

# “Does Size Matter: Has the Reduction in its Size Lessened the Legislative Assembly of Ontario’s Ability to Hold the Executive to Account?”

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by

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Paper presented at the 2011 Annual Meeting of the Canadian Political Science Association

Wilfrid Laurier University, Waterloo

Ontario

May 18th 2011

## Introduction

In the 1995 provincial election the Progressive Conservative party of Ontario (PC) returned to power after a decade in the electoral wilderness. The party's electoral platform, the *Common Sense Revolution*, firmly rejected the Keynesian model pursued by previous administrations, instead proclaiming the merits of standard neo-liberal policies regarding the role of the state in the market, balanced budgets and tax cuts.

The *Common Sense Revolution* set out to demonstrate how a PC government would eliminate Ontario's \$10.1 billion budget deficit whilst reducing income taxes by 30 per cent *and* protecting the 'priority services' of healthcare, law enforcement and education from any spending cuts. The third section of the *Common Sense Revolution* document detailed those areas that would be subject to spending cuts as a means of balancing the provincial budget. The pledge to reduce the number of Members of Provincial Parliament (MPPs) from 130 to 99 featured prominently here. Under these proposals, the Legislative Assembly of Ontario would adopt the boundaries of the 99 Ontario seats represented in the federal House of Commons, and would be adjusted every decade with the redrawing of the federal electoral map. It was claimed that significant savings would result from such a reduction in the size of the legislature: "cutting the number of MPPs by 24 per cent will set an example of cost-cutting to be followed by all levels of government and all departments and ministries" (Progressive Conservative party of Ontario, 1995: 8). Eliminating 31 MPPs and their office staff from the legislature, and getting rid of all members' pension plans, would save Ontario taxpayers a total of \$11.1 million.

The *Fewer Politicians Act* was introduced at the Legislative Assembly of Ontario on October 1<sup>st</sup> 1996. Prior to first reading, Premier Michael Harris repeated a claim made in the *Common Sense Revolution* document: "we heard [from Ontarians] repeatedly that government at every level had become too big, too cumbersome, too costly and too unresponsive to the needs and aspirations of the people who pay for it... today we're taking another definitive step to reduce the size and cost of government. Today, my colleague the government House leader will be tabling legislation which will see provincial riding boundaries aligned with their federal counterparts before the next election. The result will be to reduce the number of provincial politicians from the current 130 to 103" (Legislative Assembly of Ontario, October 1<sup>st</sup> 1996). The bill received Royal Assent on December 9<sup>th</sup> 1996. The 1999 provincial election would be the first election in which the provisions of the *Fewer Politicians Act* were enacted.

Clearly, at the heart of the justification for the *Fewer Politicians Act* was a belief that fewer legislators meant smaller government. Any analysis of this legislation, and the impact it has had on Ontario's political system, ought to begin with one simple question: is government in Ontario today smaller and less costly than it was in 1999, the first provincial election after the reduction to size of the legislature? The reduction in the size of the

legislature has *not* contributed to an overall reduction in total government expenditure. The \$11.1 million that was saved as a result of eliminating 27 seats in the legislature is nothing compared to the increase of \$57 billion in total government expenditure between 1998-99 and 2009-10 (please see Ontario Ministry of Finance (1999) *Public Accounts 1998-1999*, Ontario Ministry of Finance (2010) *Public Accounts 2009-2010*). It is executives that spend the vast proportion of public money, not individual legislators. The *Fewer Politicians Act* has failed to achieve its primary objective. If the purported justification for having less politicians has not been met, what has the contribution of a smaller legislature been to the government and politics of Ontario?

The purpose of this paper is to critically assess the impact that the reduction in its size has had on the Legislative Assembly of Ontario's ability to hold the government to account. This paper will assess how the reduction has affected the legislative role of political parties and MPPs, as well as assessing the functioning of the legislature's committee system with fewer members. A number of other factors which impact the legislature's ability to perform the scrutiny function will also be discussed. Anonymous interviews with cabinet ministers, government MPPs and opposition MPPs, inform some of the findings and arguments made throughout the paper. The paper will conclude by arguing that Ontario's democracy has not been better served by a smaller legislature.

### **The legislative role of government members in more intimate settings: watchdogs or sheep?**

A logical place to begin when assessing whether Ontario's democracy is better served by a smaller legislature, is to assess how the legislative roles and responsibilities of both members and political parties has changed since the implementation of the *Fewer Politicians Act*. Former British MP George Cunningham (1979:9) once claimed that "parliamentary democracy always lies in trust with the backbenchers on the government side of the house." Implicit in such a statement is that there must be a high ratio of backbenchers to cabinet ministers in governing parties for government backbenchers to play an active role in holding the executive to account. A brief examination of how, if at all, this ratio has changed in the smaller legislature will provide an indication of the impact the *Fewer Politicians Act* has had on relations within the caucus of the governing party.

According to Aimer (1979:31) "in an undersized parliament, the high ratio of ministers to backbenchers accentuates the dominance over first, their party caucuses and secondly, parliament as a whole." In general, between 1963 and 2007, this ratio has fluctuated with a high of 3.3:1 in 1995, and a low of 0.97:1 in 1975. However, it is worth noting that in two of the three parliaments since the reduction in the size of the legislature, the ratio of

government backbenchers to cabinet ministers has been lower than it was in the three parliaments prior to the implementation of the *Fewer Politicians Act*.

After the election of 1999 the ratio was 1.5:1, after 2003 it was 2.1:1, and following the most recent election in 2007, the ratio stood at 1.6:1. Currently, in the caucus of the governing Liberal party, there are 43 backbenchers and 28 cabinet ministers. What are the implications of a small government backbench to cabinet minister ratio? A relatively small government backbench possesses less power and clout than a large government backbench (White, 1990). Moreover, such a small ratio of government backbenchers lessens the chances that government backbenchers will set aside political ambitions and foster a career as what Docherty (2005:182) terms, a true “parliamentarian.” This argument was also made by Franks (2987:262), who asserted that with a larger Canadian House of Commons, “substantial number of elected members would see their careers with Parliament as being a private member, and would not be concerned with advancement to the cabinet and front benches.”

In larger legislatures, the opportunity for a government backbencher to win a seat at the cabinet table is far lesser than is the case in smaller legislatures. For example, as of April 2011, in the United Kingdom House of Commons, the governing coalition parties together hold a majority of 364 of the total 650 seats. Yet there are only 22 cabinet ministers and an additional 92 junior ministers that do not sit in the cabinet, making for a total 114 ministers. With 250 MPs not serving any ministerial position, it is clear that some turn their attention to fulfilling their political career in an alternative manner and become engaged in the chamber, less beholden to their leader and more likely to become policy experts who develop loyalty to the committee system (Docherty, 2005). An indication of the independence of a number of these backbenchers is that in 84 out of the 160 votes in the United Kingdom House of Commons between May and December 2010, government MPs voted against the position adopted by the government.

This is important as it demonstrates that in this legislature, government backbenchers too perform the scrutiny function and by no means accept the directions given by the whip. The same can not be said for smaller legislatures: “the option of a legislative renegade, discouraged in any event by the concept of party discipline, is even less likely when those conventions are reinforced by personal intimacy afforded by the smaller scale” (Smith, 1988:128). Although a smaller legislature has exacerbated the relatively low government backbencher to cabinet minister ratio in the Legislative Assembly of Ontario, this is not the source of the problem which prevents backbenchers playing an active role in scrutiny of government legislation. The obstacle which most obviously limits the ability of backbenchers to hold the executive to account is party discipline. Party discipline in many Canadian jurisdictions is more absolute and stringent than it is in many other Westminster based parliamentary democracies (Longley, 1988: 121).

The strong party discipline that can be seen at Queen’s Park stems from a view that members must be entirely committed to fulfilling the legislative objectives of the party

whose banner under which they were elected. A number of senior cabinet ministers made that point. One senior cabinet minister stated “the more fragmented parties become, the more fragmented democracy becomes.” It is endorsement by a party that confers legitimacy on a candidate. Once elected, members are expected to cast a vote in favour of each and every government bill before the chamber. A failure to do so could jeopardise the confidence of the executive. What is the role of a government member? According to a long serving MPP and former cabinet minister, “the role of government members is not to criticise the government. The role of a government member is to contribute to the achievement of the government’s objectives.” Strong party discipline amongst government backbenchers lessens the ability of these members to hold the executive to account.

### **Stretched too thin: the roles of opposition members in a smaller legislature**

It is widely documented that the first-past-the-post (FPTP) system distorts electoral results in favour the winning party, whilst penalizing smaller parties, through the manner in which it converts votes to seats (see Courtney, *Elections*, 2005). In the 2007 election the governing Liberal party had a vote to seat ratio of 1:1.57. This is the highest vote to seat ration for any party since 1955. With 1.87 million votes for the Liberals translating into 71 seats in the legislature, one Liberal MPP was elected for every 26,500 votes cast for the party. By contrast, at that same election, the New Democratic Party (NDP) received 17 per cent of the total votes cast, but were awarded with less than 10 per cent of the seats in the legislature, to produce a vote to seat ratio of 0.53:1. That is to say that with 740,000 votes cast for the party translating into 10 seats in the legislature, one NDP MPP was elected for every 74,000 votes cast for the party. Larger parties consistently have a higher percentage of seats in the legislature than votes cast for the party amongst members of the general public, whilst the opposite is true for smaller parties.

Ontario is relatively unique among the Canadian provinces in that since 1943, it has functioned as three-party system. In all but two of the provincial elections since 1943, all three parties currently represented in the legislature have won at least 15 per cent of the popular vote. Furthermore, between 1967 and 1999, every party held at least 15 seats in every session of the legislature. This is “a number that allows an opposition party to perform a reasonable range of parliamentary duties in question period, debate and committee work” (Williams, 1997: 221). When assessing the impact that the *Fewer Politicians Act* has had on opposition parties, the following question must be answered: given the rarity of Ontario’s party system, how has the reduction in the size of the legislature affected the third party and its members’ abilities to hold the government of the day to account?

In the two most recent provincial elections, the combined size of the two opposition parties as a total percentage of members of the legislature is smaller than it has at any time since 1963. Currently, just 33 per cent of MPPs in the legislature represent opposition parties. In the three provincial elections since the *Fewer Politicians Act* took effect, the NDP have held their lowest percentage of seats in the legislature since 1963; 8 per cent in 1999, 7 per cent in 2003, and 9 per cent at present. Furthermore, the ratio of private members, all of those members who do not sit in cabinet, to cabinet ministers in the Ontario Legislature is lower now than it has been at any time in the past five decades. In 1967 the ratio was 4.3:1, in 1985 4.4:1, and in 1995 the ratio reached a peak of 5.8:1. Currently, the ratio is just 2.9:1. In *Legislatures* Docherty (2005:181) argues that a ratio of at least 4:1 is necessary if any legislative assembly is going to perform an effective role in holding the executive to account. Ontario falls well short of that ratio. It is clear that due to the discrepancies of the FPTP system, it is the opposition parties that have suffered most in terms of representation in the legislature since the reduction in its size. White (1990:528) was correct to point out that “in the context of a British Parliamentary model, legislative size is most significant for its effect on legislative-executive relations.”

Assessing the number of critic roles assigned to members of the third party over the past three decades provides a clear indication of how the role and responsibilities of third party members has changed during this period. Between 1987-1990 and 1990-1995, the PCs were the third party, holding 16 of the 130 seats after the 1987 election, and 20 seats following the election of 1990. During these periods, seldom did a member hold more than one critic portfolio at any given time. Throughout 1987-1990 there was a large degree of consistency with most members maintaining the same critic portfolios, and some members swapping critic portfolios only once. There was slightly less consistency between 1990-1995, as some members held up to six critic portfolios in that five year period. However, as was the case between 1987 and 1990, the relatively large size of the party caucus made for a reasonable distribution of responsibilities, with most members holding only one critic portfolio at any given time. If members were given a second critic portfolio, it was one of the lesser ministries which required little in the way of attention.

After the election of 1995, the NDP were relegated to third party status having won only 17 of the 74 seats they held after the previous election. Between the elections of 1995 and 1999, each NDP member held between 2 and 5 critic portfolios, although each member rarely held more than one critic portfolio at any given time. The workload of third party members between 1987 and 1999 ensured that they were able to play a full and important role in holding government ministers to account for the decisions and policies pursued by their particular ministries. With only one critic portfolio to cover, a member can devote significant time and attention to keeping abreast of new issues relating to their portfolio. Furthermore, some members held the same critic portfolio for a long period of time. This would enable a member to become something of an expert in their respective critic role. By becoming familiar with the fine minutiae of the policies pursued by the specific ministry

over which they keep watch, members would be in a position to ask probing and pressing questions of government ministers.

However, the results of the 1999 election marked a real turning point in the representation of the third party in the context of a smaller Legislative Assembly of Ontario. The NDP remained as third party, yet the number of NDP members in the legislature fell from 17 to 9, a reduction of almost 50 per cent. In the subsequent 2003 and 2007 elections the NDP won only 7 and 10 seats respectively. Since the reduction in the size of the legislature in 1999, the third party has held its lowest share of seats in the legislature since 1963. The party has had to cover the same number of critic portfolios amongst half as many members. This has serious implications for the ability of third party members to hold the government to account.

In the period between the 1999 and 2003 provincial elections, the nine NDP members had to cover anywhere between 2 and 8 critic portfolios each. On average, members held 3-4 critic portfolios at any given. One NDP member was critic for the ministries of Northern Development and Mines, Francophone Affairs, Aboriginal Affairs, Natural Resources and Transportation for the entire period, whilst another was critic for Energy, Science and Technology, Privatization, and Community and Social Services, Health and Long Term Care, Children's Issues, Seniors Issues and Youth Issues during that four year period. Even the leader of the third party had critic responsibilities: Agriculture, Food and Rural Affairs, Intergovernmental Affairs and Energy, Science and Technology were portfolios covered by the leader at some point between 1999 and 2003.

The workload of NDP members actually increased further after the 2003 election, as the party held only seven seats and was not recognized as an official party until current leader Andrea Horwath won the Hamilton East by-election in May 2004. Failure to win official party status up until this point had serious implications for the resources available to the party and its members in the months prior. With a caucus of eight, each member held between 3 and 9 critic portfolios, with an average of 5 or 6 portfolios being covered by any member at once. Currently, the NDP has 10 members in the Ontario Legislature and 31 ministries to cover. Members have between 3 to 5 critic portfolios each. One member of the third party covers the work of three of the higher profiles government ministries of Energy, the Environment and Finance amongst others, whilst another is responsible for covering Children and Youth Services, Community and Social Services, Disabilities, Municipal Affairs and Research and Innovation.

It is clear that the workload of opposition members has drastically changed in the context of a smaller legislature. From a period in which members of the third party held between one and three critic portfolios between each election, and no more than two at any one time, members of the third party are now responsible for scrutinizing anywhere from 3 to 8 ministries concurrently. In such circumstances, how do members of the third party manage to keep up with the demands of developments in their various critic portfolios?

Amongst the five NDP MPPs interviewed, there was a genuine consensus that members of the third party do not have the time or resources necessary to pay adequate attention to all of their critic portfolios. Each of these members admitted that they spend far less time than they should on at least one of their critic portfolios. One member claimed that every NDP MPP can only focus on a maximum of two critic portfolios. If this is a reasonable assumption, the nine NDP members who hold critic portfolios (as of April 2011 the current leader does not hold any), can properly scrutinize the work of 18-20 government ministries. Although this is a rather crude calculation, if such an observation is relatively accurate it would mean that between 10 and 12 government ministries receive insignificant attention and scrutiny from members of the third party. This is not to say that NDP members are not performing the parliamentary roles expected of them. It does however demonstrate that in the context of a smaller third party caucus, necessary attention can not be paid to the activities of all government ministries.

Another NDP MPP claimed that the difference between being the third party before and after the reduction in the size of the legislature, is that now members have to act as 'generalists', whereas previously members could act as 'specialists'. That is to say that in a smaller caucus, each member has many more responsibilities, and they have to attempt to divide their time and effort between each critic portfolio. This is in stark contrast to the role that members of the third party had prior to 1999, when the majority were responsible for one critic portfolio each, and could become experts in that particular role. It is not just the third party MPPs that have more than one critic responsibility: so too do the caucus researchers. There are 5 NDP caucus researchers, with each having responsibility for 4-5 critic portfolios. A number of NDP members acknowledged that with a larger caucus there would be more resources to hire staff such as researchers. More researchers would enable greater specialization. Furthermore, one member claimed that "opposition parties should also be able to advance policy alternatives." The same member acknowledged that the demands placed on NDP members make it very difficult for the party to do this. The inability of the third party in Ontario to propose alternatives to the government's programmes lessens its influence over the government's legislative agenda.

It is clear that the roles and responsibilities of the third party, and its members, have drastically changed in the past 25 years. Prior to 1999, each member of the third party had just one or two critic portfolios, and an altogether more manageable workload. In the context of a smaller legislature, due to the discrepancies of the electoral system, the third party is underrepresented and its members overworked. With between 3 and 5 critic portfolios each, NDP members can not possibly be expected to properly hold each and every ministry to account. In this respect, the challenges facing opposition parties in holding the government to account are far greater in smaller legislatures.

### **The role of the committee system: the ultimate forum for legislative scrutiny?**



A reduction in both the number and size of legislative committees followed the reduction in the size of the assembly. 4 of the 11 Standing Committees, the Standing Committees on the Ombudsman, Resource Development, the Administration of Justice and Social Development, were abolished after the 1999 election, whilst two new Standing Committees, on Social Policy and Justice Policy, were created soon after. Prior to that election there were between 12 and 14 members on each Standing Committee and 10 members were assigned to a Select Committee upon it being appointed. In the context of a smaller legislature, each Standing and Select Committee is to have no more than nine members. As is the case in all Westminster based parliamentary democracies, membership of such Committees reflects the proportion of seats held in the House by each recognized party. That is to say that currently, the government has a majority on every legislative committee, and this been the case long before the reduction in the size of the legislature.

However, assessing the composition of committee members in the two parliamentary sessions prior to the 1999 election reveals one stark contrast to the current make up of committees: prior to the implementation of the Fewer Politicians Act, each party had at least two representatives on every legislative committee. For example, between 1990 and 1995, despite being Ontario's third party, the PCs were represented by at least two members on each legislative committee, and the same can be said of the NDP between 1995 and 1999. This is important, as being represented by more than one member on each legislative committee would give opposition parties the best possible opportunity to closely scrutinize government legislation and propose credible amendments. On the Standing Committees not chaired by one of its members, the Official Opposition has only two members, whilst the third party is represented by only one member.

Courtney (1986: 15) claimed that "properly structured and empowered parliamentary committees have the potential to serve as important national institutions in their own right for representing parties, regions and the views of Canadians." Legislative committees ought to provide *the* forum in which government legislation and policy is inspected most closely. Yet, for a committee system to be effective there must be a significant pool of legislators on both sides of the house, who are both prepared and equipped to properly assess the fine details of often complex pieces of legislation. In the context of a smaller Ontario legislature in which the cabinet accounts for over 30 per cent of members, this is simply not the case. The workload for opposition members, particularly members of the third party, has increased significantly in recent years in response to the realities of operating in a much smaller caucus. Committee work has become less of a priority for members with numerous other more pressing, and more politically advantageous responsibilities.

As has been established in previous pages, prior to the 1999 election the third party was almost twice the size it is in 2011, and between 1990 and 1995, it was three times the size that it was between 2003 and 2007. With larger caucuses and a more manageable number

of critic portfolios to cover, both parties and members were able to allocate more time and resources to the legislative committees on which they served. Between 1987 and 1990, in addition to holding only one critic portfolio at a given time, 9 of the 16 PC members also held only one committee portfolio. Furthermore, six members of the PC caucus held *no* critic portfolios during this period, instead focusing solely on committee work. Members of the current third party all hold numerous critic portfolios in addition to their committee responsibilities. In the *Parliament of Canada*, Franks (1987:262) noted that “opposition parties can, as at present be so small that they have difficulty finding effective critic spokesmen let alone manning parliamentary committees. This shortage drastically weakens the capacity of Parliament to criticize and comment on policies and programs and diminishes the quality of political debate.” This observation is particularly relevant to Ontario.

In making the case for an increase in the size of the federal House of Commons, Courtney (1986:15) argued that in the UK House of Commons, the larger pool of backbenchers available on both sides of the aisle, was a key reason as to why the committee system is considered as effective as it is: “it not only ensures that the typical MPs committee workload is lightened, but it also encourages greater specialization and knowledge of the subject matter on the part of committee members because their committee membership is generally constant.” With a smaller caucus from which to assign critic and committee responsibilities, there is less scope for flexibility for members to cover portfolios which they are familiar with and have some expertise in. Each member of the third party cannot possibly be deemed an expert in all of their responsibilities. White (1990:531) was correct to state that “size can directly affect the legislature’s independence through the severe limits it places on upon the scope and effectiveness of the committee system.”

However, there a number of other factors which continue to play an equally influential role in restricting the relevance and effectiveness of the committee system in the Legislative Assembly of Ontario. In *Government by Committee*, Wheare (1955:231) acknowledged that “it is not easy to know how the usefulness of these [Standing] Committees may be best judged.” Nonetheless, Wheare (1955) claimed that the most obvious benefit of an effective committee system is that it enables more bills to be considered, with each bill being considered carefully. For this to be true, members of both the opposition and government would have to be prepared to scrutinize the fine details of legislation before them. However, whereas opposition members do not have the time or resources to make best use of the Standing Committees, government members are restricted by party discipline. Government members have little freedom to properly scrutinize or amend government legislation. On committee, government members vote according to the instructions of the Parliamentary Assistant from the ministry to which the particular piece of legislation pertains. The scrutiny function that legislative committees ought to perform is largely bypassed in the name of party discipline and partisan politics.

This is not necessarily a new problem: NDP members who served in government between 1990 and 1995 admit that they had a similar attitude towards the committee system whilst

in power. A quote from the Parliamentary Assistant to the Minister of Municipal Affairs and Housing at the Standing Committee on General Government in 2001 demonstrates that whilst government members may see value in amendments tabled by opposition members, absolute party discipline and a partisan, winner-takes-all mentality prevents them being accepted:

“although the government does not necessarily disagree with your sentiment... we will have to decline to support your amendment, although we understand where it came from and the logic. We have our own agenda that we have to follow through on” (Legislative Assembly of Ontario, Committee Transcripts: Standing Committee on General Government, November 28<sup>th</sup> 2001).

Both government and opposition MPPs derided the committee system and questioned its value in its current form. Even government ministers, who were reluctant to openly criticize other aspects discussed in this paper, acknowledged that the committee system is broken, yet there is no incentive for the government to fix it. In its current form, the committee system enables the government to implement legislation without the need to accept or even consider opposition amendments. Whereas the Legislative Assembly’s Standing Committees are characterized as having a culture of party discipline and partisan politics, amongst members interviewed there was widespread agreement that Select Committees serve an altogether more useful and productive purpose. As one senior government minister put it, whilst serving on Select Committees, members “have a penchant for leaving partisan views at the door.”

In August 2010, the Select Committee on Mental Health and Addictions submitted its final report, *Navigating the Journey to Wellness: The Comprehensive Mental Health and Addictions Action Plan for Ontarians*, to the Legislative Assembly. This followed an 18 month consultation period in which committee members traveled across the province to collect the views of both members of the public and representatives of organizations. It was widely acknowledged that this committee and its final report was an overwhelming success: members worked together to tackle an important and controversial topic.

One member of the Select Committee, who also serves on a Standing Committee, was asked as to the key differences between the two types of committee and the impact these differences have on the way in which these committees function. That member acknowledged that there were some deep rooted disagreements amongst members on that Select Committee, such as on the role that Local Health Integration Networks ought to play in the healthcare system. Nonetheless, members agreed to disagree, and focused on tackling major issues in a non-partisan and collective manner. This is in stark contrast to the attitude of government members on Standing Committees: government members turn up to committee unprepared and follow the lead of the Parliamentary Assistant. The member observed that party discipline on Standing Committees results in a lot of “wasted

talent.” If the role of legislative committees is to closely scrutinize government legislation with intent to improve it, it seems clear that Ontario’s Standing Committees are failing to achieve this objective.

Another provision of the *Common Sense Revolution* further lessened the relevance of the committee system to MPPs in Ontario. Just as the reduction in the size of the Legislative Assembly was touted as a cost cutting measure, so too was the need to restructure MPP salaries. In government, the repeal of the Legislative Assembly Retirement Allowances Act was perhaps the most obvious example of Premier Harris’ determination to reform MPP compensation packages. However, it was the decision to scrap MPP pay for committee work that is far more relevant for the purpose of this paper.

Prior to the radical restructuring of MPP salaries, members were paid \$150 per day for committee work. According to a member of staff at the Legislative Assembly, during previous summer and winter recesses, MPPs would have undertaken committee work as a way of making more money. The quality of MPP input was better then too: members would turn up prepared, having familiarized themselves with the respective documents and information, and be ready to make considered contributions to proceedings. Now, according to that member of staff, “there is no longer any incentive for members to sit on committees. There are no electoral benefits for the member. Committee work does not help a member get reelected in any way.” The elimination of a pay scheme for committee work, coupled with the fact that the current government in Ontario passed the *Election Statute Law Amendment Act* in 2005 to move to fixed provincial election dates, means there is now a greater incentive for MPPs to play an active role in their constituency, particularly in the months before a provincial election. As stated by Franks (1987:263), “the shortage of interested, able MPs with time to devote to committee work is the greatest handicap to the improvement of committees.”

### **Style over substance: other factors limiting the legislature’s ability to hold the executive to account**

Whilst the preceding analysis makes it clear that the reduction in the size of the legislature has had a clear impact on the ability of opposition parties to hold the government to account, it is by no means the only factor which is weakening the legislature’s ability to perform its key democratic duty. As has been suggested, party discipline, especially amongst government members, has a detrimental effect on the ability of the legislature to scrutinize government policy. A close evaluation of question period draws attention to a number of other factors which are limiting the capacity of the Legislative Assembly of Ontario’s ability to hold the executive to account.

Savoie (1999:339) claims that television, and its ability to both oversimplify complex policy issues and report to a captive audience on problems and inconsistencies within government, has had a serious influence on the political operations of the government of the day: government “has become extremely sensitive to potential media inspired developments it cannot control and surprises which give rise to political problems and embarrassment.” Given the relatively recent rise of social media and the advent of the 24 hour news cycle, there is now more pressure than ever for the government of the day to control, to the greatest of its ability, the messaging and communications relayed by its members.

Former British Prime Minister Tony Blair (2010:111) described prime minister’s questions as “the most nerve-racking, discombobulating, nail-biting, bowel-moving, terror-inspiring, courage-draining experience in my prime ministerial life, without question.” Although Ontario does not have the same format for questioning the Premier and other ministers the point remains: question period ought to be the forum in which the feet of the Premier and other government ministers are held closest to the fire. Instead, the government uses the part of question period which it controls, questions from government members, to relay government policy, speculate on or criticize the policies of the opposition parties, and criticize the federal government, which may or may not continue to be of a different political stripe after the May 2011 federal election.

On a daily basis, the government whip’s office circulates a list of those government members who are to ask questions of ministers during question period. Ministerial staffers carefully compose the questions and distribute them to the relevant members. This marks a further erosion of both the independence of backbench members and their ability to ask pressing questions of government members. It was widely agreed amongst all those interviewed that “lob-ball” questions serve no scrutiny function and detract from the purpose of question period.

Such central control over communications, of who asks what and when, is by no means limited to the governing party in Ontario. In recent years, the Official Opposition has adopted a similar communications strategy at question period. Savoie (1999:341) outlines the mentality behind this: “parliament is about assigning blame and not much else. If parliament is about assigning blame, then government must be about avoiding blame. These are the forces that shape the work of an opposition party. The reward for embarrassing the government is a step closer to political power, and there is no penalty if you fail.” As is the case in the governing party, the leader of the Official Opposition’s office circulates a daily list of members who are to ask questions during question period, and the subject which their question must relate to. Such a centralized communications style is designed to generate a sense of coherence during question period and gain traction with the media.

As acknowledged by a senior Official Opposition MPP, the move to fixed term parliaments in Ontario has resulted in even greater central control over political communications. With fixed term parliaments, the date of the provincial election is set in stone, and political parties begin campaigning long before this date. A senior figure involved in the formulation of the *Common Sense Revolution* acknowledged that whereas political campaigns in Ontario previously lasted 4-6 months, with fixed election dates, the campaigns last closer to 12 months. Question period is used by opposition parties to communicate campaign themes rather than hold the government to account. The same senior Official Opposition MPP criticized the fact that question period is now used by the party to focus on these election themes and claimed that in previous years “questions were more substantive. They were not asked to get on television. They were asked to get answers for the member as either a critic or a constituency representative.” The central communications style employed by the Official Opposition has resulted in a number of other internal changes within the organization. Most noticeably, the former party researchers are now employed as strategists. With limited research assistance available to assist members in their roles as critics, it is increasingly difficult to pay close attention to the legislative activities of ministries, particularly those that account for a large proportion of the provincial budget.

Although the previous paragraphs have focused on party attitudes to one particular aspect of legislative proceedings, question period, the findings are more significant than they may first appear. The attitudes of party leaders towards question period are highly symbolic. Question period is a microcosm: the power and control which party leaders exert over members at question period extends to most, if not all, aspects of legislative proceedings. Government members have virtually no freedom during question period, debates on legislation or committee work, to deviate from the position of the government and call into question any aspects of government legislation and policy. The same can be said for the official opposition, whose members focus on relaying campaign themes and key party messaging instead of questioning the finer details of government policy. In *Governing from the Centre*, Savoie (1999:339) claimed “the power, influence and relevance of [the federal] Parliament are under threat. This is serious, because Parliament is increasingly failing to hold the government to account.” The same can be said of the Legislative Assembly of Ontario.

## **Conclusion**

The reduction in the size of the Legislative Assembly of Ontario has had profound consequences for opposition parties and their ability to ensure that the executive of the day is held to account. The FPTP system heavily distorts election results in favour of the party that wins the most votes at an election: this discrepancy is accentuated in more intimate settings. Currently, only 33 per cent of MPPs are opposition members. This is the lowest

proportion of opposition members in almost half a century. The result has been that opposition parties are underrepresented, whilst opposition members are overworked. Members of the third party now have between 3 and 5 critic portfolios and at least one committee responsibility each. Not only can members of the third party not possibly cover the work of 3-5 ministries, they do not have the time or resources to properly tackle committee work. This was not the case prior to the implementation of the *Fewer Politicians Act*. That is to say that the reduction in the size of the legislature has directly limited the ability of opposition parties to hold the government to account.

However, there are a number of other factors which also diminish the ability of the legislature to hold the executive accountable for its actions. The role of absolute party discipline means that role of government members in the chamber and on committee is not to challenge or even question government policy, but to support the government's agenda on a near constant basis. The importance attached to communications and consistent messaging results in rather less attention being paid to the scrutiny function than ought to be the case. Both government ministers and senior figures in the Official Opposition are more concerned with using the chamber as a forum to relay campaign messages than they are with ensuring that the primary focus of the legislature is scrutiny of government policy. Fixed term parliaments have only exacerbated this trend. The reduction in its size, coupled with absolute party discipline, particularly prevalent amongst government members, and a focus on style rather than substance, means that the Legislative Assembly of Ontario is no longer able to perform its key democratic duty: to hold the executive to account. Ontario's democracy has not been better served by a smaller legislature.

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