the 1,956 regulations which cov-