

## The Legislature: Influence Not Power

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The legislature may be the most misunderstood political institution in Ontario. Much of the population harbours highly inaccurate views of the role played by the legislature in Ontario politics, about its power, and about the influence wielded by its members. The natural expectation of an institution called a "legislature" is that it makes laws, but for the most part the Ontario legislature is better understood as a law-passing rather than a lawmaking body. In Ontario, as in other parliamentary systems, the cabinet and the bureaucracy make laws. From time to time, the legislature does significantly influence policy, but this influence tends to be subtle and indirect rather than through formal amendments to the bills going through the House.

If the legislature's prime function is not making laws, what does it do? Among the important functions it does perform are representing the people, holding the government accountable, debating important issues, recruiting and training political leaders, and legitimizing and building support for government policies. The representation function includes not only voicing the views and concerns of various groups and communities, but also assisting constituents in their dealings with government (this is sometimes called the members' "ombudsman function"). Accountability means that the legislature requires the government—both elected ministers and their bureaucratic officials—to explain and defend its policies and its administration of them. In debating the issues of the day, the legislature brings new problems to public attention, educates the public about those problems and possible solutions to them, and permits the voters to assess the positions of the various political parties on the issues. Although many powerful and important government policy makers are to be found in the bureaucracy or in ministers' offices rather than in the legislature, all ministers must be MPPs (by convention, if not by law) and the House acts as both a training ground and a proving ground for potential cabinet ministers. Finally, the legislature legitimizes government policy in the formal sense of providing legal authorization for laws and for government spending, but in a much more fundamental sense it encourages people to accept government measures that they dislike because they believe that the decisions were made by their elected representatives.

## STRUCTURE

Fundamental to the understanding of the Ontario legislature is the recognition that, like the House of Commons in Ottawa and all Canadian provincial legislatures, it is premised on the British model of cabinet-parliamentary government. Such familiar principles as ministerial responsibility, the adversarial government-opposition division, and the requirement that the cabinet retain the confidence of the House represent the essential constitutional underpinning of the legislature.

The legislature is composed of 130 MPPs (Members of Provincial Parliament), each elected from a geographic district called a constituency or a riding. In terms of formal structure, the Ontario legislature has changed little since Confederation: it has grown slowly in size (from eighty-two members in 1867); for only brief periods, ending in the 1920s, did a small number of MPPs represent two- or three-member ridings; and most significantly, Ontario is unique among the original Canadian provinces in that its legislature has always been unicameral, that is, without an upper house. This continuity in basic structure should not, however, be equated with lack of change, for in many ways the legislature has changed profoundly, particularly over the past two or three decades.

The configuration of parties in the legislature is critically important. In terms of electoral following, Ontario's current three-party system dates from the Second World War, but particularly during the 1950s and early 1960s the peculiarities of the electoral system distorted the number of seats won by the parties. Since 1967, however, the third party has never held fewer than sixteen seats. The legislature is thus very much characterized by intense three-party competition. This is significant because parliaments with three substantial parties are qualitatively different from those with only two parties. In three-party houses, the primal division between government and opposition may not correspond to ideological divisions; certainly in the Ontario legislature, the principal ideological division lies between the NDP and the two older parties. Moreover, the presence of three parties complicates the political calculus in the House, mainly through the competition between the two opposition parties to prove which is "the real opposition." One of the keys to the long Conservative period in office was the government's success in ensuring that the Liberals and New Democrats in the House spent as much time and energy fighting one another as they did attacking the government. On an everyday level, in devising tactics for question period and for committee meetings, opposition strategists must try to anticipate not only how the government will respond, but also the questions and tactics employed by the other opposition party.

For all this, however, the most important consequence of a three-party House is the possibility of minority government, which means that

the government party holds fewer seats than the opposition parties combined. And indeed, three of the last five governments have been minorities: 1975-77, 1977-81, and 1985-87. These minority situations not only greatly enhanced the power of the legislature with respect to the government and to the policy process, but also left a lasting legacy in terms of procedural reforms and members' attitudes toward the House. These changes withstood a return to majority government in 1981; moreover, out of the minority experience a sense has developed that the legislature has an important role to play in the governance of the province.

The 1985-87 minority was notable for a unique written "accord" between the Liberals and the NDP. The accord, which marked the end of the Tory dynasty, not only set out a number of common policy goals, but also featured pledges that for two years the premier would not seek a dissolution and that the NDP would neither move nor vote non-confidence. The accord thus eliminated the instability that usually characterizes minority governments by removing uncertainty over a possible election. Ontario's experience with a formal agreement between the partners in a minority government stands as an important precedent for other Canadian legislatures facing minority situations.<sup>1</sup>

The legislature is "misunderstood" in another sense from that set out at the beginning of the chapter: its members are frequently criticized for being overpaid, incompetent, self-centred, and unresponsive to public demands. Such criticisms contain an element of truth but are on balance unfair to MPPs. In 1989, MPPs were paid \$41,113 and also received an additional \$13,790 as a tax-free allowance, which for practical purposes was roughly equivalent to an extra \$20,000 a year in pay. The Speaker, ministers, and party leaders earned substantially more. Committee chairs, whips, house leaders, and parliamentary assistants received a few thousand dollars above the basic indemnity. Members also received a host of other benefits, such as allowances for non-Toronto MPPs to pay for accommodation in the capital, transportation costs between Queen's Park and members' homes, and a generous pension plan. By comparison with most of their constituents, MPPs are well-paid, though if the basis for comparison is either the upper levels of the bureaucracy or middle-range positions in the private sector, members do not fare very well. Indeed, business people and professionals elected to the legislature are often faced with a dramatic decline in income, and with job security that lasts only until the next election (unlike a quarter-century ago, almost all current members are full-time MPPs and maintain no outside employment).

Financial concerns, however, are not nearly so important as the personal sacrifices members are called upon to make. Members face unrelenting demands on their time; not only do they work long weekday

hours, but they are expected to attend all manner of local meetings and social events in their ridings on weekends. The time pressures, the lack of privacy (members, especially those from ridings outside large urban centres, are often besieged by constituents' calls to their homes), and the need to be away from home for extended periods are highly destructive of family life. Coupled with the frustrations most members, both government and opposition, encounter over their inability to affect policy significantly, these demands can make the lot of the MPP a trying one indeed.

Members are provided with offices at the legislature and in their ridings and funding for three or four full-time staff. Each party caucus also has a research bureau and other facilities and staff to assist members with media relations, political organizing, and other needs. A sizable contingent of professional, non-partisan legislative staff, such as the reference specialists and research staff of the legislative library, are also available to members. Almost none of these services and facilities existed prior to the early 1970s.

Members of the Ontario legislature bring a wide range of backgrounds and experiences to their tasks. In certain respects, MPPs mirror the social composition of the province, but in other ways they are quite unrepresentative of Ontario's population. Members are on balance much better educated and older than their electors. They are disproportionately drawn from small business and professional occupations (particularly teaching and law); relatively few Ontario MPPs have backgrounds in working-class or lower-middle-class (sales and clerical) jobs. In terms of their religious affiliation and their national origins, MPPs are remarkably representative of the provincial population, with one glaring exception: whereas 7 percent of Ontario residents are of non-European origin—a great many in the so-called "visible minority" groups—in 1989 only three of 130 members of the legislature did not trace their origins to Europe, and prior to the 1987 election only one did. Only 17 percent of the MPPs are women, but even more significant is the startling fact that the twenty-two women in the 1989 House constituted more than half the total number of women who ever served in the Ontario legislature.

The Speaker occupies a unique position in the legislature. He—no woman has ever been Speaker—is elected as a party politician in a riding, but once chosen to be Speaker must be completely neutral in presiding over the rough-and-tumble of the House, treating all members with complete fairness. He does not take part in legislative debates and votes only in the exceedingly rare event of a tie. A strong, independent speaker-ship is essential to a mature, effective parliament and although the Office of Speaker in Ontario has increased substantially in prestige and power in recent years, the Speaker remains hamstrung both by a lack of formal powers and by the members' lack of respect. For example, Ontario was

one of the last jurisdictions in Canada to permit the Speaker's decisions to be overturned by a vote in the House. Included in an important package of rule changes adopted in the summer of 1989 was a provision for the election of the Speaker by secret ballot, as is done in the House of Commons. No longer will the election of the Speaker by the MPPs be illusory, with the real choice of the Speaker being made by the premier. As this chapter is written, the first genuine election of a Speaker has yet to take place, so that it remains to be seen whether, as has been the case in Ottawa, this change will substantially enhance the Speaker's independence and prestige. In recent years, the Speaker has assumed a wide range of administrative duties as head of the large legislative bureaucracy; in this respect, his position is analogous to that of a minister.

The budget for the legislature in 1989–90 was approximately \$88.5 million.<sup>2</sup> A substantial professional bureaucracy serves the legislature, but these officials differ from the normal civil servants in that they serve members of all parties with equal diligence. Civil servants in the ministries are often helpful to opposition MPPs, but they are clearly working for the government (though not the government party), whereas the staff of the Assembly work for and answer to all members. The Clerk of the House is the Speaker's chief procedural advisor as well as the administrative head of the legislative bureaucracy.

Similarly, several important offices report directly to the legislature rather than to the government. These include the Office of the Provincial Auditor, the Office of the Ombudsman, the Information and Privacy Commission, the Election Office, and the Commission on Election Finances. The functions performed by these organizations—overseeing the electoral process, investigating government decisions, auditing public expenditure, adjudicating disputes over government release of information, and the like—require them to be independent of government direction. This is indicated in their responsibility to all members of the legislature rather than to a government minister, as is the case with the civil service.

## PARTIES

The important number in the Ontario legislature is not 130 but 3. Party discipline is strong and pervasive, so that what count are the positions of the three parties rather than the views of the 130 members. The opinions of individual members may have an important bearing in formulating party positions, but to the extent that this occurs it is largely a behind-the-scenes process that has little bearing on the operation of the House and its committees. In all three parties, tension exists between the ordinary MPPs and the party leadership over questions of political strategy and policy stances, but it is especially acute on the government side. Government

MPPs, particularly during majority governments, are often frustrated by their lack of influence in policy-making but lack the opposition members' compensation in being able to vent their frustration through vigorous public criticism of the government in question period and elsewhere.

Each party caucus is highly organized, with a well-defined leadership. Party leaders enjoy a dominant position and in most cases are able to impose their will on the caucus, though effective leadership often means sparing use of such power. The collectivist ideology of the NDP and the party's commitment to internal party democracy restrict the NDP leader's power in comparison to the other party leaders, but even he is clearly in charge. Party leaders have far more extensive staff support than other members. They are the prime focus of media attention and are given special treatment in many other ways, both formal and informal; by way of illustration, the first four questions during question period are reserved for party leaders and leaders are permitted more supplementary questions than other members.

The other key figures in the parties' legislative apparatus are the house leaders and the whips. The house leader is responsible for developing strategy in the House and for co-ordinating House tactics, and is the key figure in the extensive interparty consultations and negotiations that are necessary for the smooth running of the House. The whips work closely with the house leaders but are not considered as important; their prime tasks are promoting members' attendance in the House and in committees, ensuring that all members are available for votes (and that they actually do vote), maintaining party morale and enthusiasm, and, when necessary, enforcing party discipline on wayward members. Although the possibility of coercion of MPPs by the whips or by the party leaders is an element in party discipline, it is generally less important than either the pressure exerted on members by their peers to be team players or the degree to which members genuinely believe in their parties and believe that "the system" works best with strong, cohesive parties. Accordingly, the whips spend a good deal of their time cajoling and bullying members to improve their attendance records, but they are not often called upon to deal with members publicly critical of their parties, let alone contemplating voting against them in the House.

Not surprisingly, party organizations differ substantially from government to opposition. Being larger, and by virtue of just being the government, the government caucus is more complex and more hierarchical. Premiers and their ministers are so much more powerful than other government members that in important respects the position of government backbencher (i.e., non-minister) is more akin to that of opposition member than to minister. The premier appoints roughly two dozen MPPs as "parliamentary assistants" to lighten ministers' loads, but they are not to be thought of as junior ministers; their duties, which are typically set at

the whim of the ministers they serve, are often fairly minimal and, with rare exception, they wield nothing like the power and influence of ministers. Still, they rank slightly ahead of the ordinary backbencher in the pecking order of the government caucus. On the opposition side, the distinction found in some British-style parliaments between frontbencher and backbencher is absent. All opposition members are appointed by the party leader as "critics" responsible for taking the lead in attacking the government and developing policy alternatives in specific fields; usually each ministry and major government agency will have opposition critics assigned to "shadow" it. To be sure, some critic "portfolios" (for example, treasury, health and education, and labour in the NDP) are more important than others, but the pecking order is not nearly so sharply defined in the opposition caucuses as it is on the government side.

All parties have various forms of caucus committees, but generally they are not important. The large Liberal caucus after the 1987 election formed a number of regional and policy committees for backbenchers, but their influence has been limited. In part because their caucuses have been much smaller, such committees have either been altogether lacking or essentially hollow shells on the opposition side. An important exception to this generalization have been the so-called task forces mounted by the opposition parties. These consist of three or four MPPs who travel the province holding public meetings and developing policy proposals on specific topics such as energy, workers' compensation, and forestry (in the case of NDP), Sunday shopping and liquor marketing (Conservatives), and health care and youth unemployment (carried out by the Liberals when they were in opposition).

Almost nothing that occurs in the legislature can be understood except through the prism of party. The fundamental attitudes determining MPPs' behaviour, the ways in which issues or proposals are presented, debated, and resolved, and even — one is tempted to say especially — the rules of the House are premised on parties rather than individuals as the key elements in the legislature. Any evaluation of the legislature's effectiveness, as any prescription for remedying its shortcomings, must take as a starting point the overwhelming importance of party.

## THE LEGISLATURE IN OPERATION

In understanding the Ontario legislature one must not only keep in mind the configuration of parties, the conventions of British parliamentary democracy, the rules of the House, and the like — one must also recognize the extent to which it is a club. MPPs often disagree politically with their opponents, but they also exhibit a strong sense of camaraderie based on shared experiences and common problems. A good deal of the outrage

exhibited in the legislature is essentially theatrical and the bantering and heckling in the House is more good-natured than vitriolic; cross-party friendships among members are common. Some of the most important rules of the legislature are the unspoken codes of behaviour to which members adhere, such as refraining from publicly raising other members' personal lives for political advantage.

The club-like atmosphere of the legislature is less evident than it was a few years ago. The increasing number of women mpps and senior legislative staff has had an impact here, for the legislature was very much a men's club. The end of evening sittings in 1986 significantly reduced the amount of time mpps spent in and around the Chamber in more relaxed conditions. As well, the increasing resort to no-holds-barred tactics by the opposition—bell-ringing, filibusters, and similar ploys—together with inflexibility on the government's part has widened the psychological gulf between parties. For all this, however, by comparison with most Canadian legislatures relations among members are amicable, the tenor of debate moderate, and the atmosphere of the House co-operative.

The legislature sits for six or seven months a year; this usually provides for just over one hundred sitting days a year. Typically, when the House is not in session, several committees are meeting at Queen's Park or travelling. From the late 1960s to the mid-1980s, the session usually began in late March or early April, broke for a summer recess toward the end of June, returned shortly after Thanksgiving, and prorogued (finished) just before Christmas. In more recent years, several weeks of sittings in January and February have been necessary to complete the legislative agenda. In the fall of 1989, the legislature adopted a fixed "calendar" of sittings stipulating that the House is to meet from early March until late June and from late September until mid-December. The months when the House is not in session are usually characterized by extensive committee activity; it is quite common for three or four committees to meet simultaneously during such periods. When in session, the House meets Monday to Thursday at 1:30 p.m. and adjourns at 6:00 p.m., with an extra sitting from 10:00 a.m. to 12:00 noon on Thursdays for private members' business.

Legislative proceedings are divided into two distinct components: routine proceedings and orders of the day. As the term implies, routine proceedings follow the same format every day. The government has little control over their content or duration; during orders of the day, which begin once routine proceedings have been completed (usually about 3:00), the government chooses the items for debate. This is the time when government bills, spending proposals, and policy papers are debated. Although the opposition may delay the passage of bills or other government business, it has no procedural means of forcing the government to bring forward for debate bills the government does not wish to

proceed with. The opposition may be able to force the government's hand through political pressure, but in effect the government retains virtually complete procedural control over this crucial part of the legislative agenda (up to ten times a year, on so-called "opposition days," the opposition parties choose the subject for debate in the House, but they are not permitted under the rules to use these opportunities to debate legislation).

Save on Thursdays, when private members' business is taken up in the morning, the legislative day begins with ten minutes of members' statements. Any member other than a minister or a party leader is permitted to speak for ninety seconds on any topic; some mpps prefer to address local riding concerns and others focus their statements on larger issues of government policy. mpps like making these statements—in part because no direct rebuttal is allowed—but they generally attract little media attention for this same reason. The next routine proceeding is statements by the ministry, during which ministers make policy announcements and other official statements. Major government initiatives are often announced at this time, though there is no rule against ministers making important statements outside the legislature prior to informing the House about them. Each opposition party has five minutes to reply to ministry statements, but since the opposition seldom knows beforehand what is coming these replies tend to be vague and unfocused.

Following ministry statements is the highlight of the legislative day: question period. For an hour each sitting day, the government is subjected to tough questioning on the entire range of its policies and its administrative operations by its principal political opponents. Ministers have no formal warning of what questions they will be asked, though many questions can be predicted from a quick reading of the morning's *Globe and Mail* or *Toronto Star*. Still, question period is a key element in keeping the government accountable: not only must ministers answer publicly for their actions, but in making decisions they and their officials must anticipate possible questions that could cause serious political embarrassment. In this way, the effectiveness of question period, along with other accountability mechanisms such as the Public Accounts Committee, may lie more in the threats they pose for potential damage than in the actual questions that are asked. Government backbenchers' questions are almost invariably innocuous or congratulatory of the government. Once question period is over, most mpps and virtually all reporters in the press gallery leave and the remaining routine proceedings are completed quickly.

Except in certain limited circumstances, such as opposition days and during private members' business, time limits on speeches or debates are unknown. Full-scale delaying tactics by the opposition are uncommon, but in recent years the government has occasionally found it necessary to

resort to closure or to time allocation procedures in order to expedite specific bills or other items of government business. A number of prolonged episodes of opposition stalling tactics in 1988 and 1989 culminated in an acrimonious confrontation when the opposition parties brought the House to a standstill for eight days by keeping the division bells ringing. Rule changes resulting from these incidents took away some of the opposition's most potent weapons of delay; division bells are now limited to thirty minutes and the opposition has lost the ability to tie up the House indefinitely by reading petitions, as it did in protesting the government's Sunday shopping legislation in early 1988. Still, many possibilities for delay remain, since the rule changes did not address time limits either on speeches (which are common in other provincial legislatures) or on debates.

As is the case in Westminster-style parliaments, the most significant steps in the lawmaking process are pre-parliamentary; in other words, the most important decisions on any government bill are made by the cabinet and the bureaucracy prior to the bill's first reading in the House. First reading is little more than a formality, though it is important in that the bill becomes a public document which is officially placed on the *Order Paper*, the legislature's agenda. After several weeks, during which the opposition parties have an opportunity to analyze the bill and determine their stances, the bill is "called" by the government for second reading. This debate on the principle of the bill usually takes only an hour or two, and almost never exceeds two days. Straightforward, uncontroversial bills then proceed directly to third reading, which in most cases is a formality, though on occasion debates can arise at third reading. Bills that require amendment or detailed study must pass through a committee stage prior to third reading. A single MPP can force a committee stage on a bill. The less significant bills are usually referred to the Committee of the Whole for consideration. Committee of the Whole is simply the House sitting in the chamber as a committee; the rules of debate are somewhat relaxed and the Deputy Speaker presides. The government retains the authority to decide the matters that come before Committee of the Whole.

Approximately a quarter of government bills—invariably the more complex and controversial bills—are referred to standing committees for study. Procedurally, this route is equivalent to Committee of the Whole but in political terms the differences are substantial. The committees themselves, rather than the government, decide the order in which the business before them is to be taken up; with a majority government this matters little, but in minority times it means that the government effectively loses control over the scheduling of business before standing committees. Furthermore, unlike the Committee of the Whole, a standing committee can hold public hearings, meet with expert witnesses, and travel to gather information relevant to the bill before it. This process can

have important political consequences. A particularly contentious or important bill may be before a standing committee for weeks or months. Amendments to the detailed provisions of a bill are often made in committee, but major changes are not common. Even during minority governments, most important amendments either originate with or are acceptable to the government.

The standing orders (the "rules") permit twenty members to force a government bill to standing committee, but the opposition rarely has to resort to this device since the parties, through their house leaders, usually agree prior to second reading on whether to send bills to standing committee or Committee of the Whole.

When the committee has completed its work, the bill is reported back to the House; under the rules, debates may occur at this stage but almost never do. On occasion, bills that have been considered in standing committee are then referred to Committee of the Whole, but usually bills coming from committee go on to third reading. Following third reading, bills receive royal assent from the lieutenant-governor; the lieutenant-governor has the constitutional authority to withhold royal assent (either out of personal choice or on instructions from the federal government) but the conditions under which this might actually occur are very difficult to imagine. Most bills "come into force"—that is, become law—as soon as they receive royal assent; others come into force on a specific date named in the bill, and a few others do not become law until the cabinet issues a proclamation authorizing it. The government is under no legal requirement ever to proclaim such bills, and though unusual it is not unknown for bills, or parts of bills, to pass all other stages of the process but never be proclaimed into law.

Almost all government bills contain an often overlooked but crucial provision authorizing the government to make "regulations" for the administration of the policy established in the bill. This gives the government enormous power to issue legally binding directives (also called delegated legislation) setting out details of the policy without requiring any approval from the legislature. Although it is true that the legislature has neither the time nor the expertise to review the thousands of pages of regulations passed every year, the consequence is that vast areas of government policy-making escape scrutiny by the elected members (although all regulations, once passed, are referred to a legislative committee, this committee lacks the authority to deal with anything beyond the legal technicalities of the regulation). This is a serious weakness in the legislature's ability to hold the government accountable.

Private members' business can take the form of bills or resolutions. Even if passed, resolutions are simply expressions of the House's opinions ("that, in the opinion of this House, the government should . . ."), which carry no legal force. By contrast, if private members' bills are

passed, they become the law of the land. Private members' business provides a certain scope for members to pursue pet projects and to have a palpable, albeit minor, impact on the policy process. Its significance arises not from the slim prospects of private members' bills passing into law—since 1976, only nine private members' bills have passed and none have brought about major policy changes—but rather in the sometimes substantial public interest private members' bills and resolutions can generate in public policy issues, in their utility as trial balloons, and as levers for pressuring the government. At the end of the debate on an item of private members' business, a vote must be held. Hence, embarrassing bills and resolutions cannot simply be talked out as is the case in most provincial legislatures; MPPs (most notably government members) must indicate publicly their support or rejection of the proposed measure.

Private members' bills are often confused with private bills, but the two are very different. Whereas private members' bills deal with any matter of public policy (with the restriction that they can neither impose taxes nor directly allocate government payments), private bills are concerned with individual corporations, charitable institutions, municipalities, and the like. Generally private bills are non-controversial and pass with little difficulty.

## COMMITTEES

Members of the legislature devote substantial time and energy to their committee work, for they recognize that committees offer much greater scope than does the House for delving into, and indeed influencing, policy. In turn, work carried out by committees often carries considerable political and policy significance.

Committees' effectiveness reflects their small size—usually about a dozen MPPs—their concentration on specific issues for extended time periods, their staff support, and their less partisan atmosphere (which in turn often reflects the lack of media interest in their work). For all this, it should not be thought that legislative committees possess anything like the power and influence of committees in American legislatures, that they don't engage in a good deal of futile make-work, or that partisanship is never far below the surface.

As is generally the case in Westminster parliaments, membership on committees reflects the party standings in the House. In the Liberal majority government following the 1987 election, for example, each committee had six Liberals, two NDPers, two Conservatives, and a non-voting chair. More generally, in times of minority government the government has fewer members on each committee than do the opposition parties combined, whereas during majorities the government has numerical control of committees. Except during minority governments, almost

all chairs are government backbenchers with limited formal powers (although an astute chairperson can exercise substantial influence over committee activities).

Committees engage in three types of activity. They review and amend legislation, as described above. They also consider the government's annual spending estimates. The manner in which this was done until mid-1989 rendered it an almost pointless ritual, with an accountability value of practically zero. (Even during minority governments, committees virtually never even attempted to reduce specific items of spending, and committees lack the constitutional authority to propose spending increases, for this is a power reserved to the cabinet.) As this chapter is written, a new Standing Committee on Estimates is being established to review selected parts of the government's spending program. Although it is very much an open question whether this reform will conduct proper examinations of the estimates and thereby significantly enhance the legislature's accountability function, it cannot help but be an improvement over the old system if only because substantially less time will be given over to it. Finally, committees conduct special enquiries, that is, studies of government administration and of proposed policy changes that are not associated with any bill or estimate before the House. It is in these special studies, when the government is genuinely interested in receiving advice from committees, that their influence is greatest.

Committees are designated as "standing" or "select," but for most practical purposes this is not an important distinction. Select committees examine specific policy issues or sets of issues, such as Sunday shopping, constitutional reform, or education, and disband once their task is completed, whereas standing committees are permanent. The same rules apply to both, however, and in their approaches, operations, and effectiveness, they are indistinguishable. A more useful distinction is between the generalist policy field committees—social development, resources development, administration of justice, and general government—and the specialist committees. Virtually all legislation (and, until recently, estimates) referred to standing committees is handled by the policy field committees, which also conduct special studies into policy issues in the fashion of select committees. They are the workhorses of the committee system.

The specialist standing committees are active within more restricted realms. The Government Agencies Committee reviews the operations of the province's myriad semi-independent agencies, boards, and commissions. The Regulations and Private Bills Committee performs a cursory review of delegated legislation, but its prime function is as the private bills committee. The Finance and Economic Affairs Committee conducts pre-budget hearings and deals with bills arising out of the budget and related issues of macroeconomic policy. The Legislative Assembly Com-

mittee is principally concerned with the House's rules and procedures and with services to members. The Public Accounts Committee scrutinizes government spending for waste and mismanagement; it has consistently been the most partisan and the most politically significant of the specialist committees. The Standing Committee on the Ombudsman is unique in Canada in that it not only serves as liaison between the legislature and the ombudsman, but also reviews in exhaustive detail and reports to the House on individual cases where the government has rejected the recommendations of the ombudsman. As mentioned above, the newly established Standing Committee on Estimates is charged with examining the details of proposed government spending.

Over the course of a year, committees may meet dozens of times and sit for hundreds of hours. Committees are entitled, if they wish, to exclude the public and the press from their meetings (this is referred to as sitting "in camera"), but do so only rarely. A high proportion of committee meetings take the form of public hearings on bills and policy studies. Although it is open for them to do so, individual citizens rarely take part in these meetings; most of the witnesses appearing before committees are representatives of organized interest groups.

Each committee has a clerk to see to its administrative and procedural needs, and committees typically have one or two researchers from the Legislative Library's research unit working for them; they may also hire their own consultants or legal counsel. Committees often depend heavily on the government for information, but no longer engage in the once common practice of seconding ministry staff to work for them.

Reflecting their members' preferences, committees tend to conduct their meetings without undue formality, but should the occasion demand it committees have formidable powers. If the persons or documents the committee wishes to examine are not produced, committees can request the Speaker to issue a warrant (similar to a subpoena) forcing virtually any person in Ontario to appear before the committee and to bring whatever documents the committee demands; cabinet documents are important exceptions.

Committees produce large numbers of routine reports on estimates and legislation, and a smaller number of substantive reports often containing far-reaching recommendations on policy and administration. The government is under no legal obligation to accept these reports, but may encounter political difficulty in rejecting them, especially if, as is usually the case, recommendations are made with all-party agreement. Committee impact on policy depends on the extent to which the government is open to advice—which may be considerable, especially with inherently non-partisan issues such as family violence—and on the degree to which committee members set aside partisan differences in favour of developing and improving policy rather than scoring political points. Even in

areas characterized by strident partisanship and sharp political divisions, committees may have influence, although through very different mechanisms. Committee attention to an issue often raises public awareness and concern, which may force the government to modify a policy or publicly justify to hostile interest groups its refusal to do so; it also offers the opposition good opportunities to put forward their alternatives.

## CONCLUSION

The legislature stands as the centrepiece of democracy in Ontario, and yet its capacities as a decision-making or policy-formulating body are limited. The fact that it serves as the focal point of public and press attention to Ontario politics is only one reason why its lack of direct power over the policy-making process should not be cause for dismissing it as insignificant. As detailed throughout this chapter, the legislature is a complex and subtle institution, and the functions it performs in the Ontario political system are both valuable and important.

This is not to suggest that these functions are always performed well, or even adequately; for example, the legislature's record in keeping the government accountable for its policies and administration is spotty at best. Nor is the Ontario legislature a static institution; the picture of the legislature in the mid-1960s painted by F. F. Schindeler in his book *Responsible Government in Ontario* seems scarcely recognizable to the observer of the current House. One thing, however, remains unchanged: an understanding of the legislature—its failures as well as its successes, its complexities as well as its obvious features—is central to any evaluation of the health of democracy in Ontario.

## NOTES

1. Despite the formal written accord, the 1985–87 period should not be confused with a coalition government, which would have meant that members of the NPP held some cabinet seats.
2. Management Board of Cabinet, *Expenditure Estimates, 1989–90*, vol. 2, p. 2; this figure excludes roughly \$5 million for the Commission on Election Finances, the Information and Privacy Commissioner, and the Commission on Conflict of Interest, all of which are lumped together with the Office of the Assembly budget.

## FURTHER READING

Fleming, Robert J., ed. *Canadian Legislature, 1987–88*. Ottawa: Amper-sand Communications, 1988. This reference book, like its annual

predecessors, contains extensive statistical data on the Ontario legislature and on other Canadian legislatures.

Franks, C. E. S. *The Parliament of Canada*. Toronto: University of Toronto Press, 1987. Contains a good analysis of the principles of the British parliamentary system in a Canadian setting.

Lyon, Vaughan. "Minority Government in Ontario, 1975-1981: An Assessment." *Canadian Journal of Political Science* 17 (December 1984): 685-704.

MacDonald, Donald C. "Modernizing the Legislature." In the earlier editions of this volume.

R. M. Krause, R. G. Price, and R. H. Wagenberg, "A New Alternative: The Legislative Alliance in Ontario." *American Review of Canadian Studies* 16 (December 1986): 413-24.

Schindeler, F. F. *Responsible Government in Ontario*. Toronto: University of Toronto Press, 1969. This book is a valuable examination of the legislature of the mid-1960s and its historical origins.

White, Graham. *The Ontario Legislature: A Political Analysis*. Toronto: University of Toronto Press, 1989.

White, Graham, and Gary Levy, eds. *Canadian Provincial and Territorial Legislatures*. Toronto: University of Toronto Press, 1989. Contains essays on all provincial legislatures, including Ontario.